

# STATE OF NEW YORK

8511

2017-2018 Regular Sessions

## IN ASSEMBLY

June 18, 2017

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Ways and Means

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 § 182. Diversion of funds dedicated to [~~the metropolitan transportation authority or the New York city transit authority and any of their~~  
5 ~~subsidiaries~~] public transportation systems to the general fund of the  
6 state or to any other purpose, is prohibited. 1. For the purposes of  
7 this section, the term "public transportation system" shall mean any  
8 public benefit corporation constituting a transportation authority which  
9 provides or contracts for the provision of, under joint support arrange-  
10 ments, mass transportation services, or a subsidiary thereof, or any  
11 county or city which provides or contracts for the provision of, pursu-  
12 ant to section one hundred nineteen-r of the general municipal law, mass  
13 transportation services.

14 2. The director of the budget shall be prohibited from diverting  
15 revenues derived from taxes and fees paid by the public into any fund  
16 created by law including, but not limited to sections eighty-eight-a  
17 [~~and~~], eighty-nine-c and ninety-two-ff of the state finance law and  
18 chapter twenty-five of the laws of two thousand nine for the purpose of  
19 funding [~~the metropolitan transportation authority or the New York city~~  
20 ~~transit authority and any of their subsidiaries~~] public transportation  
21 systems into the general fund of the state or into any other fund main-  
22 tained for the support of another governmental purpose. No diversion of  
23 funds can occur contrary to this section by an administrative act of the  
24 director of the budget or any other person in the executive branch  
25

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

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1 ~~[ unless the governor declares a fiscal emergency, and communicates such~~  
2 ~~emergency to the temporary president of the senate and speaker of the~~  
3 ~~assembly, and a statute is enacted into law authorizing a diversion that~~  
4 ~~would otherwise be prohibited by this section ]~~.

5 3. If any diversion of funds occurs by passage of legislation during a  
6 regular or extraordinary session of the legislature, the director of the  
7 budget shall create and include with the budget or legislation diverting  
8 funds, a diversion impact statement which shall include the following  
9 information:

10 (a) The amount of the diversion from dedicated mass transit funds;

11 (b) The amount diverted from each fund;

12 (c) The amount diverted expressed as current monthly transit fares;

13 (d) The cumulative amount of diversion from dedicated mass transit  
14 funds during the preceding five years;

15 (e) The date or dates when the diversion is to occur; and

16 (f) A detailed estimate of the impact of diversion from dedicated mass  
17 transit funds will have on the level of public transportation system  
18 service, maintenance, security, and the current capital program.

19 § 2. This act shall take effect immediately.