

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 129

2023 Regular Session

Cloud

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

LEGISLATIVE COMMITTEES. Requires certain state entities to report corrective actions taken to mitigate state risk exposure upon request of the litigation subcommittee of the Joint Legislative Committee on the Budget. (8/1/23)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Make technical changes.
2. Adds provisions for prior approval of indemnification comprises or settlements of \$500,000 or more.
3. Adds provisions for the litigation subcommittee to request information as to corrective actions taken to mitigate state risk exposure.
4. Provides for exemption from Public Records Law of certain information regarding corrective actions.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 129 Reengrossed

2023 Regular Session

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Present law requires 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 \$1,000,000 without prior consultation with the attorney general and the members of the litigation subcommittee.

Proposed law retains present law.

Present law prohibits 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.

Proposed law retains this prohibition but reduces the threshold requiring prior approval from \$1 million to \$500,000 or more. Proposed law requires that the consultation with the litigation subcommittee occur in executive session.

Proposed 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.

Proposed law requires that receipt of the report requested under proposed 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.

Present 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.

Proposed 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.

Effective August 1, 2023.

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

Thomas L. Tyler
Senate Counsel