

2018 Regular Session

HOUSE BILL NO. 589

BY REPRESENTATIVE ABRAMSON

COURTS/COURT COSTS: Provides relative to fees and costs of the Civil District Court for the Parish of Orleans

1 AN ACT

2 To amend and reenact R.S. 13:1213.2 and R.S. 44:181.4, relative to the collection and
3 application of court fees and costs; to provide relative to the authority to collect fees
4 and costs of the Civil District Court; to provide for the allocation of such costs and
5 fees; provides relative to fees for recordation of other documents; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1213.2 is hereby amended and reenacted to read as follows:

9 §1213.2. Fees; clerk of the Civil District Court

10 The clerk of the Civil District Court shall collect the fees and costs set forth
11 in R.S. 13:1213.1, and any other applicable law, and shall deposit no less than ~~sixty~~
12 fifty percent of the amounts collected in the Clerk's Salary Fund. ~~The remaining~~
13 ~~funds~~ Fifty percent shall be deposited in the judicial expense fund for the Civil
14 District Court for the Parish of Orleans: after deduction of statutorily mandated
15 charges and fees. ~~The clerk and the chief judge of the Civil District Court may at~~
16 ~~any time renegotiate the sixty percent collection fees, but at no time shall the sixty~~
17 ~~percent be reduced below fifty percent of the civil filing fees collected by the clerk.~~
18 The clerk shall remit to the judicial expense fund of the Civil District Court fifty
19 percent of such fees no later than the twenty-fifth day of the month following the
20 preceding month's collection.

1 Section 2. R.S. 44:181.4 is hereby amended and reenacted to read as follows:

2 §181.4. Fees

3 The clerk of court as the parish recorder shall collect all charges and fees
4 which are in effect for the recordation of records and other documents in the parish
5 of Orleans on January 1, 2009, and remitted in accordance with the existing
6 provisions of law. ~~Any increase or decrease in fees shall be as provided by the~~
7 ~~legislature.~~ Fifty percent of the charges and fees collected, after deduction of
8 statutorily mandated charges, fees, salary, and benefits of the parish recorder, shall
9 be remitted to the judicial expense fund of the Civil District Court no later than the
10 twenty-fifth day of the month following the preceding month's collection.

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 589 Engrossed

2018 Regular Session

Abramson

Abstract: Provides relative to the collection and application of court fees and costs of the Civil District Court for the Parish of Orleans.

Present law requires that the clerk of the Civil District Court for the Parish of Orleans collect the fees set forth in present law (R.S. 13:1213.1).

Present law requires that the clerk deposit no less than 60% of the amounts collected in the Clerk's Salary Fund, and that the remaining funds be deposited in the judicial expense fund.

Present law authorizes the clerk and the chief judge of the C.D.C. to renegotiate the 60% of fees collected, but in no case shall the percentage be reduced below 50%.

Proposed law requires that the clerk deposit no less than 50% of the amounts collected to the Clerk's Salary Fund and 50% to the judicial expense fund after deductions of statutorily mandated charges and fees. The money shall be deposited into the Clerk's Salary Fund no later than the 25th day of the month following the preceding month's collection.

Present law requires the clerk of court as the parish recorder to collect all charges and fees which are in effect for the recordation of records and documents in the parish of Orleans on Jan. 1, 2009, and remitted in accordance with present law, and provides that any increase or decrease in fees shall be as provided by the legislature.

Proposed law deletes the present law provision relating to an increase or decrease in fees.

(Amends R.S. 13:1213.2 and R.S. 44:181.4)

Summary of Amendments Adopted by House

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

1. Reduce the deposit amount collected in the Clerk's Salary Fund from 60% to 50%.
2. Require the clerk to remit to the judicial expense fund 50% of collected fees no later than the 25th day of the month following the previous month's collection.