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**HOUSE COMMITTEE AMENDMENTS**

2018 Regular Session

Substitute for Original House Bill No. 763 by Representative Marcelle as proposed by the House Committee on Judiciary

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To amend and reenact R.S. 13:4521, relative to the payment of court costs; to remove provisions of law with respect to the temporary deferment of court costs by the state and its political subdivisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4521 is hereby amended and reenacted to read as follows:

§4521. ~~State and its subdivisions; temporary deferral of court~~ Court costs; exceptions child welfare proceedings

~~A.(1) Except as provided in R.S. 13:5112, R.S. 19:15 and 116, and R.S. 48:451.3, and as provided in this Subsection, the state, any political subdivision as defined in this Section, and any agent, officer, or employee of any such governmental entity when acting within the scope and authority of such employment or when discharging his official duties may temporarily defer court costs, including cost of filing a judgment dismissing claims against the state, political subdivision, or agent, officer, or employee thereof, in any judicial proceeding instituted or prosecuted by or against the state, any political subdivision, or agent, officer, or employee thereof in any court of this state or any municipality of this state, including particularly but not exclusively those courts in the parish of Orleans and the city of New Orleans. This Section shall also apply to the Louisiana Insurance Guaranty Association and the Louisiana Life and Health Insurance Guaranty Association in any judicial proceeding instituted by or against them. This Section shall also apply to the policyholder or other insured of an insolvent insurer in any judicial proceeding instituted by or against the Louisiana Insurance Guaranty Association and the Louisiana Life and Health Insurance Guaranty Association. Costs which are temporarily deferred pursuant to this Section cannot be shifted to opposing parties~~

~~during the pendency of such deferment, however, when a final judgment is rendered dismissing all claims against the state, a political subdivision, or agent, officer, or employee thereof and when the judgment taxes costs of the state, political subdivision, or agent, officer, or employee thereof against the opposing party in accordance with the provisions of Code of Civil Procedure Article 1920, the opposing party shall be condemned to pay the temporarily deferred court costs.~~

~~(2) This Section shall not apply to the policyholder or other insured of an insolvent insurer in the event of a judicial determination that the claim or policy submitted by the policyholder or other insured is not a covered claim or covered policy as defined by R.S. 22:2055(3) or 2084(5). An account shall be kept of all costs incurred by the policyholder or other insured by the public officers to whom these costs would be payable. If judgment is rendered against the policyholder or other insured, he shall be condemned to pay the costs incurred by him and those recoverable by the adverse party.~~

~~(3) This Section shall not apply to the Department of Children and Family Services for any proceedings brought by the Department of Children and Family Services or any district attorney, on behalf of the Department of Children and Family Services, to establish filiation or enforce support, when such proceedings are subject to a cooperative agreement between the agency and the clerk of court of the appropriate jurisdiction. Any cooperative agreement entered into between the clerk of court and the agency shall include reimbursement for sheriff's costs. The provisions of this Paragraph shall not apply if federal funds are not available to cover the cost of the agreement.~~

~~(4) Neither the Department of Children and Family Services nor any district attorney's office shall be required to pay court costs in any child welfare proceeding instituted by such department of district attorney's office.~~

~~(5) As the term is used in this Section, "political subdivision" means any parish, municipality, special district, school board, sheriff, public board, institution, department, commission, district, agency, authority, or an agency or subdivision of~~

any of these, and any other public or governmental body of any kind which is not a state agency.

~~B. Except when the law imposes personal responsibility for costs on the agent, officers, or employees, it shall be the responsibility of the governmental entities who temporarily defer costs as set forth in this Section to pay any deferred costs assessed against them or their agents, officers, or employees within thirty days of the judgment becoming final or to assist in the collection of court costs due by the opposing litigants by requesting the court to tax costs in accordance with the provisions of Article 1920 of the Code of Civil Procedure by requesting that the court include the cost assessment in a judgment dismissing a claim against the governmental entity or any agent, officer, or employee thereof. The state, political subdivision, or agent, officer, or employee thereof shall withhold any court costs due by the opposing litigants from any settlement payment made to the parties and shall forward such costs to the clerk of court.~~

~~C. This Section shall have no application to stenographers' costs for taking testimony.~~

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

## 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 Draft

2018 Regular Session

**Abstract:** Repeals provisions for the deferment of court costs by the state and its political subdivisions.

Present law authorizes the state, any political subdivisions, and any agent, officer, or employee of any such governmental entity to temporarily defer court costs. Present law also applies to certain proceedings involving the La. Insurance Guaranty Association. Provides that governmental entities who temporarily defer costs pursuant to present law shall pay such costs within 30 days of the judgment becoming final or assist in the collection fo court costs

due by the opposing litigants. Present law additionally provides that neither the Dept. of Children and Family Services nor any district attorney's office is required to pay court costs in any child welfare proceeding instituted by such department or district attorney's office.

Proposed law retains present law as it relates to the Dept. of Children and Families and the district attorney's office being exempt from the payment of court costs in child welfare proceedings and repeals present law provisions for the deferment of court costs by the state or any department or its political subdivisions.

(Amends R.S.13:4521)