The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 110 Engrossed 2020 Regular Session Allain

Proposed law provides that a natural servitude of drain may be altered or extinguished:

(1) By agreement between the owners of the dominant and servient estates.

(2) By acquisitive prescription.

(3) By destination of owner.

Proposed law provides that the alteration or extinguishment by agreement shall not be adverse to the public interest and is without effect as to a third person unless registered by recording in the conveyance records of the parish in which the estates are located.

Proposed law provides that an alternation or extinguishment by destination of the owner or by acquisitive prescription follows when the owner of the servient estate acquires a servitude for the discharge of waters onto the dominant estate.

Proposed law provides the owner of the dominant estate with a conventional servitude of drain has the right to enter with his workmen and equipment into the part of the servient estate that is needed for the construction or repair of works required for the use or the preservation of the servitude, including the removal of obstructions from any waterway on the servient estate through which the right of drain is exercised and the dredging of the waterway and removal of silt from it.

Proposed law provides that the owner of the dominant estate may deposit materials to be used for the works, and the debris and silt that may result, subject to the obligation of causing the least possible damage and of removing them as soon as possible.

Proposed law provides that the owner of the dominant estate may engage another person to exercise and perform on his behalf the functions authorized by proposed law through contract of employment, mandate, or otherwise. Also provides that this shall include a drainage district within which his estate is located.

Effective August 1, 2020.

(Adds R.S. 9:1256 and 1257)