

E AND R AMENDMENTS TO LB 742

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original section and all amendments thereto
2 and insert the following new section:

3 Section 1. (1) A public entity or public agency providing
4 coverage to a public entity, public official, or public employee
5 shall maintain a public written or electronic record of all settled
6 claims. The record for all such claims settled in the amount
7 of fifty thousand dollars or more, or one percent of the total
8 annual budget of the public entity, whichever is less, shall
9 include a written executed settlement agreement. The settlement
10 agreement shall contain a brief description of the claim, the party
11 or parties released under the settlement, and the amount of the
12 financial compensation, if any, paid by or to the public entity or
13 on its behalf.

14 (2) Any claim or settlement agreement involving a public
15 entity shall be a public record but, to the extent permitted
16 by sections 84-712.04 and 84-712.05 and as otherwise provided by
17 statute, specific portions of the claim or settlement agreement
18 may be withheld from the public. A private insurance company
19 or public agency providing coverage to the public entity shall,
20 without delay, provide to the public entity a copy of any claim or
21 settlement agreement to be maintained as a public record.

22 (3) Except for settlement agreements involving the state,
23 any state agency, or any employee of the state or pursuant to

1 claims filed under the State Tort Claims Act, any settlement
2 agreement with an amount of financial consideration of fifty
3 thousand dollars or more, or one percent of the total annual budget
4 of the public entity, whichever is less, shall be included as an
5 agenda item at the next meeting of a public agency providing
6 coverage to a public entity and as an agenda item on the
7 next regularly scheduled public meeting of the public body for
8 informational purposes or for approval if required.

9 (4) For purposes of this section, a confidentiality
10 or nondisclosure clause or provision contained in or relating
11 to a settlement agreement shall neither cause nor permit a
12 settlement agreement or the claim or any other public record
13 to be withheld from the public. Nothing in this section shall
14 require a public official or public employee or any party to the
15 settlement agreement to comment on the settlement agreement.

16 (5) For purposes of this section:

17 (a) Confidentiality or nondisclosure clause or provision
18 means any covenant or stipulation adopted by parties to a
19 settlement agreement that designates the settlement agreement,
20 the claim, or any other public record as confidential, or in any
21 other way restricts public access to information concerning the
22 settlement agreement or claim;

23 (b) Public body means public body as defined in
24 subdivision (1) of section 84-1409;

25 (c) Public entity means a public entity listed in
26 subdivision (1) of section 84-712.01; and

27 (d) Settlement agreement means any contractual agreement

1 to settle or resolve a claim involving a public entity or on behalf
2 of the public entity, a public official, or a public employee by
3 (i) the public entity, (ii) a private insurance company, or (iii) a
4 public agency providing coverage.

5 (6) This section does not apply to claims made in
6 connection with insured or self-insured health insurance contracts.

7 2. On page 1, strike lines 2 through 4 and insert "for
8 settled claims and settlement agreements; to provide that settled
9 claims and settlement agreements are public records;".