

2020 Regular Session

HOUSE BILL NO. 404

BY REPRESENTATIVE FARNUM

CLERKS OF COURT: Provides relative to clerks of court

1 AN ACT

2 To amend and reenact R.S. 1:55(E)(2) and R.S. 13:754(E)(8) and to enact R.S.
3 13:754(E)(13), relative to emergency closings for clerks of court; to provide relative
4 to the Louisiana Clerks' Remote Access Authority; to require certain statements
5 regarding closure of the office of the clerk; to provide for an electronic bulletin board
6 on the statewide portal; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 1:55(E)(2) is hereby amended and reenacted to read as follows:

9 §55. Days of public rest, legal holidays, and half-holidays

10 * * *

11 E.

12 * * *

13 (2) If an emergency situation develops which, in the judgment of the clerk
14 of court, renders it hazardous or otherwise unsafe for employees of the office of the
15 clerk to continue in the performance of their official duties or for the general public
16 to conduct business with the clerk's office, the clerk, with prior approval from the
17 clerk's chief judge or other person authorized to exercise his authority, may order the
18 closing of his office for the duration of the hazardous or unsafe condition. No such
19 closure shall be effective nor shall such period of closing be considered a legal
20 holiday unless prior written approval or written confirmation from such chief judge

1 or person acting on his behalf is received by the clerk of court. When the office is
 2 reopened, the clerk ~~shall have published as soon as possible a legal notice in all of~~
 3 ~~the official parish journals of the parishes within the district setting forth the dates~~
 4 ~~of closure, the hour of closure if applicable, the reasons for closure, and a statement~~
 5 ~~that, pursuant to Paragraph (3) of this Subsection, these days or parts of days were~~
 6 ~~legal holidays. The clerk shall attach a similar statement setting forth the dates of~~
 7 closure, the hour of closure if applicable, the reasons for closure, and a statement
 8 that, pursuant to Paragraph (3) of this Subsection, these days or parts of days were
 9 legal holidays to every document, petition, or pleading filed in the office of the clerk
 10 on the first day or part of a day his office is open after being closed under the
 11 provisions of this Paragraph, whenever the petition or document relates to a cause
 12 of action, right of appeal, or other matter against which prescription could have run
 13 or time periods imposed by law could have expired.

14 * * *

15 Section 2. R.S. 13:754(E)(8) is hereby amended and reenacted and R.S.
 16 13:754(E)(13) is hereby enacted to read as follows:

17 §754. Louisiana Clerks' Remote Access Authority; membership; board of
 18 commission; statewide portal ~~of records~~

19 * * *

20 E. The LCRAA, acting through its board, shall have the following powers
 21 and duties:

22 * * *

23 (8) To establish user fees for ~~remote access~~ services provided through the
 24 statewide portal. The fees shall be sufficient to recover administrative and
 25 operational expenses. Administrative and operational expenses shall include but not
 26 be limited to hardware, computer support, maintenance, enhancements, upgrades,
 27 and replacement of information technology equipment, including software and
 28 conversion services, preserving, maintaining, and enhancing records including the
 29 costs of repairs, maintenance, consulting services, service contracts, redaction of

1 confidential information from records, system replacements or upgrades, and
2 improving public access to records.

3 * * *

4 (13) To establish and administer an electronic bulletin board on the statewide
5 portal for participants to display and archive copies of public notices including but
6 not limited to notices of emergency closures required by R.S. 1:55(E)(2)(a). LCRAA
7 may display and archive notices of other public or private entities on the statewide
8 portal in accordance with rules adopted by the board.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 404 Original

2020 Regular Session

Farnum

Abstract: Removes the requirement for the clerks of court to post legal notices in the official parish journals of the parish in emergency situations and allows the LCRAA to establish and administer an electronic bulletin board to display public notices.

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 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 R.S. 1:55(E)(2)(a).

(Amends R.S. 1:55(E)(2) and R.S. 13:754(E)(8); Adds R.S. 13:754(E)(13))