

2019 Regular Session

SENATE BILL NO. 111

BY SENATORS CLAITOR AND BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides relative to court costs in suits involving the state and state agencies in the Nineteenth Judicial District Court. (8/1/19)

1 AN ACT

2 To amend and reenact R.S. 13:4521(A)(1) and 5036 and to enact R.S. 13:4521(E), relative

3 to court costs in suits involving the state and state agencies in the Nineteenth Judicial

4 District Court; to provide with respect to the temporary deferral of court costs and

5 the entities to which the deferral applies; to provide with respect to the institution

6 and prosecution of suits by the attorney general in suits for the protection of the

7 state's interests and rights filed in the Nineteenth Judicial District Court; and to

8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:4521(A)(1) and 5036 are hereby amended and reenacted and R.S.

11 13:4521(E) is hereby enacted to read as follows:

12 §4521. State and its subdivisions; temporary deferral of court costs; exceptions

13 A.(1) Except as provided in R.S. 13:5112, R.S. 19:15 and 116, ~~and~~ R.S.

14 48:451.3, **and Subsection E of this Section**, and as provided in this Subsection, the

15 state, any political subdivision as defined in this Section, and any agent, officer, or

16 employee of any such governmental entity when acting within the scope and

17 authority of such employment or when discharging his official duties may

1 temporarily defer court costs, including cost of filing a judgment dismissing claims  
 2 against the state, political subdivision, or agent, officer, or employee thereof, in any  
 3 judicial proceeding instituted or prosecuted by or against the state, any political  
 4 subdivision, or agent, officer, or employee thereof in any court of this state or any  
 5 municipality of this state, including particularly but not exclusively those courts in  
 6 the parish of Orleans and the city of New Orleans. This Section shall also apply to  
 7 the Louisiana Insurance Guaranty Association and the Louisiana Life and Health  
 8 Insurance Guaranty Association in any judicial proceeding instituted by or against  
 9 them. This Section shall also apply to the policyholder or other insured of an  
 10 insolvent insurer in any judicial proceeding instituted by or against the Louisiana  
 11 Insurance Guaranty Association and the Louisiana Life and Health Insurance  
 12 Guaranty Association. Costs which are temporarily deferred pursuant to this Section  
 13 cannot be shifted to opposing parties during the pendency of such deferment;  
 14 however, when a final judgment is rendered dismissing all claims against the state,  
 15 a political subdivision, or agent, officer, or employee thereof and when the judgment  
 16 taxes costs of the state, political subdivision, or agent, officer, or employee thereof  
 17 against the opposing party in accordance with the provisions of Code of Civil  
 18 Procedure Article 1920, the opposing party shall be condemned to pay the  
 19 temporarily deferred court costs.

20 \* \* \*

21 **E. With respect to the deferral of court costs in suits filed in the**  
 22 **Nineteenth Judicial District Court, the provisions of this Section shall apply**  
 23 **only to the state and its departments listed in R.S. 36:4(A). However, the state**  
 24 **and its departments listed in R.S. 36:4(A), shall deposit an advance filing fee in**  
 25 **the amount of two hundred dollars, to the Nineteenth Judicial District Court.**

26 \* \* \*

27 §5036. Suits for protection of state's interests and rights; institution and prosecution  
 28 by attorney general; **deferral of** costs; bond

29 **A.** The attorney general may institute and prosecute any and all suits he may

1           deem necessary for the protection of the interests and rights of the state. No court of  
 2           this state, nor officer thereof, shall demand of the state, or the attorney general, any  
 3           security for costs, or any advance costs; but all costs for which the state may become  
 4           liable shall be paid by the attorney general out of the proper appropriation therefor.  
 5           In any and all cases where bond is required by law in legal proceedings, the state and  
 6           the attorney general shall be dispensed from giving such bond.

7                        **B. With respect to the deferral of court costs in suits filed in the**  
 8                        **Nineteenth Judicial District Court, the provisions of this Section shall apply**  
 9                        **only to the state and its departments listed in R.S. 36:4(A). However, the state**  
 10                      **and its departments listed in R.S. 36:4(A), shall deposit an advance filing fee in**  
 11                      **the amount of two hundred dollars, to the Nineteenth Judicial District Court.**

12                      **C. If an opposing party condemned to pay temporarily deferred court**  
 13                      **costs fails to pay the assessed costs within thirty days of the judgment becoming**  
 14                      **final, the clerk of court may forward a certified copy of the recorded judgment**  
 15                      **to the office of debt recovery for collection. The office of debt recovery may**  
 16                      **collect any outstanding deferred court costs on behalf of the clerk of court.**

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Thomas F. Wade.

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DIGEST

SB 111 Reengrossed

2019 Regular Session

Claitor

Present law provides that the state, any political subdivision as defined in present law, and any agent, officer, or employee of any governmental entity when acting within the scope and authority of such employment or when discharging his official duties may temporarily defer court costs, including cost of filing a judgment dismissing claims against the state, political subdivision, or agent, officer, or employee thereof, in any judicial proceeding instituted or prosecuted by or against the state, any political subdivision, or agent, officer, or employee thereof in any court of the state or any municipality of the state. Present law includes certain limited exceptions.

Present law further provides that costs which are temporarily deferred cannot be shifted to opposing parties during the pendency of such deferment; however, when a final judgment is rendered dismissing all claims against the state, a political subdivision, or agent, officer, or employee thereof and when the judgment taxes costs of the state, political subdivision, or agent, officer, or employee thereof against the opposing party, the opposing party shall be condemned to pay the temporarily deferred court costs.

Present law defines "political subdivision" as any parish, municipality, special district, school board, sheriff, public board, institution, department, commission, district, agency, authority, or an agency or subdivision of any of these, and any other public or governmental

body of any kind which is not a state agency.

Present law also provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay the assessed costs within thirty days of the judgment becoming final, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery for collection. The office of debt recovery may collect any outstanding deferred court costs on behalf of the clerk of court.

Proposed law limits the application of present law with regard to the temporary deferral of court costs in suits filed in the 19th Judicial District Court to the state and its departments listed in R.S. 36:4(A). Proposed law also requires the state and the departments listed in present law to deposit an advance filing fee of \$200 to the 19th Judicial District Court.

Present law further provides that the attorney general may institute and prosecute any suit he may deem necessary for the protection of the interests and rights of the state without putting up security for costs, or any advance costs. It further provides that all costs for which the state may become liable shall be paid by the attorney general out of funds appropriated for that purpose.

Proposed law limits the application of present law with regard to the temporary deferral of court costs in suits filed in the 19th Judicial District Court to the state and its departments listed in R.S. 36:4(A). Proposed law also requires the state and the departments listed in present law to deposit an advance filing fee of \$200 to the 19th Judicial District Court. Further provides that if an opposing party condemned to pay temporarily deferred court costs fails to pay the assessed costs within thirty days of the judgment becoming final, the clerk of court may forward a certified copy of the recorded judgment to the office of debt recovery for collection. The office of debt recovery may collect any outstanding deferred court costs on behalf of the clerk of court.

Effective August 1, 2019.

(Amends R.S. 13:4521(A)(1) and 5036; adds R.S. 13:4521(E))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Requires the state and certain departments to deposit an advance filing fee of \$200 to the 19th Judicial District Court.