

CONFERENCE COMMITTEE REPORT

HB 805

2020 Regular Session

Pressly

June 1, 2020

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 805 by Representative Pressly, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendment No. 12 by the Committee on Judiciary A (#1964) be adopted.
2. That Senate Committee Amendments Nos. 1 through 11 by the Committee on Judiciary A (#1964) be rejected.
3. That Senate Floor Amendments Nos. 2 and 4 by Senator Peacock (#2054) be adopted.
4. That Senate Floor Amendments Nos. 1 and 3 by Senator Peacock (#2054) be rejected.
5. That the following amendments be adopted:

AMENDMENT NO. 1

On page 2, line 7, after "JBE 2020-30" and before "hereby" delete "is" insert "and any extensions thereof are"

AMENDMENT NO. 2

On page 2, at the beginning of line 13, change "May 15, 2020" to "July 5, 2020"

AMENDMENT NO. 3

On page 2, delete lines 15 through 18 in their entirety and insert the following:

"period of March 17, 2020, through July 5, 2020. The right to file a pleading or motion to enforce any right, claim, or action which would have expired during the time period of March 17, 2020, through July 5, 2020, shall expire on July 6, 2020."

AMENDMENT NO. 4

On page 2, line 27, after "JBE-2020-30" and before "shall" insert "and any extensions thereof"

AMENDMENT NO. 5

On page 2, at the beginning of line 28, change "15, 2020" to "6, 2020"

AMENDMENT NO. 6

On page 3, delete lines 1 through 4 in their entirety and insert the following:

"period of March 17, 2020, through July 5, 2020. The right to file a pleading or motion to enforce any deadline in legal proceedings which would have expired during the time period of March 17, 2020, through July 5, 2020, shall expire on July 6, 2020."

AMENDMENT NO. 7

On page 3, line 7, after "JBE 2020-30" and before the comma "," insert "and any extensions thereof"

AMENDMENT NO. 8

On page 3, line 8, after "through" and before the comma "," change "May 15, 2020" to "July 5, 2020"

AMENDMENT NO. 9

On page 3, line 22, after "JBE 2020-30" and before the period "." insert "and any extensions thereof"

Respectfully submitted,

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Representative Thomas Alexander Pressly, IV

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Senator Barrow Peacock

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Representative Gregory A. Miller

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Senator Patrick McMath

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Representative Debbie Villio

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Senator W. Jay Luneau

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

**CONFERENCE COMMITTEE REPORT DIGEST**

**HB 805**

**2020 Regular Session**

**Pressly**

**Keyword and oneliner of the instrument as it left the House**

PRESCRIPTION: Provides for the suspension of prescription

**Report adopts Senate amendments to:**

1. Change the legal deadline for parties seeking an extension by contradictory motion or declaratory judgment from September 15, 2020 to September 1, 2020.
2. Provide that proposed law does not apply to leases or eviction proceedings beyond the time period provided by Proclamation No. JBE 2020-30 and any extensions thereof.

**Report rejects Senate amendments which would have:**

1. Extend the termination date of the COVID-19 public health emergency suspension from May 15, 2020, to June 30, 2020.
2. Provide that the right to enforce any right, claim, or action that would have expired during the time period of March 17 2020, through June 30, 2020, will expire on July 1, 2020.

**Report amends the bill to:**

1. Extend the termination date of the COVID-19 public health emergency suspension from May 15, 2020, to July 5, 2020.
2. Provide that the right to enforce any right, claim, or action that would have expired during the time period of March 17 2020, through July 5, 2020, will expire on July 6, 2020.

**Digest of the bill as proposed by the Conference Committee**

Present law provides various prescriptive and preemptive periods. C.C. Art. 3472 provides that a period of suspension is not counted towards the accrual of prescription. Prescription commences to run again upon the termination of the period of suspension. Proposed law does not alter present law.

Proposed law ratifies Proclamation JBE 2020-30, which due to the COVID-19 public health emergency created a limited suspension of all prescription and preemptive periods from March 17, 2020, through July 5, 2020.

Proposed law creates a limited suspension of all prescriptive and preemptive periods from March 17, 2020, through July 5, 2020, with certain exceptions.

Proposed law provides that this limited suspension of prescriptive shall apply only to a prescriptive or preemptive period which would have otherwise expired during the period from March 17, 2020, through July 5, 2020.

Proposed law provides that the right to enforce any right, claim, or action which was suspended shall expire on July 6, 2020.

Proposed law creates a limited suspension and extension of all legal deadlines from March 17, 2020, through July 5, 2020.

Proposed law provides that if a legal deadline lapsed during the time period from March 17, 2020, through July 5, 2020, the party may seek an extension by contradictory motion or declaratory judgment, but in no case shall the deadline be extended beyond September 1, 2020.

Proposed law does not apply to legal deadlines related to leases or eviction proceedings as suspended or extended by Proclamation Number JBE 2020-30 and any extensions thereof.

Proposed law provides that proposed law shall preempt and supersede but not repeal any conflicting provisions of law.

Proposed law provides that proposed law is interpretative, curative, and procedural and shall be applied retroactively as well as prospectively.

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

(Adds R.S. 9:5828-5830)