

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.

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AN ACT

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), relative to the litigation subcommittee of the Joint Legislative Committee on the Budget; to require certain actions to occur in executive session; to require certain actions for certain compromises or settlements; 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)(2) is hereby amended and reenacted and R.S. 24:653(H)(3) is hereby enacted to read as follows:

§653. Duties and functions

\* \* \*

H.(1)

\* \* \*

(2) No attorney representing the state or any of its departments or agencies or any of its employees entitled to indemnification under R.S. 13:5108.1 shall sign any compromise or settlement which obligates the state to pay ~~more than one million dollars~~ **five hundred thousand dollars or more** without prior consultation with the attorney general and the members of the litigation subcommittee ~~of the Joint Legislative Committee on the Budget.~~ **The consultation with the members of the litigation subcommittee shall occur in executive session.**

**(3)(a) At the request of the litigation subcommittee, any department, agency, board, commission, educational institution, or other state entity entitled to indemnification by the state or any employer of an employee entitled to indemnification under R.S. 13:5108.1 shall report on any corrective measures**

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  
25 administration, or any office with similar responsibilities of any municipality or  
26 parish; or to any pending claims relating to loss reserves maintained or established  
27 by the office of risk management, division of administration, or any office with  
28 similar responsibilities of any municipality or parish, for any claims or for losses  
29 incurred but not reported; however, this Chapter shall be applicable to reserves as  
30 reported in the financial statement of the office of risk management, division of

1 administration, or any municipality or parish. Nothing in this Paragraph shall be  
 2 construed or interpreted in a manner as to prevent or inhibit in any manner the  
 3 chairman and vice chairman of the Joint Legislative Committee on the Budget and  
 4 the litigation subcommittee of the Joint Legislative Committee on the Budget from  
 5 obtaining dollar amounts billed by and paid to contract attorneys and experts in  
 6 defense of claims against the state that the chairman or vice chairman, or the  
 7 subcommittee determines is necessary to perform functions and duties relative to the  
 8 evaluation of performance or the determination of budget policy; however, no  
 9 legislator or any committee of the legislature shall disclose any confidential  
 10 information so obtained that would jeopardize or have a detrimental effect on the  
 11 litigating position of the state.

12 **(b) To any documentation or other information related to a closed**  
 13 **litigated claim that is provided by a state entity to the litigation subcommittee**  
 14 **of the Joint Legislative Committee on the Budget pursuant to R.S. 24:653(H)(3).**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_