

Regular Session, 2012

HOUSE BILL NO. 1211 (Substitute for House Bill No. 1175 by Representative St. Germain)

BY REPRESENTATIVE ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 30:2456(E) and to enact R.S. 30:2456(D)(3), relative to the
3 Louisiana Oil Spill Prevention and Response Act; to provide relative to contracts
4 entered into by the oil spill coordinator; to provide relative to entry on to vessels by
5 the coordinator; to provide for a study of the Oil Spill Contingency Fund; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2456(E) is hereby amended and reenacted and R.S. 30:2456(D)(3)
9 is hereby enacted to read as follows:

10 §2456. General powers and duties of the coordinator

11 * * *

12 D.

13 * * *

14 (3) Contracts entered into by the coordinator for legally sensitive services
15 provided by scientists, including but not limited to biologists, geologists, ecologists,
16 and chemists; economists; sociologists; modeling experts; statisticians; cultural
17 resource experts; or other such practitioners to assist the state in the assessment and
18 quantification of damages pursuant to the provisions of the Oil Pollution Act of 1990

1 (OPA), 33 U.S.C. 2701, et seq., the Oil Spill Prevention and Response Act of 1991
 2 (OSPR), R.S. 30:2451 et seq., or regulations promulgated pursuant to either, shall
 3 be deemed professional services contracts pursuant to Chapter 16 of Subtitle III of
 4 Title 39 of the Louisiana Revised Statutes of 1950, R.S. 39:1481, et seq., and
 5 regulations promulgated pursuant thereto.

6 E.(1) If the coordinator finds it necessary to enter property to conduct a
 7 vessel or terminal-facility audit, inspection, or drill authorized under this Chapter or
 8 to respond to an actual or threatened unauthorized discharge, the coordinator or his
 9 authorized agents, employees, contractors, or subcontractors, may enter the property
 10 after making a reasonable effort to obtain consent to enter the property.

11 (2) The coordinator and his authorized agents, employees, contractors, and
 12 subcontractors shall also have the power to enter upon any lands, waters, and
 13 premises in the state for the purpose of conducting assessment activities and studies,
 14 including surveys and sampling efforts, authorized under this Chapter. Such entry
 15 shall not be deemed a civil or criminal trespass, a temporary construction servitude,
 16 nor an entry under any eminent domain proceedings which may be then pending.
 17 Except for instances in which the coordinator deems it necessary to immediately
 18 enter lands, waters, or premises to prevent the loss of ephemeral information, the
 19 coordinator shall provide prior written notice of five days to resident owners and
 20 fifteen days to nonresident owners to the last recorded property owner as reflected
 21 in the parish assessment rolls. Written notice shall consist of notice by certified
 22 mail to the last known address of the owner as shown in the current assessment
 23 records. The coordinator shall indemnify the property owner for any loss or injury
 24 resultant from entry upon the property and shall make reimbursement for any actual
 25 damages resulting to lands, waters, and premises as a result of these activities.

26 Section 2. The Oil Spill Interagency Council, established in R.S. 30:2458, shall
 27 convene during 2012 and examine the Oil Spill Contingency Fund, R.S. 30:2485 and 2486.
 28 The study shall encompass the sources of revenue to the fund and the fee charged. The
 29 council shall identify and make recommendations for changes or enhancements to the Oil
 30 Spill Contingency Fund to the House Committee on Natural Resources and Environment and

1 the Senate Committee on Natural Resources. The council shall report such
2 recommendations to the committees no later than January 15, 2013.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____