

2022 Regular Session

HOUSE BILL NO. 589

BY REPRESENTATIVE LACOMBE

DISTRICTS/DRAINAGE: Provides relative to levee and drainage districts

1 AN ACT

2 To amend and reenact R.S. 38:113, relative to levee and drainage districts; to provide
3 relative to public drainage channels or outfall canals; to provide relative to the space
4 on both sides of public drainage channels or outfall canals; to provide for a legal
5 servitude over property; to provide relative to liability to a property owner; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:113 is hereby amended and reenacted to read as follows:

9 §113. Control of drainage channels and outfall canals in levee and drainage districts

10 A. The various levee and drainage districts shall have a legal servitude
11 ~~control~~ over all public drainage channels or outfall canals, for the purpose of
12 maintaining or preserving such channels and canals within the limits of their districts
13 which are selected by the district, and for a space of ~~one hundred~~ fifty feet on both
14 sides of the banks of such channels or outfall canals, and ~~one hundred~~ fifty feet
15 continuing outward from the mouth of such channels or outfall canals and for such
16 other additional space as a court of competent jurisdiction may deem necessary for
17 the purpose of preserving or maintaining such channels and canals, whether the
18 drainage channels or outfall canals have been improved by the levee or drainage
19 district, or have been adopted without improvement as necessary parts of or

1 extensions to improved drainage channels or outfall canals, and may adopt rules and
2 regulations for preserving the efficiency of the drainage channels or outfall canals.

3 B. Notwithstanding any provision in this Section to the contrary, any levee
4 and draining district asserting a legal servitude over property shall be liable to a
5 property owner for damages caused to the property by its work, exclusive of trespass
6 damages and attorneys' fees, and shall at all times exercise the servitude in a manner
7 least inconvenient for the property burdened by the servitude.

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)]

HB 589 Original

2022 Regular Session

LaCombe

Abstract: Provides relative to the levee and drainage districts' control over public drainage channels or outfall canals.

Present law requires various levee and draining districts have control over all public draining channels or outfall canals within the limits of their districts, which are selected by the district, and for a space of 100 ft. on both sides of the banks of such channels or outfall canals, whether the drainage channels or outfall canals have been improved by the levee or drainage district, or have been adopted without improvements as necessary parts of or extensions to preserving the efficiency of the drainage channels or outfall canals.

Proposed law modifies present law by requiring the various levee and drainage districts have a legal servitude over all public drainage channels or outfall canals for the purpose of maintaining or preserving such channels and canals within the limits of the district.

Proposed law changes the space on both sides of the banks of such channels or outfall canals from 100 ft. to 50 ft. and changes the spacing continuing outward from the mouth of the channels or outfall canals from 100 ft. to 50 ft.

Proposed law also authorizes additional space on both sides of the banks as a court of competent jurisdiction may deem necessary for the purpose of preserving or maintaining such channels and canals.

Proposed law requires any levee and draining district asserting a legal servitude over property be liable to a property owner for damages caused to the property by its work. Provides the liability be exclusive of trespass damages and attorneys' fees and requires the exercise of the legal servitude be in a manner least inconvenient for the property burdened by the servitude.

(Amends R.S. 38:113)