

SENATE BILL NO. 398—SENATOR CARE

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to settlement of certain claims or actions against governmental entities and officers and employees thereof. (BDR 3-1034)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to tort actions; prohibiting the inclusion of any provision in an agreement to settle a tort claim or action against a governmental entity or an officer or employee thereof that makes the agreement confidential; providing that an agreement to settle such a tort claim or action is a public record; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any agreement to settle a claim or action brought under NRS 41.031 or against a present or former officer or employee of the state or any political subdivision, immune contractor or state legislator:

(a) Must not provide that any or all of the terms of the agreement are confidential.

(b) Is a public record and must be open for inspection pursuant to NRS 239.010.

2. Any provision of an agreement to settle a claim or action brought under NRS 41.031 or against a present or former officer or employee of the state or any political subdivision, immune contractor or state legislator that conflicts with this section is void.

Sec. 2. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, *and section 1 of this act*, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada rural housing authority, an airport authority created by special act of the legislature, a regional transportation commission and a fire protection



- 1 district, irrigation district, school district, governing body of a charter
- 2 school and other special district that performs a governmental function,
- 3 even though it does not exercise general governmental powers.
- 4 **Sec. 3.** This act becomes effective on July 1, 2001.

