## SENATE BILL NO. 264

INTRODUCED BY HIMSL, FARRELL, E. SMITH, BLAYLOCK, REGAN, CRIPPEN, B. BROWN, HARDING

## IN THE SENATE

FEBRUARY	2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY	10, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY	11, 1987	PRINTING REPORT.
FEBRUARY	13, 1987	SECOND READING, DO PASS.
FEBRUARY	14, 1987	ENGROSSING REPORT.
FEBRUARY	16, 1987	THIRD READING, PASSED.
		TRANSMITTED TO HOUSE.
		IN THE HOUSE
FEBRUARY	18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
MARCH 5,	1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7,	1987	SECOND READING, CONCURRED IN.
MARCH 9,	1987	THIRD READING, CONCURRED IN. AYES, 96; NOES, 1.
		RETURNED TO SENATE.
		IN THE SENATE
MARCH 10	, 1987	RECEIVED FROM HOUSE.

SENT TO ENROLLING.

LC 1021/01 · ·

1 Fanell E. Smith Blayfock 2 INTRODUCED B Brown Warding ٦ 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE TERMS, CONDITIONS, AND DETAILS OF ANY COMPROMISE OR 5 6 SETTLEMENT AGREEMENT ENTERED INTO OR APPROVED BY Δ GOVERNMENTAL ENTITY BE SUBJECT TO PUBLIC INSPECTION; AND 7 AMENDING SECTIONS 2-9-303 AND 2-9-304, MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 2-9-303, MCA, is amended to read: 12 "2-9-303. Compromise or settlement of claim against 13 state. (1) The department of administration may compromise and settle any claim allowed by parts 1 through 3 of this 14 15 chapter, subject to the terms of insurance, if any. A settlement from the self-insurance reserve fund or 16 17 deductible reserve fund must be approved by the district court of the first judicial district except when suit has 18 19 been filed in another judicial district, in which case the presiding judge must approve the compromise settlement. 20 21 (2) All terms, conditions, and details of the 22 governmental portion of a compromise or settlement agreement

23 entered into or approved pursuant to subsection (1) are
24 public records available for public inspection."

25 Section 2. Section 2-9-304, MCA, is amended to read:



1 "2-9-304. Compromise or settlement of claim against political subdivision. (1) The governing body of each 2 political subdivision, after conferring with its legal 3 officer or counsel, may compromise and settle any claim 4 5 allowed by parts 1 through 3 of this chapter, subject to the terms of the insurance, if any. A settlement involving a б 7 self-insurance reserve fund or deductible reserve fund must я be approved by the district court where the claim is filed. 9 (2) All terms, conditions, and details of the 10 governmental portion of a compromise or settlement agreement entered into or approved pursuant to subsection (1) are 11 12 public records available for public inspection."

-End-

INTRODUCED BILL -2-58-264

## APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1 BILL NO. anell E. Smith Blayloch 2 INTRODUCED B Harding 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE 4 CONDITIONS, AND DETAILS OF ANY COMPROMISE OR TERMS. 5 SETTLEMENT AGREEMENT ENTERED INTO OR APPROVED б BY Δ 7 GOVERNMENTAL ENTITY BE SUBJECT TO PUBLIC INSPECTION; AND AMENDING SECTIONS 2-9-303 AND 2-9-304, MCA." 8 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA;

Section 1. Section 2-9-303, MCA, is amended to read: 11 12 "2-9-303, Compromise or settlement of claim against 13 state. (1) The department of administration may compromise 14 and settle any claim allowed by parts 1 through 3 of this chapter, subject to the terms of insurance, if any. A 15 16 settlement from the self-insurance reserve fund or deductible reserve fund must be approved by the district 17 court of the first judicial district except when suit has 18 been filed in another judicial district, in which case the 19 20 presiding judge must approve the compromise settlement.

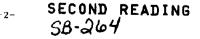
21 (2) All terms, conditions, and details of the 22 governmental portion of a compromise or settlement agreement 23 entered into or approved pursuant to subsection (1) are 24 public records available for public inspection."

25 Section 2. Section 2-9-304, MCA, is amended to read:



1 "2-9-304. Compromise or settlement of claim against 2 political subdivision. (1) The governing body of each 3 political subdivision, after conferring with its legal 4 officer or counsel, may compromise and settle any claim 5 allowed by parts 1 through 3 of this chapter, subject to the terms of the insurance, if any. A settlement involving a 6 7 self-insurance reserve fund or deductible reserve fund must B be approved by the district court where the claim is filed. 9 (2) All terms, conditions, and details of the governmental portion of a compromise or settlement agreement 10 entered into or approved pursuant to subsection (1) are 11 public records available for public inspection." 12

-End-



LC 1021/01

HILL NO. 264 Fanel E. Smith: Blayfock 1 2 INTRODUCED B 3 Sub Brown A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE Δ AND DETAILS OF ANY COMPROMISE OR CONDITIONS, S TERMS . SETTLEMENT AGREEMENT ENTERED INTO OR APPROVED BY A б GOVERNMENTAL ENTITY BE SUBJECT TO PUBLIC INSPECTION; AND 7 8 AMENDING SECTIONS 2-9-303 AND 2-9-304, MCA." 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-9-303, MCA, is amended to read: 11 12 "2-9-303. Compromise or settlement of claim against state. (1) The department of administration may compromise 13 and settle any claim allowed by parts 1 through 3 of this 14 chapter, subject to the terms of insurance, if any. A 15 settlement from the self-insurance reserve fund or 16 deductible reserve fund must be approved by the district 17 18 court of the first judicial district except when suit has been filed in another judicial district, in which case the 19 presiding judge must approve the compromise settlement. 20

<u>(2) All terms, conditions, and details of the</u>
<u>governmental portion of a compromise or settlement agreement</u>
<u>entered into or approved pursuant to subsection (1) are</u>
<u>public records available for public inspection.</u>"

25 Section 2. Section 2-9-304, MCA, is amended to read:



"2-9-304. Compromise or settlement of claim against 1 2 political subdivision. (1) The governing body of each 3 political subdivision, after conferring with its legal officer or counsel, may compromise and settle any claim Δ 5 allowed by parts 1 through 3 of this chapter, subject to the 6 terms of the insurance, if any. A settlement involving a 7 self-insurance reserve fund or deductible reserve fund must я be approved by the district court where the claim is filed. 9 (2) All terms, conditions, and details of the 10 governmental portion of a compromise or settlement agreement entered into or approved pursuant to subsection (1) are 11 12 public records available for public inspection."

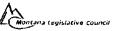
-End-

-2- THIRD READING SB-264

## SB 0264/02

SB 0264/02

1	SENATE BILL NO. 264	1	Section 2. Section 2-9-304, MCA, is amended to read:
2	INTRODUCED BY HIMSL, FARRELL, E. SMITH, BLAYLOCK,	2	"2-9-304. Compromise or settlement of claim against
3	REGAN, CRIPPEN, B. BROWN, HARDING	3	political subdivision. (1) The governing body of each
4		4	political subdivision, after conferring with its legal
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE	ý <b>5</b>	officer or counsel, may compromise and settle any claim
6	TERMS, CONDITIONS, AND DETAILS OF ANY COMPROMISE OR	6	allowed by parts 1 through 3 of this chapter, subject to the
7	SETTLEMENT AGREEMENT ENTERED INTO OR APPROVED BY A	7	terms of the insurance, if any. A settlement involving a
8	GOVERNMENTAL ENTITY BE SUBJECT TO PUBLIC INSPECTION; AND	8	self-insurance reserve fund or deductible reserve fund must
9	AMENDING SECTIONS 2-9-303 AND 2-9-304, MCA."	9	be approved by the district court where the claim is filed.
10		10	(2) All terms, conditions, and details of the
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	governmental portion of a compromise or settlement agreement
12	Section 1. Section 2-9-303, MCA, is amended to read:	12	entered into or approved pursuant to subsection (1) are
13	"2-9-303. Compromise or settlement of claim against	13	public records available for public inspection."
14	state. (1) The department of administration may compromise		~End-
15	and settle any claim allowed by parts 1 through 3 of this		
16	chapter, subject to the terms of insurance, if any. A		
17	settlement from the self-insurance reserve fund or		
18	deductible reserve fund must be approved by the district		
19	court of the first judicial district except when suit has		
20	been filed in another judicial district, in which case the		
21	presiding judge must approve the compromise settlement.		
22	(2) All terms, conditions, and details of the		
23	governmental portion of a compromise or settlement agreement		
24	entered into or approved pursuant to subsection (1) are		
25	public records available for public inspection."		



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