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HOUSE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Representative Pressly to Engrossed House Bill No. 650 by Representative Pressly

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 4 in their entirety and insert in lieu thereof the following:

3 "To amend and reenact R.S. 34:942, 991, 992(B), 993, 1005, 1042, 1043(C) and
 4 (D), 1044, 1045, 1122(A)(1)(d), (2) and (3), (C)(1)(introductory paragraph),
 5 (d), and (e) and (2), 1133(G), 1134, 1135(B) and to enact R.S. 34:992(C),
 6 1122(A)(4) and (C)(f) and (g), 1139, and 1140, relative to the regulation of
 7 river port pilots"

8 AMENDMENT NO. 2

9 On page 1, line 13, after "discrimination;" and before "to" insert the following:

10 "to provide for the Board of Examiners of Bar Pilots for the Port of New Orleans; to
 11 require the fee commission to establish certain rules; to provide for criteria for
 12 establishing pilotage fees; to provide for the Board of Louisiana River Pilot Review
 13 and Oversight; to provide for prudent and safe pilotage; to prohibit impingement
 14 upon the authority of the Board of Commissioners or Examiners;"

15 AMENDMENT NO. 3

16 On page 1, after line 18, add the following:

17 "§942. Board of examiners; appointment, terms and compensation of members

18 A. The governor shall appoint three examiners to constitute the Board of
 19 Examiners of Bar Pilots for the Port of New Orleans, ~~all of whom shall be bar pilots~~
 20 ~~and shall have served as such for a minimum of five years preceding their~~
 21 ~~appointment at the entrances of the Mississippi River into the Gulf of Mexico or the~~
 22 ~~entrance of any other waterway connecting the City of New Orleans with the Gulf~~
 23 ~~of Mexico or other outside waters; the:~~

24 (1) Two of the examiners shall be active bar pilots and shall have served as
 25 such for a minimum of five years preceding their appointment piloting sea-going
 26 vessels into and out of any entrance of the Mississippi River and into and out of the
 27 entrances of all other waterways connecting the Port of New Orleans with outside
 28 waters of the Gulf of Mexico.

29 (2) The Board of Commissioners of the Port of New Orleans shall
 30 recommend three individuals to the governor from which the governor may choose
 31 one examiner, who shall be separate, distinct, and independent of pilotage interest.

32 B. The examiners shall hold office for four years or until their successors are
 33 appointed and qualified, and shall perform their duties without compensation.

34 * * *

1 AMENDMENT NO. 4

2 On page 2, delete lines 3 through 22 and insert in lieu thereof the following:

3 "A. There is hereby created the Board of River Port Pilot Commissioners for
4 the Port of New Orleans. The board shall consist of ~~three~~ five citizens appointed by
5 the governor, with the consent of the Senate, ~~who~~ as follows:6 (1) ~~Four commissioners shall each presently hold a commission as a river~~
7 ~~port pilot and such commission that has been active for a period of not less than four~~
8 ~~five years. The governor, in appointing the said commissioners, shall designate the~~
9 ~~president of the board.~~10 (2) The Board of Commissioners of the Port of New Orleans, the
11 Plaquemines Port and Harbor Terminal District, and the St. Bernard Port, Harbor and
12 Terminal District shall jointly recommend three individuals to the governor from
13 which the governor may choose one commissioner, who shall be separate, distinct,
14 and independent of pilotage interest. No nominee submitted in accordance with this
15 Paragraph shall serve on the Board of Louisiana River Pilot Review and Oversight
16 or the Louisiana Pilot Fee Commission.17 B. The commissioners shall serve at the pleasure of the governor.18 C. The said commissioners shall take an oath to faithfully perform their
19 duties; shall comply with the Louisiana Code of Governmental Ethics, and shall
20 perform their duties without compensation."21 AMENDMENT NO. 522 On page 3, line 4, after "Section" delete the period " ."23 AMENDMENT NO. 624 On page 3, delete lines 6 through 8 in their entirety and insert "~~intemperance, substance~~
25 ~~abuse, and incompetency, and make other rules~~ and regulations for the proper and safe
26 pilotage upon the waters covered by this Subpart and for the efficient administration of this
27 Subpart."28 AMENDMENT NO. 729 On page 4, line 9, after "B." delete "River port pilots" and insert "A river port pilot"30 AMENDMENT NO. 831 On page 4, line 10, after "shall" delete "serve as an agent and public officer" and insert "be
32 subject to an ethical code of conduct promulgated by the Board of River Port Pilot
33 Commissioners"34 AMENDMENT NO. 9

35 On page 4, line 10, after "law" delete "or"

36 AMENDMENT NO. 1037 On page 4, delete lines 12 through 26 in their entirety and insert in lieu thereof the
38 following:

39 "this Subpart.

1 C. No pilot shall discontinue duties without cause."

2 AMENDMENT NO. 11

3 On page 5, delete lines 13 through 29 in their entirety and insert in lieu thereof the following:

4 "(1) Have a bachelor's degree or diploma granted by a four-year college or
5 university.

6 (2) Hold a United States Coast Guard First-Class Pilot License of Steam or
7 Motor Vessel of any gross tons for operating on the Mississippi River as designated
8 by the Board of River Port Pilot Commissioners.

9 (3) Be less than forty years of age before being accepted into the
10 apprenticeship program.

11 (4) Hold one of the following United States Coast Guard licenses for at least
12 one year prior to December thirty-first of the year the application to participate in a
13 pilot apprenticeship program is submitted:

14 (a) A license authorizing service as master of steam or motor vessels of less
15 than one thousand six hundred gross registered tons, or any upgrade thereof, upon
16 inland waters, rivers, or lakes.

17 (b) A second mate's license, or any upgrade thereof, of steam or motor
18 vessels of any gross tons upon oceans."

19 AMENDMENT NO. 12

20 On page 6, at the beginning of line 1, change "(6)" to "(5)"

21 AMENDMENT NO. 13

22 On page 6, at the beginning of line 4, change "(7)" to "(6)"

23 AMENDMENT NO. 14

24 On page 6, line 11, change "license" to "licenses"

25 AMENDMENT NO. 15

26 On page 6, at the beginning of line 12, change "Paragraph (B)(3)" to "Subsection B"

27 AMENDMENT NO. 16

28 On page 6, at the end of line 14, insert the following:

29 "A pilot with an active state license consistent with this Section, without an active
30 United States Coast Guard license, may be expressly authorized to operate or
31 perform duties on an interim basis by the Board of River Port Pilot Commissioners
32 during the application or renewal period for a United States Coast Guard license."

33 AMENDMENT NO. 17

34 On page 6, delete lines 21 through 29 in their entirety

35 AMENDMENT NO. 18

36 On page 7, delete line 1 in its entirety and insert in lieu thereof the following:

1 (1) Four appointments shall be pilots who have served at least five years as
2 an unrestricted state-commissioned New Orleans and Baton Rouge Steamship Pilot.

3 (2) One appointment shall be a member of the public who shall be separate,
4 distinct, and independent of pilotage interest.

5 ~~B. When an examiner vacancy occurs on the board~~ a vacancy occurs in either
6 or both of the pilot member positions, the board shall make a recommendation
7 provide a list of at least three recommendations to the governor to fill the respective
8 vacancy. The governor shall not be required to appoint one of the recommended
9 pilots. When a vacancy occurs in the public member position, the governor shall
10 appoint an examiner from a list of three individuals jointly nominated by the Board
11 of Commissioners of the Ports of Baton Rouge and South Louisiana. The board shall
12 recommend only those pilots who have served at least five years as an unrestricted
13 Louisiana state commissioned New Orleans and Baton Rouge Steamship Pilot

14 C. The examiners shall continue in office until their successors are appointed
15 and qualified. Appointments shall be exclusively made from the pilots
16 commissioned by virtue of this Part.

17 D. The examiners shall take an oath to faithfully perform their duties, shall
18 comply with the Louisiana Code of Governmental Ethics, and shall perform their
19 duties without compensation.

20 E. The governor, in appointing the examiners, shall designate a pilot as the
21 president of the board.

22 ~~B. F.~~ F. The examiners shall be removable by the governor for cause, and shall
23 qualify by taking an oath of office.

24 G. Communications consistent with 46 U.S.C. 6308 between the Board of
25 River Port Pilot Commissioners and a river port pilot, including all testimony,
26 statements, drawings, logs, or other information designated confidential by the Board
27 of River Port Pilot Commissioners, obtained by, or provided to, the Board of River
28 Port Pilot Commissioners in connection with or during the course of any
29 investigation or hearing shall be privileged and such circumstances, testimony,
30 statements, drawings, logs, or other information designated confidential shall not be
31 required to be disclosed in any original proceedings save the appeal process in
32 accordance with the Administrative Procedure Act and pursuant to reporting
33 requirement to the governor.

34 AMENDMENT NO. 23

35 On page 8, at the beginning of line 22, change "C." to "H."

36 AMENDMENT NO. 24

37 On page 8, at the beginning of line 28, change "D." to "I."

38 AMENDMENT NO. 25

39 On page 9, at the beginning of line 3, change "E." to "J."

40 AMENDMENT NO. 26

41 On page 9, delete lines 8 through 11 in their entirety and insert in lieu thereof the following:

42 "C. A pilot appointed pursuant to this Part shall be subject to a code of ethics
43 to be promulgated by the board of examiners.

1 D. No pilot shall discontinue duties without cause."

2 AMENDMENT NO. 27

3 On page 9, at the beginning of line 13, delete "A."

4 AMENDMENT NO. 28

5 On page 9, at the beginning of line 16, delete "following"

6 AMENDMENT NO. 29

7 On page 9, delete lines 17 through 29 in their entirety

8 AMENDMENT NO. 30

9 On page 10, line 2, after "pilots," delete the remainder of the line and delete line 3 in its
10 entirety and insert in lieu thereof "the board of"

11 AMENDMENT NO. 31

12 On page 10, at the end of line 11, insert "Any changes seeking to reduce these minimum
13 requirements shall require an act of the legislature."

14 AMENDMENT NO. 32

15 On page 10, delete lines 14 through 29 in their entirety and insert in lieu thereof the
16 following:

17 "(1) Have a bachelor's degree or higher from an accredited maritime
18 academy approved by and conducted under rules prescribed by the federal Maritime
19 Administrator, Department of Transportation, as specified in 46 CFR Part 310.

20 (2) Be less than forty-five years of age before being accepted into the
21 apprenticeship program.

22 (3) Hold, for at least one year prior to December thirty-first of the year the
23 application to participate in a pilot apprenticeship program is submitted, a current
24 United States Coast Guard First-Class Pilot License of any gross tons for operating
25 on the Lower Mississippi River from Chalmette to Baton Rouge Railroad and
26 Highway Bridge, including completing the Coast Guard physical examination and
27 shall meet one of the following:

28 (a) Be a master of steam or motor vessels.

29 (b) Be a master of towing vessels.

30 (c) Hold a third mate's license, or any upgrade thereof, of steam or motor
31 vessels of any gross tons upon oceans."

32 AMENDMENT NO. 33

33 On page 11, line 1, change "(6)" to "(4)"

34 AMENDMENT NO. 34

35 On page 11, line 4, change "(7)" to "(5)"

36 AMENDMENT NO. 35

1 On page 11, line 12, change "license" to "licenses"

2 AMENDMENT NO. 36

3 On page 11, at the beginning of line 13, change "Paragraph (B)(3)" to "Subsection B"

4 AMENDMENT NO. 37

5 On page 11, at the end of line 15 insert the following:

6 "A pilot with an active state license consistent with this Section, without an active
7 United States Coast Guard license, may be expressly authorized on an interim basis
8 by the Board of Steamship Pilot Examiners during the application or renewal period
9 for a United States Coast Guard license."

10 AMENDMENT NO. 38

11 On page 11, delete lines 16 through 29 in their entirety

12 AMENDMENT NO. 39

13 On page 12, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

14 "(2) Every commissioned pilot shall maintain a valid pilot's commission by
15 attending eight hours of continuing professional education classes, programs, and a
16 continuing ship simulator training program approved by the board every year.

17 (3) A competence standard promulgated in accordance with the
18 Administrative Procedure Act with a minimum number of sixty turns per year."

19 AMENDMENT NO. 40

20 On page 12, at the end of line 5 delete "all" and delete lines 6 through 14 in their entirety and
21 insert in lieu thereof the following:

22 "pilots commissioned pursuant to this Section and all applicants who were accepted
23 for state pilot licensure or any apprenticeship program. The report shall include each
24 applicant's age, sex, race, and whether the applicant is related to any pilot
25 commissioned pursuant to this Section or to any elected official of this state.

26 E. Notwithstanding other provisions of this Part, the board shall not
27 discriminate against anyone during selection or examination in favor of a person
28 related, by blood or marriage, to a pilot or to any elected official of this state, and
29 based on race, religion, national origin, sex, age, disability, political affiliation, or
30 belief."

31 AMENDMENT NO. 41

32 On page 12, delete lines 17 through 29 in their entirety and delete page 13 in its entirety and
33 insert in lieu thereof the following:

34 "A.(1) The fee commission shall have exclusive authority to fix and establish
35 reasonable and just fees and rates for:

36 * * *

37 (d) A pilot being carried to sea unwillingly, which fee and rate shall include
38 reimbursement for his the pilot's return to pilot station.

39 * * *

40 (2) The fee commission shall have authority to hire an administrator and
41 professionals such as accountants, attorneys and ratemaking and other consultants,

1 initiate proceedings, hold hearings, subpoena witnesses, administer oaths, take
2 depositions, fix fees and mileage of witnesses, compel the attendance of witnesses,
3 and assess the cost of all hearings and expenses incurred by the commission equally
4 on the pilot association to which it relates and the shipping industry.

5 (3) The pilotage fees and rates shall bear as a lien and privilege on the ships
6 or vessels for non-payment of same, together with reasonable attorney fees and other
7 costs, all of which may be enforced in any court of competent jurisdiction within ~~one~~
8 year from the date the service was offered or performed: three years from the date
9 the service was offered or performed pursuant to an action under state or federal law.

10 (4) The fee commission shall establish rules that provide for definitions for
11 pilotage services pursuant to this Subsection and other relevant descriptive terms of
12 art for annual reporting or otherwise. These rules shall consider whether such terms,
13 standards, or terms of art are generally applicable to all pilot associations operating
14 in this state or if they should be tailored specifically to individual pilot associations
15 based upon their operations, operating environment, the services provided, and other
16 factors.

17 * * *

18 C.(1) In determining such fees and rates, the pilotage fee commission may,
19 in its discretion, give due regard to, but shall not be limited to any relevant or
20 applicable criteria for establishing pilotage fees and rates, such as:

21 * * *

22 (d) The piloting time required; the distance traveled of the vessels to be
23 serviced; the travel time required and distance traveled to and from vessels; the
24 method of travel and travel cost required to and from vessels; the time devoted by
25 pilots to making themselves available when needed; the time required to be on
26 station or on call while both on and off station; the length of time duty requires the
27 pilot's absence away from home; the difficulty of the particular service including
28 working conditions; conditions and risk factors of the route; inconvenience and
29 living conditions; the skill and additional expertise required to render the particular
30 service; the length of the training, experience, or apprenticeship program; and the
31 number of trips the pilot is required to ride light.

32 (e) The geographical, nautical, marine, weather, or other characteristics of
33 the area in which pilotage service is provided.

34 (f) Any other factor relevant to the determination of reasonable and just fees
35 and rates, including those factors previously considered and determined by the
36 Louisiana Supreme Court, and the national average pilotage cost per mile for state
37 regulated pilots operating in United States ports or other metrics.

38 (g) Any other charge, collection, or expense levied pursuant to this Section
39 that is substantially relevant to the proceeding or request for action.

40 (2) If any ~~standard~~ criteria for establishing pilotage fees and rates set forth
41 herein is not applicable to a particular pilot service, then it shall not be considered
42 in the determination of fees and rates for such service.

43 * * *

44 AMENDMENT NO. 42

45 On page 14, delete lines 1 through 12 in their entirety

46 AMENDMENT NO. 43

47 On page 16, line 11, after "to" and before "control" insert "exert undue"

- 1 AMENDMENT NO. 44
- 2 On page 16, line 11, after "influence" and before "the" insert "with the intent to persuade"
- 3 AMENDMENT NO. 45
- 4 On page 16, delete line 17 in its entirety