

SENATE BILL NO. 214

BY SENATOR HENSGENS

1 AN ACT

2 To amend and reenact the heading of Part I of Chapter 13 of Title 38 of the Louisiana
3 Revised Statutes of 1950 and to enact R.S. 38:2502, relative to emergency
4 preparedness; to provide for limitation of liability; to provide actions taken to reduce
5 water levels; to provide for applicability, terms, and limitations; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The heading of Part I of Chapter 13 of Title 38 of the Louisiana Revised
9 Statutes of 1950 is hereby amended and reenacted and R.S. 38:2502 is hereby enacted to
10 read as follows:

11 PART I. ~~POWERS AND DUTIES OF THE LOUISIANA~~
12 ~~WILDLIFE AND FISHERIES COMMISSION~~ GENERAL PROVISIONS

13 * * *

14 §2502. Limitation of liability for flood mitigation preparations

15 A.(1) Notwithstanding any other provision of law to the contrary, no
16 political subdivision created pursuant to this Chapter and authorized to
17 establish, construct, operate, and maintain freshwater systems, nor any officer,
18 employee, or agent thereof, shall be liable for any damage caused by or resulting
19 from any act or omission in reducing or ceasing pumping operations or
20 operating water control structures for the purpose of lowering water levels
21 pursuant to an operational plan implemented in preparation for a weather
22 event forecasted by the National Weather Service or the Governor's Office of
23 Homeland Security and Emergency Preparedness.

24 (2) The limitation of liability provided in this Section shall not apply to
25 acts or omissions constituting gross negligence or willful or wanton misconduct.

26 B. The provisions of this Section shall apply only to a political
27 subdivision whose territorial jurisdiction encompasses four parishes, at least

1 **one of which has a population of not less than one hundred forty-five thousand**
2 **and not more than three hundred fifty thousand persons according to the most**
3 **recent federal decennial census.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____