The original instrument was prepared by Benjamin A. Huxen, II. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST 2017 Regular Session

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SB 129 Reengrossed 2017 Regular Session

<u>Present law</u> provides that the owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway.

<u>Proposed law</u> provides that such owner is bound to indemnify his neighbor for the damage he may occasion, and to reasonably compensate his neighbor for the right and servitude acquired if it is used for commercial or business purposes.

<u>Proposed law</u> further provides that it shall have prospective application only.

Effective August 1, 2017.

(Amends R.S. 9:1254(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

- 1. Changed "compensate" to "reasonably compensate".
- 2. Added prospective application only.

Senate Floor Amendments to engrossed bill

- 1. Restricts reasonable compensation to his neighbor for the right and servitude acquired if it is used for commercial or business purposes.
- 2. Retains indemnity requirement.