



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: HB 844 HLS 18RS 1308
Bill Text Version: ENROLLED
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 17, 2018 9:44 AM Author: GAROFALO
Dept./Agy.: Clerks of Court Analyst: Jamie Mergist
Subject: Pertains to liability for damage caused by a clerk of court

LIABILITY/CIVIL EN SEE FISC NOTE GF EX See Note Page 1 of 1
Provides relative to the indemnification of clerks of court and their employees

Present law prevents the state from having any liability for damage caused by a clerk of court.

Proposed law creates a limited exception on behalf of the clerk of court by providing that the state indemnify a clerk of court or any employee of his office against any claim, demand, or suit when the allegation is based on a challenge of the constitutional validity of a statute and when the clerk of court is acting in accordance with present law.

Proposed law requires the payment of final judgments or consent judgments by legislative appropriation for claims against the clerk of court and requires approval of a majority of members of a subcommittee of the Joint Legislative Committee on the Budget.

Table with columns: EXPENDITURES, REVENUES, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

The proposed law may increase state general fund expenditures and decrease local fund expenditures by an indeterminable amount.

According to an official with the Clerks of Court Association, there appears to be no current pending lawsuits or judgments that would fall under the provisions of this bill, therefore, this bill primarily applies to future lawsuits and judgments.

The official with the Clerks of Court Association informed us that a ruling against three clerks of court in 2017 resulted in a combined cost of approximately \$45,000 in legal and court fees.

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}

Signature of Michael G. Battle
Michael G. Battle
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