

2021 Regular Session

HOUSE BILL NO. 650

BY REPRESENTATIVE PRESSLY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PILOTS: Provides relative to river port and steamship pilots

1 AN ACT

2 To amend and reenact R.S. 34:942, 991, 992(B), 993, 1005, 1042, 1043(C) and (D),1044,

3 1045, 1122(A)(1)(d), (2) and (3), (C)(1)(introductory paragraph), (d), and (e) and

4 (2), 1133(G), 1134, 1135(B) and to enact R.S. 34:992(C), 1122(A)(4) and (C)(f) and

5 (g), 1139, and 1140, relative to the regulation of river port pilots and steamship

6 pilots; to provide for the Board of River Port Pilot Commissioners and the Board of

7 Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi

8 River; to provide for appointments to the boards; to provide for duties of the boards;

9 to provide for authority of the boards; to provide for public meetings; to provide for

10 duties of pilots; to provide for appointments of pilots; to provide for continuing

11 education of pilots; to provide for qualifications to participate in pilot apprenticeship

12 programs; to provide for pilotage certification requirements; to require reports to the

13 governor, president of the Senate, and speaker of the House; to prohibit

14 discrimination; to provide for the Board of Examiners of Bar Pilots for the Port of

15 New Orleans; to require the fee commission to establish certain rules; to provide for

16 criteria for establishing pilotage fees; to provide for the Board of Louisiana River

17 Pilot Review and Oversight; to provide for prudent and safe pilotage; to prohibit

18 impingement upon the authority of the Board of Commissioners or Examiners; to

19 provide for applicability; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 34:991, 992(B), 993, 1042, 1044, 1045, 1122(B)(1) and (C),
 2 1133(G), 1134, and 1135(B) are hereby amended and reenacted and R.S. 34:992(C),
 3 1043(C), 1122(A)(4), 1139, and 1140 are hereby enacted to read as follows:

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

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

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

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

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

21 * * *

22 §991. Board of River Port Pilot Commissioners; powers and duties; appointment;
 23 qualification; and removal of members

24 A. There is hereby created the Board of River Port Pilot Commissioners for
 25 the Port of New Orleans. The board shall consist of ~~three~~ five citizens appointed by
 26 the governor, with the consent of the Senate, ~~who~~ as follows:

27 (1) Four commissioners shall each presently hold a commission as a river
 28 port pilot ~~and such commission~~ that has been active for a period of not less than ~~four~~

1 ~~five years. The governor, in appointing the said commissioners, shall designate the~~
2 ~~president of the board.~~

3 (2) The Board of Commissioners of the Port of New Orleans, the
4 Plaquemines Port and Harbor Terminal District, and the St. Bernard Port, Harbor and
5 Terminal District shall jointly recommend three individuals to the governor from
6 which the governor may choose one commissioner, who shall be separate, distinct,
7 and independent of pilotage interest. No nominee submitted in accordance with this
8 Paragraph shall serve on the Board of Louisiana River Pilot Review and Oversight
9 or the Louisiana Pilot Fee Commission.

10 B. The commissioners shall serve at the pleasure of the governor.

11 C. ~~The said~~ commissioners shall take an oath to faithfully perform their
12 duties, shall comply with the Louisiana Code of Governmental Ethics, and shall
13 perform their duties without compensation.

14 B.D. The Board of River Port Pilot Commissioners for the Port of Orleans
15 shall:

16 (1) Formulate rules and regulations pursuant to the Administrative Procedure
17 Act establishing qualifications of river port pilots and providing for the examination
18 and approval of apprenticeship programs for the river port pilots, and to administer
19 the evaluation and examination of river port pilots.

20 (2) Meet at least quarterly and at all such times as the president of the
21 commission deems necessary.

22 (3) Formulate rules and regulations pursuant to the Administrative Procedure
23 Act establishing ~~minimum~~ standards of conduct consistent with this Section ~~for river~~
24 ~~port pilots to include neglect of duty, drunkenness, carelessness, habitual~~
25 ~~intemperance, substance abuse, and incompetency, and make other rules and~~
26 regulations for the proper and safe pilotage upon the waters covered by this Subpart
27 and for the efficient administration of this Subpart.

28 (4) Conduct hearings pursuant to the Administrative Procedure Act,
29 including the right to subpoena documents and witnesses pursuant to R.S. 49:956,

1 and investigate the violation of any provisions of this Subpart or rules or regulations
2 adopted by the commissioners, and to report all findings and conclusions to the
3 governor, should the board request action by the governor.

4 (5) Have the authority to impose a fine of not more than five hundred dollars
5 upon any river port pilot, to reprimand or remove from a vessel any river port pilot,
6 or to recommend to the governor that the commission of any river port pilot be
7 suspended or revoked if after a hearing conducted in accordance with the
8 Administrative Procedure Act, a river port pilot is found in violation of any rule or
9 regulation adopted by the Board of River Port Pilot Commissioners. In any event,
10 the Board of River Port Pilot Commissioners shall have the authority also to suspend
11 a river port pilot's commission in accordance with R.S. 49:961(C).

12 (6) Provide to all river port pilots and river port pilot candidates rules and
13 regulations.

14 E. No pilot association shall impose any custom, rule, bylaw, or charter
15 provision on the board or its authority. Further, any attempt to exercise any authority
16 over or affecting the board's authority shall be deemed a violation of Chapter 6 of
17 Title 34 of the Louisiana Revised Statutes of 1950 governing pilotage.

18 ~~C.F.~~ For purposes of this Subpart and the Administrative Procedure Act
19 only, the term commission shall be used interchangeably with the term license and
20 shall have the same meaning.

21 G. Once a quorum is established, all meetings of the Board of River Port
22 Pilot Commissioners for the Port of Orleans shall comply with public meeting
23 requirements in accordance with the Open Meetings Law.

24 §992. River port pilots; duties; appointment; discontinuation of duties

25 * * *

26 B. ~~River port pilots~~ A river port pilot shall be duly appointed and
27 commissioned by the governor and shall ~~serve as~~ be subject to an ethical code of
28 conduct promulgated by the Board of River Port Pilot Commissioners as provided

1 by law ~~or~~ until revocation of the appointment or commission by the governor in
2 accordance with this Subpart.

3 C. No pilot shall discontinue duties without cause.

4 §993. Examinations for appointment; qualifications; continuing education

5 A. Whenever there exists a necessity for more pilots as determined by ~~the~~
6 ~~river port pilots~~, a procedure adopted by the Board of River Port Pilot
7 Commissioners, the ~~Board of River Port Pilot Commissioners~~ board shall hold
8 examinations under such rules and regulations and such requirements as ~~they shall~~
9 ~~have provided, with the governor's approval~~ are consistent with this Part; however,
10 no applicant shall be considered by the board unless he submits proper evidence of
11 moral character and is a voter of this state, and shall have completed ~~an approved~~
12 ~~apprenticeship program within the geographic area affected by this Subpart~~ a board-
13 approved pilot apprenticeship program. The Board of River Port Pilot
14 Commissioners shall issue a certificate to the governor that the applicant has
15 satisfied the requirements of this Subpart. The governor may then, in his discretion,
16 appoint ~~said~~ the applicant to any existing ~~vacancies~~ vacancy.

17 B. Candidates seeking to participate in a pilot apprenticeship program shall
18 meet all of the following minimum requirements:

19 (1) Have a bachelor's degree or diploma granted by a four-year college or
20 university.

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

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

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

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

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

6 (5) Have not been convicted of a felony offense involving drugs, personal
7 consumption of alcohol, or crime of truth in the sixty months prior to the date of
8 application.

9 (6) Submit to and pass a drug screen prior to being accepted into the
10 apprenticeship program and agree to participate in a mandatory drug and alcohol
11 testing program, required by 46 CFR 16 and conducted in compliance with 49 CFR
12 40.

13 C. The Board of River Port Pilot Commissioners shall require pilotage
14 certification consistent with this Part, including the following:

15 (1) State commissioned river port pilots shall comply with all requirements
16 to maintain current their commission, their required Coast Guard licenses as
17 provided by Subsection B of this Section, and such other certifications and
18 continuing professional education classes, training, or programs as determined
19 necessary by the board. A pilot with an active state license consistent with this
20 Section, without an active United States Coast Guard license, may be expressly
21 authorized to operate or perform duties on an interim basis by the Board of River
22 Port Pilot Commissioners during the application or renewal period for a United
23 States Coast Guard license.

24 (2) Commencing on January 1, 2022, every commissioned pilot shall
25 maintain a valid pilot's commission by attending forty hours of continuing
26 professional education classes, programs, and a continuing ship simulator training
27 program, approved by the board, every five years. Classes, programs, and simulator
28 training received prior to January 1, 2022 shall not be counted toward this
29 requirement.

1 required to be disclosed in any original proceedings save the appeal process in
2 accordance with the Administrative Procedure Act and pursuant to reporting
3 requirement to the governor.

4 * * *

5 §1042. Board of steamship pilot examiners; members; appointment; oath of office;
6 powers and duties

7 A. The governor shall appoint, by and with the advice and consent of the
8 Senate, ~~three~~ five citizens who shall form the Board of Examiners for New Orleans
9 and Baton Rouge Steamship Pilots for the Mississippi River from the port of New
10 Orleans to and including the port of Baton Rouge and intermediate ports as follows:-

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

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

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

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

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

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

3 D. No pilot shall discontinue duties without cause.

4 §1044. Appointment of pilots; discontinuation of duties

5 Pilots provided for in R.S. 34:1043 shall be appointed by the governor from
6 those pilots who have been recommended to the governor pursuant to the provisions
7 outlined in the board of examiners' rules and regulations to include the minimum
8 requirements set forth in R.S. 34:1045.

9 §1045. Examination of pilots; qualifications

10 A. Whenever there exists a necessity for more pilots, the board of examiners
11 shall hold examinations, under such rules and regulations, and with such
12 requirements as it may provide, with the governor's approval. No applicant shall be
13 considered by the board unless he submits proper evidence of moral character, is a
14 voter of this state, and complies with all requirements ~~set forth in the board's Pilot~~
15 ~~Development Program as provided for in Subpart 3 of Part 70 of Title 46, comprised~~
16 ~~of LAC 46:LXX:6101 et seq. Upon the certification of the board to the governor that~~
17 ~~the applicant has complied with the provisions of this Part, the governor may, in his~~
18 ~~discretion, appoint the applicant or applicants to existing vacancies.~~ of this Part. Any
19 changes seeking to reduce these minimum requirements shall require an act of the
20 legislature.

21 B. Candidates seeking to participate in a pilot apprenticeship program shall
22 meet all of the following minimum requirements:

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

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

28 (3) Hold, for at least one year prior to December thirty-first of the year the
29 application to participate in a pilot apprenticeship program is submitted, a current

1 United States Coast Guard First-Class Pilot License of any gross tons for operating
2 on the Lower Mississippi River from Chalmette to Baton Rouge Railroad and
3 Highway Bridge, including completing the Coast Guard physical examination and
4 shall meet one of the following:

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

6 (b) Be a master of towing vessels.

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

9 (4) Have not been convicted of a felony offense involving drugs, personal
10 consumption of alcohol, or crime of truth in the sixty months prior to the date of
11 application.

12 (5) Submit to and pass a drug screen prior to being accepted into the
13 apprenticeship program and agree to participate in a mandatory drug and alcohol
14 testing program, required by 46 CFR 16 and conducted in compliance with 49 CFR
15 40.

16 C. The Board of Examiners for New Orleans and Baton Rouge Steamship
17 Pilots for the Mississippi River shall require annual pilotage certification consistent
18 with this Part, including the following:

19 (1) State commissioned steamship pilots shall comply with all requirements
20 to maintain current their commission, their required Coast Guard licenses as
21 provided by Subsection B of this Section, and such other certifications and
22 continuing professional education classes, training, or programs as determined
23 necessary by the board. A pilot with an active state license consistent with this
24 Section, without an active United States Coast Guard license, may be expressly
25 authorized on an interim basis by the Board of Steamship Pilot Examiners during the
26 application or renewal period for a United States Coast Guard license.

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

1 necessary and appropriate for the administration, implementation, and enforcement
2 of this Part.

3 §1135. Powers; functions; duties; responsibilities

4 * * *

5 B.(1) The board shall review and may approve or reject any proposed rule
6 or regulation that may be adopted by any of the Board of Commissioners or
7 Examiners, ~~except for rules and regulations adopted on an emergency basis.~~ Any
8 rejection by the board shall be within ninety days of submission of the proposed rule
9 or regulation to the board; otherwise, such rule or regulation shall be deemed
10 approved.

11 (2) Notwithstanding any other provision of law, following the adoption of
12 any emergency regulation or rule by the Board of Commissioners or Examiners as
13 defined by R.S. 34:1131, the emergency regulation or rule shall be transmitted by the
14 Board of Commissioners or Examiners immediately to the board and to each member
15 of the board. Within ten days of receipt of the emergency regulation or rule, any
16 individual member of the board may require a meeting of the board by giving notice
17 to the chairman or, in the absence of a chairman, to any other officer of the board for
18 the purpose of holding a meeting to review the emergency regulation or rule for
19 approval or rejection. Any meeting called for consideration of an emergency
20 regulation or rule shall be held within thirty days of the request for a meeting. If the
21 board votes to reject the emergency regulation, or rule, it shall be nullified and of no
22 effect. An emergency regulation or rule review conducted by the board pursuant to
23 the provisions of this Paragraph shall be in addition to R.S. 49:953(B) of the
24 Administrative Procedure Act concerning emergency regulations or rules. If there
25 is any conflict between this Paragraph and R.S. 49:953(B), this provision shall
26 control with regard to the Board of Commissioners or Examiners' emergency
27 regulations or rules.

28 * * *

1 §1139. Prudent and safe pilotage

2 The boards of commissioners or examiners are established for the purposes
3 of prudent and safe pilotage. The pilot members of the Board of Commissioners or
4 Examiners in their deliberations and decisions shall consider the purpose and high
5 standard of prudent and safe pilotage, and in their fiduciary capacity as
6 commissioners or examiners, they shall act independently of the pilots they regulate
7 and independently of any association of pilots. Any effort by pilots or any
8 association of pilots to exert undue control or influence with the intent to persuade
9 the decisions of commissioners or examiners shall be a violation of law.

10 §1140. No impingement

11 A pilot association, partnership, corporation, or limited liability company
12 shall not create any provision which impinges upon or diminishes the authority or
13 duties of the Board of Commissioners or Examiners.

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)]

HB 650 Reengrossed

2021 Regular Session

Pressly

Abstract: Makes changes to the regulation of river port pilots and steamship pilots.

Bar Pilots

Present law creates the Board of Examiners of Bar Pilots for the Port of New Orleans made up of three members and requires gubernatorial appointment of th members and Senate confirmation of the appointments.

Present law requires appointees to hold a commission as a bar pilot and requires such commission to have been active for at least five years.

Proposed law changes present law to require two examiners to be active bar pilots who have served for at least five years as pilots of sea-going vessels into and out of the Mississippi River and Port of New Orleans and to require the Board of Commissioners of the Port of New Orleans to recommend three individuals from which the governor may choose one who is required to be separate, distinct, and independent of pilotage interest.

River Port Pilots

Present law creates the Board of River Port Pilot Commissioners made up of three members and requires gubernatorial appointment of the members and Senate confirmation of the appointments.

Present law requires appointees to hold a commission as a river port pilot and requires such commission to have been active for at least four years.

Proposed law repeals present law and increases the membership of the board to five member, four of which are required to hold a commission as a river port pilot and requires such commission to have been active for at least five years and requires the Board of Commissioners of the Port of New Orleans to recommend three individuals from which the governor may choose one who is required to be separate, distinct, and independent of pilotage interest.

Proposed law prohibits nominees from serving on the Board of Louisiana River Pilot Review and Oversight or the Louisiana Pilot Fee Commission.

Proposed law requires the board to comply with the La. Code of Governmental Ethics and prohibit compensation for being on the board.

Present law requires the governor to designate the president of the board.

Proposed law repeals present law.

Present law requires the commissioners to serve at the pleasure of the governor and requires the board members to take an oath to perform their duties faithfully.

Proposed law retains present law.

In accordance with present law, the board shall:

- (1) Make rules establishing qualifications, providing for the examination and approval of apprenticeship programs, and to administer examinations of river port pilots.
- (2) Meet quarterly.
- (3) Make rules establishing minimum standards of conduct including neglect of duty, drunkenness, carelessness, habitual intemperance, substance abuse, and incompetency, and other rules for proper and safe pilotage on waters covered under present law and for the efficient administration of present law.
- (4) Conduct hearings and investigate violations of provisions of present law or rules or regulations adopted by the commissioners, and to report findings to the governor if the board requests gubernatorial action.
- (5) Have the authority to impose fines, remove a pilot from a vessel, or recommend suspension or revocation of a pilot's commission.
- (6) Provide to all pilots and pilot candidates rules and regulations.

Proposed law retains present law but amends the provisions requiring the board to establish minimum standards of conduct to require the board to make rules establishing standards of conduct consistent with present and proposed law.

Proposed law prohibits pilot associations from superseding the board's authority.

Proposed law requires meetings of the board to comply with the Open Meetings Law.

Present law requires pilots to be appointed by the governor and serve until revocation of the appointment in accordance with present law.

Proposed law retains present law and adds that the pilots be subject to an ethical code of conduct promulgated by the board.

Proposed law prohibits a pilot from discontinuing his duties without cause.

Present law requires the board to hold examinations when it is determined necessary by the river port pilots.

Proposed law retains present law but requires the board to determine when there is a need for more pilots and then hold examinations.

Proposed law sets forth the following criteria for participation in the pilot apprenticeship program required under present law for commission:

- (1) Have a bachelor's degree or diploma from a four-year college or university.
- (2) Hold certain U.S. Coast Guard licenses.
- (3) Be under 40 years of age.

Proposed law authorizes the Board of River Port Pilot Commissioners to allow a pilot with a state license but no U.S. Coast Guard license to perform his duties on an interim basis while applying or renewing a U.S. Coast Guard license.

Proposed law sets forth the board's requirements for pilotage certification as follows:

- (1) A commissioned pilot shall comply with the requirements to maintain their commission including.
- (2) Beginning on Jan. 1, 2022, a commissioned pilot must maintain a valid commission by attending 40 hours of continuing education classes that must meet certain criteria.

Proposed law requires the commissioners to provide the governor, speaker of the House, and president of the Senate with an annual report of all state-commissioned pilots, including their first and last names and all applicants accepted to an apprenticeship program, including their age, sex, race, and whether the applicant is related to a pilot or a public official.

Proposed law prohibits the board from discriminating against an applicant during the selection or examination process in favor of a person related to a public official, and based on race, color, religion, gender, national origin, age, disability, political affiliation, or belief.

Present law makes all communications by and between the board and a pilot during the course of an investigation privileged and not required to be disclosed in any original proceedings in accordance with present law and pursuant to reporting requirements to the governor.

Proposed law retains present law but changes the type of communications to communications consistent with 46 U.S.C. 6308.

Steamship Pilots

Present law creates the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, made up of three members, and requires gubernatorial appointment of the members and Senate confirmation of the appointments.

Proposed law retains present law but changes the membership to five members.

Present law requires the board to recommend appointees to fill an examiner vacancy and requires the recommended appointee to have served at least 5 years as an unrestricted state commissioned steamship pilot. Present law further requires examiners to continue in their office until the successor is appointed and requires the appointees to only be from pilots commissioned by virtue of present law.

Proposed law repeals present law requires four member be pilots who have been unrestricted state-commissioned New Orleans and Baton Rouge Steamship Pilots for at least five year and requires one appointment to be a member of the public who is required to be separate, distinct, and independent of pilotage interest.

Proposed law requires the board to provide at least three recommendations to fill any vacancies of the pilot member positions but does not require the governor to fill the vacancy with one of the recommendations.

Proposed law requires the governor to fill the public member vacancy with a nominee from a list of three nominees jointly nominated by the Board of Commissioners of the Ports of Baton Rouge and South Louisiana.

Present law requires the governor to designate the president of the board.

Proposed law retains present law and requires the president to be a pilot.

Present law makes all communications consistent with 46 U.S.C. 6308 by and between the board and a pilot during the course of an investigation privileged and not required to be disclosed in any original proceedings in accordance with present law and pursuant to reporting requirements to the governor.

Present law requires the board to immediately report to the governor all cases of neglect of duty, habitual drunkenness, and gross violations of rules. Proposed law further provides that the governor shall then refer the cases for investigation to the board.

Proposed law retains present law.

Proposed law prohibits pilot associations from superseding the board's authority.

Proposed law requires meetings of the board to comply with the Open Meetings Law.

Present law requires pilots to be appointed by the governor and serve until revocation of the appointment in accordance with present law.

Proposed law retains present law and requires pilots to be subject to a code of ethics to be promulgated by the board of examiners.

Present law requires pilots provided for in present law to be appointed by the governor from those pilots recommended to the governor pursuant to provisions outlined in the board's rules and regulations.

Proposed law retains present law and requires the pilots to also be recommended pursuant to provisions outlined in proposed law.

Proposed law prohibits a pilot from discontinuing his duties without cause.

Present law requires the board to hold examinations when it is determined necessary.

Proposed law retains present law but requires a reduction in the minimum requirements be done by the legislature.

Present law requires applicants to meet the requirements set forth in the board's Pilot Development Program and authorizes the governor to appoint applicant who has complied with present law to fill existing vacancies.

Proposed law repeals present law.

Proposed law sets forth the following criteria for participation in a pilot apprenticeship program:

- (1) Have a bachelor's degree or diploma from a n accredited maritime academy approved pursuant to federal present law.
- (2) Be under 45 years of age.
- (3) Hold certain U.S. Coast Guard licenses.

Proposed law authorizes the Board of Steamship Pilot Examiners to allow a pilot with a state license but no U.S. Coast Guard license to perform his duties on an interim basis while applying or renewing a U.S. Coast Guard license.

Proposed law sets forth the board's requirements for pilotage certification as follows:

- (1) A commissioned pilot shall comply with the requirements to maintain their commission.
- (2) Beginning on Jan. 1, 2022, a commissioned pilot must maintain a valid commission by attending 40 hours of continuing education classes that must meet certain criteria.

Proposed law requires the commissioners to provide the governor, speaker of the House, and president of the Senate with an annual report of all state-commissioned pilots and all applicants accepted to an apprenticeship program, including their age, sex, race, and whether the applicant is related to a pilot or a public official.

Proposed law prohibits the board from discriminating against an applicant during the selection or examination process in favor of a person related to a pilot or elected official, and based on race, color, religion, gender, national origin, age, disability, political affiliation, or belief.

Present law authorizes the fee commission to establish fees and rates under certain circumstances.

Proposed law adds that the fee commission can hire certain professionals and initiate proceedings.

Present law requires the pilotage fees and rates to bear as a lien on ships or vessels for non-payment and allows for enforcement within one year from the date of service.

Proposed law retains present law but changes the enforcement window to within three years of service.

Proposed law requires the fee commission to establish rules that provide definitions for pilotage services pursuant to present law.

Present law authorizes the pilotage fee commission to take into account any factor relevant to the determination of reasonable and just fees and rates.

Proposed law retains present law and authorizes the fee commission to take into account the conditions and risk factors of the route, the geographical, nautical, marine, weather, or other characteristics of the area, and other charges levied by the commission that are relevant to the proceeding or request for action.

Board of Louisiana River Pilot Review and Oversight

Present law requires members of the board to serve without compensation, but allows member appointed as former judges to get per diem of not more than \$150.

Proposed law retains present law but changes the per diem amount from not more than \$150 to the same amount established by the Louisiana Supreme Court from time to time for ad hoc judges.

Present law requires the board to meet twice a year and requires six members of the board to be present to have a quorum. Present law further requires a vote of a majority of the members of the board to make a decision of the board.

Proposed law retains present law but changes the vote needed to make a decision of the board from a majority of the members of the board to a majority of the members of the board present.

Present law requires the first meeting of the board to convene on or before March 1, 2005.

Proposed law repeals present law.

Present law authorizes the board to approve or reject proposed rules or regulations made by the Board of Commissioners or Examiners except for emergency rules and regulations.

Proposed law retains present law but changes the requirement to make emergency rules and regulations subject to board approval by requiring the Board of Commissioners or Examiners to transmit emergency rules and regulations to the board and to each member of the board and allows a board member to request a hearing for the purpose of rejecting or approving the rule or regulation by giving notice to the chairman of the board or an officer of the board in the absence of the chairman.

Proposed law further requires a meeting requested to consider an emergency regulation or rule be held within 30 days of the request for the meeting. A vote to reject an emergency regulation or rule shall make it null and of no effect.

Proposed law requires that a review of an emergency rule conducted pursuant to proposed law be in addition to present law as set forth in the Administrative Procedure Act, and makes proposed law control with regard to the emergency rules promulgated by the Board of Commissioners or Examiners where there is a conflict between proposed law and present law as set forth in the Administrative Procedure Act.

Proposed law sets forth that the boards of commissioners or examiners are established for the purposes of prudent and safe pilotage and requires the pilot members of the Board of Commissioners or Examiners to consider the purpose of prudent in safe pilotage in their decisions and deliberations.

Proposed law requires the pilot members of the Board of Commissioners or Examiners to act independently of the pilots they regulate and to act independently of any pilots' association. Any effort to exert undue control or influence the decisions of commissioners or examiners is a violation of law.

Proposed law prohibits a pilot association, partnership, corporation, or limited liability company from creating a provision which impinges on or diminishes the authority or duties of the Board of Commissioners or Examiners.

Proposed law repeals present law.

(Amends R.S. 34:942, 991, 992(B), 993, 1005, 1042, 1043(C) and (D), 1044, 1045, 1122(A)(1)(d), (2), and (3), (C)(1)(intro. para.), (d) and (e) and (2), 1133(G), 1134, and 1135(B); Adds R.S. 34:992(C), 1122(A)(4) and (C)(1)(f) and (g), 1139, and 1140)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Remove a provision that requires one member of the Board of River Port Pilot Commissioners for the Port of Orleans to be chosen from a list of 4 nominees submitted by the New Orleans Steamship Association, the Louisiana Association of Business and Industry, the Louisiana Chemical Association, the Louisiana Mid-Continent Oil and Gas Association, and the International Freight Forwarders and Customs brokers Association of New Orleans, Inc and prohibits the nominee from serving on the Board of Louisiana River Pilot Review and Oversight or the Louisiana Pilotage Fee Commission.
3. Add a provision that requires one member of the Board of River Port Pilot Commissioners for the Port of Orleans to be the commander of the U.S. Coast Guard Atlantic Area, 8th district or his designee.
4. Add a provision that changes the per diem amount for the Board of Louisiana River Pilot Review and Oversight from an amount not to exceed \$150 to the same per diem established by the Louisiana Supreme Court from time to time for ad hoc judges.
5. Add a provision that makes decisions of the board final if voted on by a majority of the board members present.
6. Make changes to the regulation regarding the emergency rulemaking process of the Board of Commissioners or Examiners and requires the Board of Commissioners or Examiners to transmit emergency rules to the board and to each member of the board, allow 10 days for a member to call a meeting to review the rule, and hold a requested meeting within 30 days of the request.
7. Add a provision that sets forth the purpose of the boards of commissioners or examiners for prudent and safe pilotage and requires the pilot members of the Board of Commissioners or Examiners to consider the purpose of prudent and safe pilotage, act independently of the pilots they regulate, and act independently of any association of pilots.
8. Add that any effort by pilots or a pilots' association to influence or control the decisions of a commissioner or examiner is a violation of the law.
9. Prohibit a pilot association, partnership, corporation, or limited liability company from creating a provision that impinges on or diminishes the authority or duties of the Board of Commissioners or Examiners.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change provisions relative to the Bar of Examiners of Bar Pilots to require two examiners to be active bar pilots with at least 5 years of service piloting sea-going vessels into and out of the Mississippi River and the Port of Orleans and to require the Board of Commissioners of the Port of New Orleans to recommend to the governor three individuals from which the governor may choose one who shall be separate, distinct, and independent of pilotage interest.
3. Change provisions relative to the Board of River Port Pilot Commissioners for the Port of New Orleans to increase the membership from three to five, to require four of the commissioners to be commissioned river port pilots with an active commission of not less than five years, and to require the Board of Commissioners of the Port of New Orleans, the Plaquemines Port and Harbor Terminal District, and the St. Bernard Port, Harbor and Terminal District to jointly recommend to the governor three individuals from which the governor may choose one commissioner who shall be separate, distinct, and independent of pilotage interest and is prohibited from serving on the Board of Louisiana River Pilot Review and Oversight or the Louisiana Pilot Fee Commission.
4. Require the commissioners on the Board of River Port Pilot Commissioners to comply with the La. Code of Governmental Ethics and prohibit compensation for being on the board.
5. Restore present law requiring the Board of River Port Pilot Commissioners to formulate rules for the proper and safe pilotage.
6. Require river port pilots to adhere to an ethical code of conduct promulgated by the Board of River Port Pilot Commissioners.
7. Prohibit river port pilots from discontinuing service as a pilot without cause.
8. Change requirements for candidates seeking to be river port pilots and join a pilot apprenticeship program to require a bachelor's degree, have certain U.S. Coast Guard licenses, and be less than 40 years of age.
9. Authorize the Board of River Port Pilot Commissioners to allow a pilot with a state license but without the required U.S. Coast Guard license to perform his duties on an interim basis while applying or renewing a U.S. Coast Guard license.
10. Change provisions regarding continuing professional education requirements to require a mandatory minimum number of classes and programs as required by the Board of River Port Pilot Commissioners and to require a competence standard promulgated by the Board of River Port Pilot Commissioners.
11. Change provisions regarding a report from Board of River Port Pilot Commissioners to the governor, the president of the Senate, and the speaker of the House of Representatives to require the Board of River Port Pilot Commissioners to submit a report that includes all state-commissioned pilots, including their first and last names and all applicants accepted for licensure or an apprenticeship program, including their age, sex, race, and whether they are related to any river port pilot or to any public official.
12. Prohibit certain discrimination by the Board of River Port Pilot Commissioners against an applicant.

13. Change the provision regarding privileged communications between the Board of River Port Pilot Commissioners and river port pilots to make it applicable to communications consistent with 46 U.S.C. 6308.
14. Change provisions relative to the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River to increase the membership from three to five, to require four of the appointments to be pilots who have been unrestricted state-commissioned New Orleans and Baton Rouge Steamship Pilots for at least five years, and to require one appointment to be a member of the public required to be separate, distinct, and independent of pilotage interest.
15. Change the provisions regarding vacancies of the pilot member positions on the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots to require the board to provide a list of at least three recommendations to the governor to fill the vacancy and set forth that the governor is not required to appoint one of the recommendations.
16. Change the provisions regarding vacancies of the public member position on the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots to require the governor to appoint an examiner from a list of three nominations provided by the Board of Commissioners of the Ports of Baton Rouge and South Louisiana.
17. Require the examiners to take an oath to faithfully perform their duties, comply with the La. Code of Governmental Ethics, and prohibit compensation for being on the board.
18. Change the provision regarding the governor's authority to designate the board president to require the president be a pilot.
19. Add a provision requiring certain communications consistent with 46 U.S.C. 6308 be privileged.
20. Require steamship pilots be subject to a code of ethics to be promulgated by the board of examiners.
21. Prohibit a pilot from discontinuing duties without cause.
22. Require changes to reduce minimum pilot requirements to be done by the legislature.
23. Change requirements for candidates seeking to join a pilot apprenticeship program to require a bachelor's degree, have certain U.S. Coast Guard licenses, and be less than 45 years of age.
24. Authorize the Board of Steamship Pilot Examiners to allow a pilot with a state license but without the required U.S. Coast Guard license to perform his duties on an interim basis while applying or renewing a U.S. Coast Guard license.
25. Change provisions regarding continuing professional education requirements to require eight hours of continuing professional education classes approved by the board and to require a competence standard promulgated by the board.
26. Change provisions regarding a report from the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots to the governor, the president of the Senate, and the speaker of the House of Representatives to require the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots to submit a report

that includes all state-commissioned pilots and all applicants accepted for licensure or an apprenticeship program, including their age, sex, race, and whether they are related to any steamship pilot or to any public official.

27. Prohibit certain discrimination by the Board of River Port Pilot Commissioners against an applicant.
28. Change provisions regarding the Pilotage Fee Commission to authorize the commission to hire certain professionals and initiate proceedings.
29. Authorize the commission, when determining fees and rates, to take into account the conditions and risk factors of the route, the geographical and other characteristics of the area, and other charges levied by the commission that are relevant to the proceeding or request for action.
30. Change the provision regarding prudent and safe pilotage to prohibit pilots or any association of pilots from attempting to exert undue control on the decisions of the boards of commissioners or examiners.