

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 26

2016 Regular Session

Allain

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

SERVITUDES. Provides for servitudes of natural drainage between the servient estate and the dominate estate. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes "surface waters that flow naturally" to "surface waters flowing naturally"

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 26 Engrossed

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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 flowing 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.

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

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

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