

2022 Regular Session

HOUSE BILL NO. 864

BY REPRESENTATIVES DAVIS AND MCKNIGHT AND SENATOR WARD

PILOTS: Provides relative to the Board of Louisiana River Pilot Review and Oversight

1 AN ACT

2 To amend and reenact R.S. 34:1133(B), (C)(7), and (G), 1134(A), and 1135(B) and to enact  
3 R.S. 34:1136(D), relative to the Board of Louisiana River Pilot Review and  
4 Oversight; to provide for the membership of the board; to provide for per diem for  
5 the judge member; to provide for a procedure regarding review of proposed rules;  
6 to provide for board funds; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 34:1133(B), (C)(7), and (G), 1134(A), and 1135(B) are hereby  
9 amended and reenacted and R.S. 34:1136(D) is hereby enacted to read as follows:

10 §1133. Board of Louisiana River Pilot Review and Oversight; creation; membership

11 \* \* \*

12 B. The board shall be composed of ~~eleven~~ nine members appointed by the  
13 governor, all of whom shall be United States citizens, registered voters, and  
14 domiciled in Louisiana for not less than five years. Any vacancy on the board shall  
15 be filled in the same manner as the initial appointment for that seat on the board was  
16 made.

17 C. The governor shall appoint the members as follows:

18 \* \* \*

19 (7) ~~Three~~ One former ~~judges~~ judge who served on the Louisiana Supreme  
20 Court, a Louisiana appellate court, or a Louisiana district court.

21 \* \* \*

1           G. The members of the board shall serve without compensation. However,  
 2           the ~~members~~ member appointed as ~~a former judges~~ judge shall be entitled to a ~~per~~  
 3           ~~diem, not to exceed one hundred fifty dollars~~ the same per diem established by the  
 4           Louisiana Supreme Court as if the former judge was appointed as a judge pro  
 5           tempore or judge ad hoc while executing ~~their~~ his duties as ~~a board members~~  
 6           member. ~~Additionally, the members who shall be appointed judges shall be entitled~~  
 7           ~~to reasonable expenses as approved by the chairman.~~

8   \*       \*       \*

9           §1134. Meetings; quorum

10           A. The board shall meet at least twice per year, at a place ~~of their~~ its  
 11           choosing, and at other such times and places as it may determine. ~~Six~~ Five members  
 12           of the board shall constitute a quorum. A decision by a vote of a majority of the  
 13           members of the board present shall constitute the decision of the board.

14   \*       \*       \*

15           §1135. Powers; functions; duties; responsibilities

16   \*       \*       \*

17           B.(1) ~~The board shall review and may approve or reject any proposed rule~~  
 18           ~~or regulation that may be adopted by any of the Board of Commissioners or~~  
 19           ~~Examiners, except for rules and regulations adopted on an emergency basis. Any~~  
 20           ~~rejection by the board shall be within ninety days of submission of the proposed rule~~  
 21           ~~or regulation to the board; otherwise, such rule or regulation shall be deemed~~  
 22           ~~approved. Prior to initiating rule promulgation pursuant to the Administrative~~  
 23           ~~Procedure Act, R.S. 49:950 et seq., the Board of Commissioners or Examiners shall~~  
 24           ~~submit any proposed rule or regulation to the board for review, and the board shall~~  
 25           ~~review such rule or regulation within ninety days. If the board approves the~~  
 26           ~~proposed rule or regulation, the board shall issue an affirmative decision. The~~  
 27           ~~board's failure to issue a decision shall be deemed to be an approval. In the case of~~  
 28           ~~a rejection of the rule or regulation, the Board of Commissioners or Examiners may~~  
 29           ~~seek judicial review, as authorized by R.S. 34:1138. If the Board of Commissioners~~

1 or Examiners initiates rule promulgation pursuant to this Part, the Board of  
2 Commissioners or Examiners shall submit the decision of the board as a part of and  
3 published with its notice of intent. The board shall promulgate rules consistent with  
4 and as necessary to effectuate the provisions of this Paragraph.

5 (2) Notwithstanding any other provision of law, following the adoption of  
6 any emergency regulation or rule by the Board of Commissioners or Examiners as  
7 defined in R.S. 34:1131(2), the emergency regulation or rule shall be transmitted by  
8 the Board of Commissioners or Examiners immediately to the board and to each  
9 member of the board. Any individual member of the board within ten days of receipt  
10 of the emergency regulation or rule may request a meeting of the board by giving  
11 notice to the chairman or, in the absence of a chairman, to any other officer of the  
12 board for the purpose of holding a meeting to review the emergency regulation or  
13 rule for approval or rejection. Any meeting called for consideration of an emergency  
14 regulation or rule shall be held within thirty days of the request for a meeting. If the  
15 board votes to reject the emergency regulation or rule, the emergency regulation or  
16 rule shall be nullified and of no effect and a report shall be submitted as required by  
17 R.S. 49:968 to remove the nullified regulation or rule from the Louisiana Register.  
18 This emergency regulation or rule review by the board shall be in addition to the  
19 provisions of R.S. 49:953(B) of the Administrative Procedure Act concerning  
20 emergency regulations or rules. If there is any conflict between this Paragraph and  
21 R.S. 49:953(B), this Paragraph shall control with regard to the Board of  
22 Commissioners or Examiners emergency regulations or rules.

23 \* \* \*

24 §1136. Expenditures; funding

25 \* \* \*

26 D. Annually on January first of each year, the board's available funding on  
27 hand shall be not more than fifty thousand dollars. In the event the available funding  
28 is less than fifty thousand dollars, the administrative entity for each pilot group shall

1           remit to the board the pro-rata share of the shortage for the commissioned pilots it  
 2           represents.

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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 864 Engrossed

2022 Regular Session

Davis

**Abstract:** Provides for changes to the makeup and functions of the Board of La. River Pilot Review and Oversight, including changes to membership of the board, how pay for the judge member is determined, changes to the rule review process, changes to quorum and vote requirements; and requirements for board funding.

Present law sets the makeup of the board as 11 governor-appointed members.

Proposed law changes the number of board members from 11 to nine.

Present law provides for three board members to be former judges.

Proposed law changes the number of judge members from three to one.

Present law provides that members are not to be compensated, with the exception that the judge members be paid a per diem of not more than \$150 and requires that the judge members be entitled to reasonable expenses as authorized by the chairman of the board.

Proposed law retains present law relative to the judge member receiving per diem except that the judge member's per diem determination is changed to the same per diem established by the La. Supreme Court for ad hoc or pro tempore judges.

Proposed law repeals present law relative to the judge member being entitled to reasonable expenses.

Present law requires the board meet twice a year and provides that six members makes a quorum. Present law further provides that a vote by the majority of the board constitutes a decision of the board.

Proposed law retains present law meeting requirements but reduces the number needed for a quorum from six to five. Proposed law changes the vote needed to constitute a decision of the board from a majority of the board to a majority of the board present.

Present law requires the board to review proposed rules or regulations from the Board of Commissioners or Examiners and allows the board to approve or reject the proposed rules or regulations within 90 days.

Proposed law retains the present law requirement that the board review proposed rules or regulations but adds that the review shall be conducted and approval of the rule shall be received prior to the Board of Commissioners or Examiners initiating the promulgation of proposed rules pursuant to the process outlined in the Administrative Procedure Act in present law.

Proposed law further provides a procedure for the adoption of emergency regulations or rules.

Present law sets requirements for expenditures and funding of the board.

Proposed law adds to those requirements that each year on Jan. 1, there is required to be not more than \$50,000 of available funding, and requires the administrative entity of each pilot group to pay to the board the pro-rata share for the commissioned pilots it represents.

(Amends R.S. 34:1133(B), (C)(7), (G), 1134(A), and 1135(B); Adds R.S. 34:1136(D))

Summary of Amendments Adopted by House

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

1. Remove the ability of the judge member to receive reasonable expenses.