

CHAPTER 444

S.B. No. 1455

An Act relating to requirements in certain lawsuits in which certain present or former state officers or employees are parties and to notice of intent to take default judgments against such parties and to consequences of failure to perform the requirements; amending Chapter 659, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413a.1, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 659, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413a.1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) Upon the filing of any *petition* [~~pleading~~] in a civil case in which the State of Texas or any agency in the executive or legislative department is named as a party or in which Chapter 309, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6252-26, Vernon's Texas Civil Statutes), authorizes the attorney general to represent a party, a copy of the petition shall be mailed the attorney general [~~Attorney General of Texas shall be served promptly with a true copy of such pleading~~] at his office in Austin, Texas, by U.S. Postal Service, certified mail, return receipt requested.

"(b) The requirement in Subsection (a) of this section does not satisfy any other jurisdictional requirements with regard to service of process upon a state officer, board, commission, agency, or institution that is named as a party in a court proceeding.

“Section 2. Notice of intent to take a default judgment against the State of Texas, ~~or~~ any state agency, or a party in a civil case for which Chapter 309, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6252-26, Vernon’s Texas Civil Statutes), authorizes the representation of the attorney general, shall be mailed to ~~served upon~~ the attorney general at his office in Austin, Texas, by U.S. Postal Service, certified mail, return receipt requested, at least 10 days before the entry of a ~~prior to the date of the proposed~~ default judgment.

“Section 3. Failure to perform the requirements of Section 1 or Section 2 shall result in ~~render~~ any default judgment against the State of Texas or any ~~such~~ state agencies or a party in a civil case represented by the attorney general pursuant to Chapter 309, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6252-26, Vernon’s Texas Civil Statutes), being set aside without costs ~~void~~.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 20, 1985, by the following vote: Yeas 31, Nays 0; May 25, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1985, House granted request of the Senate; May 27, 1985, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 24, 1985, by the following vote: Yeas 147, Nays 1, one present not voting; May 27, 1985, House granted request of the Senate for appointment of Conference Committee; May 27, 1985, House adopted Conference Committee Report by a non-record vote.

Approved: June 11, 1985

Effective: August 26, 1985