



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: HB 834 HLS 16RS 1110
Bill Text Version: ENROLLED
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Table with metadata: Date: May 26, 2016 10:05 AM; Author: BERTHELOT; Dept./Agy.: Courts, all state agencies and political subdivisions; Subject: Deferral of court costs; Analyst: Robbie Robinson

JUDGEMENTS EN INCREASE SG EX See Note Page 1 of 1
Authorizes temporary deferral of court costs by the state and political subdivisions and provides for collection of deferred court costs.

Purpose of Bill: This measure clarifies that court costs are deferred and further specifies that the cost of filing a judgment dismissing claims be included in costs that may be temporarily deferred. Under this measure, when a final judgment is issued dismissing claims against the government, the opposing party must pay the temporarily deferred court costs assessed against the government. Also, the government must pay court costs assessed against it within 30 days of the final judgment. The Office of Debt Recovery may be asked to collect any outstanding deferred court costs on behalf of clerks of court.

As amended, the bill provides that neither the Department of Children and Family Services (DCFS) nor any District Attorney's Office shall be required to pay court costs in any child welfare proceeding instituted by such Department/DA's Office.

Table with 7 columns: EXPENDITURES, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

Table with 7 columns: REVENUES, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

This measure could increase state general fund and local government expenditures by an indeterminable amount.

To the extent this measure results in the payment of court costs that have not been paid in the past due to interpretation of the current law, there could be some increase in state and local government expenditures. The amount of this increase is indeterminable due to the statewide impact.

According to agency officials at DCFS, the bill as amended should have no fiscal impact as the amendment confirms current practice.

REVENUE EXPLANATION

This measure could increase local government revenues by an indeterminable amount.

A representative of the Louisiana Clerks of Court Association provided that this measure clarifies when and how deferred court costs can and should be collected in litigation involving political subdivisions and therefore it should have no impact on revenues for the clerks of court. A representative of the Louisiana Municipal Association agreed that there will be no fiscal impact.

However, a representative of the East Baton Rouge Parish Clerk of Court estimates that clarification of this statute could result in a revenue increase from \$68,000 to \$123,000 per year over the next five years, resulting from court costs that previously have not been paid.

To the extent that this measure removes the exemption language in current law and clarifies when court costs are to be paid, an indeterminable amount of local government revenue may be recognized due to payment of these court costs.

According to agency officials at DCFS, the bill as amended should have no fiscal impact as the amendment confirms current practice.

- Senate Dual Referral Rules House
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}
6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Signature of Michael G. Battle
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