

2023 Regular Session

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.

LEGISLATIVE COMMITTEES. Requires certain state entities to report corrective actions taken to mitigate state risk exposure upon request of the litigation subcommittee of the Joint Legislative Committee on the Budget. (8/1/23)

AN ACT

To amend and reenact R.S. 44:4(15) and to enact R.S. 24:653(H)(3), relative to the litigation subcommittee of the Joint Legislative Committee on the Budget; to require certain state entities to report corrective actions taken to mitigate state risk exposure upon request of the litigation subcommittee; to provide for an exemption from the Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:653(H)(3) is hereby enacted to read as follows:

§653. Duties and functions

* * *

H.(1) * * *

(3) At the request of the litigation subcommittee, any department, agency, board, commission, educational institution, or other state entity entitled to indemnification through the state risk program administered by the office of risk management shall report on any corrective actions taken to mitigate state risk exposure. The reporting state entity shall present all relevant information to the litigation subcommittee in executive session, and any documentation

1 **prepared or compiled by the reporting state entity for this purpose shall not be**
2 **subject to disclosure pursuant to the Public Records Law set forth in R.S. 44:1**
3 **et seq.**

4 * * *

5 Section 2. R.S. 44:4(15) is hereby amended and reenacted to read as follows:

6 §4. Applicability

7 This Chapter shall not apply:

8 * * *

9 (15) To any pending claims or pending claim files in the custody or control
10 of the office of risk management, division of administration, or similar records in the
11 custody of any municipality or parish; to any information concerning pending legal
12 claims in the files of any attorney representing the state or any municipality in
13 connection with the office of risk management, division of administration, or any
14 office with similar responsibilities of any municipality or parish; or to any pending
15 claims relating to loss reserves maintained or established by the office of risk
16 management, division of administration, or any office with similar responsibilities
17 of any municipality or parish, for any claims or for losses incurred but not reported;
18 however, this Chapter shall be applicable to reserves as reported in the financial
19 statement of the office of risk management, division of administration, or any
20 municipality or parish. Nothing in this Paragraph shall be construed or interpreted
21 in a manner as to prevent or inhibit in any manner the chairman and vice chairman
22 of the Joint Legislative Committee on the Budget and the litigation subcommittee of
23 the Joint Legislative Committee on the Budget from obtaining dollar amounts billed
24 by and paid to contract attorneys and experts in defense of claims against the state
25 that the chairman or vice chairman, or the subcommittee determines is necessary to
26 perform functions and duties relative to the evaluation of performance or the
27 determination of budget policy; however, no legislator or any committee of the
28 legislature shall disclose any confidential information so obtained that would
29 jeopardize or have a detrimental effect on the litigating position of the state.

1 **Additionally, this Chapter shall not apply to any documentation or other**
2 **information related to a closed litigated claim that is provided by a state entity**
3 **to the litigation subcommittee of the Joint Legislative Committee on the Budget**
4 **pursuant to R.S. 24:653(H)(3).**

5 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 129 Original 2023 Regular Session Cloud

Present law requires the Joint Legislative Committee on the Budget to form a litigation subcommittee to monitor and study the amounts of state funds required to pay judgments and compromises arising out of lawsuits against the state. No attorney representing the state or any of its departments or agencies or any of its employees entitled to indemnification shall sign any compromise or settlement which obligates the state to pay more than \$1,000,000 without prior consultation with the attorney general and the members of the litigation subcommittee.

Proposed law retains present law.

Proposed law requires any department, agency, board, commission, educational institution, or other state entity entitled to indemnification through the state risk program administered by the office of risk management to report on any corrective actions taken to mitigate state risk exposure at the request of the litigation subcommittee. Requires the reporting state entity to present all relevant information to the litigation subcommittee in executive session.

Present law (R.S. 44:1 et seq.-Public Records Law) provides for access and retention of public records. Establishes a framework for the ready availability of public records to requesting persons.

Proposed law retains present law.

Present law provides an exemption from the Public Records Law for certain pending claims or pending claim files in the custody or control of the office of risk management, division of administration, or similar records in the custody of any municipality or parish.

Proposed law retains present law and additionally provides an exemption from the Public Records Law for 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.

Effective August 1, 2023.

(Amends R.S. 44:4(15); adds R.S. 24:653(H)(3))