

Regular Session, 2014

HOUSE BILL NO. 419

BY REPRESENTATIVE MONTOUCET

DISTRICTS/DRAINAGE: Provides relative to access to public drainage for maintenance purposes

1 AN ACT

2 To enact R.S. 38:215.1, relative to maintenance of public drainage; to prohibit refusal of  
3 access to public drainage for maintenance purposes; to provide relative to a  
4 determination of the right of access by a court of competent jurisdiction; to provide  
5 for an award of court costs and attorney fees; to provide for definitions; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:215.1 is hereby enacted to read as follows:

9 §215.1. Public drainage; refusal of access for maintenance purposes; court costs and  
10 attorney fees; definitions

11 A. No person shall refuse to grant access to any existing natural or artificial  
12 public drainage by a local governing authority, drainage district, or other public  
13 entity charged with maintaining the public drainage.

14 B. In any action in a court of competent jurisdiction where the court is  
15 required to determine the right of access to the public drainage pursuant to this  
16 Section, the prevailing party shall be entitled to an award of court costs and attorney  
17 fees incurred by the prevailing party.

18 C. For purposes of this Section, "public drainage" means any existing natural  
19 or artificial drainage ditch, drain, culvert, canal, creek, bayou, or small river.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Montoucet

HB No. 419

**Abstract:** Provides that no person shall refuse to grant access to any natural or artificial public drainage by a local governing authority, drainage district, or other public entity charged with maintaining the public drainage.

Present law (R.S. 38:214) provides that no person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.

Present law (R.S. 38:215) provides that no person shall willfully obstruct any natural or artificial drainage canal, creek, bayou, or small river, or any public or private drainage.

Proposed law provides that no person shall refuse to grant access to any natural or artificial public drainage by a local governing authority, drainage district, or other public entity charged with maintaining the public drainage.

Proposed law provides that in any action in a court of competent jurisdiction where the court is required to determine the right of access to the public drainage, the prevailing party shall be entitled to an award of court costs and attorney fees incurred by the prevailing party.

Proposed law defines "public drainage" as any existing natural or artificial drainage ditch, drain, culvert, canal, creek, bayou, or small river.

(Adds R.S. 38:215.1)