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I N   S E N A T E

January 19, 2012

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Introduced by Sens. GRISANTI, MAZIARZ, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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 Niagara frontier 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 183 to  
2     read as follows:  
3     S 183. DIVERSION OF FUNDS DEDICATED TO THE NIAGARA FRONTIER TRANSPOR-  
4     TATION AUTHORITY AND ITS SUBSIDIARIES TO THE GENERAL FUND OF THE STATE  
5     IS PROHIBITED. 1. THE DIRECTOR SHALL BE PROHIBITED FROM DIVERTING REVEN-  
6     UES DERIVED FROM TAXES AND FEES PAID BY THE PUBLIC INTO ANY FUND CREATED  
7     BY LAW INCLUDING, BUT NOT LIMITED, TO SECTION NINETY-NINE-H OF THE STATE  
8     FINANCE LAW, AS AMENDED BY CHAPTER SEVEN HUNDRED FORTY-SEVEN OF THE LAWS  
9     OF TWO THOUSAND SIX, FOR THE PURPOSE OF FUNDING THE NIAGARA FRONTIER  
10    TRANSPORTATION AUTHORITY AND ANY OF ITS SUBSIDIARIES INTO THE GENERAL  
11    FUND OF THE STATE OR INTO ANY OTHER FUND MAINTAINED FOR THE SUPPORT OF  
12    ANOTHER GOVERNMENTAL PURPOSE. NO DIVERSION OF FUNDS CAN OCCUR CONTRARY  
13    TO THIS SECTION BY AN ADMINISTRATIVE ACT OF THE DIRECTOR OR ANY OTHER  
14    PERSON IN THE EXECUTIVE BRANCH BUT CAN OCCUR ONLY UPON A STATUTE ENACTED  
15    INTO LAW AUTHORIZING A DIVERSION THAT WOULD OTHERWISE BE PROHIBITED BY  
16    THIS SECTION.  
17    2. IF ANY DIVERSION OF FUNDS OCCURS BY PASSAGE OF LEGISLATION DURING A  
18    REGULAR OR EXTRAORDINARY SESSION OF THE LEGISLATURE, THE BUDGET OR  
19    LEGISLATION DIVERTING FUNDS SHALL INCLUDE A DIVERSION IMPACT STATEMENT  
20    WHICH INCLUDES THE FOLLOWING INFORMATION:  
21    (A) THE AMOUNT OF THE DIVERSION FROM DEDICATED FUNDS;  
22    (B) THE AMOUNT DIVERTED FROM EACH FUND;  
23    (C) THE AMOUNT DIVERTED EXPRESSED AS CURRENT MONTHLY FARES;  
24    (D) THE CUMULATIVE AMOUNT OF DIVERSION FROM DEDICATED FUNDS DURING THE  
25    PRECEDING FIVE YEARS;

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

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1       (E) THE DATE OR DATES WHEN THE DIVERSION IS TO OCCUR; AND  
2       (F) A DETAILED ESTIMATE OF THE IMPACT OF DIVERSION FROM DEDICATED  
3 FUNDS WILL HAVE ON THE LEVEL OF TRANSPORTATION SERVICE, MAINTENANCE,  
4 SECURITY, AND THE CURRENT CAPITAL PROGRAM.  
5       S 2. This act shall take effect immediately.