



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

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 citizens appointed by the  
5 governor, with the consent of the Senate, ~~who presently hold a commission as a river~~  
6 ~~port pilot and such commission has been active for a period of not less than four~~  
7 ~~years.~~ and House of Representatives:

8 (1) The commander of the United States Coast Guard Atlantic Area, Eighth  
9 District or his designee.

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

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

21 C. ~~The said~~ commissioners shall take an oath to faithfully perform their  
22 duties.

23 ~~B.D.~~ The Board of River Port Pilot Commissioners for the Port of Orleans  
24 shall:

25 (1) Formulate rules and regulations pursuant to the Administrative Procedure  
26 Act establishing qualifications of river port pilots and providing for the examination  
27 and approval of apprenticeship programs for the river port pilots, and to administer  
28 the evaluation and examination of river port pilots.

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

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

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

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

22 (6) Provide to all river port pilots and river port pilot candidates rules and  
23 regulations.

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



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

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

13                     (1) Be a graduate of a maritime academy approved by and conducted under  
14           rules prescribed by the Federal Maritime Administrator and listed in 46 CFR Part  
15           310, unless the board determines that the applicant possesses maritime experience  
16           sufficient to exempt the applicant from this educational requirement.

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

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

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

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

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

4           (7) Submit to and pass a drug screen prior to being accepted into the  
5           apprenticeship program and agree to participate in a mandatory drug and alcohol  
6           testing program, required by 46 CFR 16 and conducted in compliance with 49 CFR  
7           40.

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

10           (1) State commissioned river port pilots shall comply with all requirements  
11           to maintain current their commission, their required Coast Guard license as provided  
12           by Paragraph (B)(3) of this Section, and such other certifications and continuing  
13           professional education classes, training, or programs as determined necessary by the  
14           board.

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

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

23           (a) Electronic ship simulation.

24           (b) Small scale ship simulation.

25           (c) Automatic Radar Plotting Aid training.

26           (d) Emergency ship handling.

27           (e) Bridge resource management training for pilots.

28           (f) Radar certificate renewal.

29           (g) Tractor tug.

1           (h) Portable pilot system laptop computer training.

2           D. The Board of River Port Pilot Commissioners shall provide the governor,  
3           the president of the Senate, and the speaker of the House of Representatives with a  
4           report annually of all persons related to pilots or to any public official of the state,  
5           whether elected or appointed, by blood or marriage, race, age, and gender who have  
6           participated in each apprenticeship program, who are licensed state pilots, and who  
7           have applied for state pilot licensure or any apprenticeship program.

8           E. Notwithstanding other provisions of this Part, the board shall not  
9           discriminate against an applicant during selection or examination in favor of a person  
10          related to a pilot or to any public official of the state, whether elected or appointed,  
11          by blood or marriage, or based on race, color, religion, gender, national origin, age,  
12          disability, political affiliation, or belief.

13   \*        \*        \*

14          §1042. Board of steamship pilot examiners; members; appointment; oath of office;  
15   powers and duties

16          A. The governor shall appoint, ~~by and with the advice and~~ with consent of  
17          the Senate ~~and House of Representatives~~, three citizens who shall form the Board of  
18          Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi  
19          River from the port of New Orleans to and including the port of Baton Rouge and  
20          intermediate ports. ~~When an examiner vacancy occurs on the board, the board shall~~  
21          ~~make a recommendation to the governor to fill the vacancy. 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. The~~  
24          ~~examiners shall continue in office until their successors are appointed and qualified.~~  
25          ~~Appointments shall be exclusively made from the pilots commissioned by virtue of~~  
26          ~~this Part.~~ The appointees shall comply with the Louisiana Code of Governmental  
27          Ethics and be nominated by the following:

28   (1) One member shall represent the interests of the industry, appointed by  
29          the governor, selecting from a list of four nominees submitted to him by the New

1 Orleans Steamship Association, d/b/a Mississippi River Maritime Association, the  
2 Louisiana Association of Business and Industry, the Louisiana Chemical  
3 Association, the Louisiana Mid-Continent Oil and Gas Association, and the  
4 International Freight Forwarders and Customs Brokers Association of New Orleans,  
5 Inc. Each nominating group shall recommend two nominees, and the five  
6 nominating groups together shall then select four nominees to be jointly submitted  
7 to the governor. No nominee submitted in accordance with this Section shall serve  
8 on the Board of Louisiana River Pilot Review and Oversight or the Louisiana  
9 Pilotage Fee Commission.

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

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

22 C. The board of examiners shall report immediately to the governor all cases  
23 of neglect of duty, habitual drunkenness, and gross violations of its rules. The  
24 governor shall, thereupon, refer the same for investigation to the board of examiners,  
25 the members of which shall sit as investigators and report their findings to the  
26 governor, recommending, if justified, a penalty. Whereupon, the governor may  
27 remove, suspend, or reprimand in his discretion.

28 D. No pilot association shall impose any custom, rule, bylaw, or charter  
29 provision on the board or its authority. Further, any attempt to exercise any authority



1 over or affecting the board's authority shall be deemed a violation of Chapter 6 of  
2 Title 34 of the Louisiana Revised Statutes of 1950 governing pilotage.

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

6 §1043. Body of pilots; duty; appointments

7 \* \* \*

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

12 §1044. Appointment of pilots; discontinuation of duties

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

17 B. Pilots shall not discontinue duties without permission. Except for reasons  
18 of health, satisfactory evidence of which shall be furnished to the board when  
19 requested, no commissioned pilot or apprentice shall cease to act as such or remove  
20 himself, at any time, from a duty status without first obtaining the permission of the  
21 group of pilots with which associated or of some duly authorized official of that  
22 group. No such permitted discontinuance or absence for a period greater than three  
23 months shall be valid without additionally obtaining, in advance, the written  
24 authorization of the board. Any pilot or apprentice neglecting or refusing to comply  
25 with such requirement as to presence and performance of duties may be subject to  
26 sanctions imposed by the association and have, respectively, the pilot's commission,  
27 appointment, or apprenticeship, as the case may be, either suspended or revoked by  
28 board recommendation, depending on the board's judgement and evaluation of the  
29 circumstances.

1 §1045. Examination of pilots; qualifications

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

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

14 (1) Be a graduate of a maritime academy approved by and conducted under  
15 rules prescribed by the Federal Maritime Administrator and listed in 46 CFR Part  
16 310.

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

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

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

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

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

4           (7) Submit to and pass a drug screen prior to being accepted into the  
5           apprenticeship program and agree to participate in a mandatory drug and alcohol  
6           testing program, required by 46 CFR 16 and conducted in compliance with 49 CFR  
7           40.

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

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

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

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

24           (a) Electronic ship simulation.

25           (b) Small scale ship simulation.

26           (c) Automatic Radar Plotting Aid training.

27           (d) Emergency ship handling.

28           (e) Bridge resource management training for pilots.

29           (f) Radar certificate renewal.

1           (g) Tractor tug.

2           (h) Portable pilot system laptop computer training.

3           D. The Board of Examiners for New Orleans and Baton Rouge Steamship  
4 Pilots for the Mississippi River shall provide the governor, the president of the  
5 Senate, and the speaker of the House of Representatives with a report annually of all  
6 persons related to pilots or any public official of the state, whether elected or  
7 appointed, by blood or marriage, race, age, and gender who have participated in each  
8 apprenticeship program, who are licensed state pilots, and who have applied for state  
9 pilot licensure or any apprenticeship program.

10           E. Notwithstanding other provisions of this Part, the board shall not  
11 discriminate against an applicant during selection or examination in favor of a person  
12 related to a pilot or any official of the state, whether elected or appointed, to a  
13 governing authority by blood or marriage, or based on race, color, religion, gender,  
14 national origin, age, disability, political affiliation, or belief.

15   \*       \*       \*

16 §1122. Fees and charges; adjudication of disputes

17           A.

18   \*       \*       \*

19           (4) The fee commission shall establish rules that provide definitions for  
20 pilotage services pursuant to this Subsection and any other descriptive terms,  
21 standards, or terms of art, which shall include but not be limited to bridge hours and  
22 time on task, and for annual reporting of pilotage services, including but not limited  
23 to, special services, bridge hours, time on task, and for the number of pilots, billable  
24 turns, pilot compensation, and all other ordinary and necessary operating and  
25 administrative expenses of pilotage, to be recovered from ratepayers through pilotage  
26 rates and fees.

27           B.(1) Pilotage fees and rates shall provide for all ordinary and necessary  
28 operating and administrative costs and expenses, including but not limited to the cost  
29 of, replacement of, and reasonable return on investment of pilot stations,

1 administrative offices, furniture and fixtures, communication equipment and  
 2 facilities, vessels, launches and other required vehicles of transportation and the  
 3 expenses of maintaining and repairing same, other transportation expenses, the  
 4 expense of maintaining necessary employees, operating materials, consumables and  
 5 services, pensions, pension plans, hospitalization, disability compensation, taxes and  
 6 licenses, life insurance, license insurance, trade promotions when requested to  
 7 participate by industry or any port, required continuing education, legal expense,  
 8 accounting expense, professional dues, administrative and professional publications,  
 9 state pilot commissions, state and federal requirements, and fair average annual  
 10 compensation for a state ship pilot, in comparison to regulated state ship pilotage in  
 11 other United States ports. All such costs and expenses shall be subject to evaluation  
 12 in any proceeding before the commission that directly or indirectly seeks or provides  
 13 for any increase in pilotage fees and rates.

\* \* \*

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

17 ~~(a)~~(1) Consideration of the length, draft, dimensions, and tonnage of the  
 18 vessels to be piloted.

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

21 ~~(c)~~(3) The public interest in maintaining safe, efficient, and reliable pilotage  
 22 service.

23 ~~(d)~~(4) The piloting time required; the distance traveled of the vessels to be  
 24 serviced; the travel time required and distance traveled to and from vessels; the  
 25 method of travel and travel cost required to and from vessels; the time devoted by  
 26 pilots to making themselves available when needed; the time required to be on  
 27 station or on call while both on and off station; the length of time duty requires the  
 28 pilot's absence away from home; the difficulty of the particular service including  
 29 working conditions; risk factors of the route; inconvenience and living conditions;

1 the skill and additional expertise required to render the particular service; the length  
2 of the training, experience, or apprenticeship program; and the number of trips the  
3 pilot is required to ride light.

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

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

12 \* \* \*

13 §1133. Board of Louisiana River Pilot Review and Oversight; creation; membership

14 \* \* \*

15 G. The members of the board shall serve without compensation. However,  
16 the members appointed as former judges shall be entitled to a ~~per diem, not to exceed~~  
17 ~~one hundred fifty dollars~~ the same per diem established by the Louisiana Supreme  
18 Court from time to time for appointed ad hoc judges while executing their duties as  
19 board members. Additionally, the members who shall be appointed judges shall be  
20 entitled to reasonable expenses as approved by the chairman.

21 \* \* \*

22 §1134. Meetings; quorum

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

27 B. ~~The governor shall appoint members and convene the first meeting of the~~  
28 ~~board on or before March 1, 2005.~~



1 control with regard to the Board of Commissioners or Examiners' emergency  
2 regulations or rules.

3 \* \* \*

4 §1139. Prudent and safe pilotage

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

13 §1140. No impingement

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

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

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DIGEST

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

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HB 650 Engrossed

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 the commander of the U.S. Coast Guard Atlantic Area, 8<sup>th</sup> District, or his designee.

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 and 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 an 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.

#### 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 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. 34:991, 992(B), 993, 1042, 1044, 1045, and 1122(B)(1) and (C), 1133(G), 1134, and 1135(B); Adds R.S. 34:992(C), 1043(C), and 1122(A)(4), 1139, and 1140; Repeals R.S. 34:1005)

#### 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, 8<sup>th</sup> 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.