
DIGEST

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HB 579 Original

2020 Regular Session

Davis

Abstract: Requires state indemnification of any agency, board member, commissioner, appointee, official, officer, or employee of the state or of its political subdivisions in antitrust actions.

Present law provides relative to suits against the state, its agencies, officers, or employees and against political subdivisions and sets out when the state must indemnify its agents. Proposed law adds to the list of indemnified parties board members, commissioners, appointees, and officials of the state and its political subdivisions.

Present law provides state indemnity for these parties in certain types of civil actions. Proposed law adds antitrust claims to the list of covered actions.

Present law requires indemnity when the act that forms the basis of the cause of action was a tort that took place while the individual was engaged in the performance of his office, employment with the state, or engaged in providing services on behalf of the state pursuant to present law. Proposed law requires indemnity when demand is made for damages or other equitable relief, is filed in state or federal court or federal agency, and is grounded in any of the following:

- (1) An antitrust claim (as defined in proposed law).
- (2) Any tort.
- (3) Any demand made pursuant to a federal statute.

Present law (R.S. 39:1532) requires certain reports by the commissioner of administration relative to payment of specific judgments when funds have been appropriated therefore. Proposed law retains present law and further requires the report to contain information regarding each decision the office of risk management (hereafter "ORM") made to decline a claim or request for payment made by any state agency.

Present law (R.S. 39:1533) requires the attorney general or private legal counsel appointed by the attorney general to represent the state and its agencies in all tort claims. Proposed law retains present law and adds antitrust claims to the list of actions the attorney general must defend on behalf of the state and its agencies.

Present law (R.S. 39:1535) requires the commissioner of administration to manage all tort claims made against the state. Proposed law retains present law and adds antitrust claims to the list of claims the commissioner must manage.

Present law further places responsibility for negotiating settlement of all tort claims against the state or its agencies with ORM and the commissioner of administration. Proposed law retains present law and adds antitrust claims to the list of covered claims.

Present law provides that any settlement in excess of \$500,000 may not be paid until payment is approved by a majority of a subcommittee on the Litigation Subcommittee of the Joint Legislative Committee on the Budget. Proposed law adds antitrust claim settlements in excess of \$500,000 to this requirement.

Proposed law requires disclosure of any state contract for insurance and insurance policy procured by ORM or on behalf of ORM.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5101(B) and 5108.1(A)(1) and (E)(1) and R.S. 39:1532(B), 1533(B), 1535(A), (B)(6), (C), and (D)(1), and 1538(A); Adds R.S. 13:5101(C) and 5102(D) and R.S. 39:1537(8) and 1540(B)(4))