

Regular Session, 2014

HOUSE BILL NO. 874

BY REPRESENTATIVE STUART BISHOP

LEGISLATIVE OVERSIGHT: Requires an annual report to the legislature regarding litigation instituted by a state agency

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 an annual report to the legislature of all civil, legal
4 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) The head of each agency shall make and publish an annual report to
10 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 (2) 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 B. Such report shall include all cases instituted, pending, or concluded
16 during the preceding calendar year and shall:

17 (1) Contain the name of all party plaintiffs and all named party defendants
18 as it appears on the pleadings, the court which has jurisdiction over the matter, the
19 docket number, the cause of action being averred, and the relief being sought.

20 (2) Indicate the current status of the case, including whether the case has
21 been heard on the merits, whether there is a final judgment therein and, if so, an

1 indication if the final judgment was determined on a procedural or substantive issue,
2 whether the case has settled prior to any final judgment, and whether an appeal has
3 been taken and, if so, if that appeal was initiated by the agency.

4 (3) List of the name or names of all outside counsel representing the agency
5 and the monetary agreement between the agency or the attorney general on behalf
6 of the agency, including the hourly rate of pay for the attorney or attorneys and para-
7 professionals or the percentage of compensation or commission.

8 C.(1) One week before the convening of each annual legislative session, a
9 copy of the report shall be submitted by the head of each agency and the attorney
10 general to the presiding officer of each house of the legislature and shall also be
11 submitted in accordance with the provisions of R.S. 24:772.

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

16 D. The provisions of this Section shall apply to any civil action filed by
17 agencies of the following:

18 (1) Department of Agriculture and Forestry.

19 (2) Department of State Civil Service.

20 (3) Department of Economic Development.

21 (4) Department of Education.

22 (5) Department of Children and Family Services, except cases brought
23 pursuant to the Children's Code and Title 46 of the Louisiana Revised Statutes of
24 1950.

25 (6) Department of Culture, Recreation and Tourism.

26 (7) Department of Environmental Quality.

27 (8) Department of Health and Hospitals, except Medicaid fraud and recovery
28 cases.

29 (9) Department of Insurance.

- 1 (10) Department of Justice.
- 2 (11) Department of Natural Resources.
- 3 (12) Department of Public Safety and Corrections, except cases involving
4 the Motor Vehicle Safety Responsibility Law.
- 5 (13) Department of Public Service.
- 6 (14) Department of State.
- 7 (15) Department of Transportation and Development.
- 8 (16) Department of the Treasury.
- 9 (17) Department of Veterans Affairs.
- 10 (18) Department of Revenue, except those cases brought to collect less than
11 ten thousand dollars of state taxes owed.
- 12 (19) Department of Wildlife and Fisheries, except cases brought for class
13 one violations under the provisions of R.S. 56:31.
- 14 (20) Louisiana Workforce Commission, except cases involving recovery of
15 unemployment insurance payments and worker's compensation fraud.
- 16 (21) Office of the governor, including the division of administration.
- 17 E. As used in this Section, the following words and phrases have the
18 following meanings ascribed to them unless the context clearly indicates otherwise:
- 19 (1) "Civil action" means any suit, action, or cause instituted in a court of law,
20 exclusive of criminal matters, matters that come before an administrative law judge,
21 matters involving interstate compacts, actions to make executory a judgment of any
22 adjudicatory body of this state, or an action brought pursuant to the Enforcement of
23 Foreign Judgments Act.
- 24 (2) "Head of each agency" means the department secretary or chief
25 administrative officer of each department of the executive branch.
- 26 (3) "Outside counsel" means any attorney, other than in-house counsel, who
27 is being or has been paid by any agency or who is entitled to or potentially entitled
28 to compensation or a commission as a result of the legal proceeding. For purposes
29 of this Paragraph, "in-house counsel" means any attorney employed by an agency.

- 1 including the Department of Justice, who is eligible to participate in the Louisiana
2 State Employees' Retirement System by virtue of such employment.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stuart Bishop

HB No. 874

Abstract: Requires state agencies to provide an annual report to the legislature of all civil lawsuits initiated by the agency.

Proposed law institutes a litigation reporting requirement for all state agencies.

More specifically, proposed law requires the head of each agency to make and publish an annual report to the legislature containing a list of all civil actions wherein the agency is a plaintiff in the lawsuit. Proposed law also requires the Attorney General to make and publish an annual report to the legislature containing a list of all civil actions initiated by the State of Louisiana. "Civil action" is defined in proposed law as any suit, action, or cause instituted in a court of law, exclusive of criminal matters, matters before an administrative law judge, matters involving interstate compacts, and actions to recognize judgments.

Proposed law requires the reports to cover all lawsuits instituted, pending, or concluded during the preceding calendar year. Proposed law requires the reports to contain the following:

- (1) The name of all plaintiffs and defendants, the court and docket number, the cause of action, and the relief sought.
- (2) The current status of the case, including whether the case has been heard, whether there is a final judgment therein, whether the case has settled, and whether an appeal has been taken.
- (3) The names of all outside counsel representing the agency and the monetary agreement with the agency.

Proposed law generally applies to civil actions filed by state agencies listed in proposed law but provides exceptions for the following types of matters: lawsuit brought pursuant to the Louisiana Children's Code; Medicaid fraud and recovery cases; cases involving the Motor Vehicle Safety Responsibility Law (compulsory motor vehicle insurance); cases brought by the Dept. of Revenue to collect less than \$10,000 of state taxes owed; cases brought for wildlife and fisheries' class one violations; and, cases involving recovery of unemployment insurance payments and worker's compensation fraud.

Proposed law requires the report to be submitted to the legislature one week before the convening of each annual legislative session.

(Adds R.S. 36:8.1)