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

5996

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. BURLING, CALHOUN, FINCH, McDONOUGH, GIGLIO, McKEVITT, HAWLEY, MONTESANO, CORWIN -- Multi-Sponsored by -- M. of A. BARCLAY, J. MILLER, SPANO -- read once and referred to the Committee on Ways and Means

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 7 of the constitution, in relation to restricting the use of fees and taxes paid into a dedicated highway and bridge trust fund and a dedicated mass transportation trust fund

Section 1. Resolved (if the Senate concur), That article 7 of the constitution be amended by adding two new sections 20 and 21 to read as follows:

S 20. MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED BY LAW SHALL BE SEPARATELY KEPT AND SAFELY INVESTED AND SHALL NOT BE APPROPRIATED OR USED IN ANY MANNER OTHER THAN FOR RECONSTRUCTION, REPLACEMENT, RECONDITIONING, RESTORATION, REHABILITATION, AND PRESERVATION OF HIGHWAYS, PARKWAYS AND BRIDGES THEREON, TO RESTORE SUCH FACILITIES TO THEIR INTENDED FUNCTIONS; CONSTRUCTION, RECONSTRUCTION, ENHANCEMENT AND IMPROVEMENT OF HIGHWAYS, PARKWAYS AND BRIDGES THEREON, TO ADDRESS CURRENT AND PROJECTED CAPACITY PROBLEMS; MATCHING FEDERAL GRANTS OR APPORTIONMENTS TO THE STATE FOR HIGHWAY, PARKWAY AND BRIDGE CAPITAL PROJECTS; THE ACQUISITION OF REAL PROPERTY AND INTERESTS THEREIN REQUIRED OR EXPECTED TO BE REQUIRED IN CONNECTION WITH SUCH PROJECTS; PAYMENTS PURSUANT TO ANY AGREEMENT, IN ACCORDANCE WITH LAW, WITH PRIVATE ENGINEERS, ARCHITECTS, LAND SURVEYORS OR OTHERS PRACTICING SUCH PROFESSIONS, TO FACILITATE SUCH PROJECTS; PREVENTIVE MAINTENANCE ACTIVITIES NECESSARY TO ENSURE THAT HIGHWAYS, PARKWAYS AND BRIDGES MEET OR EXCEED THEIR OPTIMUM USEFUL LIFE; EXPENSES ASSOCIATED WITH THE DEVELOPMENT OR CONSTRUCTION OF SUCH PROJECTS UP TO THE AMOUNT HISTORICALLY APPROPRIATED FROM THE ENGINEERING SERVICES FUND FROM STATE SOURCES EXCEPT SUCH AMOUNTS THAT ARE REIMBURSED FROM THE PROCEEDS OF THE ACCELERATED CAPACITY AND TRANSPORTATION IMPROVEMENTS OF THE NINETIES BOND ACT; PAYMENTS TO THE GENERAL DEBT SERVICE FUND OF AMOUNTS EQUAL TO

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

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AMOUNTS REQUIRED FOR SERVICE CONTRACT PAYMENTS AS PROVIDED AND AUTHORIZED BY LAW TO SUPPORT THE CONSOLIDATED LOCAL HIGHWAY ASSISTANCE PROGRAM AND THE NON-FEDERAL SHARE OF FEDERAL AID MUNICIPAL STREET AND HIGHWAY PROJECTS; THE PAYMENT OF DEBT SERVICE REQUIRED ON ANY BONDS, NOTES OR OTHER OBLIGATIONS FOR HIGHWAY, PARKWAY AND BRIDGE PURPOSES AUTHORIZED ON OR AFTER THE EFFECTIVE DATE OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND; AND SUCH OTHER HIGHWAY, PARKWAY AND BRIDGE PURPOSES AS MAY BE AUTHORIZED BY THE LEGISLATURE PURSUANT TO LAW.

S 21. MONEYS IN THE DEDICATED MASS TRANSPORTATION TRUST FUND ESTABLISHED BY LAW SHALL BE SEPARATELY KEPT AND SAFELY INVESTED AND SHALL NOT BE APPROPRIATED OR USED IN ANY MANNER OTHER THAN FOR RECONSTRUCTION, REPLACEMENT, PURCHASE, MODERNIZATION, IMPROVEMENT, RECONDITIONING, PRESERVATION AND MAINTENANCE OF MASS TRANSIT FACILITIES, VEHICLES AND ROLLING STOCK OR THE PAYMENT OF DEBT SERVICE OR OPERATING EXPENSES INCURRED BY MASS TRANSIT OPERATING AGENCIES.

S 2. Resolved (if the Senate concur), That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.