

Senate Amendments to House Bill No. 5

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

4 SECTION 1. (1) As a result of the catastrophic impact of
5 Hurricane Katrina, the statute of limitations applicable to any
6 action not filed in any state or federal court or administrative
7 forum as of August 29, 2005, for which venue was proper in a
8 county located in the Second (Southern) Supreme Court District as
9 defined by Section 9-3-1, Mississippi Code of 1972, is extended as
10 follows:

11 (a) If the statute of limitations expired on or after
12 Monday, August 29, 2005, but before the effective date of this
13 act, then the time for filing a claim shall be extended to Friday,
14 December 30, 2005.

15 (b) If the statute of limitations expires on or after
16 the effective date of this act, but before Tuesday, November 29,
17 2005, then the time for filing a claim shall be extended to
18 Friday, December 30, 2005.

19 (2) For any action not filed in any state or federal court
20 or administrative forum as of August 29, 2005, in which venue was
21 proper only in a county located in either the First (Central) or
22 Third (Northern) Supreme Court Districts as defined by Section
23 9-3-1, Mississippi Code of 1972, the plaintiff may file a motion
24 asserting that, but for the catastrophic effects of Hurricane
25 Katrina, the action would have been timely filed. If the court or
26 administrative hearing officer grants the motion, the statute of
27 limitations applicable to that action is extended as follows:

28 (a) If the statute of limitations expired on or after
29 Monday, August 29, 2005, but before the effective date of this

30 act, then the time for filing a claim shall be extended to Friday,
31 December 30, 2005.

32 (b) If the statute of limitations expires on or after
33 the effective date of this act, but before Tuesday, November 29,
34 2005, then the time for filing a claim shall be extended to
35 Friday, December 30, 2005.

36 (3) For purposes of the motion referred to in subsection
37 (2), the plaintiff shall have the burden of proof.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO EXTEND STATUTES OF LIMITATIONS FOR CERTAIN CAUSES
2 OF ACTION; AND FOR RELATED PURPOSES.

SS01\HB5A.2J

John O. Gilbert
Secretary of the Senate