

9017--A

I N A S S E M B L Y

January 13, 2012

Introduced by M. of A. BRENNAN, LENTOL, JACOBS, GOTTFRIED, P. RIVERA, MILLMAN, SWEENEY, CAHILL, ABINANTI, BARRON, COOK, CRESPO, GUNTHER, KELLNER, N. RIVERA, RODRIGUEZ, SCHIMEL, JAFFEE, CLARK, GABRYSZAK, TITONE, ROSENTHAL, MAISEL -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, COLTON, CUSICK, DenDEKKER, GLICK, KAVANAGH, MARKEY, MENG, NOLAN, PAULIN, REILLY, STEVENSON, WEINSTEIN, WEISENBERG, WEPRIN, WRIGHT -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to a prohibition on diversion of funds dedicated to public transportation systems

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

1 Section 1. Section 182 of the executive law, as amended by section 1
2 of part J of chapter 56 of the laws of 2011, is amended to read as
3 follows:

4 S 182. Diversion of funds dedicated to [the metropolitan transporta-
5 tion authority or the New York city transit authority and any of their
6 subsidiaries] PUBLIC TRANSPORTATION SYSTEMS to the general fund of the
7 state OR TO ANY OTHER PURPOSE, is prohibited. 1. FOR THE PURPOSES OF
8 THIS SECTION, THE TERM "PUBLIC TRANSPORTATION SYSTEM" SHALL MEAN ANY
9 PUBLIC BENEFIT CORPORATION CONSTITUTING A TRANSPORTATION AUTHORITY WHICH
10 PROVIDES OR CONTRACTS FOR THE PROVISION OF, UNDER JOINT SUPPORT ARRANGE-
11 MENTS, MASS TRANSPORTATION SERVICES, OR A SUBSIDIARY THEREOF, OR ANY
12 COUNTY OR CITY WHICH PROVIDES OR CONTRACTS FOR THE PROVISION OF, PURSU-
13 ANT TO SECTION ONE HUNDRED NINETEEN-R OF THE GENERAL MUNICIPAL LAW, MASS
14 TRANSPORTATION SERVICES.

15 2. The director OF THE BUDGET shall be prohibited from diverting
16 revenues derived from taxes and fees paid by the public into any fund
17 created by law including, but not limited to sections eighty-eight-a
18 [and], eighty-nine-c AND NINETY-TWO-FF of the state finance law and
19 chapter twenty-five of the laws of two thousand nine for the purpose of
20 funding [the metropolitan transportation authority or the New York city
21 transit authority and any of their subsidiaries] PUBLIC TRANSPORTATION

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

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1 SYSTEMS into the general fund of the state or into any other fund main-
2 tained for the support of another governmental purpose. No diversion of
3 funds can occur contrary to this section by an administrative act of the
4 director OF THE BUDGET or any other person in the executive branch
5 [unless the governor declares a fiscal emergency, and communicates such
6 emergency to the temporary president of the senate and speaker of the
7 assembly, and a statute is enacted into law authorizing a diversion that
8 would otherwise be prohibited by this section].

9 3. IF ANY DIVERSION OF FUNDS OCCURS BY PASSAGE OF LEGISLATION DURING A
10 REGULAR OR EXTRAORDINARY SESSION OF THE LEGISLATURE, THE DIRECTOR OF THE
11 BUDGET SHALL CREATE AND INCLUDE WITH THE BUDGET OR LEGISLATION DIVERTING
12 FUNDS, A DIVERSION IMPACT STATEMENT WHICH SHALL INCLUDE THE FOLLOWING
13 INFORMATION:

- 14 (A) THE AMOUNT OF THE DIVERSION FROM DEDICATED MASS TRANSIT FUNDS;
- 15 (B) THE AMOUNT DIVERTED FROM EACH FUND;
- 16 (C) THE AMOUNT DIVERTED EXPRESSED AS CURRENT MONTHLY TRANSIT FARES;
- 17 (D) THE CUMULATIVE AMOUNT OF DIVERSION FROM DEDICATED MASS TRANSIT
18 FUNDS DURING THE PRECEDING FIVE YEARS;
- 19 (E) THE DATE OR DATES WHEN THE DIVERSION IS TO OCCUR; AND
- 20 (F) A DETAILED ESTIMATE OF THE IMPACT OF DIVERSION FROM DEDICATED MASS
21 TRANSIT FUNDS WILL HAVE ON THE LEVEL OF PUBLIC TRANSPORTATION SYSTEM
22 SERVICE, MAINTENANCE, SECURITY, AND THE CURRENT CAPITAL PROGRAM.

23 S 2. This act shall take effect immediately.