

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 2** SLS 201ES 5
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: June 9, 2020 9:22 AM	Author: CONNICK
Dept./Agy.: Office of Risk Management/Attorney General/Supreme	Analyst: Rebecca Robinson
Subject: Prescriptive period	

PRESCRIPTION OR SEE FISC NOTE GF EX Page 1 of 1
 Extends prescriptive period for certain delictual actions from one to two years. (1/1/21)

Proposes to extend the prescription period of delictual actions from one year to two years.

Effective January 1, 2021.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There will be an indeterminable increase to the Office of Risk Management (ORM), and indeterminable impacts to the Louisiana Supreme Court (LSC), and the Attorney General (AG) as a result of the change in the prescription period.

There will be a indeterminable increase in expenditures to the Office of Risk Management (ORM) as a result in the change in prescription period. ORM indicates that often the first time they receive knowledge of a claim is when a lawsuit is filed. Currently, in such a case, up to a year has elapsed since the time of the incident. Under the proposed legislation, up to two years could elapse before ORM is notified of an incident. This extension of time adversely affects ORM and its ability to effectively and timely investigate claims against the State and impairs ORM's ability to identify and secure/preserve relevant evidence and witness testimony. The delay in investigating claims may lead to ORM having to compromise certain claims that it otherwise would have been able to defend.

The Attorney General (AG) indicates an increase in expenditures as a result of the extension of the prescriptive period. The AG indicates that it will experience an increase in jury trials and therefore will need additional staff. While the AG indicated needing an additional 9 attorneys, 9 paralegals, with associated operating expenses and acquisitions for an annual total of \$1.8M (1 attorney and 1 paralegal for each of the satellite offices, and 4 attorneys and 4 paralegals for each subject matter area in the main office), it did not provide any information on how the number of additional staffing needs was derived.

The Louisiana Supreme Court reports an indeterminable impact as they cannot determine whether the extension of the prescription period will increase or decrease the number of trials.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director