

Amendment to HB 154

1 Amend the title of the bill by replacing it with the following:

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

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6 Amend the bill by replacing section 1 with the following:

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8 1 Actions Against Governmental Units. Amend RSA 507:17 to read as follows:

9 507:17 Actions Against Governmental Units; Definition; Court Records.

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

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

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

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

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**AMENDED ANALYSIS**

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