

SETTLEMENT AUTHORITY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Bradley M. Daw

LONG TITLE

General Description:

This bill addresses provisions relating to the settlement of claims against the state.

Highlighted Provisions:

This bill:

► modifies provisions relating to the authority of the state risk manager to settle claims against the state for which the state Risk Management Fund may be liable.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-7-602, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

63G-10-501, Utah Code Annotated 1953

63G-10-502, Utah Code Annotated 1953

63G-10-503, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-7-602** is amended to read:



28 **63G-7-602. Compromise and settlement of claims by political subdivision.**

29 [(+) A political subdivision, after conferring with its legal officer or other legal
30 counsel if it does not have a legal officer, may compromise and settle any action as to the
31 damages or other relief sought.

32 [~~(2) The risk manager in the Department of Administrative Services may compromise
33 and settle any action against the state for which the Risk Management Fund may be liable:]~~

34 [~~(a) on the risk manager's own authority, if the amount of the settlement is \$25,000 or
35 less;~~]

36 [~~(b) with the concurrence of the attorney general or the attorney general's representative
37 and the executive director of the Department of Administrative Services if the amount of the
38 settlement is \$25,000.01 to \$100,000; or]~~

39 [~~(c) by complying with the procedures and requirements of Title 63G, Chapter 10,
40 State Settlement Agreements, if the amount of the settlement is more than \$100,000.]~~

41 Section 2. Section **63G-10-501** is enacted to read:

42 **Part 5. Risk Management Fund Settlement Agreements**

43 **63G-10-501. Definitions.**

44 As used in this part:

45 (1) "Executive director" means the individual appointed under Section [63A-1-105](#) as
46 the executive director of the Department of Administrative Services, created in Section
47 [63A-1-104](#).

48 (2) "Risk management fund" means the fund created in Section [63A-4-201](#).

49 (3) "Risk manager" means the state risk manager appointed under Section [63A-4-101](#).

50 Section 3. Section **63G-10-502** is enacted to read:

51 **63G-10-502. Application of this part.**

52 The authority required for the risk manager to settle a claim for which the risk
53 management fund may be liable is governed exclusively by this part.

54 Section 4. Section **63G-10-503** is enacted to read:

55 **63G-10-503. Risk manager's authority to settle a claim -- Additional approvals**
56 **required.**

57 The risk manager may compromise and settle any claim against the state for which the
58 risk management fund may be liable:

- 59 (1) on the risk manager's own authority, if the settlement amount is \$50,000 or less;
60 (2) upon the approval of the attorney general, or the attorney general's representative,
61 and the executive director, if the settlement amount is more than \$50,000 but not more than
62 \$200,000;
63 (3) upon the governor's approval, if the settlement amount is more than \$200,000 but
64 not more than \$500,000;
65 (4) upon the Legislative Management Committee's approval, if the settlement amount
66 is more than \$500,000 but not more than \$1,000,000; and
67 (5) upon the Legislature's approval, if the settlement amount is more than \$1,000,000.

Legislative Review Note
as of 2-16-15 12:26 PM

Office of Legislative Research and General Counsel