

2017 Regular Session

HOUSE BILL NO. 327

BY REPRESENTATIVE SCHEXNAYDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/DISTRICT: Establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the Twenty-Third Judicial District Court and the Ascension Parish Court

1 AN ACT

2 To enact R.S. 13: 996.69, relative to a courthouse building fund in Ascension Parish; to  
3 provide relative to the Twenty-Third Judicial District Court and the Parish Court for  
4 the Parish of Ascension; to establish an Ascension Parish Courthouse Building Fund;  
5 to provide for additional charges for initial filing and pleadings filed in civil matters;  
6 to provide for dedication, purpose and disbursement of such funds; to provide for a  
7 reduction of charges in certain cases; to authorize cooperative endeavor agreements;  
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:996.69 is hereby enacted to read as follows:

11 §996.69. Ascension Parish Courthouse Building Fund; Twenty-Third Judicial  
12 District Court and the parish court of Ascension Parish

13 A.(1) Subject to the provisions of the Code of Civil Procedure Article 5181  
14 et seq., in all cases over which the Twenty-Third Judicial District Court for the parish  
15 of Ascension or the Parish Court for the Parish of Ascension has jurisdiction, the  
16 judges of the Twenty-Third Judicial District Court, acting en banc, the judge for the  
17 Parish Court for the Parish of Ascension, and the Ascension Parish Clerk of Court  
18 are hereby authorized to impose and collect the following costs of court and  
19 additional filing charges:

1           (a) A filing charge of one hundred twenty dollars per filing which shall be  
2           paid to the Ascension Parish Clerk of Court when the initial filing of a civil suit is  
3           made.

4           (b) A filing charge of twenty dollars upon the filing of each additional  
5           pleading in a civil matter which shall be paid to the Ascension Parish Clerk of Court  
6           when such filing is made. For purposes of this Subparagraph, additional pleadings  
7           shall include but are not limited to petitions, motions, orders, affidavits, judgments,  
8           rules, correspondence, citations, evidence, dismissals, depositions, writs, appeals,  
9           answers, and subpoenas.

10           (2) The charges provided in this Section shall apply to all civil filings in all  
11           Ascension Parish Courts and be in addition to other filing charges currently being  
12           levied and collected by the Ascension Parish Clerk of Court for civil filings.

13           (3) All such filing charges shall be imposed by the judges of the Twenty-  
14           Third Judicial District Court acting en banc and the judge for the Parish Court for the  
15           Parish of Ascension.

16           B. The monies generated pursuant to the provisions of this Section which  
17           represent additional civil suit filing charges shall be held by the Ascension Parish  
18           Clerk of Court on behalf of the parish of Ascension and shall be remitted at least  
19           monthly by the Ascension Parish Clerk of Court directly to the Department of  
20           Finance for the parish of Ascension, and irrevocably deposited into the Ascension  
21           Parish Courthouse Fund dedicated exclusively to the design, acquisition,  
22           construction, renovation, equipping, operation, and maintenance of a new Ascension  
23           Parish courthouse to be located in the parish of Ascension, and for the payment of  
24           any bonds or other indebtedness on any such facilities.

25           C.(1) Subject to the limitations provided in this Section, the Ascension  
26           Parish Council, as the governing authority of the parish of Ascension, shall have  
27           ownership and control over the Ascension Parish Courthouse Fund, and shall have  
28           the authority to pledge the Ascension Parish Courthouse Fund to bonds or other  
29           instruments of indebtedness issued by or on behalf of the parish of Ascension. The

1        Ascension Parish Council shall have the authority to pay and disburse from the  
2        Ascension Parish Courthouse Fund all amounts necessary to pay and discharge any  
3        bonds or other instruments of indebtedness issued to pay for the construction of the  
4        new Ascension Parish courthouse.

5                (2) Any amounts in the Ascension Parish Courthouse Fund in addition to  
6        those funds necessary to pay and discharge any bonds or other instruments of  
7        indebtedness issued to pay for the construction of the new Ascension Parish  
8        courthouse may be expended for purposes of operating, maintaining, equipping, or  
9        furnishing the new Ascension Parish courthouse, or for additional new construction  
10       or renovations to the new Ascension Parish courthouse, but such additional surplus  
11       funds may be expended only by authority of the parish president of Ascension  
12       Parish, the chief judge of the Twenty-Third Judicial District Court, the judge for the  
13       Parish Court for the Parish of Ascension, and the Ascension Parish Clerk of Court,  
14       by majority vote.

15                D. Subject to the provisions of Subsection F of this Section, the judges of the  
16       Twenty-Third Judicial District Court, acting en banc, along with the judge for the  
17       Parish Court for the Parish of Ascension, may, as concurred by ordinance of the  
18       Ascension Parish Council, reduce the amount of filing charges provided for in this  
19       Section if the balance of sums on deposit in the Ascension Parish Courthouse Fund  
20       exceeds the requirements necessary for the new Ascension Parish courthouse,  
21       including but not limited to the payment of debt service on bonds or other  
22       indebtedness incurred in connection with the Ascension Parish courthouse.

23                E. For all matters pertaining to the filing charges imposed by the provisions  
24       of this Section, and those related to the Ascension Parish courthouse, the Ascension  
25       Parish Clerk of Court, and the judges of the Twenty-Third Judicial District Court,  
26       acting en banc, and the judge for the Parish Court for the Parish of Ascension shall  
27       have the authority to enter into any cooperative endeavor agreement with the parish  
28       of Ascension in conjunction with the design, construction, renovation, equipping,  
29       operation, and maintenance of the new Ascension Parish courthouse.

1            F. Notwithstanding any provision of law in this Section to the contrary, the  
2            state and any political subdivision thereof, the Twenty-Third Judicial District Court,  
3            the judge for the Parish Court for the Parish of Ascension, the Ascension Parish  
4            Clerk of Court, the Ascension Parish Council, and the Louisiana Legislature  
5            covenant and agree with the parish of Ascension and the holders of any bonds or  
6            other indebtedness of the parish of Ascension issued in connection with the new  
7            Ascension Parish courthouse, that so long as such bonds or other indebtedness shall  
8            remain outstanding, the state and any political subdivision thereof, the Twenty-Third  
9            Judicial District Court, the Parish Court for the Parish of Ascension, the Ascension  
10           Parish Clerk of Court, the Ascension Parish Council, and the Louisiana Legislature  
11           shall not in any way impair the rights and remedies of such holder or the security for  
12           such bonds or other indebtedness of the parish of Ascension issued in connection  
13           with the new Ascension Parish courthouse, until all such bonds or other indebtedness  
14           of the parish of Ascension are fully paid and discharged.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 327 Original

2017 Regular Session

Schexnayder

**Abstract:** Establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the 23<sup>rd</sup> JDC in Ascension Parish and the Ascension Parish Court, and provides for filing charges in civil matters.

Proposed law establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the 23<sup>rd</sup> JDC in Ascension Parish and the Ascension Parish Court.

Proposed law provides for the following charges to be imposed and collected in all cases over which the 23<sup>rd</sup> JDC for the parish of Ascension and the Ascension Parish Court have jurisdiction:

- (1) \$120 per initial filing of a civil suit.
- (2) \$20 per filing of each additional pleading.

Proposed law provides that these charges shall be in addition to other civil filing fees levied and collected by the Ascension Parish Clerk of Court. Proposed law further provides that such charges shall be imposed by the judges of the 23<sup>rd</sup> JDC acting en banc and the Ascension Parish Court judge.

Proposed law provides that monies generated by proposed law shall be held by the Ascension Parish Clerk of Court, remitted at least monthly to the Dept. of Finance for the parish, and irrevocably deposited into the Ascension Parish Courthouse Fund. Proposed law further provides for the purpose and use of the fund.

Proposed law provides for the ownership and control of the Ascension Parish Courthouse Fund and provides for the obligations of the Ascension Parish Council.

Proposed law provides procedures regarding the use of surplus funds and authorizes the reduction of the filing charges. Proposed law further authorizes the use of cooperative endeavor agreements in conjunction with the design, construction, renovation, equipping, operation, and maintenance of the new Ascension Parish courthouse.

Proposed law provides that the state, any political subdivision, the 23<sup>rd</sup> JDC, the Ascension Parish Court, the Ascension Parish Clerk of Court, the Ascension Parish Council, and Louisiana Legislature shall not impair the rights and remedies of the holder or the security for the bonds or other indebtedness until they are fully paid and discharged.

(Adds R.S. 13:996.69)