

4257--B

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sens. GOLDEN, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 resources from dedicated funds derived from taxes and fees that support the metropolitan transportation authority and its 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 TRANSPORTA-
4 TION AUTHORITY AND ANY OF ITS SUBSIDIARIES TO THE GENERAL FUND OF THE
5 STATE IS PROHIBITED. 1. THE DIRECTOR SHALL BE PROHIBITED FROM DIVERTING
6 REVENUES DERIVED FROM TAXES AND FEES PAID BY THE PUBLIC INTO A FUND
7 CREATED BY LAW FOR THE EXPRESSED PURPOSE OF FUNDING THE METROPOLITAN
8 TRANSPORTATION AUTHORITY OR ANY OF ITS SUBSIDIARIES INTO THE GENERAL
9 FUND OF THE STATE OR INTO ANY OTHER FUND MAINTAINED FOR THE SUPPORT OF
10 ANOTHER GOVERNMENTAL PURPOSE. NO DIVERSION OF FUNDS CAN OCCUR CONTRARY
11 TO THIS SECTION BY AN ADMINISTRATIVE ACT OF THE DIRECTOR OR ANY OTHER
12 PERSON IN THE EXECUTIVE BRANCH BUT CAN OCCUR ONLY UPON A STATUTE ENACTED
13 INTO LAW AUTHORIZING A DIVERSION THAT WOULD OTHERWISE BE PROHIBITED BY
14 THIS SECTION.
15 2. IF ANY DIVERSION OF FUNDS OCCURS BY PASSAGE OF LEGISLATION DURING A
16 REGULAR OR EXTRAORDINARY SESSION OF THE LEGISLATURE, THE BUDGET OR
17 LEGISLATION DIVERTING FUNDS SHALL INCLUDE A DIVERSION IMPACT STATEMENT
18 WHICH INCLUDES THE FOLLOWING INFORMATION:
19 (A) THE AMOUNT OF THE DIVERSION FROM DEDICATED MASS TRANSIT FUNDS;
20 (B) THE AMOUNT DIVERTED FROM EACH FUND;

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

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1 (C) THE AMOUNT DIVERTED EXPRESSED AS BOTH MONTHLY TRANSIT PASSES AND
2 EZ PASS TOLL CROSSINGS;
3 (D) THE CUMULATIVE AMOUNT OF DIVERSION FROM DEDICATED MASS TRANSIT
4 FUNDS DURING THE PROCEEDING FIVE YEARS;
5 (E) THE DATE OR DATES WHEN THE DIVERSION IS TO OCCUR; AND
6 (F) A DETAILED ESTIMATE OF THE IMPACT OF DIVERSION FROM DEDICATED MASS
7 TRANSIT FUNDS WILL HAVE ON THE LEVEL OF MASS TRANSIT SERVICE, MAINTENANCE AND SECURITY.
8
9 S 2. This act shall take effect immediately.