

Regular Session, 2012

HOUSE BILL NO. 1010

BY REPRESENTATIVE ARNOLD

JUDGES/APPELLATE: Provides relative to furniture and equipment purchased by the courts of appeal

1 AN ACT

2 To amend and reenact R.S. 13:392 and to enact R.S. 13:352(D), (E), and (F), relative to
3 furniture and equipment purchased or owned by the courts of appeal; to require the
4 title of all furniture and equipment purchased and in possession of the courts of
5 appeal to vest in the purchasing court; to require an itemized statement of furniture
6 and equipment requested for purchase; to authorize certain persons to complete the
7 sale of furniture or equipment; to authorize any judge to purchase furniture and
8 equipment with nonpublic funds upon termination of office; to require sale proceeds
9 to be retained by the clerk or court; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 13:392 is hereby amended and reenacted and R.S. 13:352(D), (E),
12 and (F) are hereby enacted to read as follows:

13 §352. Fees; bond premiums; equipment, supplies, and other expenses;
14 reimbursement of expenses of judges of courts of appeal

15 * * *

16 D. Title to all furniture and equipment purchased pursuant to the provisions
17 of this Section shall vest in the purchasing court.

18 E. Notwithstanding the provisions of Part XI of Chapter 1 of Title 39 of the
19 Louisiana Revised Statutes of 1950, upon termination of office, each judge having
20 possession of equipment or furniture purchased with the fees provided in this Section

1 may purchase such property with nonpublic funds at a cost of the standard
2 depreciated value of the property. The clerk, or presiding judge, or any judge by
3 direction of the court, is authorized to complete such sales, and the proceeds of the
4 sales are to be retained by the clerk and expended as provided for in this Section.

5 F. The provisions of this Section shall apply to all furniture and equipment
6 in the possession of the courts of appeal regardless of the date of acquisition.

7 * * *

8 §392. Payment of expenses

9 A. The presiding judge of each of the courts of appeal, or any one of the
10 judges, by the direction of the court, may draw a monthly warrant on the state for
11 one-twelfth of the amount of the annual appropriation as made by the legislature for
12 the expense of operation and maintenance of the ~~said~~ court.

13 B. Title to all furniture and equipment purchased pursuant to the provisions
14 of this Section shall vest in the purchasing court. Furniture and equipment shall be
15 purchased by the presiding judge, or any judge, by direction of the court in
16 accordance with purchasing policies of the Judicial Budgetary Control Board upon
17 presentation of itemized statements from judges setting forth in detail the furniture
18 and equipment desired to be purchased.

19 C. Notwithstanding the provisions of Part XI of Chapter 1 of Title 39 of the
20 Louisiana Revised Statutes of 1950, upon termination of office, each judge having
21 possession of equipment or furniture purchased with the fees provided in this Section
22 may purchase such property with nonpublic funds at a cost of the standard
23 depreciated value of the property. The presiding judge, or any judge, by direction
24 of the court, is authorized to complete such sale and the proceeds of the sales are to
25 be retained by the court in the generated revenue account and expended as provided
26 for in R.S. 13:352.

27 D. The provisions of this Section shall apply to all furniture and equipment
28 in the possession of the courts of appeal regardless of the date of acquisition.

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)]

Arnold

HB No. 1010

Abstract: Provides that title to all furniture and equipment purchased or owned by the courts of appeal is vested in the purchasing court and further authorizes any judge to purchase furniture and equipment upon termination of office.

Present law authorizes the clerk of each court of appeal to collect certain fees for filings and copies and to allocate those collected fees for payment of premiums on fidelity bonds and to retain the balance on those fees for expenses related to the operation of the court and the clerk's office.

Present law provides that after costs of operations and premiums on fidelity bonds are paid that any remaining balance will be expended to reimburse the judges of the courts of appeal for expenses related to their office which are incurred while on official duty, payable out of the self-generated funds in an amount established annually by the Conference of the Court of Appeal Judges, subject to final approval by the Supreme Court of La.

Present law authorizes the judges of the courts of appeal to draw a monthly warrant on the state for 1/12 of the annual appropriation as made by the legislature for the expense and operation of the court.

Proposed law retains present law.

Proposed law requires title to all furniture and equipment purchased or in the possession of the courts of appeal to be vested with the respective court of appeal.

Proposed law requires the purchase of furniture and equipment to be purchased by the presiding judge or any judge, by the direction of the court, in accordance with policies of the Judicial Budgetary Control Board and the presentation of itemized statements from judges setting forth in detail the items to be purchased.

Proposed law authorizes each judge upon termination of office to purchase with nonpublic funds any furniture or equipment in his possession at the depreciated value.

Proposed law authorizes the clerk, presiding judge, or any judge at direction of the court, to complete the sale and retain the proceeds to be expended in accordance with the provisions of present law regarding the use of fees collected by each clerk of the courts of appeal.

(Amends R.S. 13:392; Adds R.S. 13:352(D), (E), and (F))