The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ben Huxen.

DIGEST

SB 26 Original 2016 Regular Session Allain

Present law provides that an estate situated below is bound to receive the surface waters that flow naturally from an estate situated above, unless an act of man has created the flow.

Proposed law provides that an estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from a dominant estate situated above, unless an act of man has created the flow.

Present law provides that the owner of the servient estate may not do anything to prevent the flow of the water. Present law further provides that the owner of the dominant estate may not do anything to render the servitude more burdensome.

Proposed law provides that the owner of the servient estate situated below may not do anything to prevent the flow of the water. Proposed law further provides that the owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

Proposed law provides that proposed law is intended to clarify the meaning of Civil Code Articles 655 and 656 from the time of their initial enactment as reproducing the substance of Article 660 of the Louisiana Civil Code of 1870.

Proposed law provides that proposed law shall be given retroactive application.

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

(Amends C.C. Arts. 655 and 656)