

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 888 by Representative Arnold

CLERKS OF COURT: Creates a statewide portal for secure remote access to certain records maintained by district clerks of court

Synopsis of Senate Amendments

1. Changes the composition of the board membership to include five commissioners to be elected by the LCRAA from the LCRAA membership; one commissioner to be designated by the Louisiana Bankers Association (LBA); and one commissioner to be designated by the Louisiana Land Title Association (LLTA) or the Louisiana Association of Independent Land Title Agents (LAILTA).
2. Provides for the length of membership for the commissioners from the LLTA and LAILTA as one-year, alternating between the two associations, and beginning with the designee from LAILTA as the initial commissioner.
3. Provides for an expired term or vacancy on the LCRAA board to be filled in the same manner as the original appointment.
4. Requires the LCRAA to indemnify its officers and board members and prohibits any member, employee, or officer from being held liable to the authority or to any individual or entity who conducts business with the authority, with the exception for acts or omissions performed in bad faith or that involve intentional misconduct or violations of the law and for any transaction from which a personal benefit is derived.
5. Prohibits any person serving as a board member, employee, or officer from being held individually liable for any act or omission arising out of the performance of his duties in accordance with present law, regarding offenses and quasi offenses.
6. Authorizes the authority to sue and be sued.
7. Prohibits the authority from collecting fees on or after Aug. 1, 2020.

Digest of Bill as Finally Passed by Senate

Proposed law creates the Louisiana Clerks' Remote Access Authority (LCRAA) for the purpose of providing infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access of certain records maintained by LCRAA members to Internet users and for document preservation.

Proposed law provides for the membership of the authority to be composed of district clerks of court who enroll on or before Sept. 1, 2014, and provides the LCRAA with secure remote access to their indices and electronic images of certain records. Proposed law further provides for the adoption of rules permitting additional clerks of court to enroll as members on a schedule which should include at least one enrollment period per fiscal year.

Proposed law provides for a seven-member board of commissioners, consisting of the following members: five commissioners to be elected by the LCRAA from the LCRAA membership; one commissioner to be designated by the Louisiana Bankers Association (LBA); and one commissioner to be designated by the Louisiana Land Title Association (LLTA) or the Louisiana Association of Independent Land Title Agents (LAILTA).

Proposed law provides that the commissioner from each association shall serve for a one-year term, alternating between the two associations, with the designee of the LAILTA to serve as the initial commissioner with the term beginning July 1, 2014, and ending June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015, and end on June 30, 2016.

Proposed law provides that members elected by the LCRAA and elected by the LBA shall serve two-year terms.

Proposed law provides that any expired term or vacancy on the board of LCRAA shall be filled in the same manner as the original appointment.

Proposed law provides for the domicile of the authority to be East Baton Rouge Parish.

Proposed law provides for certain powers and duties of the LCRAA.

Proposed law requires the collection of a \$5 fee per recording, of which \$3 shall be remitted to the LCRAA and \$2 to be retained by the member to fund certain costs related to the statewide portal and requires such fees to be remitted to the LCRAA by the 10th day of each month following collection. A pro rata share of the fees may be paid to the members by the LCRAA based upon public access.

Proposed law provides for the elimination of the \$5 fee in the event the statewide portal is not operational by Aug. 31, 2017.

Proposed law eliminates the collection of fees by the authority on August 1, 2020.

Proposed law provides for immunity for the LCRAA from suits arising from any acts or omissions related to providing remote access unless the LCRAA was grossly negligent or engaged in willful misconduct.

Proposed law prohibits the sale or posting of any records accessed through the statewide portal on any public or private website or in any way redistributed to any third party by a user and authorizes the LCRAA to deny remote access when necessary to ensure compliance.

Proposed law authorizes data from records accessed by secure remote access may be included in products or services provided to a third party provided compliance with the following:

- (1) Records used to compile the data is not made available to the general public.
- (2) The third party maintains administrative, technical, and security safeguards to protect integrity and limited access of the records.
- (3) The third party discloses that he is not the official custodian of the records used to compile the data.

Proposed law provides for indemnification and exculpation for the board members, officers, and employees and provides for exceptions.

Effective upon signature of governor or lapse of gubernatorial action.

(Adds R.S. 13:754)