

2021 Regular Session

HOUSE BILL NO. 367

BY REPRESENTATIVE MCKNIGHT

APPROPRIATIONS/JUDGMENT: Appropriates funds for payment of the consent judgment against the state in the suit entitled David L. Ocmand et al. v. Town of Brusly et al. c/w Louisiana Farm Bureau Casualty Insurance Company v. the State of Louisiana c/w State Farm Mutual Automobile Insurance Com. v. the State of Louisiana

1 AN ACT

2 To appropriate monies out of the state general fund for Fiscal Year 2020-2021 to be used to
3 pay the consent judgment captioned "David L. Ocmand and Linda C. Ocmand versus
4 Town of Brusly and the State of Louisiana, through the Department of
5 Transportation consolidated with Louisiana Farm Bureau Casualty Insurance
6 Company versus the State of Louisiana, through the Department of Transportation
7 consolidated with State Farm Mutual Automobile Insurance Com. versus the State
8 of Louisiana, through the Department of Transportation" between the state of
9 Louisiana, through the Department of Transportation and Development, and
10 Louisiana Farm Bureau Casualty Insurance Company; to provide certain
11 requirements and limitations; to provide for an effective date; and to provide for
12 related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. The sum of seventeen thousand dollars and No/100 (\$17,000) is hereby
15 payable out of the State General Fund (Direct) for Fiscal Year 2020-2021 for the payment
16 of the consent judgment captioned,"David L. Ocmand and Linda C. Ocmand versus Town
17 of Brusly and the State of Louisiana, through the Department of Transportation consolidated
18 with Louisiana Farm Bureau Casualty Insurance Company versus the State of Louisiana,
19 through the Department of Transportation consolidated with State Farm Mutual Automobile

1 Insurance Com. versus the State of Louisiana, through the Department of Transportation",
2 signed on February 4, 2020, between the state of Louisiana, through the Department of
3 Transportation and Development, and Louisiana Farm Bureau Casualty Insurance Company,
4 bearing Numbers 1042602, Div. "A", 1042912, Div. "A", and 1042919 Div. "D" on the
5 docket of the Eighteenth Judicial District Court, parish of West Baton Rouge, state of
6 Louisiana.

7 Section 2. The judgment may only be paid from this appropriation if it is final and
8 shall be paid as to principal, interest, court costs, and expert witness fees as awarded in the
9 judgment. If the provisions of the judgment conflict with the provisions of this Act, the
10 provisions of the judgment shall be controlling. Any other provision of this Act not in
11 conflict with the provisions of the judgment shall control. Payment shall be made only after
12 presentation to the state treasurer of documentation required by the state treasurer. Further,
13 the judgment shall be deemed to have been paid on the effective date of this Act, and interest
14 shall cease to run as of that date.

15 Section 3. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 367 Original

2021 Regular Session

McKnight

Appropriates \$17,000 out of the State General Fund (Direct) for FY 20-21 for payment of the consent judgment captioned "David L. Ocmand and Linda C. Ocmand versus Town of Brusly and the State of Louisiana, through the Department of Transportation consolidated with Louisiana Farm Bureau Casualty Insurance Company versus the State of Louisiana, through the Department of Transportation consolidated with State Farm Mutual Automobile Insurance Com. versus the State of Louisiana, through the Department of Transportation" between the state of La., through the Department of Transportation and Development, and La. Farm Bureau Casualty Insurance Company, bearing Number 1042602, Div. "A" c/w 1042912, Div. "A" c/w 1042919 Div. "D" on the docket of the 18th JDC, parish of West Baton Rouge, state of La.

Proposed law provides requirements for payment from the state treasury. Provides contingencies in case of conflict between judgment and proposed law. Prohibits accrual of interest on the judgment as of the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.