

2022 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE BOURRIAQUE

APPROPRIATIONS/JUDGMENT: Appropriates funds for payment of a judgment against the state in the suit entitled Victoria Roach v. State of La. et al. consolidated with Michael Lee McVey and Norma Cheryl McVey v. State of La. et al.

1 AN ACT

2 To appropriate monies out of the state general fund for Fiscal Year 2021-2022 to be used to  
3 pay the amended judgment captioned "Victoria Roach v. State of Louisiana, Dept.  
4 of Transportation and Development, et al consolidated with Michael Lee McVey and  
5 Norma Cheryl McVey v. State of Louisiana, Department of Transportation and  
6 Development, Allstate Insurance Company, State Farm Mutual Automobile  
7 Insurance Company and Ryan A. Adams" against the state of Louisiana, through the  
8 Department of Transportation and Development and in favor of Victoria Roach, and  
9 against the state of Louisiana, through the Department of Transportation and  
10 Development and in favor of Michael Lee McVey and Norma Cheryl McVey; to  
11 provide for certain requirements and limitations; to provide for interest; to provide  
12 for expenses and expert witness fees; to provide for court costs; to provide for an  
13 effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. The sum of Seven Hundred Ninety-Four Thousand, Seven Hundred  
16 Twenty and 79/100 (\$794,720.79) Dollars plus applicable interest is hereby payable out of  
17 the State General Fund (Direct) for Fiscal Year 2021-2022 for payment of the amended  
18 judgment captioned "Victoria Roach v. State of Louisiana, Dept. of Transportation and  
19 Development, et al consolidated with Michael Lee McVey and Norma Cheryl McVey v.  
20 State of Louisiana, Department of Transportation and Development, Allstate Insurance

1 Company, State Farm Mutual Automobile Insurance Company and Ryan A. Adams", signed  
2 on September 17, 2019, bearing Number 2014-4275, Division "D" consolidated with 2014-  
3 4289, Division "D", on the docket of the Fourteenth Judicial District Court, parish of  
4 Calcasieu, state of Louisiana as amended by the Court of Appeal for the Third Circuit on  
5 September 22, 2021.

6 Section 2. Of the amount appropriated in Section 1 of this Act, an amount equal to  
7 the sum of Two Hundred and One Thousand Two Hundred Fifty-Five and No/100  
8 (\$201,255.00) Dollars is payable for damages, plus the sum of Forty-Five Thousand, Three  
9 Hundred and Fifty-Four and 30/100 (\$45,354.30) Dollars for expenses and expert witness  
10 fees, plus the sum of Nine Thousand Two Hundred and Sixty and No/100 (\$9,260.00)  
11 Dollars for court costs, plus interest on the sums from the date of judicial demand until paid  
12 as provided by law and the judgment, is hereby payable for the portion of the amended  
13 judgment against the state of Louisiana, through the Department of Transportation and  
14 Development, and in favor of Victoria Roach.

15 Section 3. Of the amount appropriated in Section 1 of this Act, an amount equal to  
16 the sum of Five Hundred and Four Thousand and No/100 (\$504,000.00) Dollars for  
17 damages, plus the sum of Thirty-One Thousand Eight Hundred Ninety and 59/100  
18 (\$31,890.59) Dollars for expenses and expert witness fees, plus the sum of Two Thousand  
19 Nine Hundred and Sixty Dollars and 90/100 (\$2,960.90) Dollars for court costs, plus interest  
20 on the sums from the date of judicial demand until paid as provided by law and the  
21 judgment, is hereby payable for the portion of the amended judgment against the state of  
22 Louisiana, through the Department of Transportation and Development, and in favor of  
23 Michael McVey and Norma McVey.

24 Section 4. A judgment may only be paid from this appropriation if it is final and shall  
25 be paid as to principal, court costs, and expert witness fees as awarded in the judgment.  
26 Interest shall be paid as provided by law and awarded in the judgment. If the provisions of  
27 the judgment conflict with the provisions of this Act, the provisions of the judgment shall  
28 be controlling. Any other provision of this Act not in conflict with the provisions of the  
29 judgment shall control. Payment shall be made only after presentation to the state treasurer  
30 of documentation required by the state treasurer. Further, the judgment shall be deemed to

1 have been paid on the effective date of this Act, and interest shall cease to run as of that date.

2 Section 5. This Act shall become effective upon signature by the governor or, if not  
3 signed by the governor, upon expiration of the time for bills to become law without signature  
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
6 effective on the day following such approval.

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#### 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)]

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HB 218 Original

2022 Regular Session

Bourriaque

Appropriates \$255,869.30, plus applicable interest, out of the State General Fund (Direct) for FY 21-22 for payment of the amended judgment captioned "Victoria Roach v. State of Louisiana, Dept. of Transportation and Development, et al consolidated with Michael Lee McVey and Norma Cheryl McVey v. State of Louisiana, Department of Transportation and Development, Allstate Insurance company, State Farm Mutual Automobile Insurance Company and Ryan A. Adams", against the state of Louisiana, through Department of Transportation and Development, and in favor of Victoria Roach, bearing Number 2014-4275, Division "D" consolidated with 2014-4289, Division "D", on the docket of the Fourteenth Judicial District Court, parish of Calcasieu.

Appropriates \$538,851.49, plus applicable interest, out of the State General Fund (Direct) for FY 21-22 for payment of the amended judgment captioned "Victoria Roach v. State of Louisiana, Dept. of Transportation and Development, et al consolidated with Michael Lee McVey and Norma Cheryl McVey v. State of Louisiana, Department of Transportation and Development, Allstate Insurance company, State Farm Mutual Automobile Insurance Company and Ryan A. Adams", against the state of Louisiana, through Department of Transportation and Development, and in favor of Michael and Norma McVey, bearing Number 2014-4275, Division "D" consolidated with 2014-4289, Division "D", on the docket of the Fourteenth Judicial District Court, parish of Calcasieu.

Proposed law provides relative to payment. Provides relative to conflicts between the judgment and proposed law. Prohibits accrual of interest on the judgment as of the effective date of proposed law.

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