

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: SB 94 SLS 16RS 224

Bill Text Version: ENGROSSED

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Table with 2 rows and 3 columns: Date, Dept./Agy., Subject, Author, Analyst. Row 1: April 1, 2016, Judiciary, Recognition of Foreign Orders of Adult Guardianship in LA, COLOMB, Zachary Rau. Row 2: 12:11 PM, (blank), (blank), (blank), (blank).

CIVIL PROCEDURE EG SEE FISC NOTE GF EX See Note Page 1 of 1
Enacts Louisiana Uniform Adult Guardianship Protective Proceedings Jurisdiction Act. (8/1/16)

Proposed law enacts the LA Uniform Adult Guardianship Protective Proceedings Jurisdiction Act, which provides a legal framework under which orders of adult guardianship from a foreign jurisdiction can be recognized and upheld in the State of Louisiana.

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

EXPENDITURE EXPLANATION
Proposed law may reduce state general fund expenditures for judicial district courts statewide by an indeterminable amount. Based upon discussion with the LA State Law Institute, the proposed legislation provides a mechanism by which foreign orders of adult guardianship may be recognized in the State of Louisiana. Presently no such statewide mechanism exists. If a person wishes to obtain custody over someone currently under a foreign order of guardianship, they must follow the interdiction process, including litigation, as set forth in Louisiana’s Code of Civil Procedure (CCP). To the extent the proposed legislation allows foreign orders of adult guardianship to be recognized in the State of Louisiana, negating the need for persons with foreign orders of guardianship to undertake the interdiction process, judicial district courts may realize a savings associated with no longer having to hold hearings for these cases. However, the number of cases this may apply to in FY 17 and subsequent fiscal years is unknown, therefore the savings cannot be determined.

REVENUE EXPLANATION
Proposed law may increase revenue collections for local governing authorities by an indeterminable amount. The proposed legislation provides that foreign orders of adult guardianship be registered in the mortgage and conveyance records with the appropriate parish clerk of court. To the extent parish clerks of court charge filing fees for mortgage and conveyance records, they may realize an increase in revenues to the extent persons register foreign orders of adult guardianship. However, because the number of foreign orders of adult guardianship that may be registered with parish clerks of court is unknown, the potential revenue increase is indeterminable.

Proposed law may also decrease court fee collections associated with reduced hearings for cases of interdiction to the extent the proposed legislation allows jurisdictions to recognize orders of foreign guardianship.

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

Evan Brasseaux
Evan Brasseaux
Staff Director