

---

## 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 the 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 members, 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, 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.



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.