

Governor's Report

GOVERNOR'S REPORT

Governor's Letter to House Commerce Committee Chairman May 20, 2002

Calcasieu River WaterwayC River Port Pilots
(LAC 46:LXXVI.Chapter 6)

The Honorable Gil Pinac
Chairman, House Commerce Committee
State Capitol
Baton Rouge, LA 70802

Dear Chairman Pinac:

As you know, but non-legislators may not, under the Louisiana Administrative Procedure Act (LAPA) Section 968 (R.S. 49:968) the appropriate legislative oversight subcommittee has the authority to find a rule proposed by a state agency (or board, commission, etc.) "unacceptable." If the subcommittee does so, it is required to deliver a report to the governor no later than four days thereafter including therein a summary of the determinations made by the subcommittee. The governor has ten days after receipt of the report to disapprove the action of the subcommittee or allow the action to stand. If the governor disapproves such action, the agency can complete the rule-making process as proposed; otherwise, the unacceptable provision cannot be adopted by the agency at that time.

On May 10, 2002, I received from you a report of the Subcommittee on Oversight of the House Commerce Committee concerning its meeting on May 7, 2002, to review certain rules governing river port pilots and navigation proposed by the Board of River Port Pilot Commissioners and Examiners for the Calcasieu River Waterway (the Board). A copy of that report is attached and reflects that eight provisions of the rules [603(L), 607, 609, 613(A), 613(E), 617(D), 619(G), and 621(B)] were found "unacceptable" because of potential liability to the state and possible undue burden for river port pilots. The subcommittee subsequently voted to "approve" the remainder of the proposed rules. Thus, under the LAPA legislative oversight process, the only provisions of the proposed rules before me are the eight above listed rejected provisions.

The underlying authority for these rules is R.S. 34:1072 which provides in part that "the board (of River Port Pilot Commissioners and Examiners for the Calcasieu River Waterway) shall make whatever rules and regulations they may deem necessary for the purpose of regulating pilots, pilot associations, masters and owners of vessels plying the navigable waters of the state of Louisiana within its jurisdiction." On its face, Section 1072 is a broad legislative grant of authority to the Board.

M.J. "Mike" Foster, Jr.
Governor

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