

2026 Regular Session

HOUSE BILL NO. 763

BY REPRESENTATIVE BILLINGS

PUBLIC RECORDS: Provides for a public Settlement Agreement Information Database to contain certain information regarding settlements entered into by state agencies

1 AN ACT

2 To enact R.S. 39:16.16, relative to the reporting of settlements in certain legal actions; to
3 provide relative to the powers and duties of the commissioner of administration; to
4 provide for definitions; to provide for the information to be included on the website;
5 to provide relative to information required on and timing of reports; to provide for
6 exclusions; to provide for nondisclosure of certain information in certain
7 circumstances; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:16.16 is hereby enacted to read as follows:

10 §16.16. Duties of the commissioner relative to the settlement agreement database

11 A. As used in this Section, the term "settlement agreement" means a final
12 document evidencing a compromise of a legal action related to an alleged violation
13 of federal or state law that is entered into by a state agency. The term shall include
14 a consent decree.

15 B. The commissioner shall ensure the website includes a settlement database.

16 For each settlement agreement, the database shall include each of the following:

- 17 (1) The date the settlement agreement became final.
- 18 (2) A description of the claims settled pursuant to the agreement.
- 19 (3) The total amount the settling parties are obligated to pay pursuant to the
20 agreement and an itemization of each of the following:

1 (a) The amount of attorney fees and other litigation costs awarded, if any,
2 including a citation to the legal basis for such award.

3 (b) The amount, if any, each settling party is obligated to pay that is
4 expressly specified in the agreement as a civil or criminal penalty or fine.

5 (c) The amount of each award specified in the agreement that is not
6 otherwise covered by this Paragraph.

7 (4) Conditions for termination of the agreement, if applicable.

8 (5) A brief description of any economic data and methodology used to justify
9 the terms of the agreement.

10 (6) Any modifications to the settlement agreement, if applicable.

11 (7) A copy of the agreement or a statement of confidentiality pursuant to
12 Subsection C of this Section, as applicable.

13 C.(1) The requirement to submit information about a settlement agreement
14 or a copy of a settlement agreement pursuant to the provisions of this Section shall
15 not apply to the extent the information or the settlement agreement is exempt from
16 disclosure pursuant to Public Records Law.

17 (2) If the administrative head of the state agency that is a party to the
18 settlement agreement determines that the Public Records Law prohibits disclosure
19 of all or part of the agreement or that the sealing of a settlement agreement is
20 required to protect the public interest, he shall execute a written statement of
21 confidentiality that contains at least one of the following:

22 (a) A citation to the Public Records Law exception invoked for that
23 agreement.

24 (b) A statement as to why withholding the information or agreement is
25 required to protect the public interest, which shall explain what interests are being
26 protected and why those interests outweigh the public's interest in knowing about the
27 settlement and the expenditure of state resources pursuant to that settlement.

28 D. Each state agency shall provide the information required pursuant to the
29 provisions of this Section for each settlement agreement entered into by that agency

Proposed law requires each state agency to enter information into the database for each settlement agreement entered into on or after Jan. 1, 2027, including but not limited to:

- (1) The date the settlement agreement became final.
- (2) A description of the claims settled pursuant to the agreement.
- (3) The total amount the settling parties are obligated to pay pursuant to the agreement and an itemization of the amount of attorney fees and other litigation costs awarded, if any and the amount, if any, of any civil or criminal penalty or fine listed in the settlement agreement.
- (4) A copy of the agreement or a statement of confidentiality.

Proposed law authorizes a state agency to exempt disclosure of any or all of the settlement agreement information if certain conditions are met. Requires the administrative head of the state agency that is a party to the settlement agreement to execute a written statement of confidentiality that contains either a citation to the Public Records Law exception invoked for that agreement or a statement as to why withholding the information or agreement is required to protect the public interest.

Proposed law requires the information to be entered into the public database within 90 days of the settlement agreement becoming final and for each agreement to remain available on the website for five years from the later of the date of initial entry in the database or the last date the entry was modified by the state agency.

Proposed law authorizes the commissioner to promulgate rules pursuant to the Administrative Procedure Act for implementation and administration of proposed law.

Requires the commissioner to ensure the database established pursuant to proposed law is operative by Dec. 31, 2026.

Provisions relative to establishment of the database effective upon signature of governor or lapse of time for gubernatorial action. All other provisions effective Jan. 1, 2027.

(Adds R.S. 39:16.16)