

STATE OF NEW YORK

3910

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

Introduced by Sen. JACOBS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to prohibiting the transfer of dedicated highway and bridge trust fund balances to the general fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 89-b of the state finance law is amended by adding
2 a new subdivision 6-a to read as follows:

3 6-a. (a) Notwithstanding any other provision of law, diversion of
4 funds dedicated to the dedicated highway and bridge trust fund, is
5 prohibited.

6 (b) All state officers with responsibility for the custody or invest-
7 ment of the dedicated highway and bridge trust fund or of its assets
8 shall be prohibited from diverting fund assets into the general fund of
9 the state or into any other fund maintained for the support of another
10 governmental purpose. No diversion of funds can occur contrary to this
11 section by an administrative act of the state officers with responsibil-
12 ity for the custody or investment of the fund, or any other person in
13 the executive branch unless a statute is enacted into law authorizing a
14 diversion that would otherwise be prohibited by this section.

15 (c) If any diversion of fund assets occurs by passage of legislation
16 during a regular or extraordinary session of the legislature or the
17 budget, diverting funds shall include a diversion impact statement which
18 includes the following information:

19 (i) the amount of the diversion from the fund;
20 (ii) the cumulative amount of diversion from the fund since inception;
21 and
22 (iii) the date or dates when the diversion is to occur.

23 § 2. This act shall take effect immediately.

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

LBD05790-01-9