



**LOUISIANA STATE LAW INSTITUTE**

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February 24, 2026

Senator Cameron Henry  
President of the Senate  
P.O. Box 94183  
Baton Rouge, Louisiana 70804

**RE: SENATE RESOLUTION NOS. 158 AND 174 OF THE 2025 REGULAR  
SESSION**

Dear Mr. President:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to the Louisiana Governmental Claims Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge".

Guy Holdridge  
Director

GH/puc  
Enclosure

cc: Senator Franklin Foil

email cc: David R. Poynter Legislative Research Library  
[drplibrary@legis.la.gov](mailto:drplibrary@legis.la.gov)

Secretary of State, Ms. Nancy Landry  
[admin@sos.louisiana.gov](mailto:admin@sos.louisiana.gov)

**LOUISIANA STATE LAW INSTITUTE  
TORTS AND INSURANCE COMMITTEE**

**INTERIM REPORT IN RESPONSE TO SENATE RESOLUTION  
NOS. 158 AND 174 OF THE 2025 REGULAR SESSION**

**Relative to the Louisiana Governmental Claims Act**

Prepared for the  
Louisiana Legislature on

**February 24, 2026**

Baton Rouge, Louisiana

# LOUISIANA STATE LAW INSTITUTE TORTS AND INSURANCE COMMITTEE

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Donald W. Price, Chair  
William R. Corbett, Reporter  
Thomas C. Galligan, Jr., Reporter

Nick Kunkel, Staff Attorney

SENATE RESOLUTION NO. 158

BY SENATOR FOIL

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and recommend legislation relative to the Louisiana Governmental Claims Act, any provisions of the Code of Civil Procedure or Civil Code Ancillaries related thereto, and other provisions of law relative to claims against the state and the administration thereof, and to submit a report of its findings, recommendations and proposed legislation to the legislature no later than March 1, 2026.

WHEREAS, R.S. 13:5151 et seq., provides for the substantive law and certain procedures for suits in contract or for injury to person or property against the state, political subdivisions, officers and employees and others arising out of the discharge of official duties or within the course and scope of employment; and

WHEREAS, various provisions of the Code of Civil Procedure and Civil Code Ancillaries contain, or may contain, provisions affecting the effect or implementation of the Louisiana Governmental Claims Act; and

WHEREAS, R.S. 39:1527 et seq., provides for the administration of certain claims against the state based upon the Louisiana Governmental Claims Act; and

WHEREAS, neither the Louisiana Governmental Claims Act nor the provisions of law relative to risk management nor any ancillary provisions of law that impact the application of the Louisiana Governmental Claims Act have been reviewed on a comprehensive basis for many years; and

WHEREAS, given that from time to time amendments have been made to these statutes and various judicial decisions rendered, it is appropriate to review, and as may be desirable, amend the relevant statutes to comport with the intent of the Louisiana Legislature; and

WHEREAS, the Louisiana State Law Institute has the capability and expertise to study and make recommendations for potential changes to these statutes.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and recommend legislation to revise and amend the substantive and procedural law for asserting claims against the state and its political subdivisions as well as officers and employees acting in course and scope of their employment and for the administration of claims covered by the state risk management program, and to make its report to the legislature no later than March 1, 2026.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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PRESIDENT OF THE SENATE

SENATE RESOLUTION NO. 174

BY SENATOR FOIL

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and recommend legislation relative to the Louisiana Governmental Claims Act, any provisions of the Code of Civil Procedure or Civil Code Ancillaries related thereto, and other provisions of law relative to claims against the state and the administration thereof, and to submit a report of its findings, recommendations and proposed legislation to the legislature no later than March 1, 2026.

WHEREAS, R.S. 13:5101 et seq., provides for the substantive law and certain procedures for suits in contract or for injury to person or property against the state, political subdivisions, officers and employees and others arising out of the discharge of official duties or within the course and scope of employment; and

WHEREAS, various provisions of the Code of Civil Procedure and Civil Code Ancillaries contain, or may contain, provisions affecting the effect or implementation of the Louisiana Governmental Claims Act; and

WHEREAS, R.S. 39:1527 et seq., provides for the administration of certain claims against the state based upon the Louisiana Governmental Claims Act; and

WHEREAS, neither the Louisiana Governmental Claims Act nor the provisions of law relative to risk management nor any ancillary provisions of law that impact the application of the Louisiana Governmental Claims Act have been reviewed on a comprehensive basis for many years; and

WHEREAS, given that from time to time amendments have been made to these statutes and various judicial decisions rendered, it is appropriate to review, and as may be desirable, amend the relevant statutes to comport with the intent of the Louisiana Legislature; and

WHEREAS, the Louisiana State Law Institute has the capability and expertise to study and make recommendations for potential changes to these statutes.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and recommend legislation to revise and amend the substantive and procedural law for asserting claims against the state and its political subdivisions as well as officers and employees acting in course and scope of their employment and for the administration of claims covered by the state risk management program, and to make its report to the legislature no later than March 1, 2026.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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PRESIDENT OF THE SENATE

February 24, 2026

To: Senator Cameron Henry  
President of the Senate  
P.O. Box 94183  
Baton Rouge, Louisiana 70804

**INTERIM REPORT TO THE LEGISLATURE  
IN RESPONSE TO SR NOS. 158 AND 174 OF THE 2025 REGULAR SESSION**

Senate Resolution Nos. 158 and 174 of the 2025 Regular Session<sup>1</sup> authorize and direct the Louisiana State Law Institute to study and recommend legislation pertaining to the “law for asserting claims against the state and its political subdivisions as well as officers and employees acting in the course and scope of their employment[,] and for the administration of claims covered by the state risk management program.” In furtherance of this directive, the Law Institute assigned the resolutions to its Torts and Insurance Committee, guided by Mr. Skip Philips, currently Assistant Chief Deputy Attorney General; Mr. Donald Price, a practicing attorney in Baton Rouge; and Professors Thomas Galligan and Bill Corbett of the LSU Law Center.

Notably, the project outlined in SR No. 174 represents a continuation of sorts of the legislative directive contained in Senate Resolution No. 220 of the 2019 Regular Session, which urged and requested the Law Institute to conduct a similar study and make similar recommendations. SR No. 220, however, pointed specifically to R.S. 13:5108.1—which “provides specific procedures for the process of determining [] coverage, representation, and indemnification” for officers and employees of the state or a state agency in suits against the latter—and requested the Law Institute to “determine if revisions are necessary to these procedures.” Upon beginning its work on SR No. 220, the Torts and Insurance Committee quickly concluded that the various issues identified therein implicated provisions and bodies of law far beyond R.S. 13:5108.1. So as to avoid exceeding the scope of the instruction contained in SR No. 220, the Committee leadership opened a dialogue with Senator Luneau, the resolution’s author, and maintained this dialogue throughout the course of its work, which comprised a number of meetings, extensive research and drafting efforts, and outreach to the Attorney General’s office, the Office of Risk Management, and other relevant stakeholders. This work revealed myriad complex and interrelated issues with far-reaching legal and policy implications. Given the discrepancy in the depth and breadth of the task identified by the Committee and that envisioned by SR No. 220’s relatively narrower scope, the difficulty of adequately addressing the relevant issues on a more limited basis, and the likelihood of election-related turnover within the relevant stakeholder organizations, the Committee ultimately determined that it would be most prudent to

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<sup>1</sup> These resolutions are, in effect, identical; they differ only in the fact that SR No. 158 includes a statutory cross-reference to R.S. 13:5151 et seq., while SR No. 174 cites R.S. 13:5101 et seq. The latter resolution was adopted notwithstanding their near-complete overlap so as to revise the typographical error contained in the former’s intended identification of the statutes composing the Louisiana Governmental Claims Act. For the purposes of this report, any reference to SR No. 174 in particular may be understood as applying to both resolutions.

pause its work for a period while awaiting clarity regarding the new makeup of the aforementioned stakeholder organizations and further instruction from the Legislature, if possible.

SR No. 174, which expands the scope of the prior project to afford the Law Institute greater latitude in terms of eventual statutory revisions whereby to address the relevant issues, represents this further instruction. Since being assigned SR No. 174, the Committee has met several times to discuss the issues outlined therein. The Committee's first discussions centered on determining how much of the work product generated in response to the prior resolutions would still be viable. The Committee ultimately agreed that the general thrust of its efforts ought continue along a similar track—namely, toward a goal of streamlining and clarifying the decision-making process for coverage and defense under R.S. 13:5108.1—but that it would be better served addressing the particulars anew, so as to ensure an appropriate degree of involvement by and coordination with the newly populated Attorney General's office.

To date, the Committee has begun the process of revising R.S. 13:5108.1 and has produced a preliminary set of draft revisions. In particular, these revisions seek to harmonize the various descriptions of a "covered employee," to simplify the various inquiries and criteria involved in the determination, and to streamline the decision-making process and simplify the actual administration of the claims so as to enhance clarity as to the future rights and obligations of both the state and the employee at issue. Once the Committee completes its work on R.S. 13:5108.1, it will undertake a review of related statutes to ensure consistency with any modifications of the relevant procedures.

After concluding this review and making any necessary conforming changes, the Committee will present its proposed revisions to the Law Institute's Council for approval, after which the Law Institute's ultimate recommendations will be submitted to the Legislature in the form of a final report and proposed legislation. The Committee anticipates that such proposals will be submitted to the Legislature for introduction during either the 2027 or the 2028 Regular Session.