



RICHARD P. IEYOUB
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
CIVIL DIVISION
BATON ROUGE
70804-9005

One American Place
301 Main Street, Suite 600
P.O. Box 94005
TEL.: (225) 342-7013
FAX: (225) 342-2090

May 23, 2003
Opinion Number 03-0213

Mr. Grover C. Austin, CPA
First Assistant Legislative Auditor
Office of Legislative Auditor
P.O. Box 94397
Baton Rouge, LA 70804-9397

87-A Pilots – River
Art. 3, Section 11 of Louisiana Constitution
La. R.S. 24:513
La. R.S. 34:941-1127

River Port Pilot Commissions are quasi-public
agencies and subject to audit.

Dear Mr. Austin:

You question if river port pilot commissions are subject to audit by the Legislative Auditor. In short, we believe they are subject to audit.

There are several types of pilots: bar pilots, river port pilots, and steamship pilots. A board of commissioners and examiners exists for each type of pilot.¹ The Board of River Port Pilot Commissioners and Examiners is composed of three members, two of which are appointed by the Governor. Its purpose is to regulate pilots, pilot associations, masters, and owners of vessels that navigate Louisiana waters.²

Article 3, Section 11 of the Louisiana Constitution designates you as fiscal advisor to the legislature and authorizes you to perform the duties and functions provided by law that are related to the auditing of the state's fiscal records. You are further empowered by statute to examine, audit, or review the books and accounts of the state treasurer, all public boards, commissions, agencies, departments, political subdivisions of the state, public officials and employees, public retirement systems, municipalities, and all other public or quasi-public agencies or bodies.³ A quasi-public agency is an organization, either not for profit or for profit, created by the state that performs a public purpose.

The question then is whether river port pilot commissions are quasi-public agencies, as defined above, and thus subject to audit. It is our opinion that riverboat pilot commissions are quasi-public agencies and, therefore, subject to audit. The Board of River Port Pilot Commissioners and Examiners was created by the Louisiana Legislature and performs a public purpose. In further support of our opinion we note a prior opinion that concluded a pilot fee commission was a state agency.⁴

¹ La. R.S. 34:941 - 1127

² La. R.S. 34:1072

³ La. R.S. 24:513

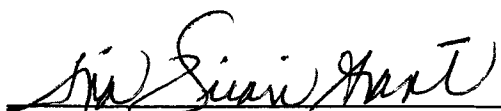
⁴ Attorney General Opinion No. 97-216

Again, it is our opinion that river port pilot commissions are quasi-public agencies and thus, to the extent that public funds are involved, they are subject to audit.

Yours very truly,

RICHARD P. IEYOUB
Attorney General

BY:


TINA VICARI GRANT
Assistant Attorney General

RPI/TVG/dam