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

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I N A S S E M B L Y

January 29, 2010

Introduced by M. of A. TEDISCO, AMEDORE, JORDAN, McDONOUGH, POWELL, RAIA, TOBACCO -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, BUTLER, CALHOUN, CROUCH, ERRIGO, FINCH, HAYES, MOLINARO, O'MARA, THIELE, TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to requiring legislative approval of increases in fees, rentals and charges for the use of the thruway system

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

Section 1. Subdivision 8 of section 354 of the public authorities law, as amended by chapter 766 of the laws of 1992, is amended and a new subdivision 8-a is added to read as follows:

8. Subject to agreements with noteholders or bondholders AND LEGISLATIVE APPROVAL PURSUANT TO SUBDIVISION EIGHT-A OF THIS SECTION, to fix and collect such fees, rentals and charges for the use of the thruway system or any part thereof necessary or convenient, with an adequate margin of safety, to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreements made with the holders of its notes or bonds, and to establish the rights and privileges granted upon payment thereof; provided, however, that tolls may only be imposed for the passage through locks and lift bridges by vessels which are propelled in whole or in part by mechanical power; and provided further that no tolls shall be imposed or collected prior to the first day of April, nineteen hundred ninety-three.

8-A. LEGISLATIVE APPROVAL. THE AUTHORITY SHALL SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT LEAST ONE HUNDRED EIGHTY DAYS PRIOR TO THE DATE WHEN ANY PROPOSED INCREASE IN FEES, RENTALS AND CHARGES FOR THE USE OF THE THRUWAY SYSTEM IS SCHEDULED TO TAKE EFFECT. SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR THE PROPOSED INCREASE, AND INFORMATION SETTING FORTH THE CURRENT FINANCIAL CONDITION OF THE AUTHORITY. THE LEGISLATURE MAY REQUIRE ANY ADDITIONAL DATA OR INFORMATION THAT IT DEEMS NECESSARY IN SUCH REPORT. IF THE LEGISLATURE, OR THE APPROPRIATE COMMITTEES THEREOF, UPON REVIEW OF THE REPORT SUBMITTED TO IT BY THE AUTHORITY, FINDS

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

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THAT THE PROPOSED INCREASES ARE NOT CONVENIENT OR NECESSARY TO PRODUCE SUFFICIENT REVENUE TO MEET THE EXPENSE OF MAINTENANCE AND OPERATION OF INFRASTRUCTURE EXISTING PRIOR TO ANY PROPOSED INCREASE THEN NO PROPOSED INCREASE SHALL TAKE EFFECT UNTIL APPROVED BY A MAJORITY VOTE OF EACH HOUSE OF THE LEGISLATURE. PROVIDED, HOWEVER, THAT LEGISLATIVE APPROVAL SHALL NOT BE REQUIRED TO FIX AND COLLECT SUCH FEES, RENTALS AND CHARGES FOR THE USE OF THE THRUWAY SYSTEM OR ANY PART THEREOF, TO PRODUCE SUFFICIENT REVENUE TO FULFILL THE TERMS OF ANY AGREEMENTS, FORMED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION, WITH THE HOLDERS OF ITS NOTES OR BONDS.

S 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 3. This act shall take effect immediately.