

<b>FOR OFFICE USE ONLY</b>	

---

## HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ansardi to Engrossed House Bill No. 90 by Representative Ansardi

---

1 AMENDMENT NO. 1

2 On page 1, line 5, after "periods" and before the semicolon ";" insert "and other legal  
3 deadlines; to provide relative to the extension of prescription and preemptive periods and  
4 other legal deadlines"

5 AMENDMENT NO. 2

6 On page 1, line 5, after "provide" and before "ratification" change "for the" to "relative to  
7 the"

8 AMENDMENT NO. 3

9 On page 1, line 6, after the semicolon ";" delete the remainder of the line and at the  
10 beginning of line 7, delete "to provide for termination;"

11 AMENDMENT NO. 4

12 On page 2, at the end of line 4, insert "Therefore, this Chapter shall be liberally construed  
13 to effect its purposes."

14 AMENDMENT NO. 5

15 On page 2, at the end of line 6, after "confirmed" and before the period "." insert "subject to  
16 the provisions of R.S. 9:2552 through 2554"

17 AMENDMENT NO. 6

18 On page 2, line 7, after "Suspension" and before the semicolon ";" change "of prescription"  
19 to "and extension of prescription and peremption"

20 AMENDMENT NO. 7

21 On page 2, line 8, after "A." and before "All" insert "(1)"

22 AMENDMENT NO. 8

23 On page 2, line 9, after "periods" and before "subject" change "are" to "shall be"

24 AMENDMENT NO. 9

25 On page 2, line 9, after "suspension" and before "during" insert "and/or extension"

26 AMENDMENT NO. 10

27 On page 2, line 10, change "until" to "through" and after "suspension" and before "of" insert  
28 "and/or extension"

1 AMENDMENT NO. 11

2 On page 2, line 11, after "periods" and before "limited" change "is" to "shall be"

3 AMENDMENT NO. 12

4 On page 2, line 12, change "until" to "through"

5 AMENDMENT NO. 13

6 On page 2, line 13, after "suspension" and before "shall" insert "and/or extension"

7 AMENDMENT NO. 14

8 On page 2, line 14, change "was suspended" to "would have expired" and change "until" to  
9 "through"

10 AMENDMENT NO. 15

11 On page 2, between lines 15 and 16, insert the following:

12 "(2) Provisions applicable within the jurisdiction of certain courts.  
13 Notwithstanding the provisions provided in Paragraph (1) of this Subsection, as to  
14 a district court or justice of the peace court within the parishes of Cameron, St.  
15 Bernard, or Plaquemines, a party who is domiciled within the jurisdiction of such  
16 courts, or whose cause of action arose within or an attorney who is domiciled in or  
17 has a law office within the jurisdiction of any such courts, shall have the right to seek  
18 a limited suspension and/or extension of prescription or peremption periods by  
19 contradictory motion or declaratory judgment. The party seeking the suspension  
20 and/or extension shall bear the burden of proving by clear and convincing evidence  
21 that, the motion was filed at the earliest time practicable and but for the catastrophic  
22 effects of Hurricane Katrina or Rita, the action would have been timely filed. If the  
23 court grants the motion, the prescription or preemptive period shall be suspended or  
24 extended for a period not to exceed thirty days from the date of the granting of the  
25 motion. However, in no case shall the court suspend and/or extend the prescription  
26 or peremption period beyond June 1, 2006."

27 AMENDMENT NO. 16

28 On page 2, delete lines 20 through 23 and insert the following:

29 "§2553. Suspension of legal deadlines; extension of legal deadlines; contradictory  
30 hearing

31 A. All deadlines in legal proceedings, which were suspended by Executive  
32 Orders KBB 2005-32, 48, and 67, shall be subject to a limited suspension and/or  
33 extension during the time period of November 25, 2005, through January 3, 2006;  
34 however, the suspension and/or extension of these deadlines shall be limited and  
35 shall only apply if these deadlines would have otherwise accrued or lapsed during  
36 the time period of November 25, 2005, through January 3, 2006. This limited  
37 suspension and/or extension shall terminate on January 3, 2006, and any deadline in  
38 legal proceedings which would have expired during the time period of November 25,  
39 2005, through January 3, 2006, shall accrue or lapse on January 4, 2006.

40 B. Notwithstanding the provisions of Subsection A and to the extent that  
41 deadlines in legal proceedings were not suspended by Executive Orders KBB 2005-  
42 48 and 67, if a deadline in a legal proceeding accrued or lapsed during the time  
43 period of October 25, 2005, through November 25, 2005, a party shall have the right  
44 to seek an extension or suspension of that deadline by contradictory motion or  
45 declaratory judgment. The party seeking the extension shall bear the burden of  
46 proving that either the party or his attorney was adversely affected by Hurricane

1 Katrina or Rita and but for the catastrophic effects of Hurricane Katrina or Rita, the  
2 legal deadline would have been timely met. For good cause shown, the court shall  
3 extend the deadline in the legal proceeding, but in no instance shall the extension be  
4 later than January 3, 2006.

5 §2554. Applicability  
6 Notwithstanding any other provision of law, R.S. 9:2552 and 2553, shall not  
7 apply to landlord-tenant disputes, evictions proceedings, and lease disputes regarding  
8 immovable property, provided the proceedings are carried out in accordance with  
9 Executive Order KBB 2005-67.

10 §§2555-2565 (Reserved).

11 Section 2. (A) The provisions of this Act shall preempt and supersede but not repeal  
12 any conflicting provision of the Civil Code or any other provision of law to the extent that  
13 such provision conflicts with the provisions of this Act.

14 (B) However, notwithstanding the provisions of Paragraph A of this Section, nothing  
15 contained in this Act shall be construed as to invalidate, supersede, or modify the provisions  
16 of House Bill No. 92 of this 2005 First Extraordinary Session if it is subsequently enacted  
17 into law.

18 Section 3. The Louisiana State Law Institute is hereby directed to redesignate and  
19 renumber the provisions of this Act as follows:

20 A. The provisions of this Act shall be redesignated as Part IV of Code Title XXIV  
21 of Title 9 of the Louisiana Revised Statutes of 1950, and shall be renumbered sequentially,  
22 beginning with R.S. 9:5821.

23 B. Part IV of Code Title XXIV of Title 9 of the Louisiana Revised Statutes of 1950,  
24 as created by the provisions of this Act, shall be entitled "Suspension or Extension of  
25 Prescription, Peremption, and other legal deadlines during Hurricanes Katrina and Rita."

26 AMENDMENT NO. 17

27 On page 2, at the beginning of line 24, change "Section 2." to "Section 4."

28 AMENDMENT NO. 18

29 On page 2, at the beginning of line 26, change "Section 3." to "Section 6."