

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

6766--C

2011-2012 Regular Sessions

I N A S S E M B L Y

March 28, 2011

Introduced by M. of A. BRENNAN, MAISEL, BENEDETTO, ROSENTHAL, WEISENBERG, COLTON, PAULIN, JACOBS, MENG, STEVENSON, CAHILL, WEPRIN, LINARES, MILLMAN, ROBINSON, SCHIMEL, SCARBOROUGH, CASTRO, P. RIVERA, KAVANAGH, CRESPO, JEFFRIES, LANCMAN -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, BRAUNSTEIN, CAMARA, CYMBROWITZ, GIBSON, GLICK, GOTTFRIED, LENTOL, MALLIOTAKIS, MARKEY, TITONE, WRIGHT -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to a prohibition on diversion of resources from dedicated funds derived from taxes and fees that support the metropolitan transportation authority or the New York city transit authority and their subsidiaries in certain instances

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

1 Section 1. The executive law is amended by adding a new section 182
2 to read as follows:
3 S 182. DIVERSION OF FUNDS DEDICATED TO THE METROPOLITAN TRANSPORTATION
4 AUTHORITY OR THE NEW YORK CITY TRANSIT AUTHORITY AND ANY OF THEIR
5 SUBSIDIARIES TO THE GENERAL FUND OF THE STATE IS PROHIBITED. 1. THE
6 DIRECTOR SHALL BE PROHIBITED FROM DIVERTING REVENUES DERIVED FROM TAXES
7 AND FEES PAID BY THE PUBLIC INTO ANY FUND CREATED BY LAW INCLUDING, BUT
8 NOT LIMITED TO SECTIONS EIGHTY-EIGHT-A AND EIGHTY-NINE-C OF THE STATE
9 FINANCE LAW AND CHAPTER TWENTY-FIVE OF THE LAWS OF TWO THOUSAND NINE FOR
10 THE PURPOSE OF FUNDING THE METROPOLITAN TRANSPORTATION AUTHORITY OR THE
11 NEW YORK CITY TRANSIT AUTHORITY AND ANY OF THEIR SUBSIDIARIES INTO THE
12 GENERAL FUND OF THE STATE OR INTO ANY OTHER FUND MAINTAINED FOR THE

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

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1 SUPPORT OF ANOTHER GOVERNMENTAL PURPOSE. NO DIVERSION OF FUNDS CAN OCCUR
2 CONTRARY TO THIS SECTION BY AN ADMINISTRATIVE ACT OF THE DIRECTOR OR ANY
3 OTHER PERSON IN THE EXECUTIVE BRANCH BUT CAN OCCUR ONLY UPON A STATUTE
4 ENACTED INTO LAW AUTHORIZING A DIVERSION THAT WOULD OTHERWISE BE PROHIB-
5 ITED BY THIS SECTION.
6 2. IF ANY DIVERSION OF FUNDS OCCURS BY PASSAGE OF LEGISLATION DURING A
7 REGULAR OR EXTRAORDINARY SESSION OF THE LEGISLATURE, THE BUDGET OR
8 LEGISLATION DIVERTING FUNDS SHALL INCLUDE A DIVERSION IMPACT STATEMENT
9 WHICH INCLUDES THE FOLLOWING INFORMATION:
10 (A) THE AMOUNT OF THE DIVERSION FROM DEDICATED MASS TRANSIT FUNDS;
11 (B) THE AMOUNT DIVERTED FROM EACH FUND;
12 (C) THE AMOUNT DIVERTED EXPRESSED AS CURRENT MONTHLY TRANSIT FARES;
13 (D) THE CUMULATIVE AMOUNT OF DIVERSION FROM DEDICATED MASS TRANSIT
14 FUNDS DURING THE PRECEDING FIVE YEARS;
15 (E) THE DATE OR DATES WHEN THE DIVERSION IS TO OCCUR; AND
16 (F) A DETAILED ESTIMATE OF THE IMPACT OF DIVERSION FROM DEDICATED MASS
17 TRANSIT FUNDS WILL HAVE ON THE LEVEL OF MASS TRANSIT SERVICE, MAINTENANCE,
18 SECURITY, AND THE CURRENT CAPITAL PROGRAM.
19 S 2. This act shall take effect immediately.