

GREEN SHEET REDIGEST

HB 404

2020 Regular Session

Farnum

CLERKS OF COURT: Provides relative to clerks of court

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DIGEST

Present law provides that in an emergency situation, once the office of the clerk of court is open, the clerk must publish a legal notice as soon as possible in all of the official parish journals of the parishes within the district setting forth the dates of closure, the hour of closure if applicable, the reasons for closure, and a statement that these days or parts of days were legal holidays.

Proposed law retains present law but removes the requirement for the clerks to publish a legal notice in all of the official parish journals of the parishes within the district when an emergency situation develops.

Present law requires the Louisiana Clerks' Remote Access Authority (LCRAA) to provide for infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access by internet users to certain records maintained by LCRAA members and to provide for document preservation.

Proposed law retains present law and further requires the LCRAA to provide assistance to its members in procuring, implementing, enhancing and maintaining equipment, supplies and services related to technology to facilitate electronic transactions and communications and to disseminate information to the public, to facilitate the operations of any member during any declared emergency.

Present law also provides that LCRAA, acting through its board, shall have the power to establish user fees for remote access through the statewide portal.

Proposed law retains present law but changes from the power to establish user fees for remote access to having the power to establish user fees for services provided.

Proposed law authorizes the LCRAA to establish and administer an electronic bulletin board on the statewide portal for participants to display and archive copies of public notices, including but not limited to notices of emergency closures required by present law.

Proposed law requires that if the filing party fails to comply with any requirement of present law, the electronic filing has no force or effect. Proposed law authorizes district courts to provide by court rule for other matters related to filings by electronic transmission.

Proposed law authorizes the clerk of court to procure equipment, services, and supplies necessary to accommodate electronic filings out of the clerk's salary fund.

Proposed law requires all electronic filings to include an electronic signature.

(Amends R.S. 1:55(E)(2) and R.S. 13:754(B) and (E)(1), (5), (8), and (10), and C.C.P. Art. 253(B) and (E); Adds R.S. 13:754(E)(13) and C.C.P. Art. 253(F) - (H))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Requires the LCRAA to provide assistance to its members in procuring, implementing, enhancing and maintaining equipment, supplies and services related to technology to facilitate electronic transactions and communications

and to disseminate information to the public, to facilitate the operations of any member during any declared emergency.

2. Requires that if the filing party fails to comply with any requirement, the electronic filing will have no force or effect.
3. Authorizes the clerk to procure equipment, services, and supplies necessary to accommodate electronic filings out of the clerk's salary fund.
4. Requires all electronic filings to include an electronic signature.