

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 874 by Representative Stuart Bishop

LEGISLATIVE OVERSIGHT: Requires annual and quarterly reports to the legislature regarding litigation instituted by a state agency

Synopsis of Senate Amendments

1. Changes the reporting requirements from monthly to quarterly.
2. Specifies that reports must contain the name of all parties appearing as plaintiffs and defendants at any time during the litigation rather than simply the party plaintiffs and party defendants.
3. Requires, in addition to the disclosure of other manners of compensation, the disclosure of any other arrangement relative to compensation including payment of compensation by a defendant.
4. Specifically includes Medicaid fraud and recovery cases filed by DHH which cases were previously excluded from reporting requirements.

Digest of Bill as Finally Passed by Senate

Proposed law institutes a litigation reporting requirement for the state and all state departments and offices, including offices and agencies thereof, collectively referred to as "agency".

More specifically, proposed law requires the head of each agency to make and publish an annual report to the legislature containing a list of all civil actions brought in a court of law by the agency as a named party plaintiff. Also requires the attorney general to make and publish an annual report to the legislature containing a list of all civil actions initiated by the state.

Proposed law defines "civil action" as any suit, action, or cause instituted in a court of law, exclusive of criminal matters, matters involving interstate compacts, actions to make executory the judgment or order of an adjudicatory body, and actions brought pursuant to present law (Enforcement of Foreign Judgments Act). Defines "court" or "court of law" as any court authorized by present constitution (Art. V of the Const. of La.).

Proposed law requires the annual report cover all lawsuits instituted, pending, or concluded during the preceding calendar year and requires the report to be submitted to the legislature one week before the convening of each annual legislative session. Requires each report to contain the following:

- (1) The names of all plaintiffs and defendants, the court and docket number, the cause of action, and the relief sought.
- (2) The current status of the case, including whether the case has been heard, whether there is a final judgment therein, whether the case has settled, and whether an appeal has been taken.
- (3) The names of all outside counsel representing the agency or the state and the agreement with the agency or the state and any other arrangement for compensation.

Proposed law also requires the filing of a quarterly, electronic mail report to the David R. Poynter Legislative Research Library. The report must list all civil actions filed by an agency

since the last report, must contain a uniform resource locator (URL) link to the petition, and requires the agency to maintain the URL for a minimum of one year.

Proposed law generally applies to civil actions filed by the state or state agencies listed in proposed law, but provides exceptions for the following types of matters: lawsuits brought pursuant to the Louisiana Children's Code; cases involving the Motor Vehicle Safety Responsibility Law (compulsory motor vehicle insurance); cases brought by the Dept. of Revenue to collect less than \$10,000 of state taxes owed; cases brought for wildlife and fisheries' class one violations; and cases involving recovery of unemployment insurance payments and workers' compensation fraud.

Effective July 1, 2014.

(Adds R.S. 36:8.1)