AN ACT

To amend and reenact R.S. 34:1133(B), (C)(7), and (G), 1134(A), and 1135(B) and to enact R.S. 34:1136(D), relative to the Board of Louisiana River Pilot Review and Oversight; to provide for the membership of the board; to provide for per diem for the judge member; to provide for a procedure regarding review of proposed rules; to provide for board funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:1133(B), (C)(7), and (G), 1134(A), and 1135(B) are hereby amended and reenacted and R.S. 34:1136(D) is hereby enacted to read as follows:

§1133. Board of Louisiana River Pilot Review and Oversight; creation; membership

B. The board shall be composed of eleven members appointed by the governor, all of whom shall be United States citizens, registered voters, and domiciled in Louisiana for not less than five years. Any vacancy on the board shall be filled in the same manner as the initial appointment for that seat on the board was made.

C. The governor shall appoint the members as follows:

(7) Three former judges who served on the Louisiana Supreme Court, a Louisiana appellate court, or a Louisiana district court.
G. The members of the board shall serve without compensation. However, the members appointed as a former judge shall be entitled to a per diem, not to exceed one hundred fifty dollars the same per diem established by the Louisiana Supreme Court as if the former judge was appointed as a judge pro tempore or judge ad hoc while executing his duties as a board member. Additionally, the members who shall be appointed judges shall be entitled to reasonable expenses as approved by the chairman.

§1134. Meetings; quorum

A. The board shall meet at least twice per year, at a place of its choosing, and at other such times and places as it may determine. Six members of the board shall constitute a quorum. A decision by a vote of a majority of the members of the board present shall constitute the decision of the board.

§1135. Powers; functions; duties; responsibilities

B.(1) The board shall review and may approve or reject any proposed rule or regulation that may be adopted by any of the Board of Commissioners or Examiners, except for rules and regulations adopted on an emergency basis. Any rejection by the board shall be within ninety days of submission of the proposed rule or regulation to the board; otherwise, such rule or regulation shall be deemed approved. Prior to initiating rule promulgation pursuant to the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Commissioners or Examiners shall submit any proposed rule or regulation to the board for review, and the board shall review such rule or regulation within ninety days. If the board approves the proposed rule or regulation, the board shall issue an affirmative decision. The board's failure to issue a decision shall be deemed to be an approval. In the case of a rejection of the rule or regulation, the Board of Commissioners or Examiners may seek judicial review, as authorized by R.S. 34:1138. If the Board of Commissioners

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or Examiners initiates rule promulgation pursuant to this Part, the Board of Commissioners or Examiners shall submit the decision of the board as a part of and published with its notice of intent. The board shall promulgate rules consistent with and as necessary to effectuate the provisions of this Paragraph.

(2) Notwithstanding any other provision of law, following the adoption of any emergency regulation or rule by the Board of Commissioners or Examiners as defined in R.S. 34:1131(2), the emergency regulation or rule shall be transmitted by the Board of Commissioners or Examiners immediately to the board and to each member of the board. Any individual member of the board within ten days of receipt of the emergency regulation or rule may request a meeting of the board by giving notice to the chairman or, in the absence of a chairman, to any other officer of the board for the purpose of holding a meeting to review the emergency regulation or rule for approval or rejection. Any meeting called for consideration of an emergency regulation or rule shall be held within thirty days of the request for a meeting. If the board votes to reject the emergency regulation or rule, the emergency regulation or rule shall be nullified and of no effect and a report shall be submitted as required by R.S. 49:968 to remove the nullified regulation or rule from the Louisiana Register. This emergency regulation or rule review by the board shall be in addition to the provisions of R.S. 49:953(B) of the Administrative Procedure Act concerning emergency regulations or rules. If there is any conflict between this Paragraph and R.S. 49:953(B), this Paragraph shall control with regard to the Board of Commissioners or Examiners emergency regulations or rules.

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§1136. Expenditures; funding

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D. Annually on January first of each year, the board's available funding on hand shall be not more than fifty thousand dollars. In the event the available funding is less than fifty thousand dollars, the administrative entity for each pilot group shall

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remit to the board the pro rata share of the shortage for the commissioned pilots it represents.