OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: **SB 236** SLS 17RS 339
Bill Text Version: **REENGROSSED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.: **REVISED**

Date: May 18, 2017 12:53 PM
Author: LAFLEUR
Dept./Agy.: Clerks of Court
Subject: Recording Fees, Electronic Records, and Liability
Analyst: Steven Kraemer

CLERKS OF COURT RE SEE FISC NOTE LF RV See Note
Provides relative to clerks of court. (8/1/17) (2/3-CA7s2.1(A))

Purpose of Bill: This bill: (1) changes the fees that clerks of court charge for recording and makes these fees mandatory for all clerks of court; (2) authorizes clerks of court to make additional copies of records electronically, and clarifies that the clerks of court have the authority to purchase equipment necessary to do so; (3) authorizes electronic copies of criminal and other permanent records prior to destroying the original records rather than microphotographic copies, and limits the liability for clerks of court for damages resulting from destruction of the original record; (4) requires clerks of court that record by microfilming, photographic method, or electronic means to have copies of these files available for inspection; (5) requires clerks of court to adopt and adhere to indexing standards promulgated by the Louisiana Clerks' Remote Access Authority; (6) requires clerks of court to adopt and implement a plan for recording electronic documents by January 1, 2022; and (7) provides that clerks of court are not liable for damages caused by a third party to any information in pleadings or documents filed of record by the clerk.

EXPENDITURES	**2017-18**	**2018-19**	**2019-20**	**2020-21**	**2021-22**	**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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	**2017-18**	**2018-19**	**2019-20**	**2020-21**	**2021-22**	**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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

This bill may increase local fund expenditures by an indeterminable amount for those offices that do not have electronic recording capabilities. Although there was limited data regarding the statewide impact of this bill, we contacted the following entities to provide some information regarding possible impacts:

Louisiana Clerks of Court Association: An official indicated that the implementation of indexing standards and electronic recording could increase the expenditures related to computer software of some clerks' offices by an indeterminable amount. This official estimates that there are only 10 clerks' offices statewide that currently have electronic recording capability.

Concordia *Parish Clerk of Court:* An official indicated that this bill may increase the clerk's expenditures related to recording electronic documents, as they currently do not have the capability (they did not have information regarding the exact impact).

Tensas Parish Clerk of Court: An official indicated they are not able to provide the anticipated impact of the bill. However, they stated that they process each document by hand and do not have any recording software or ability to E-Record.

Clerks of Court for Beauregard, Evangeline, and Jefferson parishes: Officials indicated they do not anticipate an increase or decrease of expenditures for their respective offices, as they currently have electronic recording capabilities.

REVENUE EXPLANATION

This measure could impact the revenues collected by Clerk of Court Offices statewide, however the impact is indeterminable at this time. We contacted several Clerk of Court Offices and the LA Clerks of Court Association and obtained the following information:

Concordia Parish Clerk of Court: An official indicated that this bill may cause revenues to vary slightly with no material impact.

Beauregard Parish Clerk of Court: An official indicated that this bill may reduce revenue due to the reduction of the recording fee for certain documents, but this reduction may be offset by the increase in recording fees for other documents.

Tensas Parish Clerk of Court: An official indicated they are not able to provide the anticipated impact of the bill.

Clerks of Court for Evangeline and Jefferson parishes: Officials indicated that the impact of this bill on their respective offices cannot be determined due to lack of information and the number of varying factors (e.g., increasing fees with decreasing fees).

Louisiana Clerks of Court Association: An official indicated that this bill could change the revenues of clerks' offices statewide due to the change in the fee schedule. However, she stated that there are so many unknown factors making it difficult to estimate the impact on revenues (e.g., number of documents filed, pages of a document, names in a document). In some instances the clerks may receive more, in some instances they may receive less than they are currently receiving.

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}

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