

2021 Regular Session

HOUSE BILL NO. 431

BY REPRESENTATIVE JAMES

APPROPRIATIONS/JUDGMENT: Appropriates funds for payment of the consent judgment against the state in the suit entitled Adam Fitzgerald et al. v. Andrew Scott Barker et al. c/w Reaka Windham v. Liberty Mutual et al.

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 "Adam Fitzgerald, et al. versus Andrew Scott
4 Barker, et al consolidated with Reaka Windham versus Liberty Mutual, et al.
5 Louisiana" between the state of Louisiana, through the Department of Transportation
6 and Development, and Adam Fitzgerald, Robert L. Fitzgerald, and Germaine G.
7 Fitzgerald; to provide for certain requirements and limitations; to provide an
8 effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The sum of One Hundred Ninety-Five Thousand and No/100 (\$195,000)
11 Dollars is hereby payable out of the State General Fund (Direct) for Fiscal Year 2020-2021
12 for payment of the consent judgment captioned "Adam Fitzgerald, et al. versus Andrew Scott
13 Barker, et al consolidated with Reaka Windham versus Liberty Mutual, et al., Louisiana",
14 signed on April 24, 2020, between the state of Louisiana, through the Department of
15 Transportation and Development, and Adam Fitzgerald, Robert L. Fitzgerald, and Germaine
16 G. Fitzgerald bearing Numbers 61,118-A and 61,133-B, on the docket of the Eighteenth
17 Judicial District Court, parish of Iberville, state of Louisiana.

18 Section 2. The judgment may only be paid from this appropriation if it is final and
19 shall be paid as to principal, interest, court costs, and expert witness fees as awarded in the
20 judgment. If the provisions of the judgment conflict with the provisions of this Act, the

1 provisions of the judgment shall be controlling. Any other provision of this Act not in
2 conflict with the provisions of the judgment shall control. Payment shall be made only after
3 presentation to the state treasurer of documentation required by the state treasurer. Further,
4 the judgment shall be deemed to have been paid on the effective date of this Act, and interest
5 shall cease to run as of that date.

6 Section 3. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 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 431 Original

2021 Regular Session

James

Appropriates \$195,000 out of the State General Fund (Direct) for FY 2020-2021 for payment of the consent judgment captioned "Adam Fitzgerald, et al. versus Andrew Scott Barker, et al consolidated with Reaka Windham versus Liberty Mutual, et al., Louisiana", signed on April 24, 2020, between the state of Louisiana, through the Department of Transportation and Development, and Adam Fitzgerald, Robert L. Fitzgerald, and Germaine G. Fitzgerald bearing Numbers 61,118-A and 61,133-B, on the docket of the Eighteenth Judicial District Court, parish of Iberville.

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.