

Regular Session, 2012

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

BY REPRESENTATIVE ST. GERMAIN

EMERGENCY/ENVIRONMENTAL: Provides relative to the Oil Spill Coordinators responsibilities

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 emergency 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  
19 (OPA), 33 U.S.C. 2701, et seq., the Oil Spill Prevention and Response Act of 1991

1        (OSPRA), R.S. 30:2451 et seq., or regulations promulgated pursuant to either, shall  
2        be deemed professional services contracts pursuant to Chapter 16 of Subtitle III of  
3        Title 39 of the Louisiana Revised Statutes of 1950, R.S. 39:1481, et seq., and  
4        regulations promulgated pursuant thereto.

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

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

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

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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St. Germain

HB No. 1211

**Abstract:** Provides relative to the Oil Spill Coordinator's responsibilities.

Proposed law provides that contracts for emergency services provided by scientists, economists, modelers, statisticians, cultural resources experts, and other such practitioners assisting the state in assessment of damages under the state and federal oil pollution acts are professional services contracts.

Present law authorizes the coordinator to enter vessels or terminal facilities after a reasonable effort to obtain consent. Proposed law includes in that authorization agents, employees, contractors, and subcontractors of the oil spill coordinator.

Proposed law authorizes the oil spill coordinator and his agents, employees, contractors, and subcontractors, to enter lands, water, and premises to conduct assessments. Provides that such entering is not a civil or criminal trespass, temporary servitude, nor entry under any eminent domain. Except where the coordinator deems it necessary to immediately enter to prevent loss of ephemeral information, requires five-day notice to the property owner prior to entry. Requires the coordinator to indemnify the property owner for loss or injury related to the entry and requires reimbursement for actual damages.

Requires the Oil Spill Interagency Council to study the Oil Spill Contingency Fund and the fees charged that go into the fund and report recommendations for changes or enhancements to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources prior to Jan. 15, 2013.

(Amends R.S. 30:2456(E); Adds R.S. 30:2456(D)(3))