

GREEN SHEET REDIGEST

HB 64

2025 Regular Session

Mike Johnson

ATTORNEY GENERAL: Provides relative to legal representation of sovereign interests of the state

DIGEST

Present law (U.S. Const. Amend. X) provides that the powers not delegated to the states by the U.S. Const., nor prohibited by it to the states, are reserved to the states or to the people.

Present law (R.S. 42:265) provides that the governor may require and direct the attorney general to render any special services to any police jury or other parish governing authority or to various other political subdivisions in any matter.

Proposed law provides that nothing in present law shall limit the authority of the attorney general, as she deems appropriate, to render such special services or assume full charge and control of all legal proceedings relating to such matters.

Present law provides that special counsel shall be employed to preserve and protect the powers reserved to the state by the 10th amendment to the U.S. Const., by means of the institution of suits in the name of the state to prevent any governmental agency from exercising in this state any power not delegated to the U.S. by the constitution.

Proposed law provides that it is a declared interest of the state that the attorney general preserve and defend the state's autonomy, independence, and sovereignty in all legal matters and disputes involving the federal government.

Proposed law provides that the state's sovereign interests refer to any matter, concern, or situation that directly or indirectly affects the status or rights of the state and its citizens.

Proposed law provides that the attorney general shall have the authority to institute, defend, or intervene in any suit to protect the sovereign interests of the state.

Proposed law provides that the attorney general may, in her name or through special counsel, represent the state and all departments and agencies of state government, state boards and commissions, state officials and employees, and any other state institution, as well as any local political subdivisions created by the La. Const. or state law, in order to preserve, protect, and defend the interests of the state.

Proposed law provides that whenever the state, any state institution, or a local political subdivision receives a notice, claim, or demand made by a federal agency or any notice, claim, or demand made by any party in litigation which seeks to impose continuing federal court jurisdiction over any state institution, or any local political subdivision, such entity or political subdivision shall immediately notify the governor and the attorney general by providing a copy of such notice, claim, or demand within 30 days of receipt of the notice, claim, or demand. Proposed law further requires the entity to notify all parties and the court of the statutory right of the attorney general to intervene and shall seek a 60-day stay of the litigation to provide notice and provide the attorney general time to intervene.

Proposed law provides that neither the state nor any department, agency, board, commission, institution, or local political subdivision may enter into a judgment by consent in federal court without the approval of the attorney general and the governor when the proposed judgment creates, establishes, or imposes injunctive relief, enforceable through continuing oversight by the federal court, with future binding conditions or obligations that exceed 60 days to effect the settlement. Proposed law shall not require consent by the attorney general or the governor if the agreement settles litigation without creating future obligations requiring continuing federal judicial oversight. Proposed law provides that any agreement that contains an obligation that exceeds the consenting party's term of office, as a matter of public policy of this state, shall be considered unenforceable against the governmental entity or successor official and an ultra vires act. or establishes.

Proposed law provides that the provisions of proposed law shall apply to any pending consent decree or any judgment that imposes continuing jurisdiction of any court over the state or any state department, board, commission, or other institution, or any local political subdivision created by the La. Const. or state law, including but not limited to school boards and charters, or any public official or employee thereof.

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

(Amends R.S. 42:265 and R.S. 49:21)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Add that proposed law does not require consent by the attorney general or the governor if the agreement settles litigation without creating future obligations requiring continuing federal judicial oversight.
2. Add that any agreement containing an obligation that exceeds the consenting party's term of office will be considered unenforceable against the governmental entity or successor official and an ultra vires act.
3. Make technical changes.