The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha S. Hess.

## DIGEST 2018 Regular Session

SB 390 Original

Claitor

<u>Present law</u> provides that in any judgment rendered in any suit filed against the state, a state agency, or any compromise reached in favor of the plaintiff or plaintiffs in any such suit shall be exigible, payable, and paid only out of funds appropriated for that purpose by the legislature, if the suit was filed against the state or a state agency.

<u>Proposed law</u> retains <u>present law</u> but to the extent that appropriated funds are available to pay final nonappealable judgments or compromises which are in compliance with the procedures for the payment of such judgments or compromises. <u>Proposed law</u> sets forth the order in which judgments should be paid, as follows:

- First, lawsuits which are compromised when the amount to be paid by the state per lawsuit is less than \$100,000, with the oldest compromises being paid first.
- (2) Second, lawsuits which have a final nonappealable judgment when the amount the state is cast in judgment per lawsuit is an amount less than \$100,000, with the oldest judgments being paid first.
- (3) Third, lawsuits which are compromised when the amount to be paid by the state per lawsuit is between \$100,000 and \$250,000, with the oldest compromises being paid first.
- (4) Fourth, lawsuits which have a final nonappealable judgment when the total amount the state is cast in judgment is between \$100,000 and \$250,000, with the oldest judgments being paid first.
- (5) Fifth, lawsuits which are compromised when the amount to be paid by the state per lawsuit is in excess of \$250,000, with the oldest compromises being paid first.
- (6) Sixth, lawsuits which have a final nonappealable judgment when the total amount the state is cast in judgment is in excess of \$250,000, with the oldest judgments being paid first.

<u>Proposed law</u> further provides that the state agency or department which is found to be at fault shall pay five percent of the judgment from its appropriated funds.

<u>Proposed law</u> also authorizes the Joint Legislative Committee on the Budget to allow changes to the order set forth in <u>proposed law</u> on a case-by-case basis.

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

(Adds R.S. 13:5109(B)(3)-(5))