

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

LEGISLATIVE OVERSIGHT. Requires annual and quarterly reports to the legislature regarding litigation instituted by a state agency (7/1/14)

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DIGEST

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.

Proposed law also requires the filing of a quarterly, electronic mail report to the David R. Poynter Legislative Research Library on or before the fourth Monday of every month. The quarterly 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; Medicaid fraud and recovery cases; 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)

## Summary of Amendments Adopted by House

### Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Adds the office of the lieutenant governor to the list of agencies covered by proposed law.
2. Adds provisions to define "court" or "court of law" as any court authorized by Article V of the Const. of La.
3. Removes provisions expressly excluding matters that come before an administrative law judge from the definition of "civil action".
4. Requires the agreement of the agency or the attorney general relative to representation by outside counsel to be included in the report instead of requiring the "monetary agreement" to be included.

### House Floor Amendments to the engrossed bill.

1. Clarifies that the listed departments and offices include the department themselves and offices and agencies thereof.
2. Provides that the initial annual report must be submitted to the legislature one week prior to the 2015 R.S. and is to include the reporting period of all of 2014.
3. Adds a monthly reporting requirement and specifies that the monthly report is to be submitted. Further provides that the initial monthly report be submitted on July 28, 2014, and cover the reporting period of July 1, 2014, through July 27, 2014.
4. Adds an effective date of July 1, 2014.

## Summary of Amendments Adopted by Senate

### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the reengrossed bill

1. Changes filing requirements of reports by the head of each agency and the attorney general from monthly to quarterly.