



AB-852 Ports and harbors: San Francisco Bar Pilots. (2005-2006)

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Assembly Bill No. 852

CHAPTER 129

An act to amend Section 1190 of the Harbors and Navigation Code, relating to ports and harbors, and making an appropriation therefor.

[Approved by Governor July 26, 2005. Filed with Secretary of State July 26, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 852, Leno. Ports and harbors: San Francisco Bar Pilots.

Existing law requires every vessel spoken inward or outward bound to pay a rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun of \$8.11 per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of 73.01 mills per high gross registered ton, as specified.

Existing law authorizes the mill rates to be changed to, among other things, include an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the Board of Pilot Commissioners to recover the pilots' costs of obtaining new pilot boats. All moneys received by the board are required to be deposited in the Board of Pilot Commissioners' Special Fund, a continuously appropriated fund.

This bill, additionally, would authorize the mill rates to be changed to include an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the board to recover the pilots' costs of funding design and engineering modifications for the purposes of extending the service life of existing pilot boats, excluding costs for repair or maintenance. The bill would require net proceeds from the sale of existing pilot boats to be used for the additional purpose of reducing debt associated with the modification of pilot boats under these provisions. The bill would authorize the board to adjust a pilot boat surcharge to reflect any associated operational savings resulting from the modification of pilot boats under these provisions, including reduced repair and maintenance expenses.

Because this bill authorizes the expenditure of money in a continuously appropriated fund for a new purpose, the bill would make an appropriation.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1190 of the Harbors and Navigation Code is amended to read:

Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

(1) Eight dollars and eleven cents (\$8.11) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of 73.01 mills per high gross registered ton as changed pursuant to law in effect on December 31, 1999. The mill rates established by this paragraph may be changed as follows:

(A) (i) On and after January 1, 2007, if the number of pilots licensed by the board is reduced to 60 pilots, for any subsequent decrease in the number of pilots, the mill rate then in effect shall be decreased by an incremental amount that is proportionate to one-half of the last audited annual average net income per pilot for each pilot licensed by the board below 60 pilots.

(ii) On and after January 1, 2007, if the number of pilots licensed by the board falls below 60, for any subsequent increase in the number of pilots, the mill rate then in effect shall be increased by an incremental amount that is proportionate to one-half of the last audited annual average net income per pilot for each new pilot that results in an increase in the number of pilots then licensed by the board.

(iii) The incremental mill rate adjustment authorized by this subparagraph shall be calculated using the data reported to the board for the number of gross registered tons handled by pilots licensed under this division during the same 12-month period as the audited annual average net income per pilot. The incremental mill rate adjustment shall become effective at the beginning of the quarter (January 1, April 1, July 1, or October 1) as directed by the board.

(B) There shall be an incremental rate of additional mills per high gross registered ton as is necessary and authorized by the board to recover the pilots' costs of obtaining new pilot boats and of funding design and engineering modifications for the purposes of extending the service life of existing pilot boats, excluding costs for repair or maintenance. The incremental mill rate charge authorized by this subparagraph shall be identified as a pilot boat surcharge on the pilots' invoices and separately accounted for in the accounting required by Section 1136. Net proceeds from the sale of existing pilot boats shall be used to reduce the debt on the new pilot boats and any debt associated with the modification of pilot boats under this subparagraph. The board may adjust a pilot boat surcharge to reflect any associated operational savings resulting from the modification of pilot boats under this subparagraph, including, but not limited to, reduced repair and maintenance expenses.

(C) In addition to the rate change specified in subparagraph (A) and the incremental rate specified in subparagraph (B), the mill rate established by this subdivision may be adjusted at the direction of the board if, after a hearing conducted pursuant to Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, the board determines that there has been a catastrophic cost increase to the pilots that would result in at least a 2-percent increase in the overall annual cost of providing pilot services.

(2) A minimum charge for bar pilotage shall be six hundred sixty-two dollars (\$662) for each vessel piloted.

(3) The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

(b) The rate specified in subdivision (a) shall apply only to a pilotage that passes through the Golden Gate to or from the high seas to or from a berth within an area bounded by the Union Pacific Railroad Bridge to the north and Hunter's Point to the south. The rate for pilotage to or from the high seas to or from a point past the Union Pacific Railroad Bridge or Hunter's Point shall include a movement fee in addition to the basic bar pilotage rate as specified by the board pursuant to Section 1191.

(c) The rate established in paragraph (1) of subdivision (a) shall be for a trip from the high seas to dock or from the dock to high seas. The rate specified in Section 1191 shall not be charged by pilots for docking and undocking vessels. This subdivision does not apply to the rates charged by inland pilots for their services.

(d) The board shall determine the number of pilots to be licensed based on the 1986 manpower study adopted by the board.

(e) Consistent with the board's May 2002 adoption of rate recommendations, the rates imposed pursuant to paragraph (1) of subdivision (a) that are in effect on December 31, 2002, shall be increased by 4 percent on January 1, 2003; those in effect on December 31, 2003, shall be increased by 4 percent on January 1, 2004;

on December 31, 2005, shall be increased by 3 percent on January 1, 2006.



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Date	Action
07/26/05	Approved by the Governor.
07/26/05	Chaptered by Secretary of State - Chapter 129, Statutes of 2005.
07/14/05	Enrolled and to the Governor at 2:50 p.m.
07/12/05	In Assembly. To enrollment.
07/11/05	Read third time, passed, and to Assembly. (Ayes 24. Noes 11. Page 1972.)
06/29/05	Read second time. To third reading.
06/28/05	From committee: Do pass. (Ayes 9. Noes 1.)
06/14/05	From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 6. Noes 4.)
05/26/05	Referred to Com. on G.O.
05/16/05	Read third time, passed, and to Senate. (Ayes 62. Noes 10. Page 1530.)
05/16/05	In Senate. Read first time. To Com. on RLS. for assignment.
05/09/05	Read second time. To third reading.
05/05/05	From committee: Do pass. (Ayes 15. Noes 1.) (May 4).
04/26/05	From committee: Do pass, and re-refer to Com. on APPR. with recommendation: To Consent Calendar. Re-referred. (Ayes 13. Noes 0.) (April 25).
04/19/05	Re-referred to Com. on TRANS.
04/18/05	From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
04/11/05	In committee: Set, first hearing. Hearing canceled at the request of author.
03/07/05	Referred to Com. on TRANS.
02/20/05	From printer. May be heard in committee March 22.
02/18/05	Read first time. To print.