
SENATE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Senator Claitor to Engrossed House Bill No. 218 by Representative Marcelle

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" insert "amend and reenact R.S. 13:4521(A)(1) and 5036 and to"

3 AMENDMENT NO. 2

4 On page 1, line 2, after "R.S. 13:2071.1" insert "and 4521(E)"

5 AMENDMENT NO. 3

6 On page 1, line 2, after "relative to" insert "court costs in suits involving the state and state
7 agencies in the Nineteenth Judicial District Court; to provide with respect to the temporary
8 deferral of court costs and the entities to which the deferral applies; to provide with respect
9 to the institution and prosecution of suits by the attorney general in suits for the protection
10 of the state's interests and rights filed in the Nineteenth Judicial District Court; to provide
11 relative to"

12 AMENDMENT NO. 4

13 On page 1, line 8, after "Section 1." insert "R.S. 13:4521(A)(1) and 5036 are hereby
14 amended and reenacted and"

15 AMENDMENT NO. 5

16 On page 1, line 8, after ""R.S. 13:2071.1 delete "is" and insert "and 4521(E) are"

17 AMENDMENT NO. 6

18 On page 2, after line 7, insert the following:

19 "§4521. State and its subdivisions; temporary deferral of court costs; exceptions
20 A.(1) Except as provided in R.S. 13:5112, R.S. 19:15 and 116, ~~and~~ R.S.
21 48:451.3, **and Subsection E of this Section**, and as provided in this Subsection, the
22 state, any political subdivision as defined in this Section, and any agent, officer, or
23 employee of any such governmental entity when acting within the scope and
24 authority of such employment or when discharging his official duties may
25 temporarily defer court costs, including cost of filing a judgment dismissing claims
26 against the state, political subdivision, or agent, officer, or employee thereof, in any
27 judicial proceeding instituted or prosecuted by or against the state, any political
28 subdivision, or agent, officer, or employee thereof in any court of this state or any
29 municipality of this state, including particularly but not exclusively those courts in
30 the parish of Orleans and the city of New Orleans. This Section shall also apply to
31 the Louisiana Insurance Guaranty Association and the Louisiana Life and Health
32 Insurance Guaranty Association in any judicial proceeding instituted by or against
33 them. This Section shall also apply to the policyholder or other insured of an
34 insolvent insurer in any judicial proceeding instituted by or against the Louisiana
35 Insurance Guaranty Association and the Louisiana Life and Health Insurance
36 Guaranty Association. Costs which are temporarily deferred pursuant to this Section
37 cannot be shifted to opposing parties during the pendency of such deferment;
38 however, when a final judgment is rendered dismissing all claims against the state,
39 a political subdivision, or agent, officer, or employee thereof and when the judgment
40 taxes costs of the state, political subdivision, or agent, officer, or employee thereof
41 against the opposing party in accordance with the provisions of Code of Civil

1 Procedure Article 1920, the opposing party shall be condemned to pay the
2 temporarily deferred court costs.

3 * * *

4 **E. With respect to the deferral of court costs in suits filed in the**
5 **Nineteenth Judicial District Court, the provisions of this Section shall apply**
6 **only to the state and its departments listed in R.S. 36:4(A).**

7 * * *

8 §5036. Suits for protection of state's interests and rights; institution and prosecution
9 by attorney general; **deferral of** costs; bond

10 **A.** The attorney general may institute and prosecute any and all suits he may
11 deem necessary for the protection of the interests and rights of the state. No court of
12 this state, nor officer thereof, shall demand of the state, or the attorney general, any
13 security for costs, or any advance costs; but all costs for which the state may become
14 liable shall be paid by the attorney general out of the proper appropriation therefor.
15 In any and all cases where bond is required by law in legal proceedings, the state and
16 the attorney general shall be dispensed from giving such bond.

17 **B. With respect to the deferral of court costs in suits filed in the**
18 **Nineteenth Judicial District Court, the provisions of this Section shall apply**
19 **only to the state and its departments listed in R.S. 36:4(A). However, the state**
20 **and its departments listed in R.S. 36:4(A), shall deposit an advance filing fee in**
21 **the amount of two hundred dollars, to the Nineteenth Judicial District Court.**

22 **C. If an opposing party condemned to pay temporarily deferred court**
23 **costs fails to pay the assessed costs within thirty days of the judgment becoming**
24 **final, the clerk of court may forward a certified copy of the recorded judgment**
25 **to the office of debt recovery for collection. The office of debt recovery may**
26 **collect any outstanding deferred court costs on behalf of the clerk of court."**