HOUSE SUMMARY OF SENATE AMENDMENTS

HB 404   **2020 Regular Session**   **Farnum**

CLERKS OF COURT: Provides relative to clerks of court

Synopsis of Senate Amendments

1.   Requires LCRAA to provide assistance to members to facilitate electronic transactions and communications, disseminate information to the public, and facilitate the operations of any member during any declared emergency with regard to implementing proposed law.

2.   Requires LCRAA to provide services and make expenditures as deemed proper for implementing proposed law.

3.   Authorizes the clerks of court to accept electronic filings and use the clerk's salary fund to make necessary accommodations to implement proposed law.

4.   Prohibits the clerk from refusing to accept an electronic filing which complies with the procedures for electronic filing.

5.   Prohibits the electronic filing from having effect when the filing party fails to comply with proposed law requirements.

6.   Authorizes the clerk to procure equipment, services, and supplies for electronic filing.

7.   Requires all electronic filings to include an electronic signature.

Digest of Bill as Finally Passed by Senate

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 prohibits the clerk from refusing to accept an electronic filing which complies with the procedures for electronic filing.

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 and proposed law defines "electronic signature" as an electronic symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(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))