

ACT No. 4

Regular Session, 2012

HOUSE BILL NO. 491

BY REPRESENTATIVE DANAHAHAY

1 AN ACT

2 To amend and reenact R.S. 42:162, relative to oaths of office; to provide relative to manner
3 in which the oath of certain officials is subscribed to and recorded; to provide for the
4 duties of certain officials relative thereto; to provide for effectiveness; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:162 is hereby amended and reenacted to read as follows:

8 §162. Administration and recordation of oath or affirmation

9 A. The oath or affirmation of all officers of the state may be administered
10 by the governor, any judge, justice of the peace, notary public, or clerk of court, ~~and~~
11 Except as otherwise provided in Subsection B of this Section, the oath or affirmation
12 shall be subscribed to by the party taking it, and certified in his commission by the
13 person administering it. ~~This oath or affirmation~~ and shall be deposited in the office
14 of the secretary of state and recorded by him. The oath or affirmation of all parish
15 officers shall also be recorded in the clerk of court's office of the parish where the
16 same may have been administered, to be recorded by the clerk of court in a book
17 kept for that purpose.

18 B. For members of each house of the legislature who take the oath or
19 affirmation at the organizational session of the legislature as provided in Article III,
20 Section 2(D) of the Constitution of Louisiana, the clerical officer of each house of
21 the legislature shall deposit in the office of the secretary of state a certified journal
22 entry of the proceedings of that house which reflects the taking of the oath of office
23 as provided in the constitution. The secretary of state shall record each certified
24 journal entry in the same manner the oaths or affirmations received pursuant to

1 Subsection A of this Section are recorded. For the members of the legislature who
 2 took the oath of office at the organizational session of the legislature, the certified
 3 journal entry shall fulfill the requirements of this Part to take and subscribe to the
 4 oath or affirmation.

5 C. The oath or affirmation shall be deposited for recordation within one
 6 month after the same shall have been administered. A certified journal entry
 7 submitted pursuant to Subsection B of this Section shall be deposited for recordation
 8 no later than one month following the organizational session of the legislature.

9 Section 2. This Act is declared to be remedial, curative, and procedural and therefore
 10 is to be applied retroactively as well as prospectively.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____