

APPROVED MINUTES

CLERKS ONLY MEETING **66TH ANNUAL CONVENTION** **MONDAY, APRIL 19, 2011, 2:00 P.M.** **COMFORT SUITES** **VIDALIA, LOUISIANA**

The Louisiana Clerks of Court – “Clerks Only” meeting was held on the above date with the following members present: President Louie Bernard, Gerald Harrington, Hart Bourque, Darlene Landry, Jim Martin, Cynthia Johnson, Lynn Jones, Eugene Dunn, Carl Broussard, Janet Payne, James Patrick Gladney, Clyde Webber, Doug Welborn, David Dart, Ann Johnson, ElRay Lemoine, Michael Thibodeaux, Ann Walsworth, Bert LeBlanc for Jon Gegenheimer, Rick Arceneaux, Louis Perret, Vernon Rodrigue, Steve Andrews, Thomas Sullivan, Marion Hopkins, Carol Jones, Arthur Morrell, Dorothy Lundin, Lena Torres, Lanell Landry, Carolyn Ryland, Becky Patin, Cliff Dressel, Julian Dufreche, Dodi Eubanks, Diane Meaux Broussard, Holli Vining, Mark Graffeo, Kay Bolding, and Christine Crow. Also present: Debbie Hudnall, Executive Director.

The Clerks Only meeting was called to order by President Louie Bernard and Ann Walsworth gave the opening prayer. Mark Graffeo led the Pledge of Allegiance.

CONVENTION UPDATE

President Bernard thanked Convention Chairman Clyde Webber for hosting the 2011 Convention and for his hard work in preparing for it. Clyde welcomed everyone and thanked all of those who had helped him with the Convention. He reported there would be tours in the surrounding area and a great talent show for the Clerks and Deputies. He said they were happy to have everyone there. Louie announced that there would be numerous state-wide officials in attendance at the Convention including the Governor who would be in attendance at the Tuesday night event.

APPROVAL OF MINUTES

Carolyn Ryland made a motion to approve the minutes of the last regular Clerks Only meeting held Wednesday, December 8, 2010, as presented. The motion was seconded by Cliff Dressel. **Motion Carried.**

TREASURER REPORTS

Louisiana Clerks of Court Association: Tammy Foster gave the Treasurer’s report for the Louisiana Clerks of Court Association showing Total Assets as of March 31, 2011 of \$587,763. The Income Statement ending March 31, 2011, showed total revenue for the nine months year to date of \$444,848 with expenses of \$396,380 leaving a Net Income of \$48,468.

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Louisiana Clerks of Court Retirement and Relief Fund: Treasurer Tammy Foster reported that as of March 31, 2011, the Louisiana Clerks of Court Retirement and Relief Fund had Total Assets of \$373,444,572 which was a net increase of \$73 million for the past nine months. She also presented the Balance Sheet of the La. Clerks of Court Retirement Administration Fund as of March 31, 2011, showing a Total Fund Balance of \$486,119.

Pat Gladney moved that the Treasurer's report be received. Motion seconded by Carl Broussard. **Motion Carried.**

REPORTS

SUPPLEMENTAL BOARD

Jim Martin reported on behalf of Chairman Gary Loftin, that the Board began the year with the goal of reducing the surplus in the fund evenly over the year. To achieve that goal, the monthly compensation was increased with no increase in contribution. The planned draw down of the fund and the unforeseen decrease in the number of suits filed has nearly depleted the assets. The Board considered several options and after weighing the effect of each, the Board recommended that the fee for each suit be increased to \$15.00, the New Orleans Criminal Clerk's Contribution be increased to \$750 per month, and that the monthly cap be increased to \$3800 effective July 1, 2011. The approval and implementation of the new rates should stabilize the fund and provide the necessary revenue to operate and maintain a small surplus. Gerald Harrington moved that the recommendation of the Supplemental Board be approved. Motion seconded by Eugene Dunn. **Motion carried.**

RECORDS PRESERVATION COMMITTEE

Chairman Jim Martin reported that the members appointed by President Bernard were: Jim Martin, Chairman, Mark Graffeo, Malise Prieto, Lynn Jones, Dale Atkins and Tammy Foster, ex-officio members – Louie Bernard and Debbie Hudnall. The Committee developed a complete self-evaluation of each office's status in terms of records maintained, along with the methodology of back-up or preservation systems. The primary goal was to develop a "Best Practices" guide for each office to use in implementing a system for backup and recovery of their records. The Committee had met with major companies who provide software systems to Clerks and asked for their input. The Committee recognized that the plan must be achievable if it is to be valuable. The Committee will develop a guide that will establish different levels appropriate to the size of each office, the number and type of records maintained, and the resources available.

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The Committee discussed possible legislation that would authorize Clerks to charge a "Record Preservation Fee" which would be charged for every filing in the Clerks' offices. There are different options for the dedication of the fee within the scope of "preservation". The Committee agreed to prepare and send out a survey to all Clerks requesting the total number of instrument filings to help determine how much the fee should be and then to develop possible legislation for 2012.

FINANCIAL DISCLOSURE REPORTS

Debbie reminded the Clerks that the Annual Financial Disclosure Reports would be due by May 15th unless they filed for an extension for their Federal Income tax, and that if they filed for an extension they would have to file an affidavit with the Ethics Board. She also reminded the Clerks if they served on the Association Board or Insurance Board they needed to be included on Schedule C – Nonprofit. If they served on the Retirement Board or Supplemental Compensation Board, they should file under Schedule L.

2011 LEGISLATION (See Exhibit A)

Debbie reported that a little over 500 House bills and a little over 250 Senate bills had been filed. She distributed a list of bills that had been filed prior to Friday and discussed a few bills.

HB 127 - Reduction of Election Hours – The Clerks agreed to support this bill

HB 135- Prohibits levy of new fees or taxes on property transfers – Realtors have agreed to amend the bill to exclude Clerks' recording fees

HB 270 – Clerks' Bill – Provides for insurance coverage upon retirement for a Clerk or clerk employee that retires under the clerks of court retirement program

SB 24 – Uniform Mortgage Cancellation Affidavit

SB 25 – Expungement Fee for Sheriffs and DA's – included \$10 for Clerks to collect fees for Sheriffs and DA – Withdrawn

SB 150 - Expungement Fee for Sheriffs and DA's to be collected by Clerks, but removed the \$10

Julian Dufreche moved that in the future, an additional \$50 fee for the Clerks on expungements be introduced. Motion was seconded by Cindy Johnston. **Motion carried.**

Motion was made by Jim Martin to oppose any mandatory collection of fees by the Clerks unless there is an administrative fee included. Motion seconded by Tom Sullivan. **Motion carried.**

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NEW BUSINESS

Carl Broussard discussed the issue he was having on appeal cost for exhibits in cases that had been handled in administrative hearings. He said that the Clerks need some type of uniformity on costs. There was much discussion on this issue.


OTHER COMMENTS

President Bernard reported that the Fee Litigation has now been completed.

ADJOURNMENT

Motion to adjourn made by Lynn Jones and seconded by Carolyn Ryland. **Motion Carried.**

Respectfully submitted,



Debbie D. Hudnall, Executive Director

APPROVED:



President Louie Bernard

2011 Regular Session – House Bills **EXHIBIT A**

<u>HB37</u>	<u>NOWLIN</u>	ASSIGNED TO HOUSE WAYS & MEANS	TAX: Provides relative to the monthly transmission of certain tax collection information for local taxes (OR NO IMPACT LF EX See Note)
<u>HB70</u>	<u>J.H.SMITH</u>	ASSIGNED TO HOUSE MUNICIPAL & PAROCHIAL AFFAIRS	LOCAL AGENCIES: Repeals an exemption from the authority of political subdivisions to use hybrid or alternative fuel vehicles
<u>HB71</u>	<u>J.H.SMITH</u>	ASSIGNED TO HOUSE JUDICIARY	CRIMINAL/VICTIMS: Provides relative to victim notification
<u>HB73</u>	<u>SMILEY</u>	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS	PUBLIC RECORDS: Permits state agencies to store records electronically
<u>HB81</u>	<u>CHANDLER</u>	ASSIGNED TO HOUSE CIVIL LAW & PROCEDURE	CRIMINAL/PROCEDURE: Provides with respect to the release of medical records in criminal cases
<u>HB82</u>	<u>R.JONES</u>	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS	ELECTIONS/BALLOTS: Removes candidate party affiliation from the ballot for certain elections
<u>HB85</u>	<u>KLECKLEY</u>	ASSIGNED TO HOUSE CIVIL LAW & PROCEDURE	INSURANCE/POLICIES: Requires the identification of the title producer, examining attorney and title insurer on certain transactions
<u>HB106</u>	<u>MORENO</u>	ASSIGNED TO HOUSE CRIMINAL JUSTICE	CRIMINAL/SENTENCING: Requires reporting from providers of home incarceration or electronic monitoring services to DPS&C
<u>HB107</u>	<u>TALBOT</u>	ASSIGNED TO HOUSE INSURANCE	INSURANCE/SELF: Defines certain activity toward a self-insured governmental entity with a self-insured loss fund or risk pool as a fraudulent insurance act
<u>HB116</u>	<u>STIAES</u>	ASSIGNED TO HOUSE CRIMINAL JUSTICE	LAW ENFORCE/CRIM JUS COM: Prohibits the destruction of biological evidence collected pursuant to the investigation of certain criminal offenses
<u>HB120</u>	<u>CONNICK</u>	ASSIGNED TO HOUSE CIVIL LAW & PROCEDURE	CIVIL/PROCEDURE: Provides for the suspension of liberative prescription in class action suits
<u>HB121</u>	<u>WOOTON</u>	ASSIGNED TO HOUSE CRIMINAL JUSTICE	CORRECTIONS: Increases probation and parole fees by ten dollars

2011 Regular Session – House Bills **EXHIBIT A**

<u>HB122</u>	<u>WOOTON</u>	ASSIGNED TO HOUSE CRIMINAL JUSTICE	CORRECTIONS: Provides for the imposition of a fee to defray the cost of presentence investigations
<u>HB127</u>	<u>CROMER</u>	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS	ELECTION CODE: Changes the hours that the polls and the principal office of the registrar are required to be open on election day
<u>HB135</u>	<u>NOWLIN</u>	ASSIGNED TO HOUSE WAYS & MEANS	TAX/PROPERTY TRANSFER: (Constitutional Amendment) Prohibits the levy of new taxes or fees upon the sale or transfer of immovable property for Nov. 30, 2011
<u>HB172</u>	<u>T.BURNS</u>	ASSIGNED TO HOUSE CIVIL LAW & PROCEDURE	CIVIL/PROCEDURE: Provides for the inclusion of information in certain petitions
<u>HB175</u>	<u>TALBOT</u>	ASSIGNED TO HOUSE LABOR & INDUSTRIAL RELATIONS	EMPLOYMENT: Requires employers to use the E-Verify program to verify the citizenship status of applicants
<u>HB192</u>	<u>WHITE</u>	ASSIGNED TO HOUSE TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS	PUBLIC CONTRACT/BIDS: Authorizes public entities to require electronic bidding
<u>HB224</u>	<u>NOWLIN</u>	ASSIGNED TO HOUSE JUDICIARY	COURTS/COURT COSTS: Increases court costs in criminal cases in the 10th JDC
<u>HB237</u>	<u>GALLOT</u>	ASSIGNED TO HOUSE JUDICIARY	COURTS/CITY: Increases the jurisdictional amount in dispute for the City Court of Ruston
<u>HB255</u>	<u>BURRELL</u>	ASSIGNED TO HOUSE CRIMINAL JUSTICE	FAMILY VIOLENCE: Authorizes domestic abuse advocates to assist petitioners in making an application for a protective order
<u>HB266</u>	<u>CHANEY</u>	ASSIGNED TO HOUSE CIVIL LAW & PROCEDURE	MORTGAGES: Provides for a purchase money mortgage
<u>HB270</u>	<u>DANAHAY</u>	ASSIGNED TO HOUSE JUDICIARY	CLERKS OF COURT: Provides for insurance coverage upon retirement for a clerk or clerk employee that retires under the clerks of court retirement program

2011 Regular Session – Senate Bills EXHIBIT A

<u>SB22</u>	<u>MURRAY</u>	ASSIGNED TO SENATE JUDICIARY A	SUCCESSIONS: Provides relative to small succession procedures and effects. (gov sig)
<u>SB24</u>	<u>ALARIO</u>	ASSIGNED TO SENATE JUDICIARY A	CIVIL PROCEDURE: Authorizes uniform cancellation affidavit for cancellation of mortgage and vendor's lien inscriptions.
<u>SB25</u>	<u>MARTINY</u>	WITHDRAWN FROM THE FILES OF THE SENATE	COURTS: Authorizes the collection of the expungement processing fee by the clerk of court. (8/15/11)
<u>SB36</u>	<u>MORRISH</u>	ASSIGNED TO SENATE JUDICIARY A	TITLE INSURANCE: Provides relative to abstracts of title and title opinions. (1/1/12)