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3 SENATE LOCAL LEGISLATION MOBILE COUNTY COMMITTEE SUBSTITUTE
4 FOR HB369
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9 SYNOPSIS: This bill would relate to Class 2
10 municipalities and would establish a State Pilotage
11 Commission in the municipality to license and
12 regulate bar pilots whose principal place of
13 business is in the Class 2 municipality.
14

15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to Class 2 municipalities; to establish a
20 State Pilotage Commission in a Class 2 municipality; to
21 provide for licensing and regulations of bar pilots whose
22 principal place of business is within a Class 2 municipality.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall only apply to Class 2
25 municipalities.

26 Section 2. (a) There shall be a board of pilotage
27 commissioners in each Class 2 municipality, to be known as the

1 State Pilotage Commission. The commission shall consist of
2 three voting members. One voting member shall be engaged in a
3 local maritime business, one voting member shall be an active
4 bar pilot, licensed and branched by the State Pilotage
5 Commission, and one voting member shall be a member of the
6 local business or professional community.

7 (b) The State Pilotage Commission shall have the
8 powers and duties as are prescribed in this act and as may
9 hereafter be prescribed by law.

10 (c) A quorum for the transaction of commission
11 business shall be two voting members of the commission.

12 Section 3. All of the members of the commission, at
13 the time of their appointment and during their respective
14 terms of office, shall be citizens of the United States and
15 qualified electors of the State of Alabama.

16 Section 4. The initial appointees to the commission
17 shall be the members of the State Pilotage Commission
18 appointed by the Governor pursuant to the Code of Alabama
19 1975, as it existed prior to the enactment of this act, and
20 holding office at the time of the enactment of this act.
21 Thereafter, at the expiration of the respective terms, the
22 Governor shall appoint the commissioners to hold office for
23 six years from the dates of the expiration of their respective
24 commissions. Commission members shall serve until their
25 successors are appointed. The commissioners shall serve
26 without compensation, but all traveling expenses incurred by

1 the commissioners in the performance of their duties shall be
2 paid out of funds in the treasury of the commission.

3 Section 5. Before entering upon the duties of their
4 office, the commissioners shall execute a bond in the amount
5 of one thousand dollars (\$1,000), for the faithful performance
6 of the duties of the office.

7 Section 6. The commissioners shall elect a chair to
8 preside at its meetings who shall not be the bar pilot
9 commission member. It shall be the duty of the chair to
10 supervise the official conduct of all the officers and
11 employees of the commission. The chair may administer official
12 oaths to the officers and employees of the commission, except
13 the other commissioners, and to all other persons in relation
14 to the business of the commission. In the absence of the
15 chair, the remaining commissioners shall select from their
16 number an acting chair to hold office during the absence of
17 the chair. The acting chair shall have all the power and
18 authority possessed by the chair.

19 Section 7. The commission may employ a secretary who
20 shall not be a member of the commission and who shall be paid
21 an annual salary set by the commission. Before entering upon
22 the duties of office, the secretary shall execute a bond in
23 the amount of three thousand dollars (\$3,000), for the
24 faithful performance of the duties of the office. The
25 secretary shall safely keep and be responsible for all moneys
26 paid into the office of the commission and for all books and
27 papers of the commission and attend the meetings and keep a

1 record of their proceedings and of the names of the
2 commissioners present at the meetings. The secretary shall
3 keep an account of all moneys received and paid, and once
4 every three months prepare a statement showing all moneys
5 received and paid for during the preceding three months and
6 the source from which the moneys were received and the purpose
7 for which they were paid. A copy of the statement shall be
8 given to each of the commissioners. All moneys collected shall
9 be deposited in a bank or banks designated by the commission
10 and drawn out by check signed by the chair and secretary of
11 the commission.

12 Section 8. (a) The commission shall have a
13 financial and compliance audit performed each year and supply
14 a copy of the audit to the Alabama State Port Authority and
15 the Alabama Department of Commerce. In addition, an audit may
16 be requested at any time by the Alabama State Port Authority
17 or the Alabama Department of Commerce.

18 (b) The commission created in this act shall be
19 specifically excluded from Chapter 20 of Title 41, Code of
20 Alabama 1975, the Alabama Sunset Law.

21 Section 9. The commissioners shall meet at least
22 once every three months at the time and place selected by the
23 commission.

24 Section 10. If a vacancy occurs from any cause in
25 the office of a commissioner before the expiration of his or
26 her current term, a successor must be appointed by the

1 Governor and hold office only for the unexpired portion of the
2 term.

3 Section 11. The jurisdiction of the commission under
4 this act shall extend over all vessels and pilots using the
5 waterways of Mobile Bay and its rivers intending to enter or
6 exit the Port of Mobile, its facilities, and affiliated
7 regulated entities of the port.

8 Section 12. The commission shall not have
9 jurisdiction over harbor masters or deputy masters in any
10 harbor or seaport in the Port of Mobile.

11 Section 13. The commission shall have the power and
12 authority to make all necessary rules and regulations
13 regulating the piloting of ships and all watercrafts into and
14 out of any harbor or seaport in the Port of Mobile. The
15 commission shall also have the power and authority to require
16 evidence of the physical and mental fitness of any active bar
17 pilot at any time and to make rules and regulations regarding
18 the physical and mental capacity and fitness of the active bar
19 pilots.

20 Section 14. The commissioners, in their own names as
21 commissioners or in that of their chair, may bring a civil
22 action for and recover any forfeiture accruing under this act
23 not otherwise specifically appropriated.

24 Section 15. The commissioners shall preserve a
25 record of their acts and of the rules and regulations adopted
26 by them for the direction and government of pilots. They shall
27 also preserve upon record a list of all persons appointed

1 pilots by them, and of those whom they may declare to have
2 forfeited their licenses. The records of the commission are
3 public records and subject to inspection.

4 Section 16. (a) At no time shall there exist more
5 apprentices or pilots than are reasonably necessary to meet
6 the requirements of commerce. The number of apprentices and
7 pilots shall be determined by the commission.

8 (b) The commission shall be the sole judge of the
9 seniority and statutory qualifications of applicants to be
10 apprenticed and branched.

11 Section 17. (a) In order to prevent delays in the
12 apprenticeship and branching of bar pilots, the commission,
13 when necessary, shall maintain a register of applicants
14 containing no more than nine applicants for apprenticeship who
15 must be not less than 21 years of age.

16 (b) All pending and future applicants for
17 apprenticeship from the register of applicants shall be
18 considered by the commission for apprenticeship in order of
19 their seniority as determined by the commission from time to
20 time at its sole discretion, which shall be based upon each
21 applicant's professionalism, maturity and readiness, the date
22 of completion of all requirements to be a bar pilot except
23 apprenticeship, application to be a pilot, passage of the
24 commission's written examination and branch, and the
25 compliance with subsections (c) and (d).

26 (c) No person may commence an apprenticeship unless
27 the commission finds that the applicant meets all statutory

1 requirements for apprenticeship required by subsection (b) and
2 there is a need for an apprentice.

3 (d) In order to complete the apprenticeship, an
4 apprentice shall make, to the satisfaction of the commission,
5 at least 100 round trips with a branched pilot on vessels in
6 Mobile Bay which are subject to the statutory requirement of
7 compulsory pilotage.

8 Section 18. All apprentices, before becoming
9 eligible for service as apprentices, shall be selected and
10 approved by the commission.

11 Section 19. A Mobile Bay or bar pilot apprentice may
12 not be discharged except for cause, and any apprentice or
13 boatkeeper so discharged may appeal the discharge to the
14 commission, and if the commission, upon an investigation,
15 finds that the discharge was without sufficient cause, the
16 commission may annul the discharge and reinstate the
17 apprentice.

18 Section 20. To be eligible to be branched or
19 licensed as the next bar pilot, a person shall meet all of the
20 following criteria at the time of branching or licensing:

21 (1) The person shall be the senior apprentice, with
22 seniority to be determined by date of satisfactory completion
23 of all of the following requirements to be a bar pilot except
24 the written examination given by the commission.

25 (2) The person shall be a citizen of the United
26 States of America or legally present in this state.

27 (3) The person shall be of good moral character.

1 (4) The person shall have completed satisfactorily
2 all requirements of the apprenticeship.

3 (5) The person shall be a graduate of a four-year
4 college or university accredited by a regional accrediting
5 organization recognized by the U.S. Department of Education,
6 or have a bachelor of science degree from a nationally
7 recognized maritime academy.

8 (6) The person shall hold and have the following
9 current United States Coast Guard licenses and experience:

10 a. Either of the following:

11 1. An unlimited second mate of oceans license with
12 at least one year's experience as second mate.

13 2. A master license of freight or motor vessel of
14 1,600 gross tons with one year's experience as master of
15 vessels of at least 150 gross tons.

16 b. Either of the following:

17 1. Three years' experience in a deck department
18 capacity on one or more vessels navigating Mobile ship
19 channel.

20 2. Three years' experience at sea in a deck
21 department capacity on oceangoing vessels of 1,600 gross tons
22 or over.

23 c. A first class federal pilot license for the
24 Mobile and Theodore ship channels.

25 (7) The person shall have been employed in a deck
26 department capacity on steam or motor vessels navigating

1 either inland waters or oceans for a majority of the last five
2 years.

3 (8) The person shall demonstrate, if required by the
4 commission to do so, sufficient evidence of satisfactory
5 experience in the safe navigation and handling of vessels,
6 successful completion of a training program officially
7 recognized by the Pilotage Commission and bar pilots.

8 (9) The person shall pass a written test
9 administered by the commission.

10 Section 21. Before an applicant is branched or
11 licensed, the commission shall prepare in writing suitable
12 questions to test his or her knowledge and competency to
13 become a bar pilot. The applicant, without any aid from any
14 other person and without having been informed as to what
15 question would be propounded, shall answer the questions. When
16 the applicant has reduced his or her answers to writing, the
17 applicant shall sign the same and deliver them to one of the
18 commissioners, and the commission shall cause the answers to
19 be copied legibly, but without the name of the applicant. The
20 commission shall then appoint three fair, impartial, and
21 competent nautical persons as a committee to examine the
22 answers of the applicant. The applicant or applicants may name
23 one of these, the existing pilots name another, and the
24 commission, or a majority of them, shall name the third. The
25 committee shall examine the copies of the answers of
26 applicants and shall endorse upon the answer of the applicants
27 as the commission finds sufficient the following certificate:

1 "We hereby certify that the foregoing answers are
2 satisfactory, and that, in our opinion, the applicant making
3 the same is well acquainted with the bar pilot grounds, knows
4 how to handle both steam and sailing vessels, and is competent
5 to perform the duties of a bay or bar pilot." When the
6 certificate is duly signed and delivered to the commission,
7 the applicant shall be deemed qualified to receive a license.

8 Section 22. An apprentice pilot who has successfully
9 passed an examination for a Mobile Bay or bar pilot shall not
10 be required to undergo or pass another examination before
11 being entitled to his or her license or status as a Mobile Bay
12 or bar pilot.

13 Section 23. The commission shall issue to each bar
14 pilot licensed and branched by the commission an original and
15 a duplicate certificate of his or her appointment, competency,
16 and authority to act as a bar pilot, and as to the extent
17 thereof, and shall reissue duplicate certificates from time to
18 time, as the occasion may require. The original and duplicate
19 certificates shall be signed by a majority of the
20 commissioners or by the chair by the commission's direction.
21 Each bay or bar pilot holding a license or branch shall keep
22 upon his or her person, when offering his or her services to
23 any vessel, his or her duplicate certificate and, upon demand
24 of the proper officer of the vessel, shall exhibit the same
25 and allow the officer to inspect it. Before issuing an
26 original license or branch, the commissioners delivering the
27 same to the appointee shall require him or her to take and

1 subscribe in writing an oath as follows, to be administered by
2 the commissioners: "I, A. B., do solemnly swear (or affirm)
3 that I will faithfully and according to the best of my skill
4 and judgment perform the duties of a bar pilot for the Bay and
5 Harbor of Mobile; that I will at all times, wind and weather
6 and health permitting, use my best exertions to repair on
7 board all vessels which I shall see and conceive to be bound
8 for, coming into or going out of the Harbor or Bay of Mobile,
9 unless I am well assured that some other licensed bar pilot is
10 then on board the same; that I will at all times make the best
11 dispatch in my power to convey safely every vessel committed
12 to my charge coming into or going out of the Bay or Harbor of
13 Mobile; and will at all times well and truly observe, follow
14 and fulfill, to the best of my skill and judgment, all such
15 directions as I may receive from the commissioners of pilotage
16 relative to things appertaining to the duty of a bar pilot,
17 and I will not be a member at the same time of more than one
18 combination or partnership of bar pilots. So help me God."

19 Section 24. There is levied upon each licensed bar
20 pilot engaged in service as a bar pilot under this act a
21 license or privilege tax in the sum of one hundred dollars
22 (\$100) annually plus any reasonable additional assessment that
23 arises and is necessarily incurred out of the performance by
24 the bar pilotage commission of its duties imposed by law, to
25 be paid to the secretary of the commission and to be used for
26 defraying all expenses and expenditures of the commission
27 accruing under this act. The commission, by proper

1 resolutions, may permit the tax to be paid quarterly. The
2 privilege or license taxes paid to the secretary of the
3 commission shall become a part of the funds of the commission
4 and shall be deposited by the secretary and otherwise handled
5 and disbursed, as required by this act.

6 Section 25. Before receiving his or her branch, the
7 bar pilot must make and deliver to the commissioners a bond
8 payable to the chair of the commission and his or her
9 successors, in the penal sum of two thousand dollars (\$2,000)
10 with surety to be approved by the commissioners, and with
11 conditions faithfully to perform his or her duties as bar
12 pilot; and this bond must be renewed every six years.

13 Section 26. (a) The commissioners shall preserve on
14 file all bonds and affidavits taken from bar pilots, and,
15 whenever they consider it necessary, may require a new bond to
16 be executed. The bar pilot's bond stands as security for any
17 injury caused by the negligence or want of skill of the bar
18 pilot, and action may be brought thereon in the name of any
19 person aggrieved.

20 (b) A bar pilot or apprentice providing bar pilot
21 services to a vessel is not liable for more than five thousand
22 dollars (\$5,000) for damage or loss to any person or property
23 caused by the bar pilot's or apprentice's error, omission,
24 fault, or neglect in the performance of the bar pilot
25 services, unless one of the following applies:

1 (1) The damage or loss was caused because of the
2 willful, intentional, or reckless misconduct of the bar pilot
3 or apprentice.

4 (2) Liability exists for exemplary or punitive
5 damages for willful, intentional, or reckless misconduct for
6 which no other person is jointly or severally liable.

7 (c) This section does not exempt a vessel, its crew,
8 or its owner, charterer, or operator from liability for damage
9 or loss caused to any person or property by the vessel on
10 either of the following grounds:

11 (1) That the vessel was piloted by a bar pilot or
12 apprentice.

13 (2) That the damage or loss was caused by the error,
14 omission, fault, or neglect of a bar pilot or apprentice.

15 (d) An association of bar pilots is not liable for
16 claims arising from acts or omissions of a bar pilot or
17 apprentice who is a member of the association. A bar pilot or
18 apprentice is not liable, directly or as a member of an
19 association of bar pilots, for claims arising from acts or
20 omissions of another bar pilot or association of bar pilots
21 that relate to pilotage of a vessel under this act. For
22 purposes of this section, an association of bar pilots means
23 the association, corporation, company, partnership, or other
24 entity that employs the bar pilot and other bar pilots of
25 which the bar pilot is a member, shareholder, partner, or
26 other owner with other bar pilots.

1 (e) In an action brought against a bar pilot or an
2 apprentice, or both, for an act or omission for which
3 liability is limited as provided by this section and in which
4 other claims are made or anticipated with respect to the same
5 act or omission, the court shall dismiss the proceedings as to
6 the bar pilot or apprentice, or both, to the extent the
7 pleadings allege liability of the bar pilot or apprentice that
8 exceeds five thousand dollars (\$5,000).

9 (f) The provisions of this section apply only
10 provided the bar pilots remain self-employed independent
11 contractors and the number of self-employed independent
12 contractors does not exceed 20 actively engaged in the
13 piloting of vessels as licensed by the commission. Employment
14 of a bar pilot by an association of bar pilots shall not mean
15 the bar pilot is not self-employed.

16 (g) The protection against or exemption from
17 liability provided to an association of bar pilots under this
18 section shall be in addition to the protections against and
19 exemption from liability provided an association of bar pilots
20 provided by or under federal or any other law.

21 Section 27. For any violation by any bar pilot of
22 any of the provisions of this act, or any of the rules
23 established by the commission under the authority conferred
24 upon the commission by this act, or under any authority which
25 may be hereafter conferred upon the commission, the commission
26 may suspend or revoke the license or branch of a bar pilot so
27 violating the law or rules of the commission. The secretary of

1 the commission shall notify the bar pilot in writing of the
2 specific charge preferred against him or her, specifying with
3 reasonable certainty the law or rule or regulation violated,
4 the manner in which the same was violated, and the time and
5 place of the offense, and, by direction of the commission,
6 shall fix the time for hearing of the charges not less than
7 five nor more than 30 days from the date of the notice. At the
8 time and place set forth in the notice, the bar pilot may
9 appear in person or by counsel, thereupon the commission shall
10 hear and determine the charges. The commission may subpoena
11 witnesses; the subpoenas shall be served under the seal of the
12 commission and attested by the signature of the secretary; and
13 the subpoenas shall be served by the sheriff, according to the
14 residence of the witnesses. The fees of the sheriff for
15 serving the subpoenas shall be paid out of the funds of the
16 commission.

17 Section 28. Witnesses may be paid a reasonable fee,
18 as determined by the commission, for attendance at the
19 hearing. The witness fees shall be paid out of the funds of
20 the commission.

21 Section 29. The bar pilot against whom the charges
22 have been filed, upon depositing with the secretary of the
23 commission an amount sufficient to cover the costs and
24 expenses of serving the subpoenas, together with the mileage
25 of the witnesses and an amount sufficient to cover at least
26 three days' attendance of the witnesses, may require the
27 secretary of the commission to issue subpoenas for witnesses

1 in his or her behalf in the name of the commission, the
2 subpoenas to be issued and served as in the case of subpoenas
3 issued by the direction of the commission, and for failure of
4 witnesses to attend upon being served with the subpoenas, the
5 witness shall forfeit the sum of fifty dollars (\$50), which
6 the commission may collect by a civil action in its own name
7 in a court of competent jurisdiction.

8 Section 30. The hearing shall be conducted under the
9 rules as the commission may from time to time establish. The
10 commission shall hear the testimony of the witnesses and may
11 administer oaths to the witnesses, and false swearing, after
12 the administration of the oath by the commission, shall
13 constitute perjury under the laws of this state. The bar pilot
14 may be represented by counsel at the hearing. Upon completion
15 of the hearing, or as soon thereafter as practicable, the
16 commission shall render its decision, and the decision shall
17 be by a majority of the commission. The hearing may be
18 adjourned from time to time as the commission may direct, but
19 no bar pilot shall be suspended until the final decision by
20 the commission.

21 Section 31. The commission may deprive any pilot of
22 his or her branch for a willful violation of his or her
23 duties, or the orders or rules of the commissioners, or for
24 negligently losing or injuring any vessel in his or her
25 charge; or when laboring under mental derangement or when so
26 addicted to habits of intoxication as to be unfit to be
27 intrusted with the charge of a vessel. Any bar pilot who fails

1 to act as such for three months, or absents himself or herself
2 for 10 days at any one time from the Bay or Harbor of Mobile
3 without leave of the commissioners, may be deprived of his or
4 her branch. If, while a vessel in the Bay or Harbor of Mobile
5 is in charge of any civil officer by virtue of process from
6 any court of record in this state, any bar pilot, with
7 knowledge thereof, conducts or bar pilots the vessel out of
8 the bay or harbor, he or she forfeits his or her branch, and
9 is forever disqualified from acting as a bar pilot, and
10 forfeits a sum of money as the jury may assess.

11 Section 32. Any person who pilots a foreign vessel,
12 or an American vessel under register, or any other vessel
13 subject to the payment of pilotage fees under this act,
14 entering or leaving the Port of Mobile, in or out of the Bay
15 of Mobile or over the outer bar thereof, without a license
16 from the commission, shall be guilty of a misdemeanor.

17 Section 33. (a) The master, owner, agent, or
18 operator of any ship or vessel shall pay the bar pilot who
19 conducts a vessel into or out of the Bay or Harbor of Mobile a
20 fee to be fixed by the commission at the rate of thirty-eight
21 dollars (\$38) per draft foot for actual draft of water at the
22 time of pilotage for every vessel crossing the outer bar of
23 Mobile Bay. The minimum pilot fee shall be computed on a
24 minimum of 15 feet regardless of whether or not the vessel has
25 a draft of less than 15 feet at the time of pilotage.

26 (b) In addition to the pilotage fee based on the
27 draft of the vessel, the bar pilot shall also be paid a

1 pilotage fee for every vessel crossing the outer bar of Mobile
2 Bay in the sum of six and one-quarter cents (\$0.0625) per ton.
3 The minimum pilot fee shall be computed on a minimum of 6,500
4 maximum registered gross tons, regardless of whether or not
5 the vessel has a maximum registered gross tonnage of less than
6 6,500 maximum registered gross tons.

7 (c) In addition to the foregoing fees, the
8 commission shall set fees for special services rendered by the
9 bar pilots to vessels which are incidental to or connected
10 with vessels being conducted into or out of the Bay or Harbor
11 of Mobile which include, but are not limited to, docking and
12 undocking, going on and off drydock, turning the vessel,
13 shifting, anchorage and stand-by, and delayed sailing.

14 (d) Vessels drawing seven feet or less of water
15 shall not be required to employ a bar pilot, but if a bar
16 pilot is employed, the regular pilotage shall be paid.

17 (e) Effective January 1, 2020, the commission,
18 annually at the first convened quarterly meeting after the
19 release of official annual changes to the Consumer Price
20 Index, shall adjust upward or downward the tariff rates to
21 provide a cost-of-living adjustment to the applicable tariff
22 rates. For purposes of this act, tariff rates are fees based
23 on draft and tonnage and other fees referenced in subsections
24 (a), (b), and (c). The commission shall use the Consumer Price
25 Index published by the U.S. Department of Commerce Bureau of
26 Labor Statistics for the previous calendar year as a basis to
27 make the necessary upward adjustments. Notwithstanding the

1 foregoing, at its sole discretion, the commission, upon
2 request from bar pilots or otherwise, may adjust tariff rates
3 based on other economic consideration to an amount greater
4 than increases based on changes in the Consumer Price Index
5 for any given year.

6 (f) No discounts or adjustments to rates and fees
7 can be offered to shippers, owners, or any agents of shipping
8 companies.

9 (g) The schedule for all tariff rates and fees shall
10 be maintained by the commission and available to interested
11 parties upon written request.

12 Section 34. A bar pilot who has brought a vessel
13 into port is entitled to his or her fees before the vessel's
14 departure from port, to be paid in advance, or security given
15 for the payment and, on failure thereof, may refuse to carry
16 the vessel out.

17 Section 35. If the master of any vessel retains a
18 bar pilot on board, the wind and weather permitting the vessel
19 going to sea, the bar pilot is entitled to tariff fees as
20 established and approved by the commission.

21 Section 36. There shall be no discrimination among
22 vessels subject to the payment of pilotage fees, and any
23 person who rebates any pilotage fees or seeks a rebate of
24 pilotage fees or in any manner creates or aids in creating any
25 scheme or plan by which a discrimination is effected in favor
26 of any vessel or the owners, masters, or operators thereof
27 shall be subject to discipline by the commission, including,

1 without limitation, having his or her license or branch
2 revoked.

3 Section 37. All vessels, whether sail, steam, or
4 propelled by any other motive power, including vessels,
5 barges, and rafts in tow, engaged in coastwise trade,
6 including those engaged in trade or plying upon the navigable
7 rivers of the State of Alabama, and all vessels exempt under
8 the laws, rules, or regulations of the government of the
9 United States shall be exempt from payment of any pilotage fee
10 whatsoever and shall not be required to have the services of a
11 bar pilot in crossing the outer bar of Mobile Bay or
12 navigating the waters of the bay or other navigable waters of
13 the State of Alabama.

14 Section 38. Every bar pilot licensed and branched by
15 the commission upon reaching the age of 68 years shall be
16 required to retire and surrender his or her license or branch
17 to the commission.

18 Section 39. All steam or motor vessels crossing the
19 outer bar of Mobile Bay, except those exempt under this act,
20 shall be conducted, controlled, or navigated by a bar pilot
21 licensed by or under authority of the laws of the State of
22 Alabama.

23 Section 40. Every bar pilot, having knowledge of the
24 discharge of ballast, sweepings, screenings, cinders, refuse,
25 and rubbish of any kind in the Bay of Mobile or in any river
26 emptying into the same, contrary to the law, as soon as

1 practicable, shall give information thereof to the district
2 attorney having jurisdiction in the Class 2 municipality.

3 Section 41. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.