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SENATE BILL NO. 129

BY SENATOR CLOUD AND REPRESENTATIVE ZERINGUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

2	To amend and reenact R.S. 24:653(H)(2) and R.S. 44:4(15) and to enact R.S. 24:653(H)(3),
3	relative to the litigation subcommittee of the Joint Legislative Committee on the
4	Budget; to require certain actions to occur in executive session; to require certain
5	actions for certain compromises or settlements; to require certain state entities to
6	report corrective actions taken to mitigate state risk exposure upon request of the
7	litigation subcommittee; to provide for an exemption from the Public Records Law;
8	and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 24:653(H)(2) is hereby amended and reenacted and R.S. 24:653(H)(3)
11	is hereby enacted to read as follows:
12	§653. Duties and functions
13	* * *
14	H.(1) * * *
15	(2) No attorney representing the state or any of its departments or agencies
16	or any of its employees entitled to indemnification under R.S. 13:5108.1 shall sign
17	any compromise or settlement which obligates the state to pay more than one million
18	dollars five hundred thousand dollars or more without prior consultation with the
19	attorney general and the members of the litigation subcommittee of the Joint
20	Legislative Committee on the Budget. The consultation with the members of the
21	litigation subcommittee shall occur in executive session.
22	(3)(a) At the request of the litigation subcommittee, any department,
23	agency, board, commission, educational institution, or other state entity entitled
24	to indemnification by the state or any employer of an employee entitled to
25	indemnification under R.S. 13:5108.1 shall report on any corrective measures

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1	or actions taken to mitigate state risk exposure if the litigation subcommittee
2	determines that such a report is necessary after consideration of a compromise
3	or settlement of litigation.
4	(b) A meeting of the litigation subcommittee to receive a report from a
5	state entity on corrective measures or actions pursuant to this Paragraph shall
6	occur only after the subject litigation has been concluded. The litigation
7	subcommittee may require that any indemnified state entity or employer of an
8	indemnified employee appear at one or more meetings of the litigation
9	subcommittee to discuss and report on corrective measures or actions.
10	(c) Any information provided by a state entity pursuant to this
11	Paragraph may only be presented in executive session and any documentation
12	prepared or compiled by the state entity pursuant to this Paragraph shall not
13	be subject to disclosure pursuant to the Public Records Law set forth in R.S.
14	44:1 et seq.
15	* * *
16	Section 2. R.S. 44:4(15) is hereby amended and reenacted to read as follows:
17	§4. Applicability
18	This Chapter shall not apply:
19	* * *
20	(15)(a) To any pending claims or pending claim files in the custody or
21	control of the office of risk management, division of administration, or similar
22	records in the custody of any municipality or parish; to any information concerning
23	pending legal claims in the files of any attorney representing the state or any
24	municipality in connection with the office of risk management, division of

records in the custody of any municipality or parish; to any information concerning pending legal claims in the files of any attorney representing the state or any municipality in connection with the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish; or to any pending claims relating to loss reserves maintained or established by the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish, for any claims or for losses incurred but not reported; however, this Chapter shall be applicable to reserves as reported in the financial statement of the office of risk management, division of

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administration, or any municipality or parish. Nothing in this Paragraph shall be construed or interpreted in a manner as to prevent or inhibit in any manner the chairman and vice chairman of the Joint Legislative Committee on the Budget and the litigation subcommittee of the Joint Legislative Committee on the Budget from obtaining dollar amounts billed by and paid to contract attorneys and experts in defense of claims against the state that the chairman or vice chairman, or the subcommittee determines is necessary to perform functions and duties relative to the evaluation of performance or the determination of budget policy; however, no legislator or any committee of the legislature shall disclose any confidential information so obtained that would jeopardize or have a detrimental effect on the litigating position of the state. (b) To any documentation or other information related to a closed litigated claim that is provided by a state entity to the litigation subcommittee

of the Joint Legislative Committee on the Budget pursuant to R.S. 24:653(H)(3).

PRESIDENT OF THE SENATE
SPEAKER OF THE HOUSE OF REPRESENTATIVES
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____

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