

# ACT No. 204

Regular Session, 2014

HOUSE BILL NO. 874

BY REPRESENTATIVE STUART BISHOP

1 AN ACT

2 To enact R.S. 36:8.1, relative to reporting requirements of various state agencies of the  
3 executive branch; to require annual quarterly reports to the legislature of all civil,  
4 legal actions filed by an agency; to provide for the content of such reports; to provide  
5 exceptions thereto; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 36:8.1 is hereby enacted to read as follows:

8 §8.1. Litigation oversight; reports to the legislature

9 A.(1)(a) The head of each agency shall make and publish an annual report  
10 to the legislature containing a list of all civil actions brought in a court of law by the  
11 agency as a named party plaintiff.

12 (b) The attorney general shall make and publish an annual report to the  
13 legislature containing a list of all civil actions brought in a court of law by the state  
14 of Louisiana as a named party plaintiff.

15 (2) Each such report shall include all cases instituted, pending, or concluded  
16 during the preceding calendar year and shall:

17 (a) Contain the names of all parties appearing as plaintiffs at any time during  
18 the litigation and all parties named as defendants at any time during the litigation as  
19 they appear on the pleadings, the court which has jurisdiction over the matter, the  
20 docket number, the cause of action being averred, and the relief being sought.

21 (b) Indicate the current status of the case, including whether the case has  
22 been heard on the merits, whether there is a final judgment therein and, if so, an  
23 indication if the final judgment was determined on a procedural or substantive issue,

1 whether the case has settled prior to any final judgment, and whether an appeal has  
2 been taken and, if so, if that appeal was initiated by the agency.

3 (c) List the name or names of all outside counsel representing the agency or  
4 the state and the agreement of the agency or the attorney general on behalf of the  
5 agency or the state, including the hourly rate of pay for the attorney or attorneys and  
6 paraprofessionals or the percentage of compensation or commission or any other  
7 arrangement relative to compensation, including payment of compensation by a  
8 defendant.

9 (3)(a) One week before the convening of each annual legislative session, a  
10 copy of the report shall be submitted by the head of each agency and the attorney  
11 general to the presiding officer of each house of the legislature and shall also be  
12 submitted in accordance with the provisions of R.S. 24:772.

13 (b) The presiding officer shall refer the report to the appropriate committee  
14 having jurisdiction of the subject matter as provided in the rules of the respective  
15 house, and any legislative committee which receives a report may conduct a hearing  
16 thereon.

17 B.(1) In addition to the report required in Subsection A of this Section, the  
18 head of each agency and the attorney general shall submit a quarterly report listing  
19 every civil action instituted by the agency or the attorney general since the  
20 submission of the last quarterly report.

21 (2) The quarterly report shall be submitted in the form of an e-mail and shall  
22 be sent to the David R. Poynter Legislative Research Library on or before the fourth  
23 Monday of the month in which the report is due. The e-mail shall be captioned in  
24 the subject line "Litigation Disclosure" and shall include the name of the submitting  
25 agency. It shall also contain a uniform resource locator (URL) link to a copy of the  
26 original petition for each civil action listed. The e-mail shall clearly indicate the  
27 applicable reporting period and list the name and contact information of the person  
28 submitting the e-mail and the person responsible for maintaining the URL, which  
29 URL shall be maintained by the agency or the attorney general for a minimum of one  
30 year.

1                    C. The provisions of this Section shall apply to any civil action filed by the  
 2                    following departments or offices, including offices and agencies thereof, collectively  
 3                    referred to in this Section as "agency":

- 4                    (1) Department of Agriculture and Forestry.
- 5                    (2) Department of State Civil Service.
- 6                    (3) Department of Economic Development.
- 7                    (4) Department of Education.
- 8                    (5) Department of Children and Family Services, except cases brought  
 9                    pursuant to the Children's Code and Title 46 of the Louisiana Revised Statutes of  
 10                   1950.
- 11                   (6) Department of Culture, Recreation and Tourism.
- 12                   (7) Department of Environmental Quality.
- 13                   (8) Department of Health and Hospitals, including, but not limited to  
 14                   Medicaid fraud and recovery cases.
- 15                   (9) Department of Insurance.
- 16                   (10) Department of Justice.
- 17                   (11) Department of Natural Resources.
- 18                   (12) Department of Public Safety and Corrections, except cases involving  
 19                   the Motor Vehicle Safety Responsibility Law.
- 20                   (13) Department of Public Service.
- 21                   (14) Department of State.
- 22                   (15) Department of Transportation and Development.
- 23                   (16) Department of the Treasury.
- 24                   (17) Department of Veterans Affairs.
- 25                   (18) Department of Revenue, except those cases brought to collect less than  
 26                   ten thousand dollars of state taxes owed.
- 27                   (19) Department of Wildlife and Fisheries, except cases brought for class  
 28                   one violations under the provisions of R.S. 56:31.
- 29                   (20) Louisiana Workforce Commission, except cases involving recovery of  
 30                   unemployment insurance payments and workers' compensation fraud.

1                   (21) Office of the governor, including the division of administration.

2                   (22) Office of the lieutenant governor.

3                   D. As used in this Section, the following words and phrases have the  
 4                   following meanings ascribed to them unless the context clearly indicates otherwise:

5                   (1) "Civil action" means any suit, action, or cause instituted in a court of law,  
 6                   exclusive of criminal matters, matters involving interstate compacts, actions to make  
 7                   executory a judgment or order of any adjudicatory body of this state, or an action  
 8                   brought pursuant to the Enforcement of Foreign Judgments Act.

9                   (2) "Court" or "court of law" means any court authorized by Article V of the  
 10                  Constitution of Louisiana.

11                  (3) "Head of each agency" means the department secretary or chief  
 12                  administrative officer of each department of the executive branch.

13                  (4) "Outside counsel" means any attorney, other than in-house counsel, who  
 14                  is being or has been paid by any agency or the state or who is entitled to or  
 15                  potentially entitled to compensation or a commission as a result of the legal  
 16                  proceeding. For purposes of this Paragraph, "in-house counsel" means any attorney  
 17                  employed by an agency, including the Department of Justice, who is eligible to  
 18                  participate in the Louisiana State Employees' Retirement System by virtue of such  
 19                  employment.

20                  Section 2. The initial annual report required by R.S. 36:8.1(A) shall be submitted to  
 21                  the legislature at least one week prior to the convening of the 2015 Regular Session of the  
 22                  Legislature and shall be for the reporting period of January 1, 2014, through December 31,  
 23                  2014.

24                  Section 3. The initial quarterly report required by R.S. 36:8.1(B) shall be submitted  
 25                  on September 1, 2014, and shall cover the period between June 1 and August 31, 2014. If,  
 26                  however, no such civil action was filed during this period, the initial quarterly report shall  
 27                  be submitted on or before the fourth Monday of the quarter immediately following the filing  
 28                  of the first civil action.

1           Section 4. This Act shall become effective on July 1, 2014; if vetoed by the governor  
2           and subsequently approved by the legislature, this Act shall become effective on July 1,  
3           2014, or on the day following such approval by the legislature, whichever is later.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_