

2023 Regular Session

HOUSE BILL NO. 404

BY REPRESENTATIVE ROBBY CARTER

APPROPRIATIONS/JUDGMENT: Appropriates funds for payment of the consent judgments against the state in the consolidated actions entitled Canella et al. v Oliver et al. consolidated with Troy V. Canella v Oliver et al.

1 AN ACT

2 To appropriate monies out of the state general fund for Fiscal Year 2022-2023 to be used to
3 pay the consent judgments captioned "Brad Canella & Travis Canella versus Herman
4 Oliver & State of Louisiana through the Department of Transportation and
5 Development consolidated with Troy V. Canella versus Herman Oliver and State of
6 Louisiana through the Department of Transportation and Development" between the
7 state of Louisiana, through the Department of Transportation and Development, and
8 Brad Canella, Travis Canella, and Troy Canella; to provide for an effective date; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The sum of One Hundred Seventy-Five Thousand Twenty-Eight and
12 No/100 (\$175,028) Dollars is hereby payable out of the State General Fund (Direct) for
13 Fiscal Year 2022-2023 for payment of the following consent judgments:

14 (A) Of the amount appropriated herein, an amount equal to Fifty-Nine
15 Thousand Six Hundred Sixty and No/100 (\$59,660) Dollars is hereby payable to
16 Brad Canella for payment of the consent judgment captioned "Brad Canella & Travis
17 Canella versus Herman Oliver & State of Louisiana through the Department of
18 Transportation and Development consolidated with Troy V. Canella versus Herman
19 Oliver and State of Louisiana through the Department of Transportation and
20 Development", signed on February 1, 2023, between the state of Louisiana, through

1 the Department of Transportation and Development, and Brad Canella, bearing
2 Number 1046201, Section C, on the docket of the Eighteenth Judicial District, parish
3 of West Baton Rouge; Travis Canella, bearing Number 1046201, Section C, on the
4 docket of the Eighteenth Judicial District, parish of West Baton Rouge, state of
5 Louisiana.

6 (B) Of the amount appropriated herein, an amount equal to Fifty-Six
7 Thousand Four Hundred Thirty Eight and No/100 (\$56,438) Dollars is hereby
8 payable to Travis Canella for payment of the consent judgment captioned "Brad
9 Canella & Travis Canella versus Herman Oliver & State of Louisiana through the
10 Department of Transportation and Development consolidated with Troy V. Canella
11 versus Herman Oliver and State of Louisiana through the Department of
12 Transportation and Development", signed on February 3, 2023, between the state of
13 Louisiana, through the Department of Transportation and Development, and Travis
14 Canella, bearing Number 1046201, Section C, on the docket of the Eighteenth
15 Judicial District, parish of West Baton Rouge, state of Louisiana.

16 (C) Of the amount appropriated herein, an amount equal to Fifty-Eight
17 Thousand Nine Hundred Thirty and No/100 (\$58,930) is hereby payable to Troy
18 Canella for payment of the consent judgment captioned "Brad Canella & Travis
19 Canella versus Herman Oliver & State of Louisiana through the Department of
20 Transportation and Development consolidated with Troy V. Canella versus Herman
21 Oliver and State of Louisiana through the Department of Transportation and
22 Development", signed on February 13, 2023, between the state of Louisiana, through
23 the Department of Transportation and Development, and Troy Canella, bearing
24 Number 1047726, Division B, on the docket of the Eighteenth Judicial District,
25 parish of West Baton Rouge, state of Louisiana.

26 Section 2. A judgment may only be paid from this appropriation if it is final and
27 shall be paid as to principal, interest, court costs, and expert witness fees as awarded in the
28 judgment. If the provisions of the judgment conflict with the provisions of this Act, the
29 provisions of the judgment shall be controlling. Any other provision of this Act not in
30 conflict with the provisions of the judgment shall control. Payment shall be made only after

1 presentation to the state treasurer of documentation required by the state treasurer. Further,
2 the judgment shall be deemed to have been paid on the effective date of this Act, and interest
3 shall cease to run as of that date.

4 Section 3. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 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 404 Original

2023 Regular Session

Robby Carter

Appropriates \$175,028 out of the State General Fund (Direct) for FY 2022-2023 for payment of the following consent judgments against the state through the Dept. of Transportation and Development (DOTD):

- (1) An amount equal to \$59,660 is payable to Brad Canella for payment of the consent judgment captioned "Brad Canella & Travis Canella versus Herman Oliver & State of Louisiana through the Department of Transportation and Development consolidated with Troy V. Canella versus Herman Oliver and State of Louisiana through the Department of Transportation and Development", signed on February 1, 2023, between the state of Louisiana, through DOTD, and Brad Canella, bearing Number 1046201, Section C, on the docket of the 18th Judicial District, parish of West Baton Rouge.
- (2) An amount equal to \$56,438 is payable to Travis Canella for payment of the consent judgment captioned "Brad Canella & Travis Canella versus Herman Oliver & State of Louisiana through the Department of Transportation and Development consolidated with Troy V. Canella versus Herman Oliver and State of Louisiana through the Department of Transportation and Development", signed on February 3, 2023, between the state of Louisiana, through DOTD, and Travis Canella, bearing Number 1046201, Section C, on the docket of the 18th Judicial District, parish of West Baton Rouge, state of Louisiana.
- (3) An amount equal to \$58,930 is payable to Troy Canella for payment of the consent judgment captioned "Brad Canella & Travis Canella versus Herman Oliver & State of Louisiana through the Department of Transportation and Development consolidated with Troy V. Canella versus Herman Oliver and State of Louisiana through the Department of Transportation and Development", signed on February 13, 2023, between the state of Louisiana, through DOTD, and Troy Canella, bearing Number 1047726, Division B, on the docket of the Eighteenth Judicial District, parish of West Baton Rouge, state of Louisiana.

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 governor or lapse of time for gubernatorial action.