

ACT No. 396

HOUSE BILL NO. 864

BY REPRESENTATIVES DAVIS, CARRIER, CREWS, DUBUISSON, GREEN, HORTON, KERNER, LANDRY, LARVADAIN, LYONS, MARINO, MCKNIGHT, NEWELL, PIERRE, SCHAMERHORN, SEABAUGH, SELDERS, ST. BLANC, STAGNI, WHEAT, AND WRIGHT AND SENATOR WARD

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____