

Committee Report

CONSENT CALENDAR

March 2, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
83,**

**AN ACT prohibiting non-disparagement clauses in
settlement agreements involving a governmental unit.**

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 83
Title:	prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.
Date:	March 2, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0369h

STATEMENT OF INTENT

This bill, as amended, would prohibit non-disparagement clauses in settlement agreements that involve governmental units. Citizens who agree to such settlements would be able to freely talk about the conduct that gave rise to the suit, even if that reflects negatively on some government official. Based upon the First Amendment, this bill promotes public understanding of the working of our government, allows exposure of misuse of government power, and bars the government from using its power to suppress speech that it may find unfavorable. This bill was broadly supported on a bi-partisan basis.

Vote 20-1.

Rep. Paul Berch
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 83, prohibiting non-disparagement clauses in settlement agreements involving a governmental unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch for Judiciary. This bill, as amended, would prohibit non-disparagement clauses in settlement agreements that involve governmental units. Citizens who agree to such settlements would be able to freely talk about the conduct that gave rise to the suit, even if that reflects negatively on some government official. Based upon the First Amendment, this bill promotes public understanding of the working of our government, allows exposure of misuse of government power, and bars the government from using its power to suppress speech that it may find unfavorable. This bill was broadly supported on a bi-partisan basis. **Vote 20-1.**

Original: House Clerk

Cc: Committee Bill File

Rep. Berch, Ches. 1
February 12, 2021
2021-0369h
04/05

Amendment to HB 83

1 Amend RSA 507:17, II as inserted by section 1 of the bill by replacing it with the following:

2

3 II. In any action *or claim by or* against a governmental unit *or any former or current*
4 *elected official, appointed official, officer, or employee*, where the governmental unit has
5 agreed to a settlement of such action *or claim*, the complete terms of the settlement and the decree
6 of the court judgment shall be available as a matter of public record pursuant to RSA 91-A.

Voting Sheets

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 10:07:24 AM
Roll Call Committee Registers
Report

2021 SESSION

Judiciary

Bill #: HB83 Motion: _____ AM #: 0369h Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	20		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A.	5		
Silber, Norman J. Smith, Steven	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
Tausch, Lindsay	9		
Trottier, Douglas R.	10		
Smith, Marjorie K.	11		
Berch, Paul S.	12		
Horrigan, Timothy O.	1	1	
DiLorenzo, Charlotte I.	13		
Chase, Wendy	14		
Kenney, Cam E.	15		
Langley, Diane M.	16		
McBeath, Rebecca Susan	17		
Paige, Mark	18		
Simpson, Alexis	19		
TOTAL VOTE:	20	1	

Rep Kurt Wuelper *Kurt Wuelper*

Rep. Berch, Ches. 1
February 12, 2021
2021-0369h
04/05

Amendment to HB 83

1 Amend RSA 507:17, II as inserted by section 1 of the bill by replacing it with the following:

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3 II. In any action *or claim by or* against a governmental unit *or any former or current*
4 *elected official, appointed official, officer, or employee*, where the governmental unit has
5 agreed to a settlement of such action *or claim*, the complete terms of the settlement and the decree
6 of the court judgment shall be available as a matter of public record pursuant to RSA 91-A.

UNAPPROVED

Public Hearing

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 83

BILL TITLE: prohibiting non-disparagement clauses in settlement agreements.
involving a governmental unit.

DATE: 2/23/2021

LOB ROOM: 208/Remote **Time Public Hearing Called to Order:** 9:40 AM

Time Adjourned: 10:35 AM

Committee Members: Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., ~~Rice~~, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

Bill Sponsors: Rep Berch

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Berch Ches 1 Sponsor** The bill prohibits non-disparagement clauses in settlements and would like to see an amendment to and claims by the government. a non-disparagement clause prohibits anyone from speaking out against the settlement or the partners to the agreement. The terms of the settlement must be public, but that is of little use if the participants can't talk about the settlement. A reporter tried to get information about events that were settled, but the victims always said they would like to talk about what happened but were prevented doing so by a non-disparagement provision which would cost them their settlement if they did. This is a widespread problem in our country. The fourth circuit court of appeals has ruled that non-disparagement clauses violate the 1st amendment because they allow the government to prohibit speech not to its liking. These clauses deny the public information about government loans bad actions. A study has shown no significant difference in settlements between states with or without these clauses. Q DiLorenzo: Is a non-disclosure order like a gag order? A Yes Q Chase: If people could talk would that affect the settlement? A probably not. Criminal cases are public and 95% are negotiated in gthe full light of day. The idea you need secrecy to get settlement is untrue. Q Alexander: Would this bill prevent earlier settlements? A No. People settle for various reasons. Q McLean: How many states have this law? A I don't have the numbers. These clauses have been much in gthe news in recent times and they are incredibly common. If you want to study police or teacher misconduct, the information just isn't available because of these clauses. Q Is their empirical evidence about this? A There is one I can send you which showed preventing them had no effect. Q Can you say why gov't money should be used to pay settlements when the public can't see why? A No and these clauses even keep us from knowing who is doing a good job and who is not.

***Cordell Johnston NHMA Opposed** House passed a similar bill a couple of years ago and the Senate killed it on a voice vote. The parties to a lawsuit should have the right to negotiate a settlement and the gov't should not interfere with that right. This would apply to any lawsuit with government, not just misconduct. That could be detrimental to settlement. If so, the members of gthe body are prohibited from discussing the subject, but the other side is not. That amounts to a gag order on public officials, which is problematic. Q Smith: Can you explain why the public should not know about what happened in these negotiations? Why shouldn't citizens have access to the details? A It's not the details that are prohibited. The clause prohibits each party from making disparaging statements about the other party. The public has an interest, but employees have a privacy interest and there are a number of interests at stake. Q Chase: Who can talk about the settlement and who can't? A The members of the public body may be silenced by other laws with or without.

***Robert McNamara Institute for Justice Supports** Both as a matter of policy and a matter of law this bill is a good idea. The gov't in any event is silencing members of the public. Q McBeath: Is the non-disparagement defined in the law? A A fair definition is an agreement that prevents a party from saying something bad ab out another party or dispute the facts of the case.

These clauses are used to prevent a citizen from going out and saying the gov't did something really bad to me. An agreement to not criticize the gov't is inherently a first amendment violation. Q Gordon: Settling for money may not settle a dispute. It could be that the non-disparagement clause actually settles the case. Are we asked to decide how to balance these issues? A Yes. The government should never get to say, 'I just don't want to talk about this incident again or about our performance in this case again'.

Lisa-Marie Mulkurn Program Information Officer Supports You should look at the testimony on HB 1403 and HB591... dealing with treatment in the workplace. I was terminated from my position. This is about forcing the gov't to bear the burden of proof. I was prohibited from defending myself. There is no gag order in m Q Horrigan: What years were those bills? HB1403 2010



Rep Kurt Wuelper

House Remote Testify

Judiciary Committee Testify List for Bill HB83 on 2021-02-23

Support: 71 Oppose: 13 Neutral: 0 Total to Testify: 2

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
McNamara, Robert	Arlington, VA rmcnamara@ij.org	A Member of the Public	The Institute for Justice	Support	Yes (4m)	No	2/22/2021 8:25 AM
Johnston, Cordell	Concord, NH cjohnston@nhmunicipal.org	A Lobbyist	NH Municipal Association	Oppose	Yes (3m)	No	2/23/2021 6:14 AM
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2021 6:44 AM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Support	No	No	2/23/2021 6:46 AM
Hawkins, Brian	Concord, NH bhawkins@nhnea.org	A Lobbyist	NEA-NH	Oppose	No	No	2/23/2021 7:51 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2021 8:00 AM
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Oppose	No	No	2/23/2021 8:52 AM
McConnell, Liz	BRENTWOOD, NH lizmc99@yahoo.com	A Member of the Public	Myself	Support	No	No	2/23/2021 8:58 AM
Cook, Barbara D	Canterbury, NH bdc7@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2021 6:58 AM
Cappiello, Mary Ann	Stratham, NH cappiellomaryann@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2021 7:47 AM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	2/23/2021 8:26 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2021 8:32 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	No	2/23/2021 9:13 AM

Horgan, Kate	Concord, NH khorgan@dupontgroup.com	A Lobbyist	NH Association of Counties	Oppose	No	No	2/23/2021 10:03 AM
Batstone, Adam	Gilford, NH acbatstone@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/23/2021 10:09 AM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2021 9:30 AM
McBeath, Rebecca	Portsmouth, NH bmcb@comcast.net	An Elected Official	Myself	Support	No	No	2/23/2021 11:39 AM
Spencer, Louise	Concord, NH lpskentsstreet@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2021 9:24 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2021 12:44 PM
Mulholland, Shaun	Lebanon, NH shaun.mulholland@lebanonnh.gov	A Member of the Public	City of Lebanon	Oppose	No	No	2/19/2021 12:52 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2021 2:39 PM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2021 5:53 PM
Piedra, Israel	Manchester, NH Israel.piedra@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/21/2021 7:21 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2021 9:04 PM
Howland, Curt	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	2/21/2021 7:47 PM
Babladelis, Ashley	Concord, NH ash.hatch@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2021 8:27 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2021 8:45 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2021 9:06 PM
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2021 9:44 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/21/2021 10:19 PM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	2/21/2021 10:19 PM

Stevens, Representative Deb	Nashua, NH debstevens4ward7@gmail.com	An Elected Official	My 10K constituents	Support	No	No	2/21/2021 10:20 PM
Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack 19	Support	No	No	2/21/2021 10:32 PM
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2021 10:38 PM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/22/2021 12:00 AM
Gericke, Carla	Manchester, NH carlagericke@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 8:13 AM
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 7:23 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2021 7:23 AM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 7:31 AM
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 7:50 AM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 8:01 AM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/22/2021 9:06 AM
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 9:09 AM
Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 9:09 AM
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2021 9:21 AM
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2021 9:22 AM
Mangipudi, Latha	Nashua, NH Latha.mangipudi@leg.state.N.H.us	An Elected Official	Hills 35	Support	No	No	2/22/2021 9:39 AM
Gilman, Rep. Julie	Exeter, NH julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Support	No	No	2/22/2021 9:43 AM
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 9:52 AM

woodcock, stephen	center conway, NH slwoodcock116@gmail.com	An Elected Official	Myself	Support	No	No	2/22/2021 10:04 AM
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 10:09 AM
Christina, Barrett	Concord, NH bchristina@nhsba.org	A Lobbyist	New Hampshire School Boards Association	Oppose	No	No	2/22/2021 10:10 AM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 11:09 AM
Frew, Jerry	Concord, NH jerry@nhsaa.org	A Lobbyist	NHSAA	Oppose	No	No	2/22/2021 11:12 AM
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2021 11:14 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 11:21 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2021 11:30 AM
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Merrimack 12	Support	No	No	2/22/2021 6:37 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 6:38 PM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/22/2021 12:04 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 8:38 PM
Hamblet, Joan	Portsmouth, NH joan.hamblet@leg.state.nh.us	A Member of the Public	Myself	Support	No	No	2/22/2021 8:39 PM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	2/22/2021 12:47 PM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	2/22/2021 12:47 PM
Neville, Betsey	Concord, NH betsey2003@tds.net	A Member of the Public	Myself	Support	No	No	2/22/2021 1:05 PM
blakeney, gordon	Concord, NH rbplease@aol.com	A Member of the Public	Myself	Support	No	No	2/22/2021 1:06 PM
Gaudet, Fawn	Rumney, NH fawngaudet@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2021 1:15 PM

Ladd, Carl	Concord, NH carl@nhsaa.org	A Lobbyist	New Hampshire School Administrators Association	Oppose	No	No	2/22/2021 1:27 PM
Ortins, Nicholas	Sandown, NH Njortins@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2021 2:03 PM
Salstrom, Richard	Merrimack, NH Rick.salstrom@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2021 4:00 PM
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	No	2/22/2021 5:03 PM
Sargent, Elizabeth	Concord, NH esargent@sheehan.com	A Lobbyist	NH Association of Chiefs of Police	Oppose	No	No	2/22/2021 5:40 PM
Levesque, Cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/22/2021 5:54 PM
Spencer, Rob	Concord, NH kentstusa@aol.com	A Member of the Public	Myself	Support	No	No	2/22/2021 8:21 PM
Cann, Emily	Sanbornton, NH emily_cann@hotmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2021 8:24 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	2/22/2021 8:43 PM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2021 8:49 PM
Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 8:59 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2021 9:15 PM
Varney, Michele	Alton, NH malooof@metrocast.net	A Member of the Public	Myself	Support	No	No	2/22/2021 9:20 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 9:23 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 9:27 PM
Ingraham, Sheryl	Concord, NH sheryl.ingraham@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 11:04 PM
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	No	2/22/2021 11:22 PM

Testimony

Bill as
Introduced

HB 83 - AS INTRODUCED

2021 SESSION

21-0060

04/05

HOUSE BILL **83**

AN ACT prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

SPONSORS: Rep. Berch, Ches. 1; Rep. Schultz, Merr. 18; Rep. M. Smith, Straf. 6; Rep. Sylvia, Belk. 6; Rep. Meuse, Rock. 29; Rep. McGuire, Merr. 29; Rep. Amanda Bouldin, Hills. 12; Rep. Stevens, Hills. 34; Rep. DiLorenzo, Rock. 17

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits and renders unenforceable the inclusion of a non-disparagement clause in a settlement agreement involving a governmental unit.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT prohibiting non-disparagement clauses in settlement agreements involving a governmental unit.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Actions Against Governmental Units. Amend RSA 507:17 to read as follows:

2 507:17 Actions Against Governmental Units; Definition; Court Records.

3 I. "Governmental unit" means the state and any political subdivision within the state
4 including any county, city, town, precinct, school district, chartered public school, school
5 administrative unit, or departments or agencies thereof.

6 II. In any action *or claim* against a governmental unit *or any former or current elected*
7 *official, appointed official, officer, or employee*, where the governmental unit has agreed to a
8 settlement of such action *or claim*, the complete terms of the settlement and the decree of the court
9 judgment shall be available as a matter of public record pursuant to RSA 91-A.

10 III. *A non-disparagement clause or other language which either prevents the*
11 *parties from discussing the facts of the underlying claim or speaking negatively about each*
12 *other shall not be included in any settlement agreement involving a governmental unit.*
13 *Any such language included in a settlement agreement involving a governmental unit*
14 *shall be unenforceable.*

15 IV. The court may redact the names of minor children or any other person the court
16 determines to be entitled to privacy.

17 2 Effective Date. This act shall take effect 60 days after its passage.

HB 83 - AS INTRODUCED

2021 SESSION

21-0060
04/05

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21-0060
04/05

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507:17 Actions Against Governmental Units; Definition; Court Records.

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II. In any action ***or claim*** against a governmental unit ***or any former or current elected official, appointed official, officer, or employee***, where the governmental unit has agreed to a settlement of such action ***or claim***, the complete terms of the settlement and the decree of the court judgment shall be available as a matter of public record pursuant to RSA 91-A.

III. ***A non-disparagement clause or other language which either prevents the parties from discussing the facts of the underlying claim or speaking negatively about each other shall not be included in any settlement agreement involving a governmental unit. Any such language included in a settlement agreement involving a governmental unit shall be unenforceable.***

IV. The court may redact the names of minor children or any other person the court determines to be entitled to privacy.

2 Effective Date. This act shall take effect 60 days after its passage.

