

857--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. CUSICK
-- read once and referred to the Committee on Transportation --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee -- again reported from said committee
with amendments, ordered reprinted as amended and recommitted to said
committee

AN ACT to amend the navigation law, in relation to the creation of a
Hudson River pilots surcharge board; and to amend the navigation law,
in relation to time restrictions on continuous pilotage on vessels
transiting the Hudson River

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

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

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

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

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1 per pilotage unit for Section 2, Upper River; Yonkers, to all ports
2 beyond Hyde Park through Albany or Troy.

3 The following charges shall be applicable to Section 2, Upper River:

4 Up to 50 pilotage units \$1406.05

5 More than 50 and up to 100 pilotage units \$1719.00

6 A maximum charge of up to 500 pilotage units shall be applicable.

7 (II) TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS CLAUSE THE FOLLOW-
8 ING BASE PILOTAGE RATES SHALL BE APPLICABLE:

9 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$12.41 PER PILO-
10 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
11 PARK.

12 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
13 LOWER RIVER:

14 UP TO 50 PILOTAGE UNITS \$870.03

15 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1241.00

16 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS

17 SHALL BE APPLICABLE.

18 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
19 RATE OF 17.53

20 PER PILOTAGE UNIT FOR SECTION 2,

21 UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE

22 PARK THROUGH ALBANY OR TROY.

23 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
24 UPPER RIVER:

25 UP TO 50 PILOTAGE UNITS \$1434.17

26 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1753.00

27 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

28 (III) TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS CLAUSE THE
29 FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:

30 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$12.66 PER PILO-
31 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
32 PARK.

33 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
34 LOWER RIVER:

35 UP TO 50 PILOTAGE UNITS \$887.43

36 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1266.00

37 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

38 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
39 RATE OF \$17.88

40 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
41 BEYOND HYDE PARK THROUGH ALBANY OR TROY.

42 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
43 UPPER RIVER:

44 UP TO 50 PILOTAGE UNITS \$1462.85

45 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1788.00

46 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

47 (IV) THIRTY-SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS CLAUSE THE
48 FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:

49 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$12.85 PER PILO-
50 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
51 PARK.

52 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
53 LOWER RIVER:

1 UP TO 50 PILOTAGE UNITS \$900.74
2 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1285.00
3 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
4 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
5 RATE OF \$18.15
6 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
7 BEYOND HYDE PARK THROUGH ALBANY OR TROY.
8 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
9 UPPER RIVER:
10 UP TO 50 PILOTAGE UNITS \$1484.48
11 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1815.00
12 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
13 (V) FORTY-EIGHT MONTHS AFTER THE EFFECTIVE DATE OF THIS CLAUSE THE
14 FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
15 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY \$13.07 PER PILO-
16 TAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE
17 PARK.
18 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1,
19 LOWER RIVER:
20 UP TO 50 PILOTAGE UNITS \$914.25
21 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1307.00
22 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
23 ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE
24 RATE OF \$18.42
25 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
26 BEYOND HYDE PARK THROUGH ALBANY OR TROY.
27 THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2,
28 UPPER RIVER:
29 UP TO 50 PILOTAGE UNITS \$1507.07
30 MORE THAN 50 AND UP TO 100 PILOTAGE UNITS \$1842.00
31 A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
32 S 3. Paragraph (b) of subdivision 4 of section 89-a of the navigation
33 law is amended by adding two new subparagraphs 1-b and 1-c to read as
34 follows:
35 (1-B) THERE IS HEREBY CREATED A HUDSON RIVER PILOTS SURCHARGE BOARD
36 WHICH SHALL DETERMINE THE RATE OF THE SURCHARGE PROVIDED IN SUBPARAGRAPH
37 ONE-C OF THIS PARAGRAPH. THE SURCHARGE BOARD SHALL DETERMINE ELIGIBILITY
38 FOR BENEFITS PURSUANT TO SUBDIVISIONS FIVE AND EIGHT OF THIS SECTION.
39 THE HUDSON RIVER PILOTS SURCHARGE BOARD SHALL CONSIST OF TWO MEMBERS
40 AS FOLLOWS: THE PRESIDENT OF THE BOARD OF COMMISSIONERS OF PILOTS OF THE
41 STATE OF NEW YORK, OR HIS OR HER DESIGNEE FROM THE BOARD OF COMMISSION-
42 ERS, AND THE PRESIDENT OF THE HUDSON RIVER PILOTS ASSOCIATION, OR HIS OR
43 HER DESIGNEE WHO MUST BE A MEMBER OF SUCH ASSOCIATION. IN THE EVENT THE
44 TWO MEMBERS CANNOT REACH A DECISION ON THE SURCHARGE RATE, A THIRD
45 MEMBER SHALL BE APPOINTED BY THE TWO MEMBERS FROM A LIST SUBMITTED BY
46 THE SOCIETY OF MARITIME ARBITRATORS FROM ITS LISTS OF COMMERCIAL ARBI-
47 TRATORS. IF, AFTER SUBMISSION OF SUCH A LIST, THE TWO MEMBERS OF THE
48 BOARD FAIL TO AGREE UPON A SINGLE ARBITRATOR AS THE THIRD MEMBER, THEN
49 THE SOCIETY OF MARITIME ARBITRATORS SHALL BE AUTHORIZED TO SELECT AND
50 SUBMIT THE NAME OF THE THIRD MEMBER FOR APPOINTMENT. SUCH THIRD MEMBER
51 SHALL BE APPOINTED WITHIN TEN DAYS OF A DEADLOCKED VOTE OF THE HUDSON
52 RIVER PILOTS SURCHARGE BOARD. SUCH MEMBERS SHALL VOTE AT MEETINGS CALLED
53 UPON WRITTEN NOTICE MAILED SEVEN CALENDAR DAYS IN ADVANCE OF THE MEET-
54 ING, TO DETERMINE THE RATE OF SURCHARGE, ASSISTED AS NECESSARY BY QUALI-
55 FIED ACTUARIES OR ACCOUNTANTS, AUTHORIZED IN CLAUSE (I) OF SUBPARAGRAPH
56 ONE-C OF THIS PARAGRAPH DURING EACH CALENDAR QUARTER IN TIME SUFFICIENT

FOR SUCH SURCHARGE TO BE IN EFFECT ON THE FOLLOWING JANUARY FIRST, APRIL FIRST, JULY FIRST, AND OCTOBER FIRST OF EACH YEAR. WRITTEN NOTICE OF MEETINGS MAY BE WAIVED IF DONE SO WITH UNANIMOUS CONSENT OF ALL BOARD MEMBERS. MEMBERS OF THE HUDSON RIVER PILOTS SURCHARGE BOARD SHALL BE SUBJECT TO SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

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

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

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

DURING THE FIRST TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

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

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

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

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

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

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

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

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

DURING THE PERIOD BEGINNING WITH THE THIRTY-SEVENTH MONTH AND ENDING WITH THE FORTY-EIGHTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

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

PILOTAGE UNITS	SURCHARGE
0-50	\$280.00

1 51-100 \$341.00
2 OVER 100 \$ 3.41 PER PILOT UNIT
3 DURING THE PERIOD BEGINNING WITH THE FORTY-NINTH MONTH AND ENDING WITH
4 THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.
5 (III) FOLLOWING THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS
6 SUBPARAGRAPH, THE AMOUNT OF THE SURCHARGE AS DETERMINED BY THE SURCHARGE
7 BOARD SHALL NOT EXCEED THE GREATER OF THIRTY-FIVE PERCENT OF THE SUM OF
8 THE BASE PILOTAGE CHARGES COLLECTED PURSUANT TO THE RATE SET FORTH IN
9 THIS SUBPARAGRAPH FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS
10 BEYOND HYDE PARK THROUGH ALBANY OR TROY, AS AMENDED, OR FIVE HUNDRED
11 THOUSAND DOLLARS, IN ANY CALENDAR YEAR.
12 (IV) THE SCALE OF CHARGES SET FORTH IN THIS SUBPARAGRAPH IS DEEMED A
13 PILOTAGE FEE AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION
14 NINETY-FIVE OF THIS ARTICLE.
15 (V) (A) THE PROCEEDS OF THE SURCHARGE PROVIDED FOR IN THIS SECTION
16 SHALL BE DEPOSITED IN AN ACCOUNT MAINTAINED BY THE HUDSON RIVER PILOTS
17 ASSOCIATION FOR THE BENEFIT OF HUDSON RIVER PILOTS ELIGIBLE FOR BENEFITS
18 AS PROVIDED IN THIS CLAUSE, FROM WHICH ACCOUNT ALL SUCH BENEFITS AND THE
19 REASONABLE EXPENSES FOR ADMINISTRATION THEREOF SHALL BE PAID. THE MONIES
20 ON DEPOSIT IN SUCH ACCOUNT SHALL BE REFERRED TO HEREFTER AS THE
21 "RETIREMENT ASSETS". ALL RETIREMENT ASSETS SHALL BE USED EXCLUSIVELY TO
22 PAY A YEARLY TARGET RETIREMENT BENEFIT TO (I) HUDSON RIVER PILOTS ACTIVE
23 ON THE DATE PILOTAGE RATES ARE COMPUTED PURSUANT TO THIS SUBPARAGRAPH
24 AND THEREAFTER, UPON RETIREMENT ON OR AFTER THE AGE OF SIXTY; (II)
25 RETIRED HUDSON RIVER PILOTS OR HUDSON RIVER PILOTS RECEIVING BENEFITS ON
26 THE EFFECTIVE DATE OF THIS SECTION; AND (III) TO ELIGIBLE SURVIVING
27 SPOUSES OF RETIRED PILOTS.
28 (B) HUDSON RIVER PILOTS WHO ARE ALSO SANDY HOOK PILOTS ELIGIBLE TO
29 RECEIVE A FULL BRANCH RETIREMENT BENEFIT UNDER ITEM (B) OF SUBCLAUSE ONE
30 OF CLAUSE (II) OF SUBPARAGRAPH ONE OF PARAGRAPH (B) OF SUBDIVISION FOUR
31 OF SECTION EIGHTY-EIGHT OF THIS ARTICLE SHALL BE EXCLUDED FROM RECEIVING
32 ANY BENEFITS SPECIFIED IN SUBDIVISION FIVE OF THIS SECTION.
33 (C) NO INDIVIDUAL OTHER THAN THOSE SPECIFIED IN SUBCLAUSE (A) OF THIS
34 CLAUSE SHALL BE ELIGIBLE FOR BENEFITS PURSUANT TO THE SURCHARGE
35 DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH WITHOUT THE APPROVAL OF THE
36 HUDSON RIVER PILOTS SURCHARGE BOARD.
37 (D) THE FUNDS GENERATED BY THE SURCHARGE IMPOSED BY CLAUSE (I) OF THIS
38 SUBPARAGRAPH SHALL BE ADMINISTERED BY THE EXECUTIVE COMMITTEE OF THE
39 HUDSON RIVER PILOTS ASSOCIATION, OR ANY SUCCESSORS THERETO. ANY FUNDS
40 GENERATED BY THE SURCHARGE IMPOSED BY CLAUSE (I) OF THIS SUBPARAGRAPH
41 WHICH EXCEED THE FUNDS DEEMED SUFFICIENT TO PROVIDE THE BENEFITS SET
42 FORTH IN ITEMS (I) AND (III) OF SUBCLAUSE (A) OF THIS CLAUSE SHALL BE
43 USED TO DEFRAY THE RETIREMENT BENEFITS SET FORTH IN THIS SUBCLAUSE.
44 (E) THE SURCHARGES PURSUANT TO CLAUSE (I) OF THIS SUBPARAGRAPH SHALL
45 BE COLLECTED BY THE AGENT OF THE HUDSON RIVER PILOTS. FUNDS GENERATED
46 FOR THESE PURPOSES SHALL BE AUDITED ANNUALLY BY THE SURCHARGE BOARD TO
47 ENSURE PROPER FUNDING FOR THE PURPOSES SET FORTH IN CLAUSE (I) OF THIS
48 SUBPARAGRAPH.
49 S 4. Section 89-a of the navigation law is amended by adding five new
50 subdivisions 5, 6, 7, 8 and 9 to read as follows:
51 5. EACH HUDSON RIVER PILOT WHO ENTERED SERVICE AFTER TWO THOUSAND FIVE
52 AS A HUDSON RIVER PILOT SHALL PARTICIPATE IN SUCH QUALIFIED RETIREMENT
53 PROGRAM AS ADOPTED BY EACH SUCH PILOT AND FUNDED BY SUCH PORTION OF THE
54 SURCHARGE ALLOCATED THERETO BY THE SURCHARGE BOARD TO PROVIDE A CONTRIB-
55 UTION OF AN AMOUNT EQUIVALENT TO TWELVE PERCENT OF THE EARNINGS FROM
56 SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE BASE PILOTAGE

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

28 6. HUDSON RIVER PILOTS WHO RETIRED BEFORE NINETEEN EIGHTY SHALL
29 RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF THIRTY-FOUR THOU-
30 SAND NINE HUNDRED NINETY-FIVE DOLLARS; THOSE WHO RETIRED FROM NINETEEN
31 EIGHTY-ONE THROUGH NINETEEN NINETY SHALL RECEIVE AN ANNUAL RETIREMENT
32 BENEFIT IN THE AMOUNT OF THIRTY-NINE THOUSAND NINE HUNDRED NINETY-FIVE
33 DOLLARS; THOSE WHO RETIRED FROM NINETEEN HUNDRED NINETY-ONE THROUGH TWO
34 THOUSAND SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF
35 FORTY-FOUR THOUSAND NINE HUNDRED NINETY-FOUR DOLLARS; THOSE WHO RETIRED
36 IN TWO THOUSAND ONE SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE
37 AMOUNT OF FIFTY-EIGHT THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS; THOSE
38 WHO RETIRED IN TWO THOUSAND EIGHT SHALL RECEIVE AN ANNUAL RETIREMENT
39 BENEFIT IN THE AMOUNT OF FIFTY-NINE THOUSAND NINE HUNDRED NINETY-TWO
40 DOLLARS; THOSE WHO RETIRED IN TWO THOUSAND TEN SHALL RECEIVE AN ANNUAL
41 RETIREMENT BENEFIT IN THE AMOUNT OF FORTY-NINE THOUSAND NINE HUNDRED
42 NINETY-THREE DOLLARS; AN ACTIVE HUDSON RIVER PILOT WHO RETIRES BEFORE
43 TWO THOUSAND SIXTEEN SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE
44 AMOUNT OF EIGHTY-FOUR THOUSAND SIX HUNDRED DOLLARS.

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

54 (B) NO ACTIVE HUDSON RIVER PILOT SHALL COMMENCE RECEIVING BENEFITS
55 UNTIL A PROPERLY COMPLETED RESIGNATION AS AN ACTIVE PILOT SPECIFYING A
56 PROPOSED DATE OF RETIREMENT HAS BEEN SUBMITTED IN WRITING TO THE HUDSON

1 RIVER PILOTS EXECUTIVE COMMITTEE, OR SUCCESSOR THERETO, PRIOR TO NOVEM-
2 BER FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE
3 FOLLOWING JANUARY; PRIOR TO FEBRUARY FIRST, IF RETIREMENT IS TO BECOME
4 EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING APRIL; PRIOR TO MAY FIRST,
5 IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING
6 JULY; AND, PRIOR TO AUGUST FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE
7 ON THE FIRST DAY OF THE FOLLOWING OCTOBER.

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

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

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

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

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

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

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