

ACT No. 241

Regular Session, 2014

HOUSE BILL NO. 419

BY REPRESENTATIVE MONTOUCET

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 landowner shall refuse to grant reasonable surface access to any
12 existing natural or artificial public drainage by a local governing authority, drainage
13 district, or other public entity charged with maintaining the public drainage when
14 such access is within the normal course of the entity's duties and written notice has
15 been given to the landowner at least thirty days prior to the commencement of any
16 maintenance activities on the property. The landowner shall also be given an
17 opportunity for a public hearing, held before the municipal drainage authority, parish
18 drainage district, or public works district for the city where the landowner's property
19 is located, subject to the judicial review rights under the Administrative Procedure
20 Act.

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

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

3 D. For the purposes of this Section, "reasonable surface access" means the
4 utilization of existing ingress and egress points on a landowner's property so as not
5 to disrupt the activities of the landowner or cause damage to the property.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____