

SENATE BILL NO. 110

BY SENATOR ALLAIN

1 AN ACT

2 To enact R.S. 9:1256 and 1257, relative to servitudes; to provide relative to predial
3 servitudes; to provide relative to servitudes of drain; to provide for alteration and
4 extinction of certain servitudes of drain; to provide for exercise of certain servitudes
5 of drain; to provide for acts by the dominant and servient estate owners; to provide
6 certain terms, procedures, conditions, effects, and requirements; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:1256 and 1257 are hereby enacted to read as follows:

10 **§1256. Alteration and extinction of natural servitudes of drain**

11 **A. A natural servitude of drain may be altered or extinguished by**
12 **agreement between the owners of the dominant and servient estates.**

13 **B. An alteration or extinguishment by agreement shall not be adverse to**
14 **the public interest, and is without effect as to a third person unless registered**
15 **by recording in the conveyance records of the parish in which the estates are**
16 **located.**

17 **§1257. Conventional servitude of drain; right of dominant estate owner to enter**
18 **servient estate**

19 **A. A conventional servitude of drain may be acquired by title, by**
20 **acquisitive prescription, or by destination of the owner.**

21 **B. The owner of the dominant estate with a conventional servitude of**
22 **drain has the right to enter with his workmen and equipment into the part of**
23 **the servient estate that is needed for the construction or repair of works**

1 required for the use or the preservation of the servitude. This includes the
 2 removal of obstructions from any waterway on the servient estate through
 3 which the right of drain is exercised, and the dredging of the waterway and
 4 removal of silt from it. The owner of the dominant estate may deposit materials
 5 to be used for the works, and the debris and silt that may result, subject to the
 6 obligation of causing the least possible damage and of removing them as soon
 7 as possible.

8 C. The owner of the dominant estate may engage another person to
 9 exercise and perform on his behalf the functions authorized by this Section. The
 10 engagement may be through contract of employment, mandate, or otherwise.
 11 This shall include a drainage district within which his estate is located.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____