

ACT No. 826

Regular Session, 2014

HOUSE BILL NO. 888

BY REPRESENTATIVE ARNOLD

1 AN ACT

2 To enact R.S. 13:754, relative to district clerks of court; to create the Louisiana Clerks'
3 Remote Access Authority; to provide for the membership of the authority; to provide
4 for the board of commissioner and its powers, duties, and domicile; to provide for
5 the creation of a statewide portal for certain records maintained by the district clerks
6 of court; to provide for the collection and use of fees; to provide for document
7 preservation; to provide for the limitation of liability; to provide for restrictions
8 relative to the use of records within the statewide portal; to provide for
9 indemnification and exculpation; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 13:754 is hereby enacted to read as follows:

12 §754. Louisiana Clerks' Remote Access Authority; membership; board of
13 commission; statewide portal of records

14 A. There is hereby created the Louisiana Clerks' Remote Access Authority
15 which shall be referred to as the "LCRAA".

16 B. The LCRAA shall provide for infrastructure, governance, standard
17 operating procedures, technology, and training to support a statewide portal for
18 secure remote access by Internet users to certain records maintained by LCRAA
19 members and to provide for document preservation.

20 C. The LCRAA shall be composed of members who are district clerks of
21 court who enroll on or before September 1, 2014, to provide the LCRAA with secure
22 remote access to indices and electronic images of certain records maintained by each

1 district clerk of court. LCRAA shall adopt rules permitting additional district clerks
 2 of court to enroll as members of LCRAA on a schedule which shall include at least
 3 one enrollment period per fiscal year.

4 D.(1) The LCRAA shall be governed by a seven-member board of
 5 commissioners, referred to in this Section as the "board", and consists of the
 6 following members:

7 (a) Five commissioners to be elected by the LCRAA from the LCRAA
 8 membership.

9 (b) One commissioner to be designated by the Louisiana Bankers
 10 Association (LBA).

11 (c) One commissioner to be designated by the Louisiana Land Title
 12 Association (LLTA) or the Louisiana Association of Independent Land Title Agents
 13 (LAILTA). The commissioners from each association shall serve for a one-year
 14 term, alternating between the two associations. The designee of the LAILTA shall
 15 serve as the initial commissioner with the term beginning July 1, 2014, and ending
 16 June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015,
 17 and end on June 30, 2016.

18 (2)(a) Board members elected by the LCRAA and elected by the LBA shall
 19 serve two-year terms. The initial term shall begin on July 1, 2014, and shall end on
 20 June 30, 2016.

21 (b) Board members shall be eligible for election to succeeding terms without
 22 limit.

23 (c) Any expired term or vacancy on the board of LCRAA shall be filled in
 24 the same manner as the original appointment.

25 (3) The board shall elect from its members a chair, a vice chair, a secretary,
 26 a treasurer and such other officers as it may deem necessary. The duties of the
 27 officers shall be fixed by the by-laws adopted by LCRAA.

28 (4) The members of the board shall serve without compensation but shall be
 29 reimbursed for their reasonable expenses directly related to the governance of
 30 LCRAA.

1 (5) The domicile of LCRAA shall be in East Baton Rouge Parish.

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

4 (1) To design, construct, administer, and maintain a statewide portal for
5 remote access of certain electronic images of certain records maintained by
6 members.

7 (2) To adopt such rules and regulations as it deems necessary or advisable
8 for conducting its business affairs including but not limited to developing indexing
9 standards.

10 (3) To receive and expend funds collected pursuant to this Section and in
11 accordance with a budget adopted by LCRAA.

12 (4) To enter into contracts with individuals or entities, private or public.

13 (5) To provide such services and make such expenditures as LCRAA deems
14 proper for the establishment and maintenance of a statewide portal.

15 (6) To acquire or lease equipment, supplies, office space, and storage space
16 which LCRAA deems necessary for the achievement of the purposes of this Section.

17 (7) To perform any function or activity necessary or appropriate to carry out
18 the purposes of this Section.

19 (8) To establish user fees for remote access through the statewide portal.
20 The fees shall be sufficient to recover administrative and operational expenses.

21 Administrative and operational expenses shall include but not be limited to hardware,
22 computer support, maintenance, enhancements, upgrades, and replacement of
23 information technology equipment, including software and conversion services,
24 preserving, maintaining, and enhancing records including the costs of repairs,
25 maintenance, consulting services, service contracts, redaction of confidential
26 information from records, system replacements or upgrades, and improving public
27 access to records.

28 (9) To accept any type of payment approved by LCRAA including but not
29 limited to credit cards, electronic fund transfers, or escrowed funds.

1 (10) To establish and administer a grant program for assisting members with
 2 acquiring hardware and software for the conversion of records to increase the records
 3 made available through the statewide portal.

4 (11) To solicit and accept additional contributions and grants to further the
 5 purposes of LCRAA.

6 (12) To sue and be sued.

7 F.(1) Beginning September 1, 2014, members of LCRAA shall collect a fee
 8 of five dollars per recording of which three dollars shall be remitted to the LCRAA
 9 and two dollars shall be retained by the member to fund costs related to participation
 10 in the statewide portal, including but not limited to acquiring hardware and software
 11 and providing document preservation. The fees shall be remitted to LCRAA by the
 12 tenth day of the month following collection. LCRAA shall use the fees received
 13 solely for the purposes set forth in this Subsection.

14 (2) Any user fee received by LCRAA shall be used for administering and
 15 maintaining the statewide portal and a prorated share, as determined by LCRAA,
 16 may be paid to members based upon the public access to the records provided by the
 17 member.

18 (3) If the statewide portal is not operational by August 31, 2017, the
 19 additional five dollar fee shall cease to be collected.

20 G. LCRAA shall be immune from suits arising from any acts or omissions
 21 relating to providing remote access pursuant to the provisions of this Section unless
 22 the LCRAA was grossly negligent or engaged in willful misconduct. The provisions
 23 of this Subsection shall not be construed to limit, withdraw, or overturn any other
 24 applicable defense or immunity.

25 H. Records accessed through the statewide portal shall not be sold or posted
 26 on any other public or private website or in any way redistributed to any third party
 27 by a user. LCRAA may deny remote access when necessary to ensure compliance
 28 with this Subsection. Data from records accessed by secure remote access may be
 29 included in products or services provided to a third party provided that all of the
 30 following occur:

1 (1) The records used to compile the data are not made available to the
2 general public.

3 (2) The third party maintains administrative, technical, and security
4 safeguards to protect integrity and limited access of the records.

5 (3) The third party discloses that he is not the official custodian of the
6 records used to compile the data.

7 I. Indemnification and exculpation.

8 (1) The LCRAA shall indemnify its officers and board members to the
9 fullest extent permitted by law.

10 (2) No board member, employee or officer of the authority shall be liable to
11 the authority or to any individual or entity who conducts business with the authority
12 for monetary damages, for breach of his duties as a board member, employee or
13 officer, provided that this provision shall not eliminate or limit the liability of a board
14 member, employee or officer for any of the following:

15 (a) Acts or omissions not in good faith or which involve intentional
16 misconduct or a knowing violation of law.

17 (b) Any transaction from which he or she derived an improper personal
18 benefit.

19 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
20 9:2792.1 through 2792.9, a person serving as a board member, employee or officer
21 shall not be individually liable for any act or omission arising out of the performance
22 of his duties.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____