S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

Introduced by M. of A. TOWNS, N. RIVERA, CALHOUN, STEVENSON, DenDEKKER, MILLMAN -- read once and referred to the Committee on Transportation

AN ACT to amend the navigation law, in relation to the appointment of additional members to the board of commissioners of pilots and requiring such board to advise on matters pertaining to pilotage fees; and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 87 of the navigation law, as amended by chapter 258 of the laws of 1999, is amended to read as follows:

1. There shall continue to be in the city of New York, a board entitled the "board of commissioners of pilots," consisting of [six] EIGHT persons, who shall hold their offices respectively, for two years from the time of their election, and until their successors are elected and have qualified. The governor, temporary president of the senate and the speaker of the assembly shall each appoint one commissioner. Two other of such commissioners shall be elected by the presidents and vice-presidents of the marine insurance companies of the city of New York, composing or represented in the board of underwriters of such city, at a regularly convened meeting of such board. Notice of such meeting shall be given by the secretary of the board of underwriters or some member of the board duly authorized by it and it shall state that the election of commissioners will take place. Such notice shall be given in writing at least one day before the election and shall be delivered at the office of such company. Each insurance company represented at such meeting shall be entitled to one vote, and the certificate of the secretary of such board, or of any officer acting in his stead, shall be sufficient prima facie evidence of an election. [The sixth commissioner] ONE OTHER OF SUCH COMMISSIONERS shall be appointed by the governor from among the members or the staff of the Albany port district commission for a term

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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of two years and until his successor is appointed and has qualified. TWO OTHER OF SUCH COMMISSIONERS SHALL BE APPOINTED BY THE BOARD OF DIRECTORS OF THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK AND NEW JERSEY FOR A TERM OF TWO YEARS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND HAVE QUALIFIED. No person shall be elected or appointed to the board of commissioners of pilots who holds or heretofore held a pilot's license issued pursuant to this article or pursuant to any law, rule or regulation of this state or any political subdivision, board, commission or authority of this state or of any other state or pursuant to any federal law, rule or regulation. Of the [six] EIGHT members of the board of commissioners of pilots, at least [four] SIX commissioners shall have been a licensed deck officer in the United States Merchant Marine or an unrestricted line officer in the United States Naval Service or a commissioned officer in the United States Coast Guard, and commanded a navigation watch on an ocean going vessel. The remaining two commissioners shall each have a minimum of five years of experience within the maritime industry. Upon the expiration of the term of office of any commissioner or commissioners, or within thirty days prior thereto, and upon any vacancy occurring by death, resignation, removal from the state, or other cause, another election or appointment to fill such office for the term of two years shall be held by the same class of persons or authority which had previously held the election or appointment for the office so expiring or becoming vacant.

S 2. Subdivision 6 of section 87 of the navigation law is REPEALED and a new subdivision 6 is added to read as follows:

6. (A) THE BOARD OF COMMISSIONERS OF PILOTS SHALL ADVISE THE GOVERNOR AND THE LEGISLATURE ON MATTERS PERTAINING TO PILOTAGE FEES. THE BOARD IS AUTHORIZED TO REVIEW ALL ASPECTS RELEVANT TO THE DETERMINATION OF PILOTAGE FEES FOR VESSELS ENTERING OR DEPARTING FROM THE PORT OF NEW YORK BY WAY OF SANDY HOOK AND BY WAY OF SANDS POINT OR EXECUTION ROCKS; FOR VESSELS TRANSITING THE HUDSON RIVER BETWEEN YONKERS AND THE DAM AT TROY; AND FOR VESSELS TRANSITING LONG ISLAND SOUND AND BLOCK ISLAND SOUND EAST OF A LINE FROM CITY ISLAND AVENUE ON CITY ISLAND THROUGH STEPPING STONES LIGHT AND ENTERING OR DEPARTING FROM ANY PORT ON THE NEW YORK STATE WATERS OF LONG ISLAND SOUND EAST OF SANDS POINT OR EXECUTION ROCKS FOR THE PURPOSE OF MAKING RECOMMENDATIONS CONSISTENT WITH THE OBJECTIVES OF ASSURING PUBLIC SAFETY, PROTECTION OF PROPERTY, AND THE PROTECTION OF THE ENVIRONMENT. THE BOARD SHALL GIVE DUE CONSIDERATION TO THE FOLLOWING:

(1) THE COSTS AND OTHER EXPENSES INCURRED BY PILOTS IN PROVIDING THE REQUIRED SERVICES;

(2) THE AMOUNT SUFFICIENT TO PROVIDE A NET RETURN TO THE PILOTS WHICH WILL ATTRACT AND HOLD COMPETENT PERSONS;

(3) PILOTAGE RATES FOR COMPARABLE SERVICES ON OTHER WATERS OF THE UNITED STATES;

(4) THE METHODS OF ESTABLISHING PILOTAGE RATES FOR OTHER WATERS OF THE UNITED STATES;

(5) ECONOMIC FACTORS AFFECTING THE SHIPPING INDUSTRY AND PILOT SERVICES IN THE AREAS UNDER THE JURISDICTION OF THE BOARD;

(6) ADDITIONS OR MODIFICATION OF EQUIPMENT IN PILOT VESSELS REQUIRED TO ADEQUATELY PROTECT PERSONS, PROPERTY, AND THE ENVIRONMENT;

(7) AUDITORS' REPORTS PERTAINING TO THE INCOME AND EXPENSES OF PILOT ASSOCIATIONS;

(8) THE NUMBER OF PILOTS NEEDED TO PROVIDE AND MAINTAIN ADEQUATE SERVICES FOR THE AREAS UNDER THE JURISDICTION OF THE BOARD;

(9) REVIEW OF THE APPRENTICE AND TRAINING PROGRAMS FOR THE PURPOSE OF DETERMINING THE NUMBERS OF PERSONS NEEDED TO FILL VACANCIES IN THE PILOT SERVICES AS THEY ARISE;

(10) ANY OTHER INFORMATION DEEMED PERTINENT BY THE BOARD.

(B) THE BOARD OF COMMISSIONERS OF PILOTS SHALL SUBMIT TO THE GOVERNOR AND THE LEGISLATURE A REPORT CONTAINING ITS FINDINGS AND RECOMMENDATIONS ON PILOTAGE FEES ON OR BEFORE MARCH FIRST OF EACH YEAR.

S 3. This act shall take effect immediately.