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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 -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, COLTON, CUSICK, GLICK, KAVANAGH, MAISEL, MARKEY, PAULIN, REILLY, STEVENSON, WEINSTEIN, WEISENBERG, WEPRIN, WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to a prohibition on diversion of funds dedicated to the metropolitan transportation authority or the New York city transit authority and any of their subsidiaries

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 transportation
5 authority or the New York city transit authority and any of their
6 subsidiaries to the general fund of the state is prohibited. 1. The
7 director shall be prohibited from diverting revenues derived from taxes
8 and fees paid by the public into any fund created by law including, but
9 not limited to sections eighty-eight-a and eighty-nine-c of the state
10 finance law and chapter twenty-five of the laws of two thousand nine for
11 the purpose of funding the metropolitan transportation authority or the
12 New York city transit authority and any of their subsidiaries into the
13 general fund of the state or into any other fund maintained for the
14 support of another governmental purpose. No diversion of funds can occur
15 contrary to this section by an administrative act of the director or any
16 other person in the executive branch [unless the governor declares a
17 fiscal emergency, and communicates such emergency to the temporary pres-
18 ident of the senate and speaker of the assembly, and] BUT CAN OCCUR ONLY
19 UPON a statute [is] enacted into law authorizing a diversion that would
20 otherwise be prohibited by this section.

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

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1 2. IF ANY DIVERSION OF FUNDS OCCURS BY PASSAGE OF LEGISLATION DURING A
2 REGULAR OR EXTRAORDINARY SESSION OF THE LEGISLATURE, THE BUDGET OR
3 LEGISLATION DIVERTING FUNDS SHALL INCLUDE A DIVERSION IMPACT STATEMENT
4 WHICH INCLUDES THE FOLLOWING INFORMATION:
5 (A) THE AMOUNT OF THE DIVERSION FROM DEDICATED MASS TRANSIT FUNDS;
6 (B) THE AMOUNT DIVERTED FROM EACH FUND;
7 (C) THE AMOUNT DIVERTED EXPRESSED AS CURRENT MONTHLY TRANSIT FARES;
8 (D) THE CUMULATIVE AMOUNT OF DIVERSION FROM DEDICATED MASS TRANSIT
9 FUNDS DURING THE PRECEDING FIVE YEARS;
10 (E) THE DATE OR DATES WHEN THE DIVERSION IS TO OCCUR; AND
11 (F) A DETAILED ESTIMATE OF THE IMPACT OF DIVERSION FROM DEDICATED MASS
12 TRANSIT FUNDS WILL HAVE ON THE LEVEL OF MASS TRANSIT SERVICE, MAINTENANCE,
13 SECURITY, AND THE CURRENT CAPITAL PROGRAM.
14 S 2. This act shall take effect immediately.