

CONFERENCE COMMITTEE REPORT
House Bill No. 1206 By Representative Leger

June 2, 2014

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 1206 by Representative Leger, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Judiciary A and adopted by the Senate on May 21, 2014, be rejected.
2. That the set of Legislative Bureau Amendments proposed by the Legislative Bureau and adopted by the Senate on May 22, 2014, be rejected.
3. That the set of Senate Floor Amendments consisting of 18 amendments proposed by Senator Morrell and adopted by the Senate on May 29, 2014, be adopted.
4. That the set of Senate Floor Amendments consisting of 6 amendments proposed by Senator Morrell and adopted by the Senate on May 29, 2014, be adopted.
5. That Senate Floor Amendment No. 6 of the set of Senate Floor Amendments consisting of 6 amendments of the Reengrossed bill be amended as follows:

AMENDMENT NO. 1

In Senate Floor Amendment No. 6 proposed by Senator Morrell and adopted by the Senate on May 29, 2014, on page 1, line 30, after "to" and before "transfer" insert "enter into a cooperative endeavor agreement with the city of New Orleans or to"

AMENDMENT NO. 2

In Senate Floor Amendment No. 6 proposed by Senator Morrell and adopted by the Senate on May 29, 2014, on page 1, delete lines 32 through 41

AMENDMENT NO. 3

In Senate Floor Amendment No. 6 proposed by Senator Morrell and adopted by the Senate on May 29, 2014, on page 2, delete lines 1 through 4

AMENDMENT NO. 4

On page 17, line 24, after "Orleans" delete the remainder of the line and delete lines 25 through 27 in their entirety and insert a period "." and the following:

"There shall also be a vice senior and administrative judge of the Municipal and Traffic Court of New Orleans. The judge designated as the senior and administrative judge of the New Orleans Traffic Court shall serve as the vice senior and administrative judge of the consolidated court. The vice senior and administrative judge shall maintain all of the rights and privileges of the senior and administrative judge. The position of senior administrative judge and vice senior administrative judge shall alternate between the two courts based on seniority. In the event the senior judge declines the"

Respectfully submitted,

Representative Walt Leger III

Senator Ben Nevers

Representative Jeffery "Jeff" J. Arnold

Senator Edwin R. Murray

Representative Helena N. Moreno

Senator Jean-Paul J. Morrell

 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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 1206 by Representative Leger

Keyword and oneliner of the instrument as it left the House

COURTS: Provides for the consolidation of the New Orleans Traffic and Municipal Courts

Report adopts Senate amendments to:

1. Provide for the judges of the municipal and traffic court, sitting en banc to choose a judge to serve as the senior and administrative judge, if the position is declined by the senior judge.
2. Remove the provision that delays the calling of a special election to fill a vacancy until submission of the report from the task force.
3. Change the time that the senior and administrative judge of the consolidated municipal and traffic court serves from as long as he holds office to the remainder of his term of office.
4. Require the task force to make a recommendation related to the reduction in judges through attrition.
5. Authorize the commissioner of administration to enter into a cooperative endeavor agreement relative to certain property in New Orleans or to transfer such property either for the appraised value or in exchange for value equivalent to the appraised value, except that it removes the authority for the Joint Legislative Committee on the Budget to create a committee to provide a recommendation to the commissioner of administration regarding the transfer of the property sites.

Report rejects Senate amendments which would have:

1. Deleted all provisions and created a task force to study the feasibility of the consolidation of the New Orleans Municipal Court and the New Orleans Traffic Court.
2. Authorized the commissioner of administration to transfer certain state property in the city of New Orleans either for the appraised value or in exchange for value equivalent to the appraised value.
3. Authorized the Joint Legislative Committee on the Budget to create a committee to provide a recommendation to the commissioner of administration regarding the transfer of the property sites and further provided for the membership of the committee.
4. Made technical changes.

Report amends the bill to:

1. Provide for the senior judge of the New Orleans Traffic Court to serve as the vice senior and administrative judge of the consolidated court and further provides for the term of service, rights, and privileges.

Digest of the bill as proposed by the Conference Committee

Present law provides for the Municipal Court and Traffic Courts of New Orleans and the judgeships and clerks of court for each court and their respective salaries, terms of office, qualifications, powers and duties, and employees and personnel. Present law further provides for jurisdiction of the courts and procedures relative to trials and appeals, judicial administrators, judicial expense funds and use of such funds, quarters for the court, additional costs, and enumeration of fees and fines.

Proposed law consolidates the Municipal Court of New Orleans and the Traffic Court of New Orleans and creates the Municipal and Traffic Court of New Orleans and provides for its jurisdiction.

Proposed law transfers the four judges from the traffic court to the consolidated court and creates four additional judgeships to be comprised of Divisions "E", "F", "G", and "H".

Proposed law provides for one clerk of court and judicial administrator for the consolidated court.

Proposed law creates a consolidated judicial expense fund for the consolidated court.

Proposed law authorizes the Orleans Parish Sheriff's Office and the Constable's Office for the city of New Orleans, to provide security detail for the consolidated court.

Proposed law requires that the senior and administrative judge of the municipal court shall serve as the senior and administrative judge of the consolidated court as long for the remainder of his term in office, and thereafter, the judge with most seniority on the consolidated court will become the senior and administrative judge during his tenure unless he declines, in which case the judges of the consolidated court, sitting en banc will choose the judge to serve in the position.

Proposed law provides for the senior judge of the New Orleans Traffic Court to serve as the vice senior and administrative judge of the consolidated court and who shall have the same rights and privileges as the senior and administrative judge.

Proposed law creates the New Orleans Municipal and Traffic Court Task Force and provides for its members and responsibilities, and further requires the task force submit a report of its findings and recommendations 30 days prior to the 2015 R.S. of the Legislature.

Present law authorizes the commissioner of administration to enter into a cooperative endeavor agreement with the BioDistrict New Orleans to allow for certain state property to be utilized as the new civil district court site.

Proposed law retains present law and adds authorization for the commissioner to transfer the property site to the city of New Orleans or enter into a cooperative endeavor agreement relative to such property, either for the appraised value or in exchange for value equivalent to the appraised value.

Sections 8 and 5 of this Act become effective upon signature of the governor or lapse of time for gubernatorial action; all other sections become effective on Jan. 1, 2017.

(Amends R.S. 13:2491, 2492, 2493, 2493.1(A)(intro. para.), (B), (C), and (D), 2495, 2495.1(A), 2496.1, 2496.2(A), 2496.3(A), (B), (E), (F), (G)(intro. para.), (3) and (5), 2496.4, 2497, 2498(A), (B), and (C), 2499, 2500(A) and (B), 2500.1, 2500.2, 2500.4, 2501, 2512, 2513, 2514, 2515, 2516, 2519(A), and Section 1 of Act 277 of the 2013 Regular Session of the Louisiana Legislature; Repeals R.S. 13:2501.1, 2505, 2506, 2507, 2507.1, and 2509)