

5782

2013-2014 Regular Sessions

I N S E N A T E

June 14, 2013

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the navigation law, in relation to the creation of a Hudson River pilots surcharge board

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

1 Section 1. Paragraph (a) of subdivision 4 of section 89-a of the navigation law, as added by chapter 197 of the laws of 1990, is amended to
2 read as follows:
3 (a) Every foreign vessel and every American vessel under register
4 navigating the waters of that portion of the Hudson river specified in
5 this section shall be subject to BASE pilotage [fees, at the] rates
6 hereinafter specified in this subdivision:
7 S 2. Subparagraph 1 of paragraph (b) of subdivision 4 of section 89-a
8 of the navigation law, as amended by chapter 392 of the laws of 2006, is
9 amended to read as follows:
10 (1) (I) All vessels of 100 pilotage units and over shall pay \$12.17
11 per pilotage unit for Section 1, Lower River; Yonkers, to all ports
12 through Hyde Park.
13 The following charges shall be applicable to Section 1, Lower River:
14
15 Up to 50 pilotage units \$852.97
16 More than 50 and up to 100 pilotage units \$1217.00
17 All vessels of 100 pilotage units and over shall pay \$17.19
18 per pilotage unit for Section 2, Upper River; Yonkers, to all ports
19 beyond Hyde Park through Albany or Troy.
20 The following charges shall be applicable to Section 2, Upper River:
21 Up to 50 pilotage units \$1406.05
22 More than 50 and up to 100 pilotage units \$1719.00

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

LBD10448-01-3

1 A maximum charge of up to 500 pilotage units shall be applicable.
2 (II) TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE FOLLOWING
3 BASE PILOTAGE RATES SHALL BE APPLICABLE:
4 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$12.41 PER PILO-
5 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
6 PARK.
7 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
8 LOWER RIVER:

9 UP TO 50 PILOTAGE UNITS \$870.03
10 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1241.00
11 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS
12 SHALL BE APPLICABLE.
13 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
14 RATE OF 17.53
15 PER PILOTAGE UNIT FOR SECTION 2,
16 UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE
17 PARK THROUGH ALBANY OR TROY.
18 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
19 UPPER RIVER:

20 UP TO 50 PILOTAGE UNITS \$1434.17
21 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1753.00
22 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
23 (III) TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE
24 FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
25 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$12.66 PER PILO-
26 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
27 PARK.
28 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
29 LOWER RIVER:

30 UP TO 50 PILOTAGE UNIT\$887.43 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS
31 \$1266.00
32 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
33 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
34 RATE OF \$17.88
35 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
36 BEYOND HYDE PARK THROUGH ALBANY OR TROY.
37 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
38 UPPER RIVER:

39 UP TO 50 PILOTAGE UNITS \$1462.85
40 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1788.00
41 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
42 (IV) THIRTY-SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE
43 FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
44 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$12.85 PER PILO-
45 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
46 PARK.
47 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
48 LOWER RIVER:

49 UP TO 50 PILOTAGE UNITS \$900.74
50 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1285.00
51 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
52 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
53 RATE OF \$18.15

1 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
2 BEYOND HYDE PARK THROUGH ALBANY OR TROY.
3 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
4 UPPER RIVER:
5 UP TO 50 PILOTAGE UNITS \$1484.48
6 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1815.00
7 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
8 (V) FORTY-EIGHT MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE
9 FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
10 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$13.07 PER PILO-
11 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
12 PARK.
13 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
14 LOWER RIVER:
15 UP TO 50 PILOTAGE UNITS \$914.25
16 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1307.00
17 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
18 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
19 RATE OF \$18.42
20 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
21 BEYOND HYDE PARK THROUGH ALBANY OR TROY.
22 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
23 UPPER RIVER:
24 UP TO 50 PILOTAGE UNITS \$1507.07
25 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1842.00
26 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
27 S 3. Paragraph (b) of subdivision 4 of section 89-a of the navigation
28 law is amended by adding two new subparagraphs 1-b and 1-c to read as
29 follows:
30 (1-B) THERE IS HEREBY CREATED A HUDSON RIVER PILOTS SURCHARGE BOARD
31 WHICH SHALL DETERMINE THE RATE OF THE SURCHARGE PROVIDED IN SUBPARAGRAPH
32 ONE-C OF THIS PARAGRAPH. THE SURCHARGE BOARD SHALL DETERMINE ELIGIBILITY
33 FOR BENEFITS PURSUANT TO SUBDIVISIONS FIVE AND EIGHT OF THIS SECTION.
34 THE HUDSON RIVER PILOTS SURCHARGE BOARD SHALL CONSIST OF TWO MEMBERS
35 AS FOLLOWS: THE PRESIDENT OF THE BOARD OF COMMISSIONERS OF PILOTS OF THE
36 STATE OF NEW YORK, OR HIS OR HER DESIGNEE FROM THE BOARD OF COMMISSION-
37 ERS, AND THE PRESIDENT OF THE HUDSON RIVER PILOTS ASSOCIATION, OR HIS OR
38 HER DESIGNEE WHO MUST BE A MEMBER OF SUCH ASSOCIATION. IN THE EVENT THE
39 TWO MEMBERS CANNOT REACH A DECISION ON THE SURCHARGE RATE, A THIRD
40 MEMBER SHALL BE APPOINTED BY THE TWO MEMBERS FROM A LIST SUBMITTED BY
41 THE AMERICAN ARBITRATION ASSOCIATION FROM ITS LISTS OF COMMERCIAL ARBI-
42 TRATORS. IF, AFTER SUBMISSION OF SUCH A LIST, THE TWO MEMBERS OF THE
43 BOARD FAIL TO AGREE UPON A SINGLE ARBITRATOR AS THE THIRD MEMBER, THEN
44 THE AMERICAN ARBITRATION ASSOCIATION SHALL BE AUTHORIZED TO SELECT AND
45 SUBMIT THE NAME OF THE THIRD MEMBER FOR APPOINTMENT. SUCH THIRD MEMBER
46 SHALL BE APPOINTED WITHIN TEN DAYS OF A DEADLOCKED VOTE OF THE HUDSON
47 RIVER PILOTS SURCHARGE BOARD. SUCH MEMBERS SHALL VOTE AT MEETINGS CALLED
48 UPON WRITTEN NOTICE MAILED SEVEN CALENDAR DAYS IN ADVANCE OF THE MEET-
49 ING, TO DETERMINE THE RATE OF SURCHARGE, ASSISTED AS NECESSARY BY QUALI-
50 FIED ACTUARIES OR ACCOUNTANTS, AUTHORIZED IN CLAUSE (I) OF SUBPARAGRAPH
51 ONE-C OF THIS PARAGRAPH DURING EACH CALENDAR QUARTER IN TIME SUFFICIENT
52 FOR SUCH SURCHARGE TO BE IN EFFECT ON THE FOLLOWING JANUARY FIRST, APRIL
53 FIRST, JULY FIRST, AND OCTOBER FIRST OF EACH YEAR. WRITTEN NOTICE OF
54 MEETINGS MAY BE WAIVED IF DONE SO WITH UNANIMOUS CONSENT OF ALL BOARD
55 MEMBERS. MEMBERS OF THE HUDSON RIVER PILOTS SURCHARGE BOARD SHALL BE
56 SUBJECT TO SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

1 (1-C) (I) IN ADDITION TO THE BASE PILOTAGE CHARGE SET FORTH IN SUBPAR-
2 AGRAPH ONE OF THIS PARAGRAPH, THERE IS HEREBY ESTABLISHED A SURCHARGE ON
3 EVERY FOREIGN VESSEL AND EVERY AMERICAN VESSEL UNDER REGISTER NAVIGATING
4 THAT PORTION OF THE HUDSON RIVER SPECIFIED IN THIS SECTION. SUCH
5 SURCHARGE, AS DETERMINED QUARTERLY BY THE HUDSON RIVER PILOTS SURCHARGE
6 BOARD, SHALL BE IMPOSED FOR THE EXCLUSIVE PURPOSE OF THE FUNDING, ON A
7 SOUND ACTUARIAL BASIS, THE RETIREMENT BENEFITS FOR HUDSON RIVER PILOTS,
8 DESCRIBED IN CLAUSE (II) OF THIS SUBPARAGRAPH.

9 (II) THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS
10 SUBPARAGRAPH SHALL BE COMPUTED AS FOLLOWS:

11 PILOTAGE UNITS	SURCHARGE
12 0 TO 50	\$113.00
13 51 TO 100	\$138.00
14 OVER 100	\$1.38 PER PILOT UNIT

15 DURING THE FIRST TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBPARA-
16 GRAPH.

17 THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARA-
18 GRAPH SHALL BE COMPUTED AS FOLLOWS:

19 PILOTAGE UNITS	SURCHARGE
20 0 TO 50	\$170.00
21 51 TO 100	\$207.00
22 OVER 100	\$2.07 PER PILOT UNIT

23 DURING THE PERIOD BEGINNING WITH THE THIRTEENTH MONTH AND ENDING WITH
24 THE TWENTY-FOURTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

25 THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARA-
26 GRAPH SHALL BE COMPUTED AS FOLLOWS:

27 PILOTAGE UNITS	SURCHARGE
28 0 TO 50	\$213.00
29 51 TO 100	\$260.00
30 OVER 100	\$2.60 PER PILOT UNIT

31 DURING THE PERIOD BEGINNING WITH THE TWENTY-FIFTH MONTH AND ENDING WITH
32 THE THIRTY-SIXTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

33 THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARA-
34 GRAPH SHALL BE COMPUTED AS FOLLOWS:

35 PILOTAGE UNITS	SURCHARGE
36 0-50	\$250.00
37 51-100	\$305.00
38 OVER 100	\$ 3.05 PER PILOT UNIT

39 DURING THE PERIOD BEGINNING WITH THE THIRTY-SEVENTH MONTH AND ENDING
40 WITH THE FORTY-EIGHTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARA-
41 GRAPH.

42 THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARA-
43 GRAPH SHALL BE COMPUTED AS FOLLOWS:

44 PILOTAGE UNITS	SURCHARGE
45 0-50	\$280.00
46 51-100	\$341.00
47 OVER 100	\$ 3.41 PER PILOT UNIT

48 DURING THE PERIOD BEGINNING WITH THE FORTY-NINTH MONTH AND ENDING WITH
49 THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

1 (III) FOLLOWING THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS
2 SUBPARAGRAPH, THE AMOUNT OF THE SURCHARGE AS DETERMINED BY THE SURCHARGE
3 BOARD SHALL NOT EXCEED THE GREATER OF THIRTY-FIVE PERCENT OF THE SUM OF
4 THE BASE PILOTAGE CHARGES SET FORTH IN SUBPARAGRAPH ONE OF THIS PARA-
5 GRAPH FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK
6 THROUGH ALBANY OR TROY, AS AMENDED; OR FIVE HUNDRED THOUSAND DOLLARS IN
7 ANY CALENDAR YEAR. THE SURCHARGE MAY BE ADJUSTED BY THE SURCHARGE BOARD
8 FROM THE EFFECTIVE DATE OF THIS SUBPARAGRAPH AS NEEDED BASED ON SOUND
9 ACTUARIAL PRINCIPLES.

10 (IV) THE SCALE OF CHARGES SET FORTH IN THIS SUBPARAGRAPH IS DEEMED A
11 PILOTAGE FEE AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION
12 NINETY-FIVE OF THIS ARTICLE.

13 (V) (A) THE PROCEEDS OF THE SURCHARGE PROVIDED FOR IN THIS SECTION
14 SHALL BE DEPOSITED IN AN ACCOUNT MAINTAINED BY THE HUDSON RIVER PILOTS
15 ASSOCIATION FOR THE BENEFIT OF HUDSON RIVER PILOTS ELIGIBLE FOR BENEFITS
16 AS PROVIDED IN THIS SECTION, FROM WHICH ACCOUNT ALL SUCH BENEFITS AND
17 THE REASONABLE EXPENSES FOR ADMINISTRATION THEREOF SHALL BE PAID. THE
18 MONIES ON DEPOSIT IN SUCH ACCOUNT SHALL BE REFERRED TO HEREFTER AS THE
19 "RETIREMENT ASSETS". THE RETIREMENT ASSETS SHALL BE USED TO PAY A YEARLY
20 RETIREMENT BENEFIT TO (I) HUDSON RIVER PILOTS ACTIVE ON THE DATE PILO-
21 TAGE RATES ARE COMPUTED PURSUANT TO THIS SUBPARAGRAPH AND THEREAFTER,
22 UPON RETIREMENT ON OR AFTER THE AGE OF SIXTY; (II) RETIRED HUDSON RIVER
23 PILOTS OR HUDSON RIVER PILOTS RECEIVING BENEFITS ON THE EFFECTIVE DATE
24 OF THIS SECTION; AND (III) TO ELIGIBLE SURVIVING SPOUSES OF RETIRED
25 PILOTS.

26 (B) HUDSON RIVER PILOTS WHO ARE ALSO SANDY HOOK PILOTS ELIGIBLE TO
27 RECEIVE A FULL BRANCH RETIREMENT BENEFIT UNDER ITEM (B) OF SUBCLAUSE ONE
28 OF CLAUSE (II) OF SUBPARAGRAPH ONE OF PARAGRAPH (B) OF SUBDIVISION FOUR
29 OF SECTION EIGHTY-EIGHT OF THIS ARTICLE SHALL BE EXCLUDED FROM RECEIVING
30 ANY BENEFITS SPECIFIED IN SUBDIVISION FIVE OF THIS SECTION.

31 (C) NO INDIVIDUAL OTHER THAN THOSE SPECIFIED IN SUBCLAUSE (A) OF THIS
32 CLAUSE SHALL BE ELIGIBLE FOR BENEFITS PURSUANT TO THE SURCHARGE
33 DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH WITHOUT THE APPROVAL OF THE
34 HUDSON RIVER PILOTS SURCHARGE BOARD.

35 (D) THE FUNDS GENERATED BY THE SURCHARGE IMPOSED BY CLAUSE (I) OF THIS
36 SUBPARAGRAPH SHALL BE ADMINISTERED BY THE EXECUTIVE COMMITTEE OF THE
37 HUDSON RIVER PILOTS ASSOCIATION, OR ANY SUCCESSORS THERETO. ANY FUNDS
38 GENERATED BY THE SURCHARGE IMPOSED BY CLAUSE (I) OF THIS SUBPARAGRAPH
39 WHICH EXCEED THE FUNDS DEEMED SUFFICIENT TO PROVIDE THE BENEFITS SET
40 FORTH IN ITEMS (I) AND (III) OF SUBCLAUSE (A) OF THIS CLAUSE SHALL BE
41 USED TO DEFRAY THE RETIREMENT BENEFITS SET FORTH IN THIS SUBCLAUSE.

42 (E) THE SURCHARGES PURSUANT TO CLAUSE (I) OF THIS SUBPARAGRAPH SHALL
43 BE COLLECTED BY THE AGENT OF THE HUDSON RIVER PILOTS. FUNDS GENERATED
44 FOR THESE PURPOSES SHALL BE AUDITED ANNUALLY BY THE SURCHARGE BOARD TO
45 ENSURE PROPER FUNDING FOR THE PURPOSES SET FORTH IN CLAUSE (I) OF THIS
46 SUBPARAGRAPH.

47 S 4. Section 89-a of the navigation law is amended by adding five new
48 subdivisions 5, 6, 7, 8 and 9 to read as follows:

49 5. EACH HUDSON RIVER PILOT WHO ENTERED SERVICE AFTER TWO THOUSAND FIVE
50 AS A HUDSON RIVER PILOT SHALL PARTICIPATE IN SUCH QUALIFIED RETIREMENT
51 PROGRAM AS ADOPTED BY EACH SUCH PILOT AND FUNDED BY SUCH PORTION OF THE
52 SURCHARGE ALLOCATED THERETO BY THE SURCHARGE BOARD TO PROVIDE A CONTRIB-
53 UTION OF AN AMOUNT EQUIVALENT TO TWELVE PERCENT OF THE EARNINGS FROM
54 SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE BASE PILOTAGE
55 TARIFFS SET FORTH IN THIS PARAGRAPH. SUCH AMOUNT SHALL BE TRANSFERRED
56 DIRECTLY BY THE AGENT TO SUCH PILOT'S RETIREMENT ACCOUNT, IT BEING

1 UNDERSTOOD THAT SUCH PILOT'S ENTIRE RETIREMENT BENEFIT WILL BE PROVIDED
2 SOLELY BY THE ACCOUNT BALANCE OF SUCH RETIREMENT ACCOUNT ON THE DATE OF
3 RETIREMENT. IN ADDITION, SUCH SURCHARGE SHALL BE USED TO PURCHASE LIFE
4 AND DISABILITY INSURANCE COVERAGE FROM AN INSURANCE COMPANY SELECTED BY
5 THE BOARD. SUCH DISABILITY INSURANCE SHALL PROVIDE A DISABILITY BENEFIT
6 COMPUTED AS A SINGLE LIFE ANNUITY, EQUAL TO FIFTY PERCENT OF THE AMOUNT
7 WHICH IS EQUAL TO SUCH PILOT'S EARNINGS FROM SERVICE AS AN ACTIVE HUDSON
8 RIVER PILOT BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARA-
9 GRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON
10 RIVER PILOT PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY. IN THE EVENT
11 SUCH DISABILITY INSURANCE IS UNAVAILABLE, EACH SUCH PILOT ELIGIBLE FOR
12 SICK RETIREMENT BENEFITS SHALL RECEIVE, A YEARLY BENEFIT COMPUTED AS A
13 SINGLE LIFE ANNUITY EQUAL TO THE SUM OF TEN PERCENT OF THE AMOUNT WHICH
14 IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT
15 BASED UPON THE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE
16 LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR
17 TO DISABILITY AND ONE AND SIX-TENTHS PERCENT FOR EACH YEAR OF SERVICE
18 AFTER THE FIRST YEAR TO A MAXIMUM OF FIFTY PERCENT OF THE AMOUNT WHICH
19 IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT
20 BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING
21 THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT
22 PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY.

23 6. HUDSON RIVER PILOTS WHO RETIRED BEFORE NINETEEN EIGHTY SHALL
24 RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF THIRTY-FOUR THOU-
25 SAND NINE HUNDRED NINETY-FIVE DOLLARS; THOSE WHO RETIRED FROM NINETEEN
26 EIGHTY-ONE THROUGH NINETEEN NINETY SHALL RECEIVE AN ANNUAL RETIREMENT
27 BENEFIT IN THE AMOUNT OF THIRTY-NINE THOUSAND NINE HUNDRED NINETY-FIVE
28 DOLLARS; THOSE WHO RETIRED FROM NINETEEN HUNDRED NINETY-ONE THROUGH TWO
29 THOUSAND SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF
30 FORTY-FOUR THOUSAND NINE HUNDRED NINETY-FOUR DOLLARS; THOSE WHO RETIRED
31 IN TWO THOUSAND ONE SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE
32 AMOUNT OF FIFTY-EIGHT THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS; THOSE
33 WHO RETIRED IN TWO THOUSAND EIGHT SHALL RECEIVE AN ANNUAL RETIREMENT
34 BENEFIT IN THE AMOUNT OF FIFTY-NINE THOUSAND NINE HUNDRED NINETY-TWO
35 DOLLARS; THOSE WHO RETIRED IN TWO THOUSAND TEN SHALL RECEIVE AN ANNUAL
36 RETIREMENT BENEFIT IN THE AMOUNT OF FORTY-NINE THOUSAND NINE HUNDRED
37 NINETY-THREE DOLLARS; AN ACTIVE HUDSON RIVER PILOT WHO RETIRES BEFORE
38 TWO THOUSAND SIXTEEN AND HAS BEEN A HUDSON RIVER PILOT FOR THIRTY OR
39 MORE YEARS AND HAS REACHED THE AGE OF SIXTY-FIVE SHALL RECEIVE AN ANNUAL
40 RETIREMENT BENEFIT EQUAL TO SIXTY PERCENT OF THE HIGHEST ANNUAL EARNINGS
41 IN THE LAST THREE YEARS OF SERVICE AS A FULL BRANCH PILOT.

42 7. (A) A HUDSON RIVER PILOT ELIGIBLE FOR BENEFITS SET FORTH IN SUBDI-
43 VISION FIVE OF THIS SECTION, WHO RETIRES, SHALL NOT BE ENTITLED TO
44 COMMENCE RECEIVING BENEFITS UNTIL THE COMMENCEMENT OF THE BENEFIT
45 PAYMENT PERIOD NEXT FOLLOWING THE DATE ON WHICH SUCH PILOT RETIRED OR
46 BECAME ELIGIBLE FOR DISABILITY RETIREMENT BENEFITS. FOR ACCOUNTING
47 PURPOSES, THE BENEFIT PAYMENT PERIODS SHALL CONSIST OF A FULL CALENDAR
48 QUARTER COMMENCING ON JANUARY FIRST, APRIL FIRST, JULY FIRST, AND OCTO-
49 BER FIRST OF EACH YEAR, BUT THE FIRST PAYMENTS OF BENEFITS SHALL BE MADE
50 DURING THE MONTHS OF MARCH, JUNE, SEPTEMBER, AND DECEMBER.

51 (B) NO ACTIVE HUDSON RIVER PILOT SHALL COMMENCE RECEIVING BENEFITS
52 UNTIL A PROPERLY COMPLETED RESIGNATION AS AN ACTIVE PILOT SPECIFYING A
53 PROPOSED DATE OF RETIREMENT HAS BEEN SUBMITTED IN WRITING TO THE HUDSON
54 RIVER PILOTS EXECUTIVE COMMITTEE, OR SUCCESSOR THERETO, PRIOR TO NOVEM-
55 BER FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE
56 FOLLOWING JANUARY; PRIOR TO FEBRUARY FIRST, IF RETIREMENT IS TO BECOME

1 EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING APRIL; PRIOR TO MAY FIRST,
2 IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING
3 JULY; AND, PRIOR TO AUGUST FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE
4 ON THE FIRST DAY OF THE FOLLOWING OCTOBER.

5 (C) FOR THE PURPOSE OF THE COMPUTATIONS DESCRIBED IN SUBDIVISION FIVE
6 OF THIS SECTION, SERVICE BY A PILOT OF MORE THAN SIX MONTHS OF SUCH
7 PILOT'S LAST CALENDAR YEAR AS AN ACTIVE PILOT SHALL BE CONSIDERED A FULL
8 CALENDAR YEAR.

9 (D) IF A RETIRED HUDSON RIVER PILOT DIES WITHOUT A SURVIVING SPOUSE,
10 THE BALANCE OF THE YEARLY PENSION BENEFIT FOR THE REMAINDER OF THE BENE-
11 FIT PAYMENT PERIOD SHALL BE PAID TO THE DECEASED PILOT'S ESTATE OR
12 DESIGNATED BENEFICIARY AFTER WHICH ALL RIGHTS TO BENEFITS SHALL BE
13 TERMINATED.

14 8. (A) THE ELIGIBLE SURVIVING SPOUSE OF A HUDSON RIVER PILOT DESCRIBED
15 IN SUBDIVISION FIVE OF THIS SECTION WHO DIES WHILE IN ACTIVE SERVICE
16 SHALL RECEIVE A YEARLY PENSION BENEFIT EQUAL TO FIFTY PERCENT OF THE
17 AMOUNT WHICH SUCH DECEASED PILOT WOULD HAVE RECEIVED UNDER SUBDIVISION
18 FIVE OF THIS SECTION HAD RETIREMENT IMMEDIATELY PRECEDED THE DATE OF
19 DEATH.

20 (B) WITH RESPECT TO HUDSON RIVER PILOTS DESCRIBED IN SUBDIVISION FIVE
21 OF THIS SECTION, THE ELIGIBLE SURVIVING SPOUSE OF A DECEASED RETIRED
22 HUDSON RIVER PILOT RECEIVING RETIREMENT BENEFITS ON THE DATE OF DEATH,
23 SHALL RECEIVE A YEARLY BENEFIT EQUAL TO THE DECEASED PILOT'S BENEFIT FOR
24 THE REMAINDER OF THE BENEFIT PAYMENT PERIOD IN WHICH DEATH OCCURRED, AND
25 THEREAFTER FIFTY PERCENT OF THE AMOUNT RECEIVED BY THE DECEASED PILOT ON
26 THE DATE OF DEATH.

27 (C) UPON THE DEATH OF THE ELIGIBLE SURVIVING SPOUSE OF A DECEASED
28 HUDSON RIVER PILOT WHO WAS RECEIVING BENEFITS, THE BALANCE OF THE YEARLY
29 PENSION BENEFIT FOR THE REMAINDER OF THE BENEFIT PAYMENT PERIOD SHALL BE
30 PAID TO THE DECEASED SURVIVING SPOUSE'S ESTATE OR DESIGNATED BENEFICIARY
31 AFTER WHICH ALL RIGHTS TO BENEFITS SHALL TERMINATE.

32 9. A "HUDSON RIVER PILOT" FOR THE PURPOSES OF THIS SECTION IS DEFINED
33 AS AN INDIVIDUAL HOLDING A LICENSE TO ACT AS HUDSON RIVER PILOT FOR THE
34 WATERS OF THE HUDSON RIVER NORTH OF A LINE RUNNING FROM THE FOOT OF MAIN
35 STREET IN YONKERS TO ALPINE, NEW JERSEY AND SOUTH OF THE DAM AT TROY,
36 ISSUED BY THE BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK.
37 A "RETIRED HUDSON RIVER PILOT" FOR THE PURPOSES OF THIS SECTION IS A
38 PILOT WHO RETIRED FROM ACTIVE SERVICE IN THE HUDSON RIVER PILOTS ASSOCI-
39 ATION. AN "ELIGIBLE SURVIVING SPOUSE" FOR THE PURPOSES OF THIS SECTION
40 IS DEFINED AS A SPOUSE OF A DECEASED PILOT MARRIED AT LEAST ONE YEAR
41 PRIOR TO THE DATE OF DEATH OF THE DECEASED PILOT.

42 S 5. This act shall take effect on the ninetieth day after it shall
43 have become a law.