
SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 196 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Civil Code Article" insert "692," and after "relative to" insert
3 "predial servitudes, rights of passage, and"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "enclosed estates;" insert "to provide relative to enclosed estates; to
6 provide for rights of passage to public roads; to provide relative to location of rights of
7 passage;"

8 AMENDMENT NO. 3

9 On page 1, line 7, after "certain actions;" insert "to provide relative to use of levees;"

10 AMENDMENT NO. 4

11 On page 1, line 10, after "Civil Code Articles" insert "692,"

12 AMENDMENT NO. 5

13 On page 1, after line 11, insert the following:

14 "Art. 692. Location of passage

15 The owner of the enclosed estate may not demand the right of passage or the
16 right-of-way for the utility anywhere he chooses. The passage generally shall be
17 taken along the shortest route from the enclosed estate to the public road or utility
18 at the location least injurious to the intervening lands. **However, if a levee
19 authority permits the owners of property surrounding an enclosed estate to use
20 the levee for passage to a public road, then the owner of the enclosed estate may
21 use the levee for passage to a public road, even if that passage is not the shortest
22 route from the enclosed estate to a public road.**

23 The location of the utility right-of-way shall coincide with the location of the
24 servitude of passage unless an alternate location providing access to the nearest
25 utility is least injurious to the servient estate and intervening lands.

26 The court shall evaluate and determine that the location of the servitude of
27 passage or utility shall not affect the safety of the operations or significantly interfere
28 with the operations of the owner of the servient estate or intervening lands prior to
29 the granting of the servitude of passage or utility."