

Regular Session, 2012

# ACT No. 832

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           (OSPPRA), 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_