

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 60 By Senator Kostelka

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

PRESCRIPTION. Increases the prescriptive period for certain actions for harvesting and sale of timber. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Restricts the action for damages to those actions for, rather than caused by, the harvesting of timber without the consent of the owner.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law provides that a liberative prescription of five years is applicable to an action for annulment of a testament, an action for the reduction of an excessive donation, and an action for the rescission of a partition and warranty of portions. Proposed law retains present law, and adds to list an action for damages for the harvesting of timber without the consent of the owner.

Present law provides civil and criminal penalties for the cutting of trees without the consent of the owner or legal possessor. Proposed law retains present law and adds that a civil action pursuant to the present law is subject to a liberative prescriptive period of five years.

Present law provides certain requirements for the sale and removal of timber from lands with co-owners or co-heirs. Proposed law retains present law and adds that a civil action pursuant to the present law is subject to a liberative prescriptive period of five years.

Effective August 15, 2009.

(Amends C.C. Art. 3497; adds R.S. 3:4278.1(G) and 4278.2(G))

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