

2021 Regular Session

HOUSE BILL NO. 552

BY REPRESENTATIVE MARCELLE

APPROPRIATIONS/JUDGMENT: Appropriates funds for payment of the amended non-appealable judgment by consent against the state in the suit entitled Mitchell Johnson, Jr. v. State of Louisiana et al. c/w David Lanus et al. v. State of Louisiana 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 amended non-appealable judgment by consent captioned "Mitchell Johnson,
4 Jr. versus state of Louisiana through the Department of Transportation and
5 Development, et al. consolidated with Davis Lanus, et al. versus state of Louisiana,
6 through the Department of Transportation and Development, et al." against the state
7 of Louisiana, through the Department of Transportation and Development and in
8 favor of Mitchell Johnson, Jr., and against the state of Louisiana, through the
9 Department of Transportation and Development and in favor of David and Shayla
10 Lanus; to provide for certain requirements and limitations; to provide for an effective
11 date; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. The sum of Three Hundred Seventy-Five Thousand Two Hundred Eighty-
14 Six and No. 46/100 (\$375,286.46) dollars for general damages and past and future lost wages
15 and past medical expenses, plus interest on the sum from the date of judicial demand until
16 paid, is hereby payable out of the State General Fund (Direct) for Fiscal Year 2020-2021 for
17 payment of the amended non-appealable judgment by consent captioned "Mitchell Johnson,
18 Jr. versus state of Louisiana through the Department of Transportation and Development,
19 et al. consolidated with Davis Lanus, et al. versus state of Louisiana, through the Department
20 of Transportation and Development, et al.", signed on March 12, 2020, against the state of

1 Louisiana, through the Department of Transportation and Development and Mitchell
2 Johnson, Jr., bearing Number 111.837, Division "A" consolidated with 111.948 Division
3 "D", on the docket of the Twenty-Third Judicial District Court, parish of Ascension, state
4 of Louisiana.

5 Section 2. A sum of up to Thirty-Two Thousand Nine Hundred Forty-Four and No.
6 68/100 (\$32,944.68) dollars awarded to Mitchell Johnson, Jr. in the judgment for future
7 medical care and related benefits shall be payable from the Future Medical Care Fund
8 pursuant to R.S. 39:1533.2.

9 Section 3. The sum of One Million Two Hundred Forty-One Thousand Three
10 Hundred Forty-Nine and No. 40/100 (\$1,241,349.40) dollars for certain damages and
11 medical expenses, plus interest on the sum from the date of judicial demand until paid, is
12 hereby payable out of the State General Fund (Direct) for Fiscal Year 2020-2021 for
13 payment of the amended non-appealable judgment by consent captioned "Mitchell Johnson,
14 Jr. versus state of Louisiana through the Department of Transportation and Development,
15 et al. consolidated with Davis Lanus, et al. versus state of Louisiana, through the Department
16 of Transportation and Development, et al.", signed on March 12, 2020, against the state of
17 Louisiana, through the Department of Transportation and Development and in favor of
18 David and Shayla Lanus, bearing Number 111.837, Division "A" consolidated with 111.948
19 Division "D", on the docket of the Twenty-Third Judicial District Court, parish of
20 Ascension, state of Louisiana.

21 Section 4. The judgment may only be paid from this appropriation if it is final and
22 shall be paid as to principal, interest, court costs, and expert witness fees as awarded in the
23 judgment. If the provisions of the judgment conflict with the provisions of this Act, the
24 provisions of the judgment shall be controlling. Any other provision of this Act not in
25 conflict with the provisions of the judgment shall control. Payment shall be made only after
26 presentation to the state treasurer of documentation required by the state treasurer. Further,
27 the judgment shall be deemed to have been paid on the effective date of this Act, and interest
28 shall cease to run as of that date.

29 Section 5. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 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 552 Original

2021 Regular Session

Marcelle

Appropriates \$375,286.46 out of the State General Fund (Direct) for FY 20-21 for payment of the amended non-appealable judgment by consent captioned "Mitchell Johnson, Jr. versus state of Louisiana through the Department of Transportation and Development, et al. consolidated with Davis Lanus, et al. versus state of Louisiana, through the Department of Transportation and Development, et al.", against the state of Louisiana, through Department of Transportation and Development, and in favor of Mitchell Johnson, Jr., bearing Number 111.837, Division "A" consolidated with 111.948 Division "D", on the docket of the Twenty-Third Judicial District Court, parish of Ascension, state of Louisiana.

Appropriates up to \$32,944.68 for future medical care from the Future Medical Care Fund pursuant to R.S. 39:1533.2 to Mitchell Johnson, Jr.

Appropriates \$1,241,349.40 out of the State General Fund (Direct) for FY 20-21 for payment of the amended non-appealable judgment by consent captioned "Mitchell Johnson, Jr. versus state of Louisiana through the Department of Transportation and Development, et al. consolidated with Davis Lanus, et al. versus state of Louisiana, through the Department of Transportation and Development, et al.", against the state of Louisiana, through Department of Transportation and Development, and in favor of David and Shayla Lanus, bearing Number 111.837, Division "A" consolidated with 111.948 Division "D", on the docket of the Twenty-Third Judicial District Court, parish of Ascension, state of Louisiana.

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 the governor.