

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.

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

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

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

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

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

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

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

22 D.(1) Subject to the limitations provided in this Section, the Livingston
23 Parish Council, as the governing authority of the parish of Livingston, shall have
24 ownership and control over the Livingston Parish Courthouse Fund, and shall have
25 the authority to pledge the Livingston Parish Courthouse Fund to bonds or other
26 instruments of indebtedness issued by or on behalf of the parish of Livingston. The
27 Livingston Parish Council shall have the authority to pay and disburse from the
28 Livingston Parish Courthouse Fund all amounts necessary to pay and discharge any
29 bonds or other instruments of indebtedness issued to pay for the construction of the
30 new Livingston Parish courthouse.

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

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

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

25 G. Notwithstanding any provision of law in this Section to the contrary, the
 26 state and any political subdivision thereof, the Twenty-First Judicial District Court,
 27 the Livingston Parish Clerk of Court, the Livingston Parish Council, and the
 28 Louisiana Legislature covenant and agree with the parish of Livingston and the
 29 holders of any bonds or other indebtedness of the parish of Livingston issued in
 30 connection with the new Livingston Parish courthouse, that so long as such bonds

1 or other indebtedness shall remain outstanding, the state and any political
2 subdivision thereof, the Twenty-First Judicial District Court, the Livingston Parish
3 Clerk of Court, the Livingston Parish Council, and the Louisiana Legislature shall
4 not in any way impair the rights and remedies of such holder of the security for such
5 bonds or other indebtedness of the parish of Livingston issued in connection with the
6 new Livingston Parish courthouse, until all such bonds or other indebtedness of the
7 parish of Livingston are fully paid and discharged.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____