

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
7 a reduction of charges in certain cases; to authorize cooperative endeavor
8 agreements; to provide for a contingent effective date; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

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

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

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

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

3 (b) A filing charge of thirty dollars upon the filing of each additional
4 pleading in a civil matter which shall be paid to the Ascension Parish Clerk of Court
5 when such filing is made. For purposes of this Subparagraph, additional pleadings
6 shall include but are not limited to petitions, motions, orders, affidavits, judgments,
7 witness lists, exhibit lists, memorandums, sheriff returns, notices, interrogatories,
8 stipulations, exhibits, discovery requests, written reasons for judgment, exceptions,
9 rules, correspondence, citations, evidence, dismissals, depositions, writs, appeals,
10 answers, and subpoenas.

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

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

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

27 C.(1) Subject to the limitations provided in this Section, the Ascension
28 Parish Council, as the governing authority of the parish of Ascension, shall have
29 ownership and control over the Ascension Parish Courthouse Fund, and shall have

1 the authority to pledge the Ascension Parish Courthouse Fund to bonds or other
2 instruments of indebtedness issued by or on behalf of the parish of Ascension. The
3 Ascension Parish Council shall have the authority to pay and disburse from the
4 Ascension Parish Courthouse Fund all amounts necessary to pay and discharge any
5 bonds or other instruments of indebtedness issued to pay for the construction of the
6 new Ascension Parish courthouse and the renovation or conversion of any existing
7 courthouse building.

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

20 D. Subject to the provisions of Subsection F of this Section, the judges of the
21 Twenty-Third Judicial District Court, acting en banc, along with the judge for the
22 Parish Court for the Parish of Ascension, may, as concurred by ordinance of the
23 Ascension Parish Council, reduce the amount of filing charges provided for in this
24 Section if the balance of sums on deposit in the Ascension Parish Courthouse Fund
25 exceeds the requirements necessary for the new Ascension Parish courthouse and the
26 renovation or conversion of any existing courthouse building, including but not
27 limited to the payment of debt service on bonds or other indebtedness incurred in
28 connection with the Ascension Parish courthouse. Once the bonds have matured or
29 have otherwise been satisfied in full and there is no other indebtedness outstanding

1 to the Ascension Parish courthouse, the judges of the Twenty-Third Judicial District
2 Court, acting en banc, along with the judge for the Parish Court for the Parish of
3 Ascension, shall, as concurred by ordinance of the Ascension Parish Council, reduce
4 the amount of filing charges provided for in this Section to an amount sufficient to
5 provide for the continued operation and maintenance of the Ascension Parish
6 courthouse.

7 E. For all matters pertaining to the filing charges imposed by the provisions
8 of this Section, and those related to the Ascension Parish courthouse, the Ascension
9 Parish Clerk of Court, the sheriff of Ascension Parish, and the judges of the Twenty-
10 Third Judicial District Court, acting en banc, and the judge for the Parish Court for
11 the Parish of Ascension shall have the authority to enter into any cooperative
12 endeavor agreement with the parish of Ascension in conjunction with the design,
13 construction, renovation, equipping, furnishing, operation, and maintenance of the
14 new Ascension Parish courthouse.

15 F. Notwithstanding any provision of law in this Section to the contrary, the
16 state and any political subdivision thereof, the Twenty-Third Judicial District Court,
17 the judge for the Parish Court for the Parish of Ascension, the Ascension Parish
18 Clerk of Court, the Ascension Parish Council, and the Louisiana Legislature
19 covenant and agree with the parish of Ascension and the holders of any bonds or
20 other indebtedness of the parish of Ascension issued in connection with the new
21 Ascension Parish courthouse and the renovation or conversion of any existing
22 courthouse building, that so long as such bonds or other indebtedness shall remain
23 outstanding, the state and any political subdivision thereof, the Twenty-Third
24 Judicial District Court, the Parish Court for the Parish of Ascension, the Ascension
25 Parish Clerk of Court, the Ascension Parish Council, and the Louisiana Legislature
26 shall not in any way impair the rights and remedies of such holder or the security for
27 such bonds or other indebtedness of the parish of Ascension issued in connection
28 with the new Ascension Parish courthouse and the renovation or conversion of any

1 existing courthouse building, until all such bonds or other indebtedness of the parish
2 of Ascension are fully paid and discharged.

3 Section 2. In accordance with the provisions of R.S. 13:62, the imposition of court
4 costs or fees as provided for in this Act shall become effective if and when the Judicial
5 Council provides a recommendation that such court costs or fees meet the applicable
6 guidelines in its 2018 Report to the Louisiana Legislature.

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)]

HB 327 Engrossed

2017 Regular Session

Schexnayder

Abstract: Establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the 23rd JDC in Ascension Parish and the Ascension Parish Court, and the renovation or conversion of the existing courthouse, 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 23rd JDC in Ascension Parish and the Ascension Parish Court, and the renovation or conversion of the existing courthouse.

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

- (1) \$150 per initial filing of a civil suit.
- (2) \$30 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 23rd 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 that once bonds have been matured or have been satisfied in full and there is no other indebtedness outstanding to the Ascension parish courthouse, the judges and the Ascension parish council shall reduce the amount of the filing fee to an amount sufficient for the continued operation and maintenance of the Ascension Parish Courthouse.

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, furnishing and maintenance of the new Ascension Parish courthouse.

Proposed law provides that the state, any political subdivision, the 23rd 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.

Proposed law provides for the increase in court costs or fees to become effective if and when the Judicial Council reviews such request and makes a recommendation to the legislature in its 2018 report that the court costs meet applicable guidelines.

(Adds R.S. 13:996.69)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change the filing fees for the initial filing of a civil suit from \$120 to \$150.
2. Change the filing fees for additional pleading in civil suits from \$20 to \$30.
3. Add witness lists, exhibit lists, memorandums, sheriffs return notices, interrogatories, stipulations, exhibits, discovery requests, written reasons for judgments, and exceptions to the list of additional types of pleadings that are subject to a \$30 filing fee.
4. Allow the funds deposited in the Ascension parish courthouse fund to be used for the furnishing of the new Ascension Parish Courthouse.
5. Allow the funds deposited in the Ascension Parish Courthouse Fund to be used to renovate or convert any existing courthouse building in Ascension Parish.
6. Add a provision requiring the reduction of the amount of the filing fee in certain circumstances.
7. Add a provision giving the sheriff of Ascension Parish the ability to vote to expend additional surplus funds available in the Ascension Parish Courthouse Fund.
8. Add a provision allowing the sheriff of Ascension Parish to enter into cooperative endeavor agreements with Ascension Parish related to the Ascension Parish Courthouse.
9. Provide that the imposition of fees will become effective if and when the Judicial Council reviews the request and makes its recommendations to the legislature in its 2018 report.