

2015 Regular Session

HOUSE BILL NO. 572

BY REPRESENTATIVE ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PILOTS: Provides relative to steamship pilots

1 AN ACT

2 To amend and reenact the heading of Part II of Chapter 6 of Title 34 of the Louisiana  
3 Revised Statutes of 1950, R.S. 34:1041, 1042(A), 1044 through 1046, and 1048,  
4 relative to steamship pilots; to provide for appointments relative to new examiners  
5 and commissioned steamship pilots; to provide for qualifications relative to  
6 steamship pilots; to provide for pilotage fees; to repeal obsolete statutory provisions;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Part II of Chapter 6 of Title 34 of the Louisiana Revised  
10 Statutes of 1950, R.S. 34:1041, 1042(A), 1044 through 1046, and 1048 are hereby amended  
11 and reenacted to read as follows:

12 PART II. NEW ORLEANS AND BATON ROUGE ~~PORT~~ STEAMSHIP PILOTS

13 §1041. Definitions

14 As used in this Part, the following terms shall have the meaning ascribed to  
15 them in this Section, unless the context clearly indicates otherwise:

16 ~~(1) "Board of commissioners" means the Board of New Orleans and Baton~~  
17 ~~Rouge Steamship Pilot Commissioners for the Mississippi River, established in R.S.~~  
18 ~~34:1049.~~

19 ~~(2)~~(1) "Board of examiners" means the Board of Examiners for New Orleans  
20 and Baton Rouge steamship pilots for the Mississippi River, established in R.S.  
21 34:1042.

1           ~~(3)~~(2) "Pilot" means a New Orleans and Baton Rouge Steamship Pilot, as  
2       designated in R.S. 34:1043.

3       §1042. Board of steamship pilot examiners; members; appointment; oath of office;  
4           powers and duties

5           A. The governor shall appoint, by and with the advice and consent of the  
6       Senate, three citizens who shall form the Board of Examiners for New Orleans and  
7       Baton Rouge Steamship Pilots for the Mississippi River from the port of New  
8       Orleans to and including the port of Baton Rouge and intermediate ports. ~~The~~  
9       ~~examiners so appointed shall serve for a term of two years and their successors shall~~  
10      ~~be appointed by the governor, and shall serve for terms of two years.~~ When an  
11      examiner vacancy occurs on the board, the board shall make a recommendation to  
12      the governor to fill the vacancy. The board shall recommend only those pilots who  
13      have served at least five years as an unrestricted Louisiana state commissioned New  
14      Orleans and Baton Rouge Steamship Pilot. The examiners shall continue in office  
15      until their successors are appointed and qualified. ~~The examiners shall be appointed~~  
16      ~~from those pilots who have, for at least one year immediately preceding, exercised~~  
17      ~~the functions of river pilots from the port of New Orleans to and including the port~~  
18      ~~of Baton Rouge and intermediate ports upon sea-going vessels; and thereafter the~~  
19      ~~appointments~~ Appointments shall be exclusively made from the pilots commissioned  
20      by virtue of this Part. The governor, in appointing the examiners, shall designate the  
21      president of the board. The examiners shall be removable by the governor for cause,  
22      and shall qualify by taking an oath of office.

23   \*       \*       \*

24      §1044. Appointment of pilots; ~~minimum number~~  
25           ~~The first nine pilots provided for in R.S. 34:1043 shall be appointed by the~~  
26      ~~governor from those pilots who have been actively and continuously engaged for one~~  
27      ~~year previous in piloting sea-going vessels from the port of New Orleans to the port~~  
28      ~~of Baton Rouge and intermediate ports and return, and thereafter there shall not be~~  
29      ~~less than nine such pilots.~~ Pilots provided for in R.S. 34:1043 shall be appointed by

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 the governor from those pilots who have been recommended to the governor  
2 pursuant to the provisions outlined in the board of examiners' rules and regulations.

3 §1045. Examination of pilots; qualifications

4 Whenever there exists a necessity for more pilots the board of examiners  
5 shall hold examinations, under such rules and regulations, and with such  
6 requirements as it may provide, with the governor's approval. No applicant shall be  
7 considered by ~~said~~ the board unless he submits proper evidence of moral character,  
8 ~~and is a voter of this state, has a first class pilot license issued by the United States~~  
9 ~~Coast Guard and served six months' apprenticeship in his proposed calling~~ and  
10 complies with all requirements set forth in the board's Pilot Development Program  
11 as provided for in Subpart 3 of Part 70 of Title 46, comprised of LAC 46:LXX:6101  
12 et seq. Upon the certification of the board to the governor that the applicant has  
13 complied with the provisions of this Part, the governor may, in his discretion, appoint  
14 the applicant or applicants to existing vacancies.

15 §1046. Oath of office and bond

16 The pilots shall take an oath of office and furnish bond in favor of the  
17 governor conditioned upon the faithful performance of the duties imposed by this  
18 Part, to the extent of one thousand dollars, approved by the ~~Board of Commissioners~~  
19 ~~of the Port of New Orleans~~ board of examiners.

20 \* \* \*

21 §1048. Pilotage fees; exceptions

22 A. ~~The pilots shall be entitled to ask and receive a pilotage fee per foot of~~  
23 ~~water drawn by the vessels piloted by them up or down the Mississippi river as~~  
24 ~~follows: to-wit: The pilots shall be entitled to ask for and receive a pilotage fee. The~~  
25 ~~pilots' fees shall be established by the Pilotage Fee Commission as described in R.S.~~  
26 34:1121 et seq.

27 ~~Between the port of New Orleans and all intermediate ports to and including~~  
28 ~~the port of Baton Rouge, per draft foot — \$ 6.75—~~

29 ~~Shifting: docks to anchor, or anchor to docks — \$ 50.00~~

1           ~~Dead ships to be charged double shifting fee.~~  
 2           ~~Docking or undocking ships head down, additional \$ 25.00~~  
 3           ~~Compass adjusting — \$ 43.75~~  
 4           ~~Trial trip, in and out, not to exceed 8 hours — Regular draft rate~~  
 5           ~~Additional charge per hour or fraction thereof for more than 8 hours \$ 10.00~~  
 6           ~~Ships enroute, taking 11 hours or more, but less than 12 hours~~  
 7           ~~Regular draft rate plus flat \$50.00~~  
 8           ~~Ships enroute, taking 12 hours or more — Two pilotages~~  
 9           ~~Second pilotage at regular draft rate not to exceed — \$150.00 maximum~~  
 10          ~~Transportation costs to or from vessel at outlying points as per tariff and boat~~  
 11          ~~service to or from vessel at anchor or underway shall be borne by vessel.~~

12          ~~Vessels subject to pilotage fees shall be any vessel moving from a point~~  
 13          ~~between Baton Rouge and New Orleans.~~

14          ~~Discharge~~

15          ~~Within port limits of New Orleans and Baton Rouge \$ 10.00~~

16          ~~Outside port limits of New Orleans and Baton Rouge — \$ 25.00~~

17          ~~Detention per hour — \$ 10.00~~

18          ~~Minimum draft — 15 feet~~

19          B. ~~These Pilots'~~ charges shall be paid by every vessel subject to pilotage  
 20          navigating between the ports of New Orleans and Baton Rouge and intermediate  
 21          ports; ~~provided that should any vessel have a draft of less than fifteen feet, the~~  
 22          ~~pilotage charge shall be computed on a fifteen foot draft.~~ When pilot services are  
 23          timely offered and refused, the vessel shall pay the charges nevertheless.

24          ~~The pilotage fee shall bear as a lien upon the vessel, which lien shall~~  
 25          ~~prescribe within one year, should the vessel return to the port of New Orleans within~~  
 26          ~~that time.~~

27          C. Vessels of one hundred tons or under, lawfully engaged in the coastwide  
 28          trade of the United States, shall not be required to take a pilot; but the master of ~~such~~  
 29          the vessel may demand pilot services.

1 Section 2. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 effective on the day following such approval.

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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 572 Engrossed

2015 Regular Session

Arnold

**Abstract:** Makes various changes to existing port pilots statutes.

Present law defines "board of commissioners" as the Bd. of New Orleans and Baton Rouge Steamship Pilot Commissioners for the Mississippi River. Proposed law deletes present law.

Present law defines "board of examiners" as the Bd. of Examiners for New Orleans and Baton Rouge steamship pilots. Proposed law changes this present law definition to mean the Bd. of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River.

Present law provides for the governor's appointments of examiners and their successors to the bd. of examiners. Proposed law retains present law.

Present law requires governor-appointed examiners and their successors to serve two-year terms. Further requires appointed examiners to be pilots who have, for at least one year immediately preceding the appointment, exercised the functions of river pilots from the port of New Orleans to and including the port of Baton Rouge and intermediate ports upon sea-going vessels. Proposed law deletes present law.

Proposed law requires the bd. of examiners to make pilot recommendations to the governor to fill vacancies. Further requires the bd. of examiners to only recommend pilots who have served at least five years as an unrestricted La. state commissioned New Orleans and Baton Rouge Steamship Pilot.

Proposed law clarifies that the governor's appointment of examiner is to be made exclusively from the pilots commissioned by virtue of present law and proposed law.

Present law provides a minimum number of nine pilots to be appointed by the governor from pilots who have been actively and continuously engaged for the previous one year in piloting sea-going vessels from the port of New Orleans to the port of Baton Rouge and intermediate ports and return. Further provides for the minimum number of pilots to not be less than nine. Proposed law deletes present law.

Proposed law requires pilots provided for in present law (R.S. 34:1043) to be appointed by the governor from those pilots recommended to the governor pursuant to the provisions of the bd. of examiners' rules and regulations.

Present law requires a qualified pilot to have a first class pilot license issued by the U.S. Coast Guard and to have served a six-month apprenticeship. Proposed law deletes this requirement of present law and provides for a qualified pilot to comply with all requirements of the bd. of examiners' Pilot Development Program.

Present law requires pilots to take an oath of office and furnish bond in favor of the governor, conditioned upon the faithful performance of duties, to the extent of \$1,000 approved by the Bd. of Commissioners of the Port of New Orleans. Proposed law retains present law but changes the bond approval to be made by the board of examiners.

Present law provides pilots' entitlement to ask for and receive a pilotage fee per foot of water drawn by vessels piloted up or down the Mississippi River. Further provides for related itemized pilotage fees. Proposed law deletes present law.

Proposed law provides for pilots' entitlement to ask for and receive a pilotage fee. Further provides for such fees to be established by the Pilotage Fee Commission.

Present law provides for pilots' charges to be paid by every vessel subject to pilotage navigating between the ports of New Orleans and Baton Rouge and intermediate ports. Further provides for vessels subject to a pilotage navigating fee to pay the required charges, even when pilot services are timely offered and refused. Proposed law retains present law.

Present law provides for the pilotage fee to be computed on a 15 foot draft for any vessel with a draft of less than 15 feet. Further provides for the pilotage fee to bear as a lien upon the vessel, which lien prescribes within one year, should the vessel return to the Port of New Orleans within that time. Proposed law deletes present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends the heading of Part II of Ch. 6 of Title 34, R.S. 34:1041, 1042(A), 1044-1046, and 1048)

#### Summary of Amendments Adopted by House

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

1. Provide for an emergency effective date.