
DIGEST

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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)