

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 742

FINAL READING

Introduced by McCoy, 39; Pirsch, 4.

Read first time January 06, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to government; to provide requirements for
2 settled claims and settlement agreements; to provide
3 that settled claims and settlement agreements are public
4 records; and to define terms.

5 Be it enacted by the people of the State of Nebraska,

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

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

20 (3) Except for settlement agreements involving the state,
21 any state agency, or any employee of the state or pursuant to
22 claims filed under the State Tort Claims Act, any settlement
23 agreement with an amount of financial consideration of fifty
24 thousand dollars or more, or one percent of the total annual budget
25 of the public entity, whichever is less, shall be included as an

1 agenda item at the next meeting of a public agency providing
2 coverage to a public entity and as an agenda item on the
3 next regularly scheduled public meeting of the public body for
4 informational purposes or for approval if required.

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

12 (5) For purposes of this section:

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

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

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

23 (d) Settlement agreement means any contractual agreement
24 to settle or resolve a claim involving a public entity or on behalf
25 of the public entity, a public official, or a public employee by

1 (i) the public entity, (ii) a private insurance company, or (iii) a
2 public agency providing coverage.

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