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**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 90 by Representative Ansardi

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1 AMENDMENT NO. 1

2 On page at the end of line 9, change "2554" to "2555"

3 AMENDMENT NO. 2

4 On page 2, at the beginning of line 11, change "A.(1)" to "A."

5 AMENDMENT NO. 3

6 On page 2, line 15, after "have" and before "lapsed" delete "accrued or"

7 AMENDMENT NO. 4

8 On page 2, line 19, after "shall" and before "lapse" delete "accrue or"

9 AMENDMENT NO. 5

10 On page 2, delete lines 20 through 29 in their entirety

11 AMENDMENT NO. 6

12 On page 3, delete lines 1 through 5 in their entirety

13 AMENDMENT NO. 7

14 On page 3, line 16, after "otherwise" and before "lapsed" delete "accrued or"

15 AMENDMENT NO. 8

16 On page 3, line 20, after "shall" and before "lapse" delete "accrue or"

17 AMENDMENT NO. 9

18 On page 3, line 23, after "proceeding" and before "lapsed" delete "accrued or"

19 AMENDMENT NO. 10

20 On page 4, between lines 2 and 3, insert the following:

21 "§2554. Purpose; certain courts; suspension and extension of prescription and  
22 peremption and other legal deadlines

23 A. The legislature finds that Hurricanes Katrina and Rita created a statewide  
24 emergency which affected the entire judicial system in this state, all legal  
25 communities, and prohibited the court system from functioning as required by law.  
26 The legislature acknowledges that the proper functioning of this state's judicial  
27 system is essential to the administration of justice for all citizens. The legislature  
28 also recognizes that the courts in Cameron, Orleans, Plaquemines, St. Bernard, and  
29 Vermillion, the legal communities, and the citizens were so severely devastated and  
30 although the courts may be open on a limited basis, the massive destruction of these  
31 areas continues to endanger and infringe upon the normal functioning of the judicial  
32 system, the ability of persons to avail themselves of the judicial system and the  
33 ability of litigants or others to have access to the courts or to meet schedules or time

1 deadlines imposed by court order or rule or statute. The majority of residents and  
2 attorneys domiciled in these areas have been displaced and numerous client files,  
3 witnesses, evidence, records and documents have been lost, damaged, or destroyed.  
4 The legislature hereby declares that there is a compelling governmental interest in  
5 protecting the rights, claims, or actions of parties and the attorneys who represent  
6 them by granting additional time and access to these courts provided in this Section.

7 B.(1) Notwithstanding the provisions of R.S. 9:2552 or 2553, a party who is  
8 domiciled within the parishes of Cameron, Orleans, Plaquemines, St. Bernard, or  
9 Vermillion, or whose cause of action arose within such parishes or whose attorney  
10 is domiciled within or has a law office within such parishes, may seek in any court  
11 in the state a limited suspension and/or extension of prescription or preemption  
12 periods or other legal deadlines, beyond the termination dates provided in R.S.  
13 9:2552 and 2553, by contradictory motion or declaratory judgment. The party  
14 seeking an additional suspension and/or extension, in accordance with the provisions  
15 of this Section, shall bear the burden of proving by a preponderance of the evidence  
16 that the motion was filed at the earliest time practicable and but for the catastrophic  
17 effects of Hurricane Katrina or Rita, the legal deadline would have been timely met.  
18 If the court grants the motion, the prescription or preemptive period or other legal  
19 deadline shall be suspended or extended for a period not to exceed thirty days from  
20 the date of the granting of the motion. This limited suspension or extension shall  
21 terminate on June 1, 2006, and any right, claim, or action which would have expired  
22 during the time period of January 4, 2006, through May 31, 2006, shall lapse on June  
23 1, 2006.

24 (2) The failure to file the motion authorized in Paragraph (1) shall not  
25 preclude a party from using the basis of the motion as a defense to an exception of  
26 prescription."

27 AMENDMENT NO. 11

28 On page 4, at the beginning of line 3, change "§2554." to "§2555."

29 AMENDMENT NO. 12

30 On page 4, line 4, after "R.S. 9:2552" and before the comma "," change "and 2553" to  
31 "through 2554"

32 AMENDMENT NO. 13

33 On page 4, at the beginning of line 8, change "§§2555" to "§§2556"

34 AMENDMENT NO. 14

35 On page 4, line 24, change "remedial" to "interpretative"