

3951--A

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I N S E N A T E

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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 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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 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

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.

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

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

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

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

16 PILOTAGE UNITS	SURCHARGE
17 0 TO 50	\$113.00
18 51 TO 100	\$138.00
19 OVER 100	\$1.38 PER PILOT UNIT

20 DURING THE FIRST TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBPARA-
 21 GRAPH.

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

24 PILOTAGE UNITS	SURCHARGE
25 0 TO 50	\$170.00
26 51 TO 100	\$207.00
27 OVER 100	\$2.07 PER PILOT UNIT

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

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

32 PILOTAGE UNITS	SURCHARGE
33 0 TO 50	\$213.00
34 51 TO 100	\$260.00
35 OVER 100	\$2.60 PER PILOT UNIT

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

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

40 PILOTAGE UNITS	SURCHARGE
41 0-50	\$250.00
42 51-100	\$305.00
43 OVER 100	\$ 3.05 PER PILOT UNIT

44 DURING THE PERIOD BEGINNING WITH THE THIRTY-SEVENTH MONTH AND ENDING
 45 WITH THE FORTY-EIGHTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARA-
 46 GRAPH.

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

49 PILOTAGE UNITS	SURCHARGE
50 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 SET FORTH IN SUBPARAGRAPH ONE OF THIS PARA-
9 GRAPH FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK
10 THROUGH ALBANY OR TROY, AS AMENDED; OR FIVE HUNDRED THOUSAND DOLLARS IN
11 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 SECTION, FROM WHICH ACCOUNT ALL SUCH BENEFITS AND
19 THE REASONABLE EXPENSES FOR ADMINISTRATION THEREOF SHALL BE PAID. THE
20 MONIES ON DEPOSIT IN SUCH ACCOUNT SHALL BE REFERRED TO HEREAFTER AS THE
21 "RETIREMENT ASSETS". THE RETIREMENT ASSETS SHALL BE USED TO PAY A YEARLY
22 RETIREMENT BENEFIT TO (I) HUDSON RIVER PILOTS ACTIVE ON THE DATE PILO-
23 TAGE RATES ARE COMPUTED PURSUANT TO THIS SUBPARAGRAPH AND THEREAFTER,
24 UPON RETIREMENT ON OR AFTER THE AGE OF SIXTY; (II) RETIRED HUDSON RIVER
25 PILOTS OR HUDSON RIVER PILOTS RECEIVING BENEFITS ON THE EFFECTIVE DATE
26 OF THIS SECTION; AND (III) TO ELIGIBLE SURVIVING SPOUSES OF RETIRED
27 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 THIS PARAGRAPH. SUCH AMOUNT SHALL BE TRANSFERRED
2 DIRECTLY BY THE AGENT TO SUCH PILOT'S RETIREMENT ACCOUNT, IT BEING
3 UNDERSTOOD THAT SUCH PILOT'S ENTIRE RETIREMENT BENEFIT WILL BE PROVIDED
4 SOLELY BY THE ACCOUNT BALANCE OF SUCH RETIREMENT ACCOUNT ON THE DATE OF
5 RETIREMENT. IN ADDITION, SUCH SURCHARGE SHALL BE USED TO PURCHASE LIFE
6 AND DISABILITY INSURANCE COVERAGE FROM AN INSURANCE COMPANY SELECTED BY
7 THE BOARD. SUCH DISABILITY INSURANCE SHALL PROVIDE A DISABILITY BENEFIT
8 COMPUTED AS A SINGLE LIFE ANNUITY, EQUAL TO FIFTY PERCENT OF THE AMOUNT
9 WHICH IS EQUAL TO SUCH PILOT'S EARNINGS FROM SERVICE AS AN ACTIVE HUDSON
10 RIVER PILOT BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARA-
11 GRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON
12 RIVER PILOT PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY. IN THE EVENT
13 SUCH DISABILITY INSURANCE IS UNAVAILABLE, EACH SUCH PILOT ELIGIBLE FOR
14 SICK RETIREMENT BENEFITS SHALL RECEIVE, A YEARLY BENEFIT COMPUTED AS A
15 SINGLE LIFE ANNUITY EQUAL TO THE SUM OF TEN PERCENT OF THE AMOUNT WHICH
16 IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT
17 BASED UPON THE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE
18 LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR
19 TO DISABILITY AND ONE AND SIX-TENTHS PERCENT FOR EACH YEAR OF SERVICE
20 AFTER THE FIRST YEAR TO A MAXIMUM OF FIFTY PERCENT OF THE AMOUNT WHICH
21 IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT
22 BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING
23 THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT
24 PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY.

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

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. Subparagraph 1-a of paragraph (b) of subdivision 4 of section
43 89-a of the navigation law, as amended by chapter 482 of the laws of
44 2003, is amended to read as follows:

45 (1-a) All vessels shall pay an additional launch fee and communication
46 fee. The launch fee shall be set by the board of commissioners of pilots
47 to recoup the cost of operating a pilot launch and pilot station at
48 Yonkers. The communication fee shall be set by the board of commission-
49 ers of pilots to recoup the cost of portable electronic communication
50 and navigation equipment carried aboard the vessel by the pilot.

51 All vessels transiting Section 2, Upper River; Yonkers, to beyond Hyde
52 Park through Albany or Troy shall pay a mid-river launch fee. The mid-
53 river launch fee shall be set by the board of commissioners of pilots to
54 recoup the cost of operating a pilot launch and pilot station at Norrie
55 Point.

1 The launch fee, communication fee, and mid-river launch fee shall be
2 reviewed annually by the board of commissioners of pilots on or about
3 the anniversary date upon which this section shall have become a law.

4 In the event a vessel transiting the Hudson River [requires a contin-
5 uous pilotage of more than eight] CAN REASONABLY BE EXPECTED TO REQUIRE
6 A CONTINUOUS PILOTAGE OF APPROXIMATELY TEN hours, two pilots shall be
7 assigned at the beginning of such transit, and the fee shall be the
8 regular pilotage fee plus fifty percent for the second pilot. The fee
9 for the second pilot shall not apply when the first pilot is discharged
10 at the mid-river pilot station and relieved at such station by a second
11 pilot. [A second pilot shall not be required when the vessel anchors for
12 a minimum of eight hours such that the transit does not require a
13 continuous pilotage of more than eight hours by one pilot.]

14 S 6. This act shall take effect on the ninetieth day after it shall
15 have become a law.