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

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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, 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:

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

S 182. Diversion of funds dedicated to [the metropolitan transportation authority or the New York city transit authority and any of their subsidiaries] PUBLIC TRANSPORTATION SYSTEMS to the general fund of the state OR TO ANY OTHER PURPOSE, is prohibited. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "PUBLIC TRANSPORTATION SYSTEM" SHALL MEAN ANY PUBLIC BENEFIT CORPORATION CONSTITUTING A TRANSPORTATION AUTHORITY WHICH PROVIDES OR CONTRACTS FOR THE PROVISION OF, UNDER JOINT SUPPORT ARRANGEMENTS, MASS TRANSPORTATION SERVICES, OR A SUBSIDIARY THEREOF, OR ANY COUNTY OR CITY WHICH PROVIDES OR CONTRACTS FOR THE PROVISION OF, PURSUANT TO SECTION ONE HUNDRED NINETEEN-R OF THE GENERAL MUNICIPAL LAW, MASS TRANSPORTATION SERVICES.

2. The director OF THE BUDGET shall be prohibited from diverting revenues derived from taxes and fees paid by the public into any fund created by law including, but not limited to sections eighty-eight-a [and], eighty-nine-c AND NINETY-TWO-FF of the state finance law and chapter twenty-five of the laws of two thousand nine for the purpose of funding [the metropolitan transportation authority or the New York city 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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SYSTEMS into the general fund of the state or into any other fund maintained for the support of another governmental purpose. No diversion of funds can occur contrary to this section by an administrative act of the director OF THE BUDGET or any other person in the executive branch [unless the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, and a statute is enacted into law authorizing a diversion that would otherwise be prohibited by this section].

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

(A) THE AMOUNT OF THE DIVERSION FROM DEDICATED MASS TRANSIT FUNDS;

(B) THE AMOUNT DIVERTED FROM EACH FUND;

(C) THE AMOUNT DIVERTED EXPRESSED AS CURRENT MONTHLY TRANSIT FARES;

(D) THE CUMULATIVE AMOUNT OF DIVERSION FROM DEDICATED MASS TRANSIT FUNDS DURING THE PRECEDING FIVE YEARS;

(E) THE DATE OR DATES WHEN THE DIVERSION IS TO OCCUR; AND

(F) A DETAILED ESTIMATE OF THE IMPACT OF DIVERSION FROM DEDICATED MASS TRANSIT FUNDS WILL HAVE ON THE LEVEL OF PUBLIC TRANSPORTATION SYSTEM SERVICE, MAINTENANCE, SECURITY, AND THE CURRENT CAPITAL PROGRAM.

S 2. This act shall take effect immediately.