

6153

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 15, 2013

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Introduced by M. of A. TEDISCO, JORDAN, McDONOUGH, RAIA, TENNEY,  
P. LOPEZ -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CROUCH,  
FINCH, McLAUGHLIN, THIELE -- 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 8 of section 354 of the public authorities law,  
2     as amended by chapter 766 of the laws of 1992, is amended and a new  
3     subdivision 8-a is added to read as follows:  
4     8. Subject to agreements with noteholders or bondholders AND LEGISLA-  
5     TIVE APPROVAL PURSUANT TO SUBDIVISION EIGHT-A OF THIS SECTION, to fix  
6     and collect such fees, rentals and charges for the use of the thruway  
7     system or any part thereof necessary or convenient, with an adequate  
8     margin of safety, to produce sufficient revenue to meet the expense of  
9     maintenance and operation and to fulfill the terms of any agreements  
10    made with the holders of its notes or bonds, and to establish the rights  
11    and privileges granted upon payment thereof; provided, however, that  
12    tolls may only be imposed for the passage through locks and lift bridges  
13    by vessels which are propelled in whole or in part by mechanical power;  
14    and provided further that no tolls shall be imposed or collected prior  
15    to the first day of April, nineteen hundred ninety-three.  
16    8-A. THE AUTHORITY SHALL SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT  
17    LEAST ONE HUNDRED EIGHTY DAYS PRIOR TO THE DATE WHEN ANY PROPOSED  
18    INCREASE IN FEES, RENTALS AND CHARGES FOR THE USE OF THE THRUWAY SYSTEM  
19    IS SCHEDULED TO TAKE EFFECT. SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR  
20    THE PROPOSED INCREASE, AND INFORMATION SETTING FORTH THE CURRENT FINAN-  
21    CIAL CONDITION OF THE AUTHORITY. THE LEGISLATURE MAY REQUIRE ANY ADDI-  
22    TIONAL DATA OR INFORMATION THAT IT DEEMS NECESSARY IN SUCH REPORT.     IF

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

LBD08098-01-3

1 THE LEGISLATURE, OR THE APPROPRIATE COMMITTEES THEREOF, UPON REVIEW OF  
2 THE REPORT SUBMITTED TO IT BY THE AUTHORITY, FINDS THAT THE PROPOSED  
3 INCREASES ARE NOT CONVENIENT OR NECESSARY TO PRODUCE SUFFICIENT REVENUE  
4 TO MEET THE EXPENSE OF MAINTENANCE AND OPERATION OF INFRASTRUCTURE  
5 EXISTING PRIOR TO ANY PROPOSED INCREASE THEN NO PROPOSED INCREASE SHALL  
6 TAKE EFFECT UNTIL APPROVED BY A MAJORITY VOTE OF EACH HOUSE OF THE  
7 LEGISLATURE. PROVIDED, HOWEVER, THAT LEGISLATIVE APPROVAL SHALL NOT BE  
8 REQUIRED TO FIX AND COLLECT SUCH FEES, RENTALS AND CHARGES FOR THE USE  
9 OF THE THRUWAY SYSTEM OR ANY PART THEREOF, TO PRODUCE SUFFICIENT REVENUE  
10 TO FULFILL THE TERMS OF ANY AGREEMENTS, FORMED PRIOR TO THE EFFECTIVE  
11 DATE OF THIS SUBDIVISION, WITH THE HOLDERS OF ITS NOTES OR BONDS.

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

18 S 3. This act shall take effect immediately.