

RÉSUMÉ DIGEST

ACT 291 (SB 129)

2023 Regular Session

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Existing law required 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. Provides that 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 one million dollars without prior consultation with the attorney general and the members of the litigation subcommittee.

New law retains existing law.

Prior law prohibited an attorney from representing the state or any department, agency or employee entitled to indemnification from signing any compromise or settlement obligations the state to pay more than one million dollars without prior consultation with the attorney general and members of the litigation subcommittee.

New law retains this prohibition but reduces the threshold requiring prior approval from one million dollars to \$500,000 or more. New law requires that the consultation with the litigation subcommittee occur in executive session.

New law requires that 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 is to report on corrective measures or actions taken to mitigate state risk provided the subcommittee determines a report is necessary after consideration of a compromise or settlement of litigation.

New law requires that receipt of the report requested under new law occur after the conclusion of the litigation and may require the indemnified state entity or employer of an indemnified employee to appear at one or more subcommittee meetings to discuss and report on corrective measures or actions.

Existing 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. 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 (ORM), division of administration, or similar records in the custody of any municipality or parish.

New law requires that information provided in executive session and documentation prepared or compiled is not subject to disclosure under the Public Records Law. Further provides that 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 is not subject to the Public Records Law.

Effective August 1, 2023.

(Amends R.S. 24:653(H)(2) and R.S. 44:4(15); adds R.S. 24:653(H)(3))