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HOUSE FLOOR AMENDMENTS

2020 Regular Session

Amendments proposed by Representative Gregory Miller to Engrossed Senate Bill No. 450 by Senator Carter

1 AMENDMENT NO. 1

2 Delete House Committee Amendment No. 5 by the House Committee on Civil Law and
3 Procedure (#2209)

4 AMENDMENT NO. 2

5 On page 1, between lines 16 and 17 insert the following:

6 "Section 2. R.S. 20:34 is hereby enacted to read as follows:

7 **§34. Payments, grants, and loans made by the United States, any state, or any**
8 **federal or state agency resulting from the occurrence of an**
9 **extraordinary emergency event**

10 **A. It is the public policy of the state of Louisiana that all payments,**
11 **grants, or loans made by the United States, any state, or any federal or state**
12 **agency as a result of a national or statewide extraordinary emergency event**
13 **shall be used by the payee, grantee, or borrower for the purposes intended by**
14 **the governmental authority which pays, grants, or lends the funds.**

15 **B. An "extraordinary emergency event" as used in this Section, means**
16 **a presidentially or gubernatorially declared natural disaster, state of**
17 **emergency, or public health emergency affecting Louisiana.**

18 **C. Any governmental payments, grants, or loans received as a result of**
19 **an extraordinary emergency event by any natural or juridical person who is a**
20 **citizen of the United States and domiciled in this state:**

21 **(1) After receipt by the person, are exempt from seizure, sale,**
22 **attachment, or restraint under any writ, mandate, or order, except for the**
23 **payment of alimony and child support as may be otherwise allowed by law and**
24 **except to the extent of the balance due on debt secured by a security interest**
25 **granted in such governmental grants, payments, or loans that the person**
26 **granted after the extraordinary emergency event.**

27 **(2) Prior to the extraordinary emergency event may not be assigned by**
28 **such person designating such payments, grants, or loans as security for the**
29 **payment of any debt existing prior to the extraordinary emergency event for**
30 **which the governmental payment, grant, or loan was made.**

31 **D.(1) After receipt by the person, all governmental grant funds,**
32 **payments, or loan proceeds shall continue to be exempt from seizure and shall**
33 **retain their exempt status as provided in Paragraph C, provided that the grant**
34 **funds, payments, or loan proceeds are held separately in an account used**
35 **exclusively for this purpose and expressly identified as an account opened under**
36 **this Section.**

37 **(2) The person asserting the exemption created by this Section bears the**
38 **burden of preventing or limiting a financial institution's compliance with or**
39 **response to a seizure, sale, attachment, garnishment, or restraint subject to this**
40 **Section by seeking an appropriate remedy, including a restraining order,**

1 injunction, protective order, or other remedy, to prevent or suspend the
2 financial institution's response to a claim against the person.
3 E. The provisions of this Section are subject to and shall not supercede
4 laws, regulations, rules, government-issued guidance or interpretations, or other
5 specific provisions, governing a particular payment, grant, or loan program and
6 pursuant to which the natural or juridical person received funds."