

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)

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

9 §653. Duties and functions

10 \* \* \*

11 H.(1) \* \* \*

12 **(3) At the request of the litigation subcommittee, any department,**  
13 **agency, board, commission, educational institution, or other state entity entitled**  
14 **to indemnification by the state shall report on any corrective actions taken to**  
15 **mitigate state risk exposure. The reporting state entity shall present all relevant**  
16 **information to the litigation subcommittee in executive session, and any**  
17 **documentation prepared or compiled by the reporting state entity for this**

1 **purpose shall not be subject to disclosure pursuant to the Public Records Law**  
2 **set forth in R.S. 44:1 et seq.**

3 \* \* \*

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

5 §4. Applicability

6 This Chapter shall not apply:

7 \* \* \*

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

29 **Additionally, this Chapter shall not apply to any documentation or other**

