

First Extraordinary Session, 2005

HOUSE BILL NO. 4

BY REPRESENTATIVE TOOMY

CLERKS OF COURT: Authorizes any clerk of court to establish an ancillary office during a state of emergency (Item #68)

1 AN ACT

2 To enact R.S. 13:5, relative to each of the clerks of court throughout the state and the  
3 recorder of mortgages and the register of conveyances for the parish of Orleans; to  
4 authorize the establishment of an ancillary office during times of declared state of  
5 emergency or disaster; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5 is hereby enacted to read as follows:

8 §5. Ancillary office of each of the clerks of court; recorder of mortgages and  
9 register of conveyances for the parish of Orleans, periods of declared state  
10 of emergency or disaster

11 During the period in which the governor has declared a state of emergency  
12 or disaster by executive order or proclamation pursuant to the provisions of the  
13 Louisiana Homeland Security and Emergency Assistance and Disaster Act, each  
14 clerk of court and the recorder of mortgages and register of conveyances for the  
15 parish of Orleans that is affected by the disaster or emergency and is unable to  
16 function at its existing location and no other location is readily available within its  
17 parish or territorial jurisdiction is authorized to establish an ancillary office in any  
18 parish in the state. The affected offices shall retain all necessary powers, duties, and  
19 functions to maintain their effective operation and shall be limited to all matters and  
20 proceedings that were properly exercised in their original location.

1           Section 2. The provisions of this Act shall have both prospective and retroactive  
2 application and shall be applied retroactively to August 29, 2005.

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Toomy

HB No. 4

**Abstract:** Authorizes each clerk of court and the recorder of mortgages and register of conveyances for the parish of Orleans to establish an ancillary office in any parish in the state during the time of a declared emergency or disaster.

Proposed law authorizes each clerk of court and the recorder of mortgages and register of conveyances for the parish of Orleans to establish an ancillary office in any parish in the state during the period in which the governor has declared a state of emergency or disaster, if the office is unable to function at its existing location and no other location is readily available within the parish or territorial jurisdiction.

Proposed law provides that the affected offices shall retain all necessary powers, duties, and functions to maintain their effective operation and shall be limited to all matters and proceedings that were properly exercised in their original location.

Applies retroactively to August 29, 2005.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 13:5)