



# OFFICE OF LEGISLATIVE AUDITOR Fiscal Note

Fiscal Note On: **HB 844** HLS 18RS 1308

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 13, 2018	12:49 PM	<b>Author:</b> GAROFALO
<b>Dept./Agy.:</b> Clerks of Court		<b>Analyst:</b> Benjamin LeBlanc
<b>Subject:</b> Pertains to liability for damage caused by a clerk of court		

LIABILITY/CIVIL

OR SEE FISC NOTE GF EX

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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.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW					
<b>Annual Total</b>						
REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### 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. To the extent lawsuits and judgments occur in the future, the state will be responsible for the amount owed by the clerks of court where they acted in compliance with current state law. Also, if the individual clerks' offices no longer have to pay for such judgments, there may be a decrease in local fund expenditures.

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. In the future, such cases as these (where the clerks of court are found to be in compliance with state law), may result in such costs being paid from the state general fund.

### REVENUE EXPLANATION

**There is no anticipated direct material effect on governmental revenues as a result of this measure.**

#### Senate

#### Dual Referral Rules

#### House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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