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By: **Senator Pinsky (Chairman, Licensing and Regulatory Affairs  
Subcommittee)**

Introduced and read first time: January 31, 2002

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pilots - Sunset Extension and Program Evaluation**

3 FOR the purpose of continuing the State Board of Pilots in accordance with the  
4 provisions of the Maryland Program Evaluation Act (Sunset Law) by extending  
5 to a certain date the termination provisions relating to the statutory and  
6 regulatory authority of the Board; requiring the Board to pay certain moneys  
7 into the General Fund of the State; providing that compensation of the Board  
8 and reimbursement for expenses shall be as provided in the State budget;  
9 making provisions of law that apply to certain inactive pilots apply to certain  
10 permanently disabled pilots; repealing provisions of law that refer to  
11 permanently disabled pilots as an independent category of pilot; requiring the  
12 Association of Maryland Pilots to distribute certain payments to inactive pilots  
13 on behalf of the Board; altering a provision that requires the Board to make  
14 certain payments; altering the oversight of the Maintenance and Replacement  
15 Fund by requiring the Association to maintain the Fund instead of the Board;  
16 requiring the Association to obtain written approval from the Board for certain  
17 expenditures; requiring the Association to maintain a certain fund balance;  
18 providing a certain exception to the requirement to maintain a certain fund  
19 balance; requiring the Association to submit to the Board certain financial  
20 audits of certain payments; requiring the Board to maintain copies of financial  
21 audits; requiring that an evaluation of the Board and the statutes and  
22 regulations that relate to them be performed on or before a certain date;  
23 requiring the Board to report to certain committees on or before a certain date;  
24 and generally relating to the State Board of Pilots.

25 BY repealing

26 Article - Business Occupations and Professions  
27 Section 11-505  
28 Annotated Code of Maryland  
29 (2000 Replacement Volume and 2001 Supplement)

30 BY renumbering

31 Article - Business Occupations and Professions

1 Section 11-506 through 11-508, respectively  
2 to be Section 11-505 through 11-507, respectively  
3 Annotated Code of Maryland  
4 (2000 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Business Occupations and Professions  
7 Section 11-206, 11-504, and 11-802  
8 Annotated Code of Maryland  
9 (2000 Replacement Volume and 2001 Supplement)

10 BY adding to  
11 Article - Business Occupations and Professions  
12 Section 11-508  
13 Annotated Code of Maryland  
14 (2000 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Business Occupations and Professions  
17 Section 11-505 and 11-506  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume and 2001 Supplement)  
20 (As enacted by Section 2 of this Act)

21 BY repealing and reenacting, without amendments,  
22 Article - State Government  
23 Section 8-403(a)  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2001 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - State Government  
28 Section 8-403(b)(51)  
29 Annotated Code of Maryland  
30 (1999 Replacement Volume and 2001 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
32 MARYLAND, That Section(s) 11-505 of Article - Business Occupations and  
33 Professions of the Annotated Code of Maryland be repealed.

34 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11-506  
35 through 11-508, respectively, of Article - Business Occupations and Professions of the  
36 Annotated Code of Maryland be renumbered to be Section(s) 11-505 through 11-507,  
37 respectively.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article - Business Occupations and Professions**

4 11-206.

5 (a) The Board shall receive all fees and other charges collectible under §§  
6 11-406 and 11-408 of this title.

7 (b) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE BOARD SHALL PAY ALL  
8 MONEY COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

9 (C) The compensation of the Board [shall be payable only out of the money  
10 that the Board collects] AND REIMBURSEMENT FOR EXPENSES UNDER THE  
11 STANDARD STATE TRAVEL REGULATIONS SHALL BE AS PROVIDED IN THE STATE  
12 BUDGET.

13 11-504.

14 (a) A pilot is eligible for payments as an inactive pilot under [§ 11-506] §  
15 11-505 of this subtitle if the pilot:

16 (1) (I) chooses to be placed on the list of inactive pilots maintained by  
17 the Association; and

18 [(2)] (II) has been, for at least 25 years:

19 [(i)] 1. a member in good standing of the Association; and

20 [(ii)] 2. licensed by the Board to provide pilotage for vessels of  
21 unlimited [draft] DRAFT; OR

22 (2) (I) 1. HAS BEEN CERTIFIED BY TWO PHYSICIANS CHOSEN BY  
23 THE BOARD TO BE PERMANENTLY INCAPABLE OF PROVIDING PILOTAGE; OR

24 2. HAS HAD A FEDERAL OR STATE PILOT'S LICENSE  
25 REVOKED FOR PHYSICAL DISABILITY; AND

26 (II) BEFORE BECOMING PERMANENTLY DISABLED, THE PILOT WAS:

27 1. A MEMBER IN GOOD STANDING OF THE ASSOCIATION;  
28 AND

29 2. LICENSED BY THE BOARD TO PROVIDE PILOTAGE FOR  
30 VESSELS OF ANY DRAFT.

31 (b) A pilot is eligible for reduced payments as an inactive pilot under [§  
32 11-506] § 11-505 of this subtitle if the pilot:

1 (1) chooses to be placed on the list of inactive pilots maintained by the  
2 Association; and

3 (2) has been, for at least 20 years:

4 (i) a member in good standing of the Association; and

5 (ii) licensed by the Board to provide pilotage for vessels of unlimited  
6 draft.

7 (C) ELIGIBILITY FOR PAYMENTS AS AN INACTIVE PILOT SHALL CEASE IF:

8 (1) A PILOT WHO WAS DECLARED PERMANENTLY INCAPABLE OF  
9 PROVIDING PILOTAGE BECOMES CAPABLE OF PROVIDING PILOTAGE; OR

10 (2) A PILOT WHO HAD A FEDERAL OR STATE PILOT'S LICENSE REVOKED  
11 FOR PHYSICAL DISABILITY HAS THE LICENSE REISSUED.

12 11-505.

13 (a) Each month, the Association shall distribute the pilotage fees that the  
14 Association collects in the following order:

15 (1) within 10 days after the close of each month, the Association shall  
16 [pay]:

17 (I) ACCOUNT to the Board for that month [an] FOR THE amount  
18 determined under subsections [(b), (c), and (d)] (B) AND (C) of this section for  
19 distribution to the pilots who, at the beginning of that month, were eligible for  
20 payments as inactive [or permanently disabled] pilots; and

21 (II) DISTRIBUTE THOSE MONEYS ON BEHALF OF THE BOARD; AND

22 (2) the balance of the pilotage fees collected shall be:

23 (i) first, used by the Association to pay its expenses;

24 (ii) second, paid to the Maintenance and Replacement Fund under  
25 [§ 11-507] § 11-506 of this subtitle; and

26 (iii) finally, in accordance with the bylaws of the Association, paid to  
27 the regularly working licensed pilots who are members in good standing of the  
28 Association.

29 (b) The amount to be [paid] DISTRIBUTED by the Association [to] ON BEHALF  
30 OF the Board [for distribution] to eligible inactive pilots who for at least 25 years  
31 have been members in good standing of the Association and licensed by the Board to  
32 provide pilotage for vessels of unlimited draft shall be computed by:

33 (1) determining the greater of:

1 (i) \$200; or

2 (ii) 40% of the share payable under this subtitle for the month for  
3 which the payment is to be made to a regularly working licensed pilot; and

4 (2) multiplying the figure determined under item (1) of this subsection  
5 by the number of pilots in the Association who, at the beginning of the month for  
6 which the payment is to be made, were eligible for payments as inactive pilots under  
7 this subsection.

8 (c) The amount to be [paid] DISTRIBUTED by the Association [to] ON BEHALF  
9 OF the Board [for distribution] to eligible inactive pilots who become inactive with at  
10 least 20 years but less than 25 years as members in good standing of the Association  
11 and licensed by the Board to provide pilotage for vessels of unlimited draft shall be  
12 computed as follows:

13 (1) for each pilot determining the greater of:

14 (i) \$200; or

15 (ii) 1. 32% of the share payable under this subtitle for the month  
16 for which the payment is to be made to a regularly working licensed pilot; and

17 2. 1.6% of the share payable under this subtitle for the  
18 month for which the payment is to be made to a regularly working licensed pilot in  
19 addition for each year of service in excess of 20 years and up to 25 years; and

20 (2) totalling the sums determined under item (1) of this subsection for  
21 each pilot in the Association who, at the beginning of the month for which the  
22 payment is to be made, was eligible for payment as an inactive pilot under this  
23 subsection.

24 [(d) The amount to be paid by the Association to the Board for distribution to  
25 permanently disabled pilots shall be computed by:

26 (1) determining the greater of:

27 (i) \$200; or

28 (ii) 40% of the share payable under this subtitle for the month for  
29 which the payment is to be made to a regularly working licensed pilot; and

30 (2) multiplying the figure determined under item (1) of this subsection  
31 by the number of pilots in the Association who, at the beginning of the month for  
32 which the payment is to be made, were eligible for payments as permanently disabled  
33 pilots.

34 (e) Within 10 days after the Board receives the amounts paid under  
35 subsections (b), (c), or (d) of this section, the Board shall distribute those amounts:

1 (1) equally to those pilots who, at the beginning of the month for which  
2 the payment is made, were eligible for payments as inactive or permanently disabled  
3 pilots under subsections (b) and (d) of this section; and

4 (2) in the amounts as adjusted in accordance with subsection (c) of this  
5 section to inactive pilots with at least 20 years but less than 25 years as a member in  
6 good standing of the Association and licensed by the Board to provide pilotage for  
7 vessels of unlimited draft.]

8 11-506.

9 (a) THE BOARD OF SUPERVISORS OF THE ASSOCIATION SHALL MAINTAIN A  
10 MAINTENANCE AND REPLACEMENT FUND FOR THE REPLACEMENT AND REPAIR OF  
11 THE MAJOR EQUIPMENT OF THE ASSOCIATION.

12 (B) The State Board of Pilots shall determine a percentage of the pilotage fees  
13 collected by the Association to be set aside in [a fund] THE FUND [for the  
14 replacement and repair of the major equipment of the Association].

15 (C) THE BOARD OF SUPERVISORS OF THE ASSOCIATION SHALL OBTAIN  
16 WRITTEN APPROVAL FROM THE STATE BOARD OF PILOTS FOR ANY EXPENDITURES  
17 FROM THE FUND.

18 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
19 BALANCE IN THE FUND SHALL REMAIN AT OR ABOVE \$500,000.

20 (2) (I) THE BALANCE OF THE FUND MAY FALL BELOW \$500,000 FOR  
21 EXPENDITURES AUTHORIZED BY THE BOARD.

22 (II) THE BALANCE OF THE FUND MAY NOT REMAIN BELOW \$500,000  
23 FOR MORE THAN 10 CONSECUTIVE YEARS.

24 (III) AT NO TIME SHALL THE BALANCE OF THE FUND FALL BELOW  
25 \$100,000.

26 [(b)] (E) [(1) The Board of Supervisors of the Association shall deduct the  
27 percentage set by the State Board of Pilots from the pilotage fees collected by the  
28 Association and pay that amount to the State Board of Pilots.

29 (2)] The [State Board of Pilots] BOARD OF SUPERVISORS OF THE  
30 ASSOCIATION shall deposit the [amount received under this subsection] MONEYS  
31 AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION into the Maintenance and  
32 Replacement Fund.

33 [(c)] (F) (1) The [State Board of Pilots] BOARD OF SUPERVISORS OF THE  
34 ASSOCIATION shall hold the Maintenance and Replacement Fund in trust [for the  
35 Association].

36 (2) The [State Board of Pilots] ASSOCIATION:

1 (i) may invest or hold the Fund in any manner that the [Board]  
2 ASSOCIATION finds desirable, in light of the nature and purpose of the Fund;

3 (ii) may place control and management of the Fund, or a part of the  
4 Fund, with a bank or trust company that is subject to State or federal regulation; and

5 (iii) is not limited to investments in property that has been  
6 designated, under any law of the State, as strictly suitable for investment of a trust  
7 fund.

8 [(d)] (G) Assets held in trust under this section are not subject to attachment  
9 or execution.

10 11-508.

11 (A) THE ASSOCIATION SHALL SUBMIT TO THE BOARD:

12 (1) AN ANNUAL FINANCIAL AUDIT OF PAYMENTS TO PILOTS UNDER §  
13 11-505 OF THIS SUBTITLE; AND

14 (2) AN ANNUAL FINANCIAL AUDIT OF THE MAINTENANCE AND  
15 REPLACEMENT FUND UNDER § 11-506 OF THIS SUBTITLE.

16 (B) THE BOARD SHALL KEEP COPIES OF THE FINANCIAL AUDITS RECEIVED  
17 UNDER SUBSECTION (A) OF THIS SECTION.

18 11-802.

19 Subject to the evaluation and reestablishment provisions of the Maryland  
20 Program Evaluation Act, this title and all regulations adopted under this title shall  
21 terminate and be of no effect after July 1, [2003] 2013.

22 **Article - State Government**

23 8-403.

24 (a) On or before December 15 of the 2nd year before the evaluation date of a  
25 governmental activity or unit, the Legislative Policy Committee, based on a  
26 preliminary evaluation, may waive as unnecessary the evaluation required under this  
27 section.

28 (b) Except as otherwise provided in subsection (a) of this section, on or before  
29 the evaluation date for the following governmental activities or units, an evaluation  
30 shall be made of the following governmental activities or units and the statutes and  
31 regulations that relate to the governmental activities or units:

32 (51) Pilots, State Board of (§ 11-201 of the Business Occupations and  
33 Professions Article: July 1, [2002] 2012);

1 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Pilots  
2 shall report to the Senate Education, Health, and Environmental Affairs Committee  
3 and the House Economic Matters Committee on or before October 1, 2002, in  
4 accordance with § 2-1246 of the State Government Article, on the implementation of  
5 the recommendations of the Department of Legislative Services contained in the  
6 sunset evaluation report dated October 2001. This report shall include:

7 (a) The development of a methodology for determining the appropriate  
8 number of licensed pilots to ensure reliable pilotage service, including:

9 (1) the source of future Port of Baltimore vessel call information;

10 (2) the future pilot complement; and

11 (3) the future actions to be taken by the Board to monitor this  
12 information;

13 (b) The actions the Board intends to take regarding oversight of pilot work  
14 rules, including hours of service and required rest periods; and

15 (c) The actions the Board has taken to better and more accurately maintain  
16 information important to the functions of the Board, including such information as:

17 (1) incidents by type;

18 (2) resolution of incidents;

19 (3) number and type of licenses issued;

20 (4) licenses revoked or suspended;

21 (5) license terms;

22 (6) applications received; and

23 (7) pilot continuing education credits.

24 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2002.