

Regular Session, 2011

HOUSE BILL NO. 407

BY REPRESENTATIVES WHITE AND POPE AND SENATOR ERDEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/DISTRICT: Establishes a judicial building fund for the construction of a new courthouse in the Twenty-First Judicial District Court in Livingston Parish

1 AN ACT

2 To enact R.S. 13:996.68, relative to the Twenty-First Judicial District Court in Livingston
3 Parish; to establish a judicial building fund; to provide for ownership and control of
4 the fund; to provide for costs of court; to provide for a service charge per filing in
5 civil matters; to provide for recordation fees; to provide for dedication, purposes, and
6 disbursement of such funds; to provide for the reduction of fees in certain
7 circumstances; to authorize cooperative endeavor agreements; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:996.68 is hereby enacted to read as follows:

11 §996.68. Judicial building fund; Twenty-First Judicial District

12 A.(1) Subject to the provisions of the Code of Civil Procedure Article 5181
13 et seq., in all cases over which the Twenty-First Judicial District Court for the parish
14 of Livingston has jurisdiction, the judges of the Twenty-First Judicial District Court,
15 acting en banc, and the Livingston Parish Clerk of Court are hereby authorized to
16 impose and collect the following costs of court and additional filing charges:

17 (a) A filing charge of one hundred dollars per filing which shall be paid to
18 the Livingston Parish Clerk of Court when the initial filing of a civil suit is made.

19 (b) A filing charge of ten dollars upon the filing of each additional pleading
20 in a civil matter which shall be paid to the Livingston Parish Clerk of Court when

1 such filing is made. For purposes of this Subparagraph, additional pleadings shall
2 include but are not limited to petitions, motions, orders, affidavits, judgments, rules,
3 correspondence, citations, evidence, dismissals, depositions, writs, appeals, answers,
4 and subpoenas.

5 (2) The charges provided in this Section shall be in addition to other filing
6 charges levied and collected by the Livingston Parish Clerk of Court for civil filings.

7 (3) All such filing charges shall be imposed by the judges of the Twenty-
8 First Judicial District Court acting en banc.

9 B.(1) The judges of the Twenty-First Judicial District Court acting en banc
10 and the Livingston Parish Clerk of Court are hereby authorized to impose and collect
11 a filing fee of twenty dollars upon the recordation of documents and such fee shall
12 be paid to the Livingston Parish Clerk of Court when the document is presented for
13 recordation.

14 (2) This filing fee shall be in addition to other filing fees levied and collected
15 by the Livingston Parish Clerk of Court.

16 (3) All such recordation fees shall be imposed by the judges of the Twenty-
17 First Judicial District Court acting en banc.

18 C. The monies generated pursuant to the provisions of this Section shall be
19 held by the Livingston Parish Clerk of Court on behalf of the parish of Livingston
20 and shall be remitted at least monthly by the Livingston Parish Clerk of Court
21 directly to the Department of Finance for the parish of Livingston, and irrevocably
22 deposited into the Livingston Parish Courthouse Fund dedicated exclusively to the
23 design, acquisition, construction, renovation, equipping, operation, and maintenance
24 of a new Livingston Parish courthouse to be located in the parish of Livingston, and
25 for the payment of any bonds or other indebtedness on any such facilities.

26 D.(1) Subject to the limitations provided in this Section, the Livingston
27 Parish Council, as the governing authority of the parish of Livingston, shall have
28 ownership and control over the Livingston Parish Courthouse Fund, and shall have
29 the authority to pledge the Livingston Parish Courthouse Fund to bonds or other

1 instruments of indebtedness issued by or on behalf of the parish of Livingston. The
2 Livingston Parish Council shall have the authority to pay and disburse from the
3 Livingston Parish Courthouse Fund all amounts necessary to pay and discharge any
4 bonds or other instruments of indebtedness issued to pay for the construction of the
5 new Livingston Parish courthouse.

6 (2) Any amounts in the Livingston Parish Courthouse Fund in addition to
7 those funds necessary to pay and discharge any bonds or other instruments of
8 indebtedness issued to pay for the construction of the new Livingston Parish
9 courthouse may be expended for purposes of operating, maintaining, equipping, or
10 furnishing the new Livingston Parish courthouse, or for additional new construction
11 or renovations to the new Livingston Parish courthouse, but such additional surplus
12 funds may be expended only by authority of the parish president of Livingston
13 Parish, the chief judge of the Twenty-First Judicial District Court, and the Livingston
14 Parish Clerk of Court, by majority vote.

15 E. Subject to the provisions of Subsection G of this Section, the judges of the
16 Twenty-First Judicial District Court, acting en banc, may, as concurred by ordinance
17 of the Livingston Parish Council, reduce the amount of filing charges and
18 recordation fees provided for in this Section if the balance of sums on deposit in the
19 Livingston Parish Courthouse Fund exceeds the requirements necessary for the new
20 Livingston Parish courthouse, including but not limited to the payment of debt
21 service on bonds or other indebtedness incurred in connection with the Livingston
22 Parish courthouse.

23 F. For all matters pertaining to the filing charges and recordation fees
24 imposed by the provisions of this Section, and those related to the Livingston Parish
25 courthouse, the Livingston Parish Clerk of Court and the judges of the Twenty-First
26 Judicial District Court, acting en banc, shall have the authority to enter into any
27 cooperative endeavor agreement with the parish of Livingston in conjunction with
28 the design, construction, renovation, equipping, operation, and maintenance of the
29 new Livingston Parish courthouse.

1 G. Notwithstanding any provision of law in this Section to the contrary, the
2 state and any political subdivision thereof, the Twenty-First Judicial District Court,
3 the Livingston Parish Clerk of Court, the Livingston Parish Council, and the
4 Louisiana Legislature covenant and agree with the parish of Livingston and the
5 holders of any bonds or other indebtedness of the parish of Livingston issued in
6 connection with the new Livingston Parish courthouse, that so long as such bonds
7 or other indebtedness shall remain outstanding, the state and any political
8 subdivision thereof, the Twenty-First Judicial District Court, the Livingston Parish
9 Clerk of Court, the Livingston Parish Council, and the Louisiana Legislature shall
10 not in any way impair the rights and remedies of such holder of the security for such
11 bonds or other indebtedness of the parish of Livingston issued in connection with the
12 new Livingston Parish courthouse, until all such bonds or other indebtedness of the
13 parish of Livingston are fully paid and discharged.

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)]

White

HB No. 407

Abstract: Establishes a judicial building fund for the construction of a new courthouse for the 21st JDC in Livingston Parish and provides for filing and recordation charges in civil matters.

Proposed law provides for the following charges to be imposed and collected in all cases over which the 21st JDC for the parish of Livingston has jurisdiction:

- (1) \$100 per initial filing of a civil suit.
- (2) \$10 per filing of each additional pleading.
- (3) \$20 for the recordation of documents.

Proposed law provides that these charges shall be in addition to other civil filing fees levied and collected by the Livingston Parish Clerk of Court. Further provides that such charges shall be imposed by the judges of the 21st JDC acting en banc.

Proposed law provides that monies generated by proposed law shall be held by the Livingston Parish Clerk of Court, remitted at least monthly to the Dept. of Finance for the parish, and irrevocably deposited into the Livingston Parish Courthouse Fund. Provides for the purpose and use of the fund.

Proposed law provides for the ownership and control of the Livingston Parish Courthouse Fund and provides for the obligations of the Livingston Parish Council.

Proposed law provides procedures regarding the use of surplus funds and authorizes the reduction of the filing charges and recordation fees. Authorizes the use of cooperative endeavor agreements in conjunction with the design, construction, renovation, equipping, operation, and maintenance of the new Livingston Parish courthouse.

Proposed law provides that the state, any political subdivision, the 21st JDC, the Livingston Parish Clerk of Court, the Livingston Parish Council, and this legislature shall not impair the rights and remedies of the holder of the security for the bonds or other indebtedness until they are fully paid and discharged.

(Adds R.S. 13:996.68)