

February 21, 2000
OPINION #00-13

Honorable John J. Dahmer
Clerk of Court
Tangipahoa Parish Clerk of Court
P. O. Box 667
Amite, LA 70422

10 CLERKS OF COURT-COMPENSATION AND
FEES; POWERS AND DUTIES, GENERAL
La. R.S. 13:781; 13:783

Clerk of Court for Tangipahoa Parish may not establish an
insurance fund separate and apart from his general fund.

Dear Mr. Dahmer:

We received your request for an opinion. Specifically, you inquire as follows:

*May the clerk of court of Tangipahoa Parish establish an
insurance fund separate and apart from its general fund?*

La. R. S. 13:781 provides that the clerk of the district court **shall** collect all fees and charges due his office and deposit them in a fund known as the Clerk's Salary Fund. La. R. S. 13:783 provides that all expenses of the clerk's office be paid out of the Clerk's Salary Fund.

You indicate that you currently provide insurance for your employees through the Louisiana Clerks of Court Association. La. R. S. 13:783F(1) authorizes each clerk to provide insurance for its employees through the Louisiana Clerks of Court Association. Participation in the Clerks of Court Association is purely voluntary. A clerk of court may contract separately for such insurance.

La. R. S. 13:783F(2) provides that the clerk **may** pay from the Clerk's Salary and Expense Fund the cost of insurance for the clerk, his employees, and dependents of the clerk and the clerk's employees. Although this statute uses the term **may**, we believe that it simply refers to the fact that providing insurance is voluntary.

Therefore, because La. R. S. 13:783 mandates that all expenses of the clerk's office, and insurance is certainly an expense of the office, be paid out of the Clerk's Salary Fund, it is our opinion that you may not establish a separate fund for insurance expenses.

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If you have any questions or need additional information, please do not hesitate to contact our office. With kindest regards,

Yours very truly,

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:
TINA VICARI GRANT
Assistant Attorney General

RPI:TVG:jv

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TINA VICARI GRANT, ASSISTANT ATTORNEY
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