

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

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AN ACT

To amend and reenact R.S. 34:991, 992(B), 993, 1042, 1044, 1045, and 1122(B)(1) and (C), to enact R.S. 34:992(C), 1043(C), and 1122(A)(4), and to repeal R.S. 34:1005, relative to the regulation of river port pilots and steamship pilots; to provide for the Board of River Port Pilot Commissioners and the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River; to provide for appointments the boards; to provide for duties of the boards; to provide for authority of the boards; to provide for public meetings; to provide for duties of pilots; to provide for appointments of pilots; to provide for continuing education of pilots; to provide for qualifications to participate in pilot apprenticeship programs; to provide for pilotage certification requirements; to require reports to the governor, president of the Senate, and speaker of the House; to prohibit discrimination; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

1 A. There is hereby created the Board of River Port Pilot Commissioners for
2 the Port of New Orleans. The board shall consist of three citizens appointed by the
3 governor, with the consent of the Senate, ~~who presently hold a commission as a river~~
4 ~~port pilot and such commission has been active for a period of not less than four~~
5 ~~years.~~ and House of Representatives:

6 (1) One member shall represent the interests of the industry, appointed by
7 the governor, selecting from a list of four nominees submitted to him by the New
8 Orleans Steamship Association, d/b/a Mississippi River Maritime Association, the
9 Louisiana Association of Business and Industry, the Louisiana Chemical
10 Association, the Louisiana Mid-Continent Oil and Gas Association, and the
11 International Freight Forwarders and Customs Brokers Association of New Orleans,
12 Inc. Each nominating group shall recommend two nominees, and the five
13 nominating groups together shall then select four nominees to be jointly submitted
14 to the governor. No nominee submitted in accordance with this Section shall serve
15 on the Board of Louisiana River Pilot Review and Oversight or the Louisiana
16 Pilotage Fee Commission.

17 (2) The governor shall appoint two members, both residents of this state, one
18 of whom shall be a businessperson of good standing and one a licensed pilot. The
19 businessperson shall be appointed from a list of four nominees jointly submitted by
20 Baton Rouge Area Chamber and Greater New Orleans, Inc. The pilot shall be
21 selected from a list of two pilots to be submitted to the governor by the association
22 of river port pilots, which list shall be certified by the secretary of the association as
23 being the nominees of the association. No nominee submitted in accordance with
24 this Section shall serve on the Board of Louisiana River Pilot Review and Oversight
25 or the Louisiana Pilot Fee Commission. The governor, in appointing the said
26 commissioners, shall designate the president of the board.

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

28 C. The ~~said~~ commissioners shall take an oath to faithfully perform their
29 duties.

1 B.D. The Board of River Port Pilot Commissioners for the Port of Orleans
2 shall:

3 (1) Formulate rules and regulations pursuant to the Administrative Procedure
4 Act establishing qualifications of river port pilots and providing for the examination
5 and approval of apprenticeship programs for the river port pilots, and to administer
6 the evaluation and examination of river port pilots.

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

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

15 (4) Conduct hearings pursuant to the Administrative Procedure Act,
16 including the right to subpoena documents and witnesses pursuant to R.S. 49:956,
17 and investigate the violation of any provisions of this Subpart or rules or regulations
18 adopted by the commissioners, and to report all findings and conclusions to the
19 governor, should the board request action by the governor.

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

28 (6) Provide to all river port pilots and river port pilot candidates rules and
29 regulations.

1 board recommendation, depending on the board's judgment and evaluation of the
2 circumstances.

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

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

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

18 (1) Be a graduate of a maritime academy approved by and conducted under
19 rules prescribed by the Federal Maritime Administrator and listed in 46 CFR Part
20 310, unless the board determines that the applicant possesses maritime experience
21 sufficient to exempt the applicant from this educational requirement.

22 (2) Have five years of experience as a master or commanding officer of
23 naval vessels or merchant ships including United States Naval Ships or Military
24 Sealift Command ships, ocean tugs, harbor tugs, integrated tug or barge units, or
25 dredge ships.

26 (3) Hold a United States Coast Guard issued license authorizing service as
27 master, steam, or motor vessels of at least one thousand six hundred gross tons upon
28 oceans or near coastal areas and be reasonably expected to be able to eventually
29 comply with federal regulatory requirements specified in 46 CFR Subpart G.

1 (4) Be thirty years of age or older but less than forty-five years of age before
2 being accepted into the apprenticeship program.

3 (5) Complete, and maintain current, ship handling simulator courses and
4 bridge resource management courses and any other industry related courses deemed
5 relevant and necessary.

6 (6) 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 (7) 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. 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 license as provided
17 by Paragraph (B)(3) of this Section, and such other certifications and continuing
18 professional education classes, training, or programs as determined necessary by the
19 board.

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

26 (a) The professional education classes and programs required by the board
27 include but are not limited to the following:

28 (a) Electronic ship simulation.

29 (b) Small scale ship simulation.

1 ~~Appointments shall be exclusively made from the pilots commissioned by virtue of~~
2 ~~this Part.~~ The appointees shall comply with the Louisiana Code of Governmental
3 Ethics and be nominated by the following:

4 (1) One member shall represent the interests of the industry, appointed by
5 the governor, selecting from a list of four nominees submitted to him by the New
6 Orleans Steamship Association, d/b/a Mississippi River Maritime Association, the
7 Louisiana Association of Business and Industry, the Louisiana Chemical
8 Association, the Louisiana Mid-Continent Oil and Gas Association, and the
9 International Freight Forwarders and Customs Brokers Association of New Orleans,
10 Inc. Each nominating group shall recommend two nominees, and the five
11 nominating groups together shall then select four nominees to be jointly submitted
12 to the governor. No nominee submitted in accordance with this Section shall serve
13 on the Board of Louisiana River Pilot Review and Oversight or the Louisiana
14 Pilotage Fee Commission.

15 (2) The governor shall appoint two members, both residents of this state, one
16 of whom shall be a businessperson of good standing and one a licensed pilot. The
17 businessperson shall be appointed from a list of four nominees jointly submitted by
18 Baton Rouge Area Chamber and Greater New Orleans, Inc. The pilot shall be
19 selected from a list of two pilots to be submitted to the governor by the New Orleans
20 and Baton Rouge Steamship Pilots, which list shall be certified by the secretary of
21 the association as being the nominees of the association. No nominee submitted in
22 accordance with this Section shall serve on the Board of Louisiana Pilot Review and
23 Oversight or the Louisiana Pilot Fee Commission. The governor, in appointing the
24 examiners, shall designate the president of the board. ~~The examiners shall be~~
25 removable by the governor for cause, and shall qualify by taking an oath of office.

26 B. The examiners shall serve at the pleasure of the governor.

27 C. The board of examiners shall report immediately to the governor all cases
28 of neglect of duty, habitual drunkenness, and gross violations of its rules. The
29 governor shall, thereupon, refer the same for investigation to the board of examiners,

1 the members of which shall sit as investigators and report their findings to the
2 governor, recommending, if justified, a penalty. Whereupon, the governor may
3 remove, suspend, or reprimand in his discretion.

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

8 E. Once a quorum is established, meetings of the board of examiners shall
9 comply with public meeting requirements in accordance with the Open Meetings
10 Law.

11 §1043. Body of pilots; duty; appointments

12 * * *

13 C. Pilots appointed pursuant to this Part shall be duly appointed and
14 commissioned by the governor and shall serve as an agent and public officer as
15 provided by law or until revocation of the appointment or commission by the
16 governor in accordance with this Part.

17 §1044. Appointment of pilots; discontinuation of duties

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

22 B. Pilots shall not discontinue duties without permission. Except for reasons
23 of health, satisfactory evidence of which shall be furnished to the board when
24 requested, no commissioned pilot or apprentice shall cease to act as such or remove
25 himself, at any time, from a duty status without first obtaining the permission of the
26 group of pilots with which associated or of some duly authorized official of that
27 group. No such permitted discontinuance or absence for a period greater than three
28 months shall be valid without additionally obtaining, in advance, the written
29 authorization of the board. Any pilot or apprentice neglecting or refusing to comply

1 with such requirement as to presence and performance of duties may be subject to
2 sanctions imposed by the association and have, respectively, the pilot's commission,
3 appointment, or apprenticeship, as the case may be, either suspended or revoked by
4 board recommendation, depending on the board's judgement and evaluation of the
5 circumstances.

6 §1045. Examination of pilots; qualifications

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

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

19 (1) Be a graduate of a maritime academy approved by and conducted under
20 rules prescribed by the Federal Maritime Administrator and listed in 46 CFR Part
21 310.

22 (2) Have five years of experience as a master or commanding officer of
23 naval vessels or merchant ships including United States Naval Ships or Military
24 Sealift Command ships, ocean tugs, harbor tugs, integrated tug or barge units, or
25 dredge ships prior to an apprenticeship program.

26 (3) Hold a United States Coast Guard issued license authorizing service as
27 master, steam, or motor vessels of at least one thousand six hundred gross tons upon
28 oceans or near coastal areas and be reasonably expected to be able to eventually
29 comply with federal regulatory requirements specified in 46 CFR Subpart G.

1 (4) Be thirty years of age or older but less than forty-five years of age before
2 being accepted into the apprenticeship program.

3 (5) Complete, and maintain current, ship handling simulator courses and
4 bridge resource management courses and any other industry related courses deemed
5 relevant and necessary.

6 (6) 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 (7) 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 Examiners for New Orleans and Baton Rouge Steamship
14 Pilots for the Mississippi River shall require annual pilotage certification consistent
15 with this Part, including the following:

16 (1) State commissioned steamship pilots shall comply with all requirements
17 to maintain current their commission, their required Coast Guard license as provided
18 by Paragraph (B)(3) of this Section, and such other certifications and continuing
19 professional education classes, training, or programs as determined necessary by the
20 board.

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

27 (3) The professional education classes and programs required by the board
28 include, but are not limited to, the following:

29 (a) Electronic ship simulation.

1 administrative expenses of pilotage, to be recovered from ratepayers through pilotage
2 rates and fees.

3 B.(1) Pilotage fees and rates shall provide for all ordinary and necessary
4 operating and administrative costs and expenses, including but not limited to the cost
5 of, replacement of, and reasonable return on investment of pilot stations,
6 administrative offices, furniture and fixtures, communication equipment and
7 facilities, vessels, launches and other required vehicles of transportation and the
8 expenses of maintaining and repairing same, other transportation expenses, the
9 expense of maintaining necessary employees, operating materials, consumables and
10 services, pensions, pension plans, hospitalization, disability compensation, taxes and
11 licenses, life insurance, license insurance, trade promotions when requested to
12 participate by industry or any port, required continuing education, legal expense,
13 accounting expense, professional dues, administrative and professional publications,
14 state pilot commissions, state and federal requirements, and fair average annual
15 compensation for a state ship pilot, in comparison to regulated state ship pilotage in
16 other United States ports. All such costs and expenses shall be subject to evaluation
17 in any proceeding before the commission that directly or indirectly seeks or provides
18 for any increase in pilotage fees and rates.

19 * * *

20 C.(1) In determining such fees and rates, the pilotage fee commission may
21 give due regard to, but shall not be limited to:

22 (a)(1) Consideration of the length, draft, dimensions, and tonnage of the
23 vessels to be piloted.

24 (b)(2) The difficulty and inconvenience of the particular service and the skill
25 and additional expertise required to render it.

26 (c)(3) The public interest in maintaining safe, efficient, and reliable pilotage
27 service.

28 (d)(4) The piloting time required; the distance traveled of the vessels to be
29 serviced; the travel time required and distance traveled to and from vessels; the

1 method of travel and travel cost required to and from vessels; the time devoted by
2 pilots to making themselves available when needed; the time required to be on
3 station or on call while both on and off station; the length of time duty requires the
4 pilot's absence away from home; the difficulty of the particular service including
5 working conditions; risk factors of the route; inconvenience and living conditions;
6 the skill and additional expertise required to render the particular service; the length
7 of the training, experience, or apprenticeship program; and the number of trips the
8 pilot is required to ride light.

9 ~~(e)~~(5) Any other factor relevant to the determination of reasonable and just
10 fees and rates, including those factors previously considered and determined by the
11 Louisiana Supreme Court, and the national average pilotage cost per mile for state
12 regulated pilots operating in United States ports, and any other charge, collection, or
13 expense levied pursuant to this Section.

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

17 * * *

18 Section 2. R.S. 34:1005 is hereby repealed in its entirety.

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 Original 2021 Regular Session Pressly

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

River Port Pilots

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

Proposed law retains present law and adds that confirmation shall also be by the House of Representatives.

Present law requires appointees to hold a commission as a river port pilot and requires such commission to have been active for at least 4 years.

Proposed law repeals present law and requires one member to be appointed by the governor from a list of 4 nominees selected by the New Orleans Steamship Association, 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.

Proposed law requires that the governor appoint two members, one who is a businessperson of good standing and one who is a licensed pilot. Proposed law requires the businessperson be selected from four nominees jointly submitted by the Baton Rouge Area Chamber and Greater New Orleans, Inc. Proposed law requires the pilot be selected from a list of two pilots nominated by the association of river port pilots.

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

Present law requires the governor to designate the president of the board, requires the commissioners to serve at the pleasure of the governor, and requires the board member 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 makes pilots agents an public officers. Further, proposed law adds that revocation can be done pursuant to the rules and regulations adopted by the board.

Proposed law prohibits a pilot from discontinuing his duties without permission from the pilot's association to which he belongs, except for health reasons provided he furnishes proof to the board if requested.

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) A graduate of a federally approved maritime academy.
- (2) Have 5 years of experience as a master or commanding officer of a naval vessel or merchant ship.
- (3) Hold a U.S. Coast Guard license.
- (4) Be under 45 but at least 30 years of age.
- (5) Complete and maintain ship handling simulator courses and bridge resource management courses.
- (6) Have not been convicted of a felony involving drugs, personal consumption of alcohol, or a crime of truth in the 60 months preceding application.
- (7) Pass a drug test before acceptance into the program and agree to participate in a mandatory drug and alcohol program upon acceptance.

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 the race, age, and gender of all apprenticeship participants who are related to pilots or other public official by blood or marriage.

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 other public official, or 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 repeals present law.

Steamship Pilots

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

Proposed law retains present law and adds that confirmation shall also be by the House of Representatives.

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 and requires the appointees to comply with the La. Code of Ethics.

Proposed law requires one member to be appointed by the governor from a list of 4 nominees selected by the New Orleans Steamship Association, 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.

Proposed law requires that the governor appoint two members, one who is a businessperson of good standing and one who is a licensed pilot. Proposed law requires the businessperson be selected from four nominees jointly submitted by the Baton Rouge Area Chamber and Greater New Orleans, Inc. Proposed law requires the pilot be selected from a list of two pilots nominated by the association of river port pilots.

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

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

Proposed law retains present law and requires the examiners to serve at the pleasure of 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 makes pilots agents and public officers. Further, proposed law adds that revocation can be done pursuant to the rules and regulations adopted by the board.

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 permission from the pilot's association to which he belongs, except for health reasons provided he furnishes proof to the board if requested.

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

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

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) A graduate of a federally approved maritime academy.
- (2) Have 5 years of experience as a master or commanding officer of a naval vessel or merchant ship.
- (3) Hold a U.S. Coast Guard license.
- (4) Be under 45 but at least 30 years of age.
- (5) Complete and maintain ship handling simulator courses and bridge resource management courses.
- (6) Have not been convicted of a felony involving drugs, personal consumption of alcohol, or a crime of truth in the 60 months preceding application.
- (7) Pass a drug test before acceptance into the program and agree to participate in a mandatory drug and alcohol program upon acceptance.

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 board of examiners to provide the governor, speaker of the House, and president of the Senate with an annual report of the race, age, and gender of all apprenticeship participants who are related to pilots or other public official by blood or marriage.

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 other public official, or based on race, color, religion, gender, national origin, age, disability, political affiliation, or belief.

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

Present law requires pilotage fees and rates to provide for ordinary and necessary operating expenses.

Proposed law retains present law and requires all such costs to be subject to evaluation in any proceeding before the commission that seeks or provides for any increase in pilotage fees and rates.

Present law allows 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 allows the commission to take into account any other charge, collection, or expense levied pursuant to this section.

Present law prohibits standards that are not applicable to a particular pilot service from being considered in the determination of fees and rates for such service.

Proposed law repeals present law.

(Amends R.S. 34:991, 992(B), 993, 1042, 1044, 1045, and 1122(B)(1) and (C); Adds R.S. 34:992(C), 1043(C), and 1122(A)(4); Repeals R.S. 34:1005)