

HOUSE BILL NO. 343

INTRODUCED BY B. HAMLETT, M. CAFERRO, K. DUDIK, S. FITZPATRICK, G. HERTZ, J. KEANE,
N. MCCONNELL, S. SALES, C. SCHREINER, J. SESSO, J. WELBORN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HOW LONG RECORDS OF A COMPROMISE OR
SETTLEMENT MUST BE RETAINED; PROVIDING THAT RECORDS RELATED TO A COMPROMISE OR
SETTLEMENT MUST BE RETAINED FOR 20 YEARS; AND AMENDING SECTION 2-9-303, MCA."

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

Section 1. Section 2-9-303, MCA, is amended to read:

"2-9-303. Compromise or settlement of claim against state. (1) (a) The department of administration
may compromise and settle any claim allowed by parts 1 through 3 of this chapter, subject to the terms of
insurance, if any. A settlement from the self-insurance reserve fund or deductible reserve fund exceeding \$10,000
must be approved by the district court of the first judicial district except when suit has been filed in another judicial
district, in which case the presiding judge shall approve the compromise settlement.

(b) All records related to a compromise or settlement of a claim against the state must be retained for
a period of 20 years.

(2) All terms, conditions, and details of the governmental portion of a compromise or settlement
agreement entered into or approved pursuant to subsection (1) are public records available for public inspection
unless a right of individual privacy clearly exceeds the merits of public disclosure.

(3) An employee who is a party to a compromise or settlement entered into or approved pursuant to
subsection (1) may waive the right of individual privacy and allow the state to release all records or details of the
compromise or settlement, such as personnel records, that pertain to the employee personally and that would
otherwise be protected by the right of individual privacy subject to the merits of public disclosure."

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