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

857--A

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

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:

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 read as follows:

(a) Every foreign vessel and every American vessel under register navigating the waters of that portion of the Hudson river specified in this section shall be subject to BASE pilotage [fees, at the] rates hereinafter specified in this subdivision:

S 2. Subparagraph 1 of paragraph (b) of subdivision 4 of section 89-a of the navigation law, as amended by chapter 392 of the laws of 2006, is amended to read as follows:

(1) (I) All vessels of 100 pilotage units and over shall pay $12.17 per pilotage unit for Section 1, Lower River; Yonkers, to all ports through Hyde Park.

The following charges shall be applicable to Section 1, Lower River:

Up to 50 pilotage units $852.97
More than 50 and up to 100 pilotage units $1217.00
All vessels of 100 pilotage units and over shall pay ..... $17.19 per pilotage unit for Section 2, Upper River; Yonkers, to all ports beyond Hyde Park through Albany or Troy.

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

LBD04664-03-5

The following charges shall be applicable to Section 2, Upper River:
Up to 50 pilotage units $1406.05
More than 50 and up to 100 pilotage units $1719.00
A maximum charge of up to 500 pilotage units shall be applicable.

(II) TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS CLAUSE THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:

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

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

UP TO 50 PILOTAGE UNITS $870.03
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1241.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS
SHALL BE APPLICABLE.

ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE RATE OF 17.53
PER PILOTAGE UNIT FOR SECTION 2,
UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE
PARK THROUGH ALBANY OR TROY.

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

UP TO 50 PILOTAGE UNITS $1434.17
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1753.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

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

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

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

UP TO 50 PILOTAGE UNITS $887.43
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1266.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE RATE OF $17.88
PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK THROUGH ALBANY OR TROY.

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

UP TO 50 PILOTAGE UNITS $1462.85
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1788.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

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

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

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

UP TO 50 PILOTAGE UNITS $900.74
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1285.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE RATE OF ..... $18.15 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK THROUGH ALBANY OR TROY.

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

UP TO 50 PILOTAGE UNITS $1484.48

MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1815.00

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

(V) FORTY-EIGHT MONTHS AFTER THE EFFECTIVE DATE OF THIS CLAUSE THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:

ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY $13.07 PER PILOTAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE PARK.

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

UP TO 50 PILOTAGE UNITS $914.25

MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1307.00

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

ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE RATE OF ..... $18.42 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK THROUGH ALBANY OR TROY.

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

UP TO 50 PILOTAGE UNITS $1507.07

MORE THAN 50 AND UP TO 100 PILOTAGE UNITS $1842.00

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

S 3. Paragraph (b) of subdivision 4 of section 89-a of the navigation law is amended by adding two new subparagraphs 1-b and 1-c to read as follows:

(1-B) THERE IS HEREBY CREATED A HUDSON RIVER PILOTS SURCHARGE BOARD WHICH SHALL DETERMINE THE RATE OF THE SURCHARGE PROVIDED IN SUBPARAGRAPH ONE-C OF THIS PARAGRAPH. THE SURCHARGE BOARD SHALL DETERMINE ELIGIBILITY FOR BENEFITS PURSUANT TO SUBDIVISIONS FIVE AND EIGHT OF THIS SECTION.

THE HUDSON RIVER PILOTS SURCHARGE BOARD SHALL CONSIST OF TWO MEMBERS AS FOLLOWS: THE PRESIDENT OF THE BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK, OR HIS OR HER DESIGNEE FROM THE BOARD OF COMMISSIONERS, AND THE PRESIDENT OF THE HUDSON RIVER PILOTS ASSOCIATION, OR HIS OR HER DESIGNEE WHO MUST BE A MEMBER OF SUCH ASSOCIATION. IN THE EVENT THE TWO MEMBERS CANNOT REACH A DECISION ON THE SURCHARGE RATE, A THIRD MEMBER SHALL BE APPOINTED BY THE TWO MEMBERS FROM A LIST SUBMITTED BY THE AMERICAN ARBITRATION ASSOCIATION FROM ITS LISTS OF COMMERCIAL ARBITRATORS. IF, AFTER SUBMISSION OF SUCH A LIST, THE TWO MEMBERS OF THE BOARD FAIL TO AGREE UPON A SINGLE ARBITRATOR AS THE THIRD MEMBER, THEN THE AMERICAN ARBITRATION ASSOCIATION SHALL BE AUTHORIZED TO SELECT AND SUBMIT THE NAME OF THE THIRD MEMBER FOR APPOINTMENT. SUCH THIRD MEMBER SHALL BE APPOINTED WITHIN TEN DAYS OF A DEADLOCKED VOTE OF THE HUDSON RIVER PILOTS SURCHARGE BOARD. SUCH MEMBERS SHALL VOTE AT MEETINGS CALLED UPON WRITTEN NOTICE MAILED SEVEN CALENDAR DAYS IN ADVANCE OF THE MEETING, TO DETERMINE THE RATE OF SURCHARGE, ASSISTED AS NECESSARY BY QUALIFIED ACTUARIES OR ACCOUNTANTS, AUTHORIZED IN CLAUSE (I) OF SUBPARAGRAPH 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
51-100	$341.00
OVER 100	$ 3.41 PER PILOT UNIT

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

(III) FOLLOWING THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, THE AMOUNT OF THE SURCHARGE AS DETERMINED BY THE SURCHARGE BOARD SHALL NOT EXCEED THE GREATER OF THIRTY-FIVE PERCENT OF THE SUM OF THE BASE PILOTAGE CHARGES SET FORTH IN SUBPARAGRAPH ONE OF THIS PARAGRAPH FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK THROUGH ALBANY OR TROY, AS AMENDED; OR FIVE HUNDRED THOUSAND DOLLARS IN ANY CALENDAR YEAR.

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

(V) (A) THE PROCEEDS OF THE SURCHARGE PROVIDED FOR IN THIS SECTION SHALL BE DEPOSITED IN AN ACCOUNT MAINTAINED BY THE HUDSON RIVER PILOTS ASSOCIATION FOR THE BENEFIT OF HUDSON RIVER PILOTS ELIGIBLE FOR BENEFITS AS PROVIDED IN THIS SECTION, FROM WHICH ACCOUNT ALL SUCH BENEFITS AND THE REASONABLE EXPENSES FOR ADMINISTRATION THEREOF SHALL BE PAID. THE MONIES ON DEPOSIT IN SUCH ACCOUNT SHALL BE REFERRED TO HEREAFTER AS THE "RETIREMENT ASSETS". THE RETIREMENT ASSETS SHALL BE USED TO PAY A YEARLY RETIREMENT BENEFIT TO (I) HUDSON RIVER PILOTS ACTIVE ON THE DATE PILOTAGE RATES ARE COMPUTED PURSUANT TO THIS SUBPARAGRAPH AND THEREAFTER, UPON RETIREMENT ON OR AFTER THE AGE OF SIXTY; (II) RETIRED HUDSON RIVER PILOTS OR HUDSON RIVER PILOTS RECEIVING BENEFITS ON THE EFFECTIVE DATE OF THIS SECTION; AND (III) TO ELIGIBLE SURVIVING SPOUSES OF RETIRED PILOTS.

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

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

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

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

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

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

UNDERSTOOD THAT SUCH PILOT'S ENTIRE RETIREMENT BENEFIT WILL BE PROVIDED SOLELY BY THE ACCOUNT BALANCE OF SUCH RETIREMENT ACCOUNT ON THE DATE OF RETIREMENT. IN ADDITION, SUCH SURCHARGE SHALL BE USED TO PURCHASE LIFE AND DISABILITY INSURANCE COVERAGE FROM AN INSURANCE COMPANY SELECTED BY THE BOARD. SUCH DISABILITY INSURANCE SHALL PROVIDE A DISABILITY BENEFIT COMPUTED AS A SINGLE LIFE ANNUITY, EQUAL TO FIFTY PERCENT OF THE AMOUNT WHICH IS EQUAL TO SUCH PILOT'S EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY. IN THE EVENT SUCH DISABILITY INSURANCE IS UNAVAILABLE, EACH SUCH PILOT ELIGIBLE FOR SICK RETIREMENT BENEFITS SHALL RECEIVE, A YEARLY BENEFIT COMPUTED AS A SINGLE LIFE ANNUITY EQUAL TO THE SUM OF TEN PERCENT OF THE AMOUNT WHICH IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR TO DISABILITY AND ONE AND SIX-TENTHS PERCENT FOR EACH YEAR OF SERVICE AFTER THE FIRST YEAR TO A MAXIMUM OF FIFTY PERCENT OF THE AMOUNT WHICH IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY.

6. HUDSON RIVER PILOTS WHO RETIRED BEFORE NINETEEN EIGHTY SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF THIRTY-FOUR THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS; THOSE WHO RETIRED FROM NINETEEN EIGHTY-ONE THROUGH NINETEEN NINETY SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF THIRTY-NINE THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS; THOSE WHO RETIRED FROM NINETEEN HUNDRED NINETY-ONE THROUGH TWO THOUSAND SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF FORTY-FOUR THOUSAND NINE HUNDRED NINETY-FOUR DOLLARS; THOSE WHO RETIRED IN TWO THOUSAND ONE SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF FIFTY-EIGHT THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS; THOSE WHO RETIRED IN TWO THOUSAND EIGHT SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF FIFTY-NINE THOUSAND NINE HUNDRED NINETY-TWO DOLLARS; THOSE WHO RETIRED IN TWO THOUSAND TEN SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF FORTY-NINE THOUSAND NINE HUNDRED NINETY-THREE DOLLARS; AN ACTIVE HUDSON RIVER PILOT WHO RETIRES BEFORE TWO THOUSAND SIXTEEN SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF EIGHTY-FOUR THOUSAND SIX HUNDRED DOLLARS.

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

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

JULY; AND, PRIOR TO AUGUST FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING OCTOBER.

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

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

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

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

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

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

S 5. Subparagraph 1-a of paragraph (b) of subdivision 4 of section 89-a of the navigation law, as amended by chapter 482 of the laws of 2003, is amended to read as follows:

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

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

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

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

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