The original instrument was prepared by Benjamin A. Huxen, II. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry Jones.

DIGEST

SB 26 Engrossed | 2016 Regular Session | Allain

Present law provides that an estate situated below is bound to receive the surface waters that flow naturally from an estate situated above, unless an act of man has created the flow.

Proposed law provides that an estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from a dominant estate situated above, unless an act of man has created the flow.

Present law provides that the owner of the servient estate may not do anything to prevent the flow of the water. Present law further provides that the owner of the dominant estate may not do anything to render the servitude more burdensome.

Proposed law provides that the owner of the servient estate situated below may not do anything to prevent the flow of the water. Proposed law further provides that the owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C. Arts. 655 and 656)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deleted provision that proposed law would have retroactive application.

2. Deleted provision that proposed law was intended to clarify meaning of C.C. Arts. 655 and 656 from the time of their initial enactment as reproducing the substance of Article 660 of the Louisiana Civil Code of 1870.