STATE OF NEW YORK

5237

2019-2020 Regular Sessions

IN SENATE

April 17, 2019

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the executive law, in relation to prohibiting the diversion of funds dedicated to operating and maintaining an enhanced 911 emergency telephone system or to municipal public safety upgrades; and to amend the tax law and the state finance law, in relation to providing funds for municipal public safety upgrades

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

Section 1. The executive law is amended by adding a new section 184 to read as follows:

§ 184. Diversion of funds dedicated to an enhanced 911 emergency telephone system or to municipal public safety upgrades to the general fund of the state or to any other purpose, is prohibited. 1. The director of the budget shall be prohibited from diverting revenues derived from surcharges or any other taxes or fees paid by the public and collected for the purpose of paying for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve any municipality or for any other municipal public safety upgrades 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.

2. 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 enhanced 911 emergency telephone system or municipal public safety upgrade funds;

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

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(b) the date or dates when the diversion is to occur; and

(c) a detailed estimate of the impact diversion from enhanced 911 emergency telephone system or municipal public safety upgrade funds will have on the level of enhanced 911 emergency telephone system services and maintenance and any other municipal public safety upgrades.

§ 2. Paragraph (a) of subdivision 5 of section 186-f of the tax law, as added by section 3 of part B of chapter 56 of the laws of 2009, is amended to read as follows:

(a) forty-one and seven-tenths of the revenues collected and received under this section into the [~~state general~~] municipal public safety upgrade fund established pursuant to section ninety-eight-d of the state finance law; and

§ 3. The state finance law is amended by adding a new section 98-d to read as follows:

§ 98-d. Municipal public safety upgrade fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller a fund to be known as the "municipal public safety upgrade fund".

2. The fund shall consist of (a) all monies deposited into the fund pursuant to section one hundred eighty-six-f of the tax law; (b) all monies appropriated for its purpose; (c) all monies transferred to such fund pursuant to any other law; and (d) all monies deposited pursuant to any other law to be paid into or credited to the fund.

3. Monies of the fund, following appropriation by the legislature, shall be made available to municipalities only for (a) the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to serve such municipalities; and (b) costs associated with any other public safety upgrades by a municipality.

4. All payments of monies from the municipal public safety upgrade fund shall be made on the audit and warrant of the comptroller. At the end of each year any monies remaining in the fund shall be retained in the fund and shall not revert to the general fund. The interest and income earned on monies in the fund, after deducting any applicable charges, shall be credited to the fund.

§ 4. This act shall take effect immediately.