



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: **HB 549** HLS 16RS 1198

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 2, 2016	5:35 PM	Author: JACKSON
Dept./Agy.: Clerks of Court Statewide		
Subject: Fees charged related to land records document filing		Analyst: Bobby Trahan

CLERKS OF COURT

RE LF RV See Note

Provides relative to clerks of courts of district courts as ex officio recorders

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Purpose of the Bill: The proposed law would allow for: 1) a schedule of fees, depending upon the size of the document (number of pages), 2) specifications regarding the documents paper size (letter, legal, other), 3) that if a document must be recorded and filed in both the mortgage and conveyance records, the fees shall be assessed separately for recording in the mortgage records and the conveyance records, 4) a \$50 filing fee for recording an act or affidavit to cancel a mortgage, lien or privilege, 5) the fees shall include the indexing of documents filed for record for up to 10 names, and include one clerk-certified copy of the recorded document without additional charge, and 6) a schedule of fees to be charged by clerks as ex officio recorders and by ex officio notaries public.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
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Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

An official with the Louisiana Clerks of Court Association, indicated they do not anticipate an increase or decrease of expenditures as a result of this bill.

An official with the Jefferson Parish Clerk’s Office, indicated they do not anticipate an increase or decrease of expenditures as a result of this bill.

An official with the Bossier Parish Clerk’s Office, indicated that they do not know how may pages would be filed. Therefore, it would be difficult to estimate the impact on expenditures.

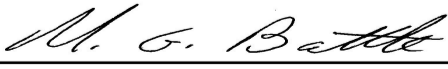
REVENUE EXPLANATION

This measure could impact the revenues collected by Clerk of Court Offices statewide, however the impact is indeterminable at this time. We contacted several Clerk of Court Offices and the LA Clerks of Court Association and obtained the following information:

Officials with the Jefferson and Bossier Parish Clerk of Court Offices, indicated the impact of the bill cannot be determined.

An official with the LA Clerks of Court Association indicated there are so many unknown factors making it difficult to estimate the impact on revenues (e.g., uncertainty as to the number of documents that will fall into the different categories). The official stated that in some instances the clerks will receive more and in some instances they will receive less than they are currently receiving.

Information contained in a worksheet prepared by the Association shows how the current law compares to the proposed law, using different number of pages, 10 names to be indexed, and 1 clerk certified copy of all pages in the document. A few examples are shown below.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	Michael G. Battle Manager, Advisory Services



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CONTINUED EXPLANATION from page one:

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	Current Law	Proposed Law *
1 page	\$25.00	\$50.00
10 names indexed	\$45.00	0.00
1 Clerk Certified copy		
at \$5 for stamp plus		
\$1 per page	\$ 6.00	0.00
Total	\$76.00	\$50.00
21 pages	\$185.00	\$275.00
10 names indexed	\$ 45.00	0.00
1 Clerk Certified copy		
at \$5 for stamp plus		
\$1 per page	\$ 26.00	0.00
Total	\$256.00	\$275.00
40 pages	\$337.00	\$375.00
10 names indexed	\$ 45.00	0.00
1 Clerk Certified copy		
at \$5 for stamp plus		
\$1 per page	\$ 45.00	0.00
Total	\$427.00	\$375.00

* The fee includes indexing of up to 10 names and 1 clerk certified copy of recorded document

SenateDual Referral RulesHouse

☐ 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}

Michael G. Battle
Manager, Advisory Services