

2022 Regular Session

SENATE BILL NO. 401

BY SENATOR MCMATH

CLERKS OF COURT. Authorizes governing authorities to adopt ordinances to increase certain fees in the parishes of St. Tammany and Washington. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 33:1236(55)(a), relative to the powers of parish governing
3 authorities; to provide for certain fees in St. Tammany and Washington parishes; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:1236(55)(a) is hereby amended and reenacted to read as follows:

7 §1236. Powers of parish governing authorities

8 The police juries and other parish governing authorities shall have the
9 following powers:

10 * * *

11 (55)(a) The governing authorities of the parishes of St. Tammany and
12 Washington may enact ordinances requiring the clerk of court to impose, collect, and
13 remit to the parish for operational expenses of the judicial system and its related
14 agencies an additional charge, not exceeding ~~five~~ **fifteen** dollars, for the registration
15 and recordation of any document in the mortgage and conveyance records; and an
16 additional charge, not exceeding ~~fifteen~~ **twenty-five** dollars, for the filing and
17 recordation of adoptions, successions, and any other new civil suits and written

1 motions for hearings filed in or with the clerk of court's office. No additional charge
 2 shall be made for criminal court filings, ~~civil court filings in forma pauperis~~, oaths
 3 of office, U.C.C. filings, sheriff's commissions, marriage licenses, notary or
 4 appearance bonds, or any other filing for which no filing fee is charged. The clerk
 5 of court may retain five percent of such additional charge to defray costs associated
 6 therewith. Additionally, the governing authorities of the parishes may enact
 7 ordinances requiring the sheriff to impose, collect, and remit to the parish for
 8 operational expenses of the respective judicial system and its related agencies such
 9 additional charge, not exceeding ~~five~~ **fifteen** dollars, for each tax certificate issued
 10 or filed by the sheriff of the parish. The charges authorized in this Subparagraph
 11 shall be in addition to all other charges authorized by law.

12 * * *

13 Section 2. In accordance with the provisions of R.S. 13:62, the increase in those
 14 court costs or fees which are subject to Judicial Council approval, some of which are
 15 provided for in this Act, shall become effective if and when the Judicial Council provides
 16 a favorable recommendation in a Judicial Council Report to the Louisiana Legislature.

The original instrument was prepared by Alan Miller. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Curry J. Lann.

	DIGEST	
SB 401 Reengrossed	2022 Regular Session	McMath

Present law authorizes the governing authorities of the parishes of St. Tammany and Washington to enact ordinances requiring the clerk of court to impose, collect, and remit to the parish for operational expenses of the judicial system and its related agencies an additional charge, not exceeding \$5, for the registration and recordation of any document in the mortgage and conveyance records.

Proposed law authorizes the governing authorities to increase the fee provided for in present law from \$5 to \$15.

Present law authorizes the governing authorities to enact ordinances requiring the clerk of court to impose, collect, and remit to the parish for operational expenses of the judicial system and its related agencies an additional charge not exceeding \$15, for the filing and recordation of adoptions, successions, and any other new civil suits and written motions for hearings filed in or with the clerk of court's office.

Proposed law authorizes the governing authorities to increase the fee provided for in present law from \$15 to \$25.

Present law authorizes the governing authorities to enact ordinances requiring the sheriff to impose, collect, and remit to the parish for operational expenses of the respective judicial system and its related agencies such additional charge, not exceeding \$5, for each tax certificate issued or filed by the sheriff of the parish.

Proposed law authorizes the governing authorities to increase the fee provided for in present law from \$5 to \$15.

Proposed law provides that the increase in court costs or fees as provided for in proposed law shall become effective if and when the Judicial Council provides a favorable recommendation in a Judicial Council Report to the Louisiana Legislature.

Effective August 1, 2022.

(Amends R.S. 33:1236(55)(a))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Provides for an effective date of the increase in court costs or fees based on a favorable recommendation in the Judicial Council 2023 Report to the Louisiana Legislature.

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the engrossed bill

1. Provides that the effective date of the increase in court costs or fees based on a favorable recommendation in a Judicial Council Report to the Louisiana Legislature instead of in the Judicial Council 2023 Report to the Louisiana Legislature.