

STATE OF NEW YORK

S. 6405--A

A. 9005--A

SENATE - ASSEMBLY

January 14, 2016

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- 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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the appointment of an independent special counsel to review matters involving the use of deadly physical force by a police officer; to amend the criminal procedure law, in relation to grand jury reports and proceedings, the district attorney's letter and leave to appeal; to amend the county law, in relation to the appointment of a special district attorney; to amend the penal law, in relation to unlawful grand jury disclosure; to amend the executive law, in relation to establishing a model law enforcement use of force policy and to reporting duties of law enforcement departments with respect to enforcement of certain violations and misdemeanors; and to amend the criminal procedure law, in relation to the contents of an application for a search warrant (Part A); to amend Part H of chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part B); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part C); to amend the executive law in relation to transferring certain functions to the division of state police from the division of homeland security and emergency services (Part D); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part E); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to

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

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bonds, notes, and revenues, in relation to making certain provisions permanent; and to amend chapter 1 of the laws of 2005 amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to making certain provisions permanent (Part F); to amend the workers' compensation law, in relation to the authorization of certain providers, the computation of average weekly wages basis of compensation, penalties of the workers' compensation board, an assumption of workers' compensation liability insurance policy and fund for reopened cases financing agreement, the authority to issue aggregate penalties, deposits into the aggregate trust fund, the pooled individual self-insured employer fund, workers' compensation board, workers' compensation board's designation to review appeals or any review of any orders, authorizations of assessments for annual expenses, payment of claims of affected World Trade Center volunteers and to allow public group self-insured employers to offer alternative coverage; to amend the public authorities law, in relation to the assumption of workers' compensation liability insurance policy, and the dormitory authority's authority to issue bonds to reduce assessments imposed on self-insured employers; to amend the insurance law, in relation to large deductible programs; and to repeal certain provisions of the public authorities law relating thereto (Part G); to amend the workers' compensation law and the insurance law, in relation to provide paid family leave benefits; and to repeal sections 223 and 224 of the workers' compensation law, relating to disability benefits (Part H); to amend the public authorities law, in relation to establishing the New York State Design and Construction Corporation act (Part I); to amend the civil service law, in relation to the state's contribution to the cost of health insurance premiums for retirees of the state and their dependents (Part J); to amend the civil service law, in relation to the reimbursement of medicare premium charges (Part K); to amend the civil service law, in relation to the expiration of public arbitration panels (Part L); to amend the state finance law, in relation to the dedicated infrastructure investment fund (Part M); to provide for the administration of certain funds and accounts related to the 2016-17 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the rainy day reserve fund, the dedicated infrastructure investment fund infrastructure investment account, and the school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to the period for which appropriations can be made; to amend chapter 60 of the laws of 2015, providing for the administration of certain funds and accounts related to the 2015-16 budget, in relation to certain transfers and to the effectiveness of certain provisions thereof; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds; to amend the public authorities law, in relation to the dormitory authority; to amend chapter 61 of



the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to direct the distribution of local sales tax revenue from the city of New York; and providing for the repeal of certain provisions upon expiration thereof (Part N); to amend the public lands law, in relation to state aid on certain state leased or state owned land (Part O); and to amend the real property tax law, in relation to property tax benefits for anaerobic digestion of agricultural waste (Part P)

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

1 Section 1. This act enacts into law major components of legislation
 2 which are necessary to implement the state fiscal plan for the 2016-2017
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through P. The effective date for each particular
 5 provision contained within such Part is set forth in the last section of
 6 such Part. Any provision in any section contained within a Part, includ-
 7 ing the effective date of the Part, which makes a reference to a section
 8 "of this act", when used in connection with that particular component,
 9 shall be deemed to mean and refer to the corresponding section of the
 10 Part in which it is found. Section three of this act sets forth the
 11 general effective date of this act.

12 PART A

13 Section 1. The executive law is amended by adding a new section 6-a to
 14 read as follows:

15 § 6-a. Independent special counsel. 1. The governor may appoint an
 16 independent special counsel to review any matter involving credible
 17 allegations of the use of deadly physical force by a police officer as
 18 defined in subdivision thirty-four of section 1.20 of the criminal

1 procedure law or a peace officer as defined in subdivision thirty-three
2 of section 1.20 of the criminal procedure law, acting within his or her
3 official powers, duties, functions, or capacity, and where such deadly
4 physical force resulted in the death of an unarmed person, and

5 (a) after a review of the facts of the case, the district attorney
6 declines to present evidence to a grand jury regarding such fatality; or
7 (b) after presentation of evidence to a grand jury regarding such
8 fatality, the grand jury declines to return an indictment on any charges
9 against such police or peace officer.

10 2. Where, as described in paragraph (a) or paragraph (b) of subdivi-
11 sion one of this section, the district attorney declines to present
12 evidence to a grand jury or presents evidence and the grand jury
13 declines to return an indictment, the district attorney shall, within
14 sixty days of the occurrence of either paragraph (a) or paragraph (b) of
15 subdivision one of this section, but no more than six months after the
16 date of such death of such unarmed person as described in subdivision
17 one of this section, provide to the independent special counsel: (i) all
18 evidentiary materials gathered during the course of the investigation;
19 (ii) where applicable, the grand jury minutes, including the
20 instructions to the grand jury; (iii) where applicable, the grand jury
21 exhibits; and (iv) any records and any other evidence in the possession,
22 custody, and control of the district attorney, including but not limited
23 to police reports, photographs, scientific reports, audio and video
24 recordings, and physical evidence.

25 3. If the independent special counsel, after a review of all evidenti-
26 ary and grand jury materials as described in this section, determines
27 that there were: (a) substantial errors of such magnitude that there
28 exists a reasonable probability that an indictment would have resulted
29 but for these errors, and that the presumption of regularity afforded to
30 such proceedings can no longer apply; or (b) there exists newly discov-
31 ered evidence of such magnitude that there exists a reasonable probabil-
32 ity that had such evidence been presented to the grand jury, an indict-
33 ment would have resulted, then he or she shall refer the matter for
34 consideration of appointment of a special district attorney as provided
35 in section seven hundred-one-a of the county law.

36 4. The evidentiary and grand jury materials provided to the independ-
37 ent special counsel as described in this section shall remain confiden-
38 tial and shall not be subject to disclosure under article six of the
39 public officers law and, for purposes of this article, the release of
40 evidentiary materials and grand jury materials by the district attorney
41 to the independent special counsel shall be considered acting within the
42 scope of the lawful discharge of the district attorney's duties pursuant
43 to paragraph (a) of subdivision four of section 190.25 of the criminal
44 procedure law, and therefore not unlawful disclosure under section
45 215.70 of the penal law.

46 5. For purposes of this article and pursuant to subdivision four of
47 section 190.25 of the criminal procedure law, the grand jury materials
48 provided to the independent special counsel shall remain secret, except
49 that the independent special counsel is permitted to disclose the
50 evidentiary and grand jury materials to the governor, or his designee as
51 part of a recommendation made pursuant to subdivision three of this
52 section and such disclosure shall not be an unlawful grand jury disclo-
53 sure under section 215.70 of the penal law.

54 6. Except as otherwise provided in this section, the independent
55 special counsel, the governor, and members of the governor's staff may
56 not further disclose any of the grand jury materials as described in

1 this section with the exception of the grand jury instructions provided
2 to the grand jury, unless authorized by court order issued upon applica-
3 tion, pursuant to subdivision four of section 190.25 of the criminal
4 procedure law. For the limited and exclusive purpose of making such
5 application to disclose grand jury material, the independent special
6 counsel shall be deemed a "district attorney."

7 § 2. Subdivision 1 of section 190.85 of the criminal procedure law is
8 amended by adding a new paragraph (d) to read as follows:

9 (d) Stating its findings after investigation of an incident involving
10 the use of deadly physical force by a police officer as defined in
11 subdivision thirty-four of section 1.20 of the criminal procedure law or
12 a peace officer as defined in subdivision thirty-three of section 1.20
13 of the criminal procedure law, acting within his or her official powers,
14 duties, functions, or capacity, and where such deadly physical force
15 resulted in the death of an unarmed person. The report created pursuant
16 to this paragraph shall include, but not be limited to, the charges
17 presented, the legal instructions, and a summary of the evidence
18 presented, provided that all names and identifying information are
19 redacted from such report.

20 § 3. The criminal procedure law is amended by adding a new section
21 190.86 to read as follows:

22 § 190.86 District attorney letter.

23 1. After an investigation of an incident involving a police officer as
24 defined in subdivision thirty-four of section 1.20 of this chapter or a
25 peace officer as defined in subdivision thirty-three of section 1.20 of
26 this chapter, acting within his or her official powers, duties, func-
27 tions, or capacity concerning acts that include the use of deadly phys-
28 ical force against an unarmed person, and such encounter resulted in the
29 death of such unarmed person, and when a grand jury declines to return
30 an indictment on any charges against such police or peace officer
31 regarding such death, in lieu of the issuance of a grand jury report as
32 set forth in paragraph (d) of subdivision one of section 190.85 of this
33 article, the district attorney may issue a letter to the public, with a
34 copy to the governor, and to the commissioner, chief, or the equivalent
35 commanding officer of the department or agency employing the police or
36 peace officers involved. In such letter, the district attorney may
37 explain the facts of the case and may also make recommendations based
38 upon the results of the grand jury's investigation.

39 2. When the district attorney elects not to present such a matter as
40 described in subdivision one of this section to a grand jury, the
41 district attorney may issue a letter to the public, with a copy to the
42 governor, and to the commissioner, chief, or the equivalent commanding
43 officer of the department or agency employing the police or peace offi-
44 cers involved. In such letter, the district attorney may explain the
45 facts of the case, the reasoning for not presenting the case to a grand
46 jury, and may also make appropriate recommendations.

47 3. For purposes of this article, the release of such a letter by the
48 district attorney in lieu of a grand jury report shall be considered
49 acting within the district attorney's official duties and therefore not
50 unlawful disclosure under section 215.70 of the penal law.

51 § 4. Subdivision 4 of section 190.25 of the criminal procedure law is
52 amended by adding two new paragraphs (c) and (d) to read as follows:

53 (c) After presentation of evidence to a grand jury involving the use
54 of deadly physical force by a police officer as defined in subdivision
55 thirty-four of section 1.20 of the criminal procedure law or a peace
56 officer as defined in subdivision thirty-three of section 1.20 of the

1 criminal procedure law, acting within his or her official powers,
2 duties, functions, or capacity, and where such deadly physical force
3 resulted in the death of an unarmed person, and such grand jury declines
4 to return an indictment to any charges against such on-duty police or
5 peace officer with respect to such death, a district attorney is author-
6 ized to provide grand jury testimony, evidence, exhibits and the legal
7 instructions to the independent special counsel, as defined in section
8 six-a of the executive law, within sixty days of the completion of all
9 grand jury action in such matter, including the issuance of a grand jury
10 report pursuant to paragraph (d) of subdivision one of section 190.85 of
11 this article.

12 (d) The grand jury materials provided to the independent special coun-
13 sel, pursuant to paragraph (c) of this subdivision, shall remain secret,
14 pursuant to the provisions of this section, except that the independent
15 special counsel is permitted to disclose the grand jury materials to the
16 governor and the governor's staff as part of a recommendation made
17 pursuant to section six-a of the executive law and therefore, such
18 disclosure shall not be an unlawful grand jury disclosure under section
19 215.70 of the penal law. The independent special counsel, the governor,
20 and members of the governor's staff may not disclose any grand jury
21 material, except as authorized by court order issued upon application
22 pursuant to this section, with the exception of the legal instructions
23 provided to the grand jury which heard evidence, as provided in subdivi-
24 sion six of section six-a of the executive law. The legal instructions
25 may be made public provided that all names and identifying information
26 are redacted. For the limited and exclusive purpose of making such
27 application, the independent special counsel shall be deemed a "district
28 attorney." Grand jury material provided to the independent special coun-
29 sel shall remain confidential and shall not be subject to disclosure
30 under article six of the public officers law.

31 § 5. The county law is amended by adding a new section 701-a to read
32 as follows:

33 § 701-a. Special district attorney. Notwithstanding any other law to
34 the contrary, whenever credible allegations of the use of deadly phys-
35 ical force by a police officer as defined in subdivision thirty-four of
36 section 1.20 of the criminal procedure law or a peace officer as defined
37 in subdivision thirty-three of section 1.20 of the criminal procedure
38 law, acting within his or her official powers, duties, functions, or
39 capacity, and where such deadly physical force resulted in the death of
40 an unarmed person, are received by the governor, or his designee pursu-
41 ant to section six-a of the executive law, the governor shall have the
42 authority to appoint a special district attorney to investigate the
43 allegations and, where appropriate, prosecute the case. Such special
44 district attorney shall be an attorney at law residing within the state.

45 2. The special district attorney shall possess and exercise all the
46 powers and perform all the duties in respect of such actions or
47 proceedings, which the district attorney is authorized or required to
48 exercise or perform. The special district attorney shall be provided by
49 the district attorney and/or the special independent counsel as defined
50 in subdivision one of section six-a of the executive law, all evidenti-
51 ary materials as set forth in subdivision two of section six-a of the
52 executive law.

53 § 6. Section 230.20 of the criminal procedure law is amended by adding
54 a new subdivision 5 to read as follows:

55 5. Any party aggrieved by an order of the appellate division concern-
56 ing a motion made pursuant to subdivision two of this section may seek



1 leave to appeal from such order to the court of appeals, pursuant to
2 subdivision three of section 450.90 of this chapter.

3 § 7. Section 450.90 of the criminal procedure law is amended by adding
4 a new subdivision 3 to read as follows:

5 3. Provided that a certificate granting leave to appeal is issued
6 pursuant to section 460.20 of this title, an appeal may be taken to the
7 court of appeals by any party aggrieved by an order of the appellate
8 division concerning a motion made pursuant to subdivision two of section
9 230.20 of this chapter. Upon the request of either party, the hearing
10 and determination of an appeal granted pursuant to this subdivision
11 shall be conducted in an expeditious manner. The chief administrator of
12 the courts, with the advice and consent of the administrative board of
13 the courts, shall adopt rules for the expeditious briefing, hearing and
14 determination of such appeals.

15 § 8. Section 215.70 of the penal law, as amended by chapter 843 of the
16 laws of 1980, is amended to read as follows:

17 § 215.70 Unlawful grand jury disclosure.

18 A person is guilty of unlawful grand jury disclosure when, being a
19 grand juror, a public prosecutor, a grand jury stenographer, a grand
20 jury interpreter, a police officer or a peace officer guarding a witness
21 in a grand jury proceeding, or a clerk, attendant, warden or other
22 public servant having official duties in or about a grand jury room or
23 proceeding, or a public officer or public employee, or independent
24 special counsel, as defined in subdivision one of section six-a of the
25 executive law, or anyone to whom the independent special counsel
26 discloses grand jury material pursuant to paragraph (d) of subdivision
27 four of section 190.25 of the criminal procedure law, he or she inten-
28 tionally discloses to another the nature or substance of any grand jury
29 testimony, or any decision, result or other matter attending a grand
30 jury proceeding which is required by law to be kept secret, except in
31 the proper discharge of his or her official duties or upon written order
32 of the court. Nothing contained herein shall prohibit a witness from
33 disclosing his or her own testimony.

34 Unlawful grand jury disclosure is a class E felony.

35 § 9. Subdivision 4 of section 840 of the executive law is amended by
36 adding a new paragraph (c) to read as follows:

37 (c) As appropriate, review and update its model law enforcement use of
38 force policy suitable for adoption by any law enforcement agency
39 throughout the state. The most current version of such policy shall be
40 filed with the division of criminal justice services. The chief of
41 every local police department, each county sheriff, and the superinten-
42 dent of state police must implement a use of force policy. The use of
43 force policy shall provide comprehensive guidance to law enforcement
44 officers on the proper use of force, consistent with current law, as it
45 relates to the use of force while acting within his or her official
46 powers, duties or functions. The use of force policy should be consist-
47 ent with the model law enforcement policy as required by this section
48 except that a department shall not be limited from imposing further
49 restrictions or additional guidance on the proper use of force.

50 § 10. The executive law is amended by adding a new section 837-s to
51 read as follows:

52 § 837-s. Reporting duties of law enforcement departments with respect
53 to enforcement of certain violations and misdemeanors. 1. The chief of
54 every police department, each county sheriff, and the superintendent of
55 state police shall report, annually, to the division the total number of
56 arrests made or appearance tickets or summonses issued by a law enforce-



1 ment officer for offenses which do not require the taking of finger-
2 prints pursuant to subdivision one of section 160.10 of the criminal
3 procedure law. Such reports shall be in the form and manner prescribed
4 by the division and shall contain such information as the division deems
5 necessary including, but not limited to, the age, sex, race and ethnici-
6 ty of the person arrested or to whom an appearance ticket was issued.

7 2. The chief of every police department, each county sheriff, and the
8 superintendent of state police shall report to the division any arrest-
9 related death in the form and manner prescribed by the division. An
10 arrest-related death is a death which occurs during law enforcement
11 custody or an attempt to establish custody including, but not limited
12 to, deaths caused by any use of force.

13 § 11. Subdivision 3 of section 690.35 of the criminal procedure law is
14 amended by adding a new paragraph (f) to read as follows:

15 (f) A statement whether the application for the warrant had been
16 previously submitted to another judge, and if so, the statement must
17 include the name of the judge or judges to whom the application was
18 previously submitted, the result of such application or applications,
19 and when such application or applications were made.

20 § 12. Severability clause. If any clause, sentence, paragraph, subdi-
21 vision, section or part of this act shall be adjudged by any court of
22 competent jurisdiction to be invalid, such judgment shall not affect,
23 impair, or invalidate the remainder thereof, but shall be confined in
24 its operation to the clause, sentence, paragraph, subdivision, section
25 or part thereof directly involved in the controversy in which such judg-
26 ment shall have been rendered. It is hereby declared to be the intent of
27 the legislature that this act would have been enacted even if such
28 invalid provisions had not been included herein.

29 § 13. This act shall take effect on the thirtieth day after it shall
30 have become a law and shall apply only to acts that occurred on or after
31 such effective date, except that section one of this act shall remain in
32 effect until the expiration of the term of the fifty-sixth governor of
33 New York State and that section eleven of this act shall take effect on
34 the one hundred eightieth day after it shall have become a law.

35

PART B

36 Section 1. Section 2 of part H of chapter 503 of the laws of 2009,
37 relating to the disposition of monies recovered by county district
38 attorneys before the filing of an accusatory instrument, as amended by
39 section 25 of part B of chapter 55 of the laws of 2015, is amended to
40 read as follows:

41 § 2. This act shall take effect immediately and shall remain in full
42 force and effect until March 31, [2016] 2017, when it shall expire and
43 be deemed repealed.

44 § 2. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on and after March 31, 2016.

46

PART C

47 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
48 law, as amended by section 1 of part D of chapter 55 of the laws of
49 2014, is amended to read as follows:

50 (b) The sum of one million five hundred thousand dollars must be
51 deposited into the New York state emergency services revolving loan fund
52 annually; provided, however, that such sums shall not be deposited for



1 state fiscal years two thousand eleven--two thousand twelve, two thou-
 2 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
 3 fifteen [and], two thousand fifteen--two thousand sixteen, two thousand
 4 sixteen--two thousand seventeen and two thousand seventeen--two thousand
 5 eighteen;

6 § 2. This act shall take effect immediately.

7 PART D

8 Section 1. Notwithstanding any law to the contrary, the responsibil-
 9 ities, duties and functions, pursuant to subdivision 2 of section 70 of
 10 the civil service law, of the intelligence and analysis unit of the
 11 office of counterterrorism within the division of homeland security and
 12 emergency services shall be transferred to the division of state police.

13 § 2. Paragraphs (f) and (g) of subdivision 2 of section 709 of the
 14 executive law, as amended by section 14 of part B of chapter 56 of the
 15 laws of 2010, are amended to read as follows:

16 (f) coordinate state resources for the collection and analysis of
 17 information relating to [terrorist threats and terrorist activities and
 18 other] natural and man-made disasters throughout the state subject to
 19 any applicable laws, rules, or regulations;

20 (g) coordinate and facilitate information sharing among local, state,
 21 and federal [law enforcement] agencies to ensure appropriate intelli-
 22 gence to assist in the early identification of and response to [poten-
 23 tial terrorist activities and other] natural and man-made disasters,
 24 subject to any applicable laws, rules, or regulations governing the
 25 release, disclosure or sharing of any such information;

26 § 3. Section 709-a of the executive law, as added by section 15-a of
 27 part B of chapter 56 of the laws of 2010, is amended to read as follows:

28 § 709-a. Office of counterterrorism. The office of counterterrorism
 29 shall develop and analyze the state's policies, protocols and strategies
 30 relating to the prevention and detection of terrorist acts and terrorist
 31 threats. The office shall also be responsible for [the collection, anal-
 32 ysis and sharing of information relating to terrorist threats and
 33 terrorist activities throughout the state;] coordinating strategies,
 34 protocols and first responder equipment needs to detect a biological,
 35 chemical or radiological terrorist act or threat; working with private
 36 entities and local, state and federal agencies to conduct assessments of
 37 the vulnerability of critical infrastructure to terrorist attack; and
 38 consulting with appropriate state and local governments and private
 39 entities to facilitate and foster cooperation to better prepare the
 40 state to prevent and detect threats and acts of terrorism.

41 § 4. 1. Transfer of records. Upon the transfer of functions, pursuant
 42 to section 1 of this act, the division of homeland security and emergen-
 43 cy services shall deliver to the division of state police, all pertinent
 44 books, papers, records and property.

45 2. Existing rights and remedies preserved. No existing right or remedy
 46 of any character shall be lost, impaired or affected by reason of this
 47 act.

48 3. Pending actions and proceedings. No action or proceeding pending at
 49 the time when this act shall take effect, brought by or against the
 50 division of homeland security and emergency services relating to the
 51 function, power or duty transferred to or devolved upon the division of
 52 state police shall be affected by this act, but the same may be prose-
 53 cuted or defended in the name of the division of state police and upon

1 the application to the court, the division of state police shall be
2 substituted as a party.

3 4. Completion of unfinished business. Any business or other matter
4 undertaken or commenced by the division of homeland security and emer-
5 gency services pertaining to or connected with the functions, powers,
6 obligations and duties transferred and assigned to the division of state
7 police, pending on the effective date of this act, may be conducted and
8 completed by the division of state police in the same manner and under
9 the same terms and conditions and with the same effect as if conducted
10 and completed by the division of homeland security and emergency
11 services.

12 § 5. This act shall take effect immediately.

13

PART E

14 Section 1. Section 5 of chapter 268 of the laws of 1996, amending the
15 education law and the state finance law relating to providing a recruit-
16 ment incentive and retention program for certain active members of the
17 New York army national guard, New York air national guard, and New York
18 naval militia, as amended by section 24 of part A of chapter 57 of the
19 laws of 2011, is amended to read as follows:

20 § 5. This act shall take effect January 1, 1997 and shall expire and
21 be deemed repealed September 1, [2016] 2021; provided that any person
22 who has begun to receive the benefits of this act prior to its expira-
23 tion and repeal shall be entitled to continue to receive the benefits of
24 this act after its expiration and repeal until completion of a baccalau-
25 reate degree or cessation of status as an active member, whichever
26 occurs first.

27 § 2. This act shall take effect immediately.

28

PART F

29 Section 1. Subdivision 5 of section 362 of the chapter 83 of the laws
30 of 1995 amending the state finance law and other laws relating to bonds,
31 notes and revenues, as amended by section 37 of part L of chapter 55 of
32 the laws of 2012, is amended to read as follows:

33 5. Sections thirty-one through forty-two of this act shall take effect
34 on the thirtieth day after it shall have become a law and shall be
35 deemed to have been in full force and effect on and after April 1,
36 1995]; provided that section 163 of the state finance law, as added by
37 section thirty-three of this act shall remain in full force and effect
38 until June 30, 2016 at which time it shall expire and be deemed
39 repealed. Contracts executed prior to the expiration of such section 163
40 shall remain in full force and effect until the expiration of any such
41 contract notwithstanding the expiration of certain provisions of this
42 act].

43 § 2. Section 16 of chapter 1 of the laws of 2005, amending the state
44 finance law relating to restricting contacts in the procurement process
45 and the recording of contacts relating thereto, as amended by chapter 62
46 of the laws of 2014, is amended to read as follows:

47 § 16. This act shall take effect immediately; provided, however, that
48 sections one, six, eight, nine, ten, eleven and fifteen of this act
49 shall take effect January 1, 2006; and provided, however, the amendments
50 to paragraph f of subdivision 9 of section 163 of the state finance law
51 made by section fifteen of this act shall not affect the repeal of such
52 section and shall be deemed repealed therewith; provided, further, that



1 the amendments to article 1-A of the legislative law, made by this act,
 2 shall not affect the repeal of such article pursuant to chapter 2 of the
 3 laws of 1999, as amended, and shall be deemed repealed therewith;
 4 provided, further, that sections thirteen and fourteen of this act shall
 5 take effect January 1, 2006 [and shall be deemed repealed July 31,
 6 2016]; provided, further, that effective immediately, the advisory coun-
 7 cil on procurement lobbying created pursuant to section twelve of this
 8 act shall be constituted no later than sixty days following the effec-
 9 tive date of this act, provided that effective sixty days following the
 10 effective date of this act, the advisory council on procurement lobbying
 11 shall be authorized to establish model guidelines and to add, amend
 12 and/or repeal any rules or regulations necessary for the implementation
 13 of its duties under sections twelve and thirteen of this act, and the
 14 advisory council authorized to make and complete such model guidelines
 15 on or before the effective date of section thirteen of this act;
 16 provided, further, that procurement contracts for which bid solicita-
 17 tions have been issued prior to the effective date of this act shall be
 18 awarded pursuant to the provisions of law in effect at the time of issu-
 19 ance.

20 § 3. This act shall take effect immediately and shall be deemed to
 21 have been in full force and effect on and after April 1, 2016.

22

PART G

23 Section 1. Section 13-b of the workers' compensation law, as amended
 24 by chapter 1068 of the laws of 1960, the section heading and subdivi-
 25 sions 1 and 2 as amended by chapter 473 of the laws of 2000, and subdivi-
 26 sion 3 as amended by section 85 of part A of chapter 58 of the laws of
 27 2010, is amended to read as follows:

28 § 13-b. Authorization of [physicians] providers, medical bureaus and
 29 laboratories by the chair. 1. [Upon the recommendation of the medical
 30 society of the county in which the physician's office is located or of a
 31 board designated by such county society or of a board representing duly
 32 licensed physicians of any other school of medical practice in such
 33 county, the chair may authorize physicians licensed to practice medicine
 34 in the state of New York to render medical care under this chapter and
 35 to perform independent medical examinations in accordance with subdivi-
 36 sion four of section thirteen-a of this article. If, within sixty days
 37 after the chair requests such recommendations the medical society of
 38 such county or board fails to act, or if there is no such society in
 39 such county, the chair shall designate a board of three outstanding
 40 physicians, who shall make the requisite recommendations.

41 No such authorization shall be made in the absence of a recommendation
 42 of the appropriate society or board or of a review and recommendation by
 43 the medical appeals unit. No person shall render medical care or conduct
 44 independent medical examinations under this chapter without such author-
 45 ization by the chair, provided, that:] As used in this chapter, the
 46 following definitions shall have the following meanings unless their
 47 context requires otherwise:

48 (a) "Acupuncturist" shall mean licensed as having completed a formal
 49 course of study and having passed an examination in accordance with the
 50 education law, the regulations of the commissioner of education, and the
 51 requirements of the board of regents. Acupuncturists are required by the
 52 education law to advise, in writing, each patient of the requirement
 53 that he or she consult with a physician for the condition or conditions
 54 necessitating acupuncture care, as prescribed by such law.

1 (b) "Authorization agreement" shall mean an agreement between the
2 chair and the provider signed by the provider desirous of rendering
3 health care and/or treatment to a claimant or claimants injured in the
4 course of their employment and/or to conduct independent medical exam-
5 inations.

6 (c) "Chair" of the board shall mean either the chair or the chair's
7 designee.

8 (d) "Chiropractor" shall mean licensed and having completed two years
9 of preprofessional college study and a four-year resident program in
10 chiropractic in accordance with the education law, and consistent with
11 the licensing requirements of the commissioner of education.

12 (e) "Nurse practitioner" shall mean a licensed professional nurse
13 certified by a national certifying body as having completed the required
14 educational program in accordance with the education law and the regu-
15 lations of the commissioner of education.

16 (f) "Occupational therapist" shall mean duly licensed as having a
17 bachelor's or master's degree in occupational therapy from a registered
18 program with the education department or receipt of a diploma or degree
19 resulting from completion of not less than four years of postsecondary
20 study, which includes the professional study of occupational therapy in
21 accordance with the education law and the regulations of the commission-
22 er of education.

23 (g) "Physical therapist" shall mean licensed in physical therapy in
24 accordance with the education law and the licensing requirements of the
25 commissioner of education.

26 (h) "Physician" shall mean licensed with a degree of doctor of medi-
27 cine, M.D., or doctor of osteopathy, D.O., or an equivalent degree in
28 accordance with the education law and the licensing requirements of the
29 state board of medicine and the regulations of the commissioner of
30 education.

31 (i) "Physicians' assistant" shall mean a licensed provider who has
32 graduated from a two-to-four year state-approved physicians' assistant
33 program, has passed a licensing examination, and whose actions and
34 duties are within the scope of practice of the supervising physician, in
35 accordance with the education law and the regulations of the commission-
36 er of education.

37 (j) "Podiatrist" shall mean licensed as having received a doctoral
38 degree in podiatry in accordance with the regulations of the commission-
39 er of education and the education law, and must satisfactorily meet all
40 other requirements of the state board for podiatry.

41 (k) "Provider" shall mean a duly licensed acupuncturist, chiropractor,
42 independent medical examiner, nurse practitioner, physical therapist,
43 physician, physicians' assistant, podiatrist, psychologist, or social
44 worker subject to an authorization agreement.

45 (l) "Psychologist" shall mean licensed as having received a doctoral
46 degree in psychology from a program of psychology registered with the
47 department of education or the substantial equivalent thereof in accord-
48 ance with the education law, the requirements of the state board for
49 psychology, and the regulations of the commissioner of education.

50 (m) "Social worker" shall mean licensed clinical social worker. A
51 licensed clinical social worker has completed a master's of social work
52 that includes completion of a core curriculum of at least twelve credit
53 hours of clinical courses or the equivalent post-graduate clinical
54 coursework, in accordance with the education law and the commissioner of
55 education.



1 [(a)] 2. Any [physician] provider licensed [to practice medicine]
2 pursuant to the education law to provide health care and treatment in
3 the state of New York may render emergency [medical] care and treatment
4 in an emergency hospital or urgent care setting providing emergency
5 treatment under this chapter without authorization by the chair under
6 this section; [and]

7 [(b) A] (a) Such licensed [physician] provider as identified in the
8 opening paragraph of this subdivision who is [a member of a constituted
9 medical staff of any hospital] on staff at any hospital or urgent care
10 center providing emergency treatment may [render] continue such
11 [medical] health care under this chapter while an injured employee
12 remains a patient in such hospital or urgent care setting; and

13 [(c)] (b) Under the [active and personal] direct supervision of an
14 authorized [physician] provider, [medical] care may be rendered by a
15 registered nurse or other person trained in laboratory, therapeutic or
16 diagnostic techniques within the scope of such person's specialized
17 training and qualifications. This supervision shall be evidenced by
18 signed records of instructions for treatment or care and signed records
19 of the patient's condition and progress. Reports of such treatment or
20 care and supervision shall be made by such [physician] provider to the
21 chair on such forms and at such times as the chair may require.

22 [(d) Upon the referral which may be directive as to treatment of an
23 authorized physician physical therapy care may be rendered by a duly
24 licensed physical therapist. Where physical therapy care is rendered
25 records of the patient's condition and progress, together with records
26 of instruction for treatment, if any, shall be maintained by the phys-
27 ical therapist and physician. Said records shall be submitted to the
28 chair on such forms and at such times as the chair may require.

29 (e) Upon the prescription or referral of an authorized physician occu-
30 pational therapy care may be rendered by a duly licensed occupational
31 therapist. Where occupational therapy care is rendered records of the
32 patient's condition and progress, together with records of instruction
33 for treatment, if any shall be maintained by the occupational therapist
34 and physician. Said records shall be submitted to the chair on forms and
35 at such times as the chair may require.

36 (f)] (c) Where it would place an unreasonable burden upon the employer
37 or carrier to arrange for, or for the claimant to attend, an independent
38 medical examination by an authorized [physician] provider, the employer
39 or carrier shall arrange for such examination to be performed by a qual-
40 ified [physician] provider in a medical facility convenient to the
41 claimant.

42 (d) Upon the prescription or referral of an authorized physician, care
43 or treatment may be rendered to an injured employee by an authorized
44 physical therapist, occupational therapist or acupuncturist provided the
45 conditions and the treatment performed are among the conditions that the
46 physical therapist, occupational therapist or acupuncturist is author-
47 ized to care for or treat pursuant to the education law or the regu-
48 lations of the commissioner of education. Where any such care or treat-
49 ment is rendered, records of the patient's condition and progress,
50 together with records of instruction for treatment, if any, shall be
51 maintained by the provider overseeing treatment. Said records shall be
52 submitted to the chair on forms and at such times as the chair may
53 require.

54 (e) A record, report or opinion of a physical therapist, occupational
55 therapist, acupuncturist or physician's assistant shall not be consid-
56 ered as evidence of (1) the causal relationship of any condition to an



1 accident or occupational disease under this chapter or (2) disability or
2 the degree thereof, nor may any such provider perform an independent
3 medical examination concerning a claim under this chapter.

4 [2] 3. A [physician licensed to practice medicine in the state of New
5 York who is] provider properly licensed or certified pursuant to the
6 regulations of the commissioner of education and the requirements of the
7 education law desirous of being authorized to render [medical] health
8 care under this chapter and/or to conduct independent medical examina-
9 tions in accordance with paragraph (b) of subdivision four of section
10 thirteen-a and section one hundred thirty-seven of this chapter shall
11 [file an application for authorization under this chapter with the
12 medical society in the county in which his or her office is located, or
13 with a board designated by such society, or with a board designated by
14 the chair as provided in this section. In such application the applicant
15 shall state his or her training and qualifications, and shall agree to
16 limit his or her professional activities under this chapter to such
17 medical care and independent medical examinations, as his or her experi-
18 ence and training qualify him or her to render] sign an authorization
19 agreement. A provider authorized by the board prior to the effective
20 date of this subdivision may continue to treat or perform independent
21 medical examinations in accordance with his or her earlier authorization
22 pending execution of a new authorization agreement within twelve months
23 of the effective date of this section following notices to the provider.

24 [The applicant shall further agree to refrain] The provider agrees to
25 abide by the terms, conditions, and limitations outlined in the authori-
26 zation agreement, including, but not limited to refraining from subse-
27 quently treating for remuneration, as a private patient, any person
28 seeking medical treatment, or submitting to an independent medical exam-
29 ination, in connection with, or as a result of, any injury compensable
30 under this chapter, if he or she has been removed from the list of
31 [physicians] providers authorized to render [medical] health care or to
32 conduct independent medical examinations under this chapter, or if the
33 person seeking such treatment, or submitting to an independent medical
34 examination, has been transferred from his or her care in accordance
35 with the provisions of this chapter. This agreement shall run to the
36 benefit of the injured person so treated or examined, and shall be
37 available to him or her as a defense in any action by such [physician]
38 provider for payment for treatment or care rendered by a [physician]
39 provider after he or she has been removed from the list of [physicians]
40 providers authorized to render [medical] health care or to conduct inde-
41 pendent medical examinations under this chapter, or after the injured
42 person was transferred from his or her care in accordance with the
43 provisions of this chapter. [The medical society or the board designated
44 by it, or the board as otherwise provided under this section, if it
45 deems such licensed physician duly qualified, shall recommend to the
46 chair that such physician be authorized to render medical care and/or
47 conduct independent medical examinations under this chapter, and such
48 recommendation and authorization shall specify the character of the
49 medical care or independent medical examination which such physician is
50 qualified and authorized to render under this chapter. Such recommenda-
51 tions shall be advisory to the chair only and shall not be binding or
52 conclusive upon him or her. The licensed physician may present to the
53 medical society or board, evidences of additional qualifications at any
54 time subsequent to his or her original application. If the medical soci-
55 ety or board fails to recommend to the chair that a physician be author-
56 ized to render medical care and/or to conduct independent medical exam-



1 inations under this chapter, the physician may appeal to the medical
2 appeals unit. The medical society or the board designated by it, or the
3 board as otherwise provided under this section, may upon its own initi-
4 ative, or shall upon request of the chair, review at any time the quali-
5 fications of any physician as to the character of the medical care or
6 independent medical examinations which such physician has theretofore
7 been authorized to render under this chapter and may recommend to the
8 chair that such physician be authorized to render medical care or to
9 conduct independent medical examinations thereafter of the character
10 which such physician is then qualified to render. On such advisory
11 recommendation the chair may review and after reasonable investigation
12 may revise the authorization of a physician in respect to the character
13 of medical care and/or to conduct independent medical examinations which
14 he or she is authorized to render. If the medical society or board
15 recommends to the chair that a physician be authorized to render medical
16 care and/or to conduct independent medical examinations under this chap-
17 ter of a character different from the character of medical care or inde-
18 pendent medical examinations he or she has been theretofore authorized
19 to render, such physician may appeal from such recommendation to the
20 medical appeals unit.

21 3] 4. Laboratories and bureaus engaged in x-ray diagnosis or treat-
22 ment or in physiotherapy or other therapeutic procedures and which
23 participate in the diagnosis or treatment of injured [workmen] claimants
24 under this chapter shall be operated or supervised by [qualified physi-
25 cians duly authorized] qualified physicians duly authorized under this
26 chapter and shall be subject to the provisions of section thirteen-c of
27 this article. The person in charge of diagnostic clinical laboratories
28 [duly] authorized under this chapter shall possess the qualifications
29 established by the public health and health planning council for
30 approval by the state commissioner of health or, in the city of New
31 York, the qualifications approved by the board of health of said city
32 and shall maintain the standards of work required for such approval.

33 § 2. Section 13-d of the workers' compensation law, as amended by
34 chapter 459 of the laws of 1944, the section heading and subdivisions 1
35 and 2 as amended by chapter 473 of the laws of 2000, paragraphs (a) and
36 (b) of subdivision 2 as amended and subdivision 5 as added by chapter 6
37 of the laws of 2007 and subdivision 4 as amended by chapter 1068 of the
38 laws of 1960, is amended to read as follows:

39 § 13-d. Removal of [physicians] providers from lists of those author-
40 ized to render [medical] health care or to conduct independent medical
41 examinations. 1. [The medical society of the county in which the physi-
42 cian's office is located at the time or a board designated by such coun-
43 ty society or a board representing duly licensed physicians of any other
44 school of medical practice in such county shall investigate, hear and
45 make findings with respect to all charges as to professional or other
46 misconduct of any authorized physician as herein provided under rules
47 and procedure to be prescribed by the medical appeals unit, and shall
48 report evidence of such misconduct, with their findings and recommenda-
49 tion with respect thereto, to the chair. Failure to commence such inves-
50 tigation within sixty days from the date the charges are referred to the
51 society by the chair or submit findings and recommendations relating to
52 the charges within one hundred eighty days from the date the charges are
53 referred shall empower the chair to appoint, as a hearing officer, a
54 member of the board, employee, or other qualified hearing officer to
55 hear and report on the charges to the chair. A qualified hearing offi-



1 cer, who is neither a member of the board, or employee thereof shall be
2 paid at a reasonable per diem rate to be fixed by the chair.

3 Such investigation, hearing, findings, recommendation and report may
4 be made by the society or board of an adjoining county upon the request
5 of the medical society of the county in which the alleged misconduct or
6 infraction of this chapter occurred, subject to the time limit and
7 conditions set forth herein. The medical appeals unit shall review the
8 findings and recommendation of such medical society or board, or hearing
9 officer appointed by the chair upon application of the accused physician
10 and may reopen the matter and receive further evidence. The findings,
11 decision and recommendation of such society, board or hearing officer
12 appointed by the chair or medical appeals unit shall be advisory to the
13 chair only, and shall not be binding or conclusive upon him or her.

14 2.] The chair shall [remove from the list of physicians authorized to]
15 temporarily suspend, revoke, or otherwise limit the authorization of any
16 provider to render [medical] health care under this chapter, or to
17 conduct independent medical examinations in accordance with paragraph
18 (b) of subdivision four of section thirteen-a of this article, [the name
19 of any physician who he or she shall find] should he or she find, after
20 reasonable investigation [is disqualified because such physician:], that
21 such provider has failed to render competent, professional, or quality
22 health care and treatment under this chapter.

23 2. A provider's failure to provide the standard of care or his or her
24 breach of the duty to provide competent, professional, or quality health
25 care and treatment under this chapter can be found in the following acts
26 of misconduct:

27 (a) has [been guilty of] committed professional, medical, or other
28 misconduct or incompetency in connection with rendering medical services
29 under the law or has violated any of the specified grounds for unprofes-
30 sional conduct as more fully set forth in the education law, specif-
31 ically the rules of the board of regents, the office of professions, or
32 the regulations of the commissioner of education; or

33 (b) has exceeded the limits of his or her professional competence in
34 rendering medical care or in conducting independent medical examinations
35 under the law[,] or has made materially false statements [regarding his
36 or her qualifications in his or her application for the recommendation
37 of the medical society or board as provided in section thirteen-b of
38 this article] in connection with the authorization agreement; or

39 (c) has failed to transmit copies of medical reports to claimant's
40 attorney or licensed representative as provided in subdivision (f) of
41 section thirteen of this article; or has failed to submit full and
42 truthful medical reports of all his or her findings to the employer, and
43 directly to the chair or the board within the time limits provided in
44 subdivision four of section thirteen-a of this article with the excep-
45 tion of injuries which do not require (1) more than ordinary first aid
46 or more than two treatments by a physician or person rendering first
47 aid, or (2) loss of time from regular duties of one day beyond the work-
48 ing day or shift; or

49 (d) knowingly made a false statement or representation as to a materi-
50 al fact in any medical report made pursuant to this chapter or in testi-
51 fying or otherwise providing information for the purposes of this chap-
52 ter; or

53 (e) has solicited, or has employed another to solicit for himself or
54 herself or for another, professional treatment, examination or care of
55 an injured employee in connection with any claim under this chapter; or



1 (f) has refused to appear before, to testify, to submit to a deposi-
2 tion, or to answer upon request of, the chair, board, [medical appeals
3 unit] or any duly authorized officer of the state, any legal question,
4 or to produce any relevant book [or], paper, or response concerning his
5 or her conduct under any authorization [granted to him or her under this
6 chapter] or authorization agreement; or

7 (g) has directly or indirectly [requested, received or participated in
8 the division, transference, assignment, rebating, splitting or refunding
9 of a fee for, or has directly or indirectly requested, received or prof-
10 ited by means of a credit or other valuable consideration as a commis-
11 sion, discount or gratuity in connection with the furnishing of medical
12 or surgical care, an independent medical examination, diagnosis or
13 treatment or service, including X-ray examination and treatment, or for
14 or in connection with the sale, rental, supplying or furnishing of clin-
15 ical laboratory services or supplies, X-ray laboratory services or
16 supplies, inhalation therapy service or equipment, ambulance service,
17 hospital or medical supplies, physiotherapy or other therapeutic service
18 or equipment, artificial limbs, teeth or eyes, orthopedic or surgical
19 appliances or supplies, optical appliances, supplies or equipment,
20 devices for aid of hearing, drugs, medication or medical supplies, or
21 any other goods, services or supplies prescribed for medical diagnosis,
22 care or treatment, under this chapter; except that reasonable payment,
23 not exceeding the technical component fee permitted in the medical fee
24 schedule, established under this chapter for X-ray examinations, diagno-
25 sis or treatment, may be made by a physician duly authorized as a roent-
26 genologist to any hospital furnishing facilities and equipment for such
27 examination, diagnosis or treatment, provided such hospital does not
28 also submit a charge for the same services. Nothing contained in this
29 paragraph shall prohibit such physicians who practice as partners, in
30 groups or as a professional corporation or as a university faculty prac-
31 tice corporation from pooling fees and moneys received, either by the
32 partnership, professional corporation, university faculty practice
33 corporation or group by the individual members thereof, for professional
34 services furnished by any individual professional member, or employee of
35 such partnership, corporation or group, nor shall the professionals
36 constituting the partnerships, corporations, or groups be prohibited
37 from sharing, dividing or apportioning the fees and moneys received by
38 them or by the partnership, corporation or group in accordance with a
39 partnership or other agreement], while temporarily suspended, benefited
40 from the splitting or pooling of fees by managing or directing a medical
41 practice employing or hiring other authorized providers to render treat-
42 ment under this chapter, supervised care and treatment under this chap-
43 ter, or submitted for reimbursement board forms for services rendered
44 under this chapter; or

45 (h) has violated any of the provisions outlined in section thirteen of
46 this article, the rules, policies, and regulations promulgated by the
47 board, the provider's medical license requirements, as more fully set
48 forth in the public health law and the education law, or serious or
49 recurring violation of the requirements set forth in the authorization
50 agreement; or

51 (i) has been subject to a condition, limitation, or finding by the
52 department of health in a report, determination, or any type of order
53 resulting from allegations of misconduct.

54 3. [Any person who violates or attempts to violate, and any person who
55 aids another to violate or attempts to induce him to violate the
56 provisions of paragraph (g) of subdivision two of this section shall be



1 guilty of a misdemeanor] Once suspended, revoked, or limited, a surgeon
 2 may provide only required and necessary post-surgical care and treatment
 3 to a workers' compensation patient recovering from a surgical procedure
 4 performed within a reasonable time frame prior to the effective date of
 5 the provider's authorization suspension or revocation.

6 4. [Nothing] In addition to the power or duty of the chair to tempo-
 7 rarily suspend, revoke, or otherwise limit the authorization of a
 8 provider in the event that one of the acts of professional, medical, or
 9 other misconduct is found to exist, nothing in this section shall be
 10 construed as limiting in any respect the [power or duty of the chairman]
 11 chair's authority to [investigate instances of misconduct, either before
 12 or after investigation by a medical society or board as herein provided,
 13 or to temporarily suspend the authorization of any physician that he may
 14 believe to be guilty of such misconduct] impose a fine not to exceed
 15 five thousand dollars.

16 [5. Whenever the department of health shall conduct an investigation
 17 with respect to charges of professional or other misconduct by a physi-
 18 cian which results in a report, determination or consent order that
 19 includes a finding of professional or other misconduct or incompetency
 20 by such physician, the chair shall have full power and authority to
 21 temporarily suspend, revoke or otherwise limit the authorization under
 22 this chapter of any physician upon such finding by the department of
 23 health that the physician has been guilty of professional or other
 24 misconduct. The recommendations of the department of health shall be
 25 advisory to the chair only and shall not be binding or conclusive upon
 26 the chair.]

27 § 3. Subdivision 2 of section 13-k of the workers' compensation law,
 28 as amended by chapter 473 of the laws of 2000, is amended to read as
 29 follows:

30 2. An employee injured under circumstances which make such injury
 31 compensable under this article, when care is required for an injury to
 32 the foot which injury or resultant condition therefrom may lawfully be
 33 treated by a duly registered and licensed podiatrist of the state of New
 34 York, may select to treat him or her any podiatrist authorized by the
 35 chair to render podiatry care, as hereinafter provided. If the injury or
 36 condition is one which is without the limits prescribed by the education
 37 law for podiatry care and treatment, or the injuries involved affect
 38 other parts of the body in addition to the foot, the said podiatrist
 39 must so advise the said injured employee and instruct him or her to
 40 consult a physician of said employee's choice for appropriate care and
 41 treatment. Such physician shall thenceforth have overall supervision of
 42 the treatment of said patient including the future treatment to be
 43 administered to the patient by the podiatrist. If for any reason during
 44 the period when podiatry treatment and care is required, the employee
 45 wishes to transfer his or her treatment and care to another authorized
 46 podiatrist he or she may do so, in accordance with rules prescribed by
 47 the chair, provided however that the employer shall be liable for the
 48 proper fees of the original podiatrist for the care and treatment he or
 49 she shall have rendered. [A podiatrist licensed and registered to prac-
 50 tice podiatry in the state of New York who is desirous of being author-
 51 ized to render podiatry care under this section and/or to conduct inde-
 52 pendent medical examinations in accordance with paragraph (b) of
 53 subdivision three of this section shall file an application for authori-
 54 zation under this section with the podiatry practice committee. In such
 55 application he or she shall agree to refrain from subsequently treating
 56 for remuneration, as a private patient, any person seeking podiatry

1 treatment, or submitting to an independent medical examination, in
2 connection with, or as a result of, any injury compensable under this
3 chapter, if he or she has been removed from the list of podiatrists
4 authorized to render podiatry care or to conduct independent medical
5 examinations under this chapter, or if the person seeking such treatment
6 has been transferred from his or her care in accordance with the
7 provisions of this section. This agreement shall run to the benefit of
8 the injured person so treated or examined, and shall be available to him
9 or her as a defense in any action by such podiatrist for payment for
10 treatment rendered by a podiatrist after he or she has been removed from
11 the list of podiatrists authorized to render podiatry care or to conduct
12 independent medical examinations under this section, or after the
13 injured person was transferred from his or her care in accordance with
14 the provisions of this section. The podiatry practice committee if it
15 deems such licensed podiatrist duly qualified shall recommend to the
16 chair that such podiatrist be authorized to render podiatry care and/or
17 to conduct independent medical examinations under this section. Such
18 recommendation shall be advisory to the chair only and shall not be
19 binding or conclusive upon him or her.] The chair shall prepare and
20 establish a schedule for the state, or schedules limited to defined
21 localities, of charges and fees for podiatry treatment and care, to be
22 determined in accordance with and to be subject to change pursuant to
23 rules promulgated by the chair. Before preparing such schedule for the
24 state or schedules for limited localities the chair shall request the
25 podiatry practice committee to submit to him or her a report on the
26 amount of remuneration deemed by such committee to be fair and adequate
27 for the types of podiatry care to be rendered under this chapter, but
28 consideration shall be given to the view of other interested parties.
29 The amounts payable by the employer for such treatment and services
30 shall be the fees and charges established by such schedule.

31 Section 4. Section 13-g of the workers' compensation law is amended to
32 read as follows:

33 § 13-g. Payment of bills for medical care. (1) Within forty-five days
34 after a bill for medical care or supplies delivered pursuant to section
35 thirteen of this chapter has been rendered to the employer [by the
36 hospital, physician or self-employed physical or occupational therapist
37 who has rendered treatment pursuant to a referral from the injured
38 employee's authorized physician or authorized podiatrist for treatment
39 to the injured employee,] such employer must pay the bill or notify the
40 medical care provider or supplier in the format prescribed by the chair
41 [hospital, physician or self-employed physical or occupational therapist
42 in writing] that the bill is not being paid and explain the reasons for
43 non-payment. In the event that the employer fails to make payment or
44 notify the hospital, physician or self-employed physical or occupational
45 therapist within such forty-five day period that payment is not being
46 made, the medical provider or supplier [the hospital, physician, self-
47 employed physical therapist or self-employed occupational therapist] may
48 notify the [chair] board in the format prescribed by the chair [in writ-
49 ing] that the bill has not been paid and request that the board make an
50 award for payment of such bill. The board or the chair may make an award
51 not in excess of the established fee schedules for any such bill or part
52 thereof which remains unpaid after said forty-five day period or thirty
53 days after all other questions duly and timely raised in accordance with
54 the provisions of this chapter, relating to the employer's liability for
55 the payment of such amount, shall have been finally determined adversely
56 to the employer, whichever is later, in accordance with rules promulgat-



1 ed by the chair, and such award may be collected in like manner as an
2 award of compensation. The chair shall assess the sum of fifty dollars
3 against the employer for each such award made by the board, which sum
4 shall be paid into the state treasury.

5 In the event that the employer has provided an explanation in writing
6 why the bill has not been paid, in part or in full, within the aforesaid
7 time period, and the parties can not agree as to the value of medical
8 aid rendered under this chapter, such value shall be decided by arbi-
9 tration [if requested by the hospital, physician or self-employed phys-
10 ical or occupational therapist, in accordance with the provisions of
11 subdivision two or subdivision three of this section, as appropriate,
12 and] as set forth in rules and regulations promulgated by the chair.

13 Where a [physician, physical or occupational therapist] bill for
14 medical care or supplies has been determined to be due and owing in
15 accordance with the provisions of this section the board shall include
16 in the amount of the award interest of not more than one and one-half
17 per cent (1 1/2%) per month payable to the [physician, physical or occu-
18 pational therapist,] medical care provider or supplier in accordance
19 with the rules and regulations promulgated by the board. Interest shall
20 be calculated from the forty-fifth day after the bill was rendered or
21 from the thirtieth day after all other questions duly and timely raised
22 in accordance with the provisions of this chapter, relating to the
23 employer's liability for the payment of such amount, shall have been
24 finally determined adversely to the employer, whichever is later, in
25 accordance with rules promulgated by the chair.

26 (2) (a) If the parties fail to agree to the value of medical aid
27 rendered under this chapter and the amount of the disputed bill is one
28 thousand dollars or less, or if the amount of the disputed medical bill
29 exceeds one thousand dollars and the [health] medical care provider or
30 supplier expressly so requests, such value shall be decided by a single
31 arbitrator process, pursuant to rules promulgated by the chair. [The
32 chair shall appoint a physician who is a member in good standing of the
33 medical society of the state of New York to determine the value of such
34 disputed medical bill. Where the physician whose charges are being
35 arbitrated is a member in good standing of the New York osteopathic
36 society, the value of such disputed bill shall be determined by a member
37 in good standing of the New York osteopathic society appointed by the
38 chair. Where the physician whose charges are being arbitrated is a
39 member in good standing of the New York homeopathic society, the value
40 of such disputed bill shall be determined by a member in good standing
41 of the New York homeopathic society appointed by the chair. Where the
42 value of physical therapy services or occupational therapy services is
43 at issue, such value shall be determined by a member in good standing of
44 a recognized professional association representing its respective
45 profession in the state of New York appointed by the chair.] Decisions
46 rendered under the single arbitrator process shall be conclusive upon
47 the parties as to the value of the services in dispute.

48 (b) If the parties fail to agree as to the value of medical aid
49 rendered under this chapter and the amount of the disputed bill exceeds
50 one thousand dollars, such value shall be decided by an arbitration
51 committee unless the health care provider expressly requests a single
52 arbitrator process in accordance with paragraph (a) of this subdivision.
53 [The arbitration committee shall consist of one physician designated by
54 the president of the medical society of the county in which the medical
55 services were rendered, one physician who is a member of the medical
56 society of the state of New York, appointed by the employer or carrier,



1 and one physician, also a member of the medical society of the state of
2 New York, appointed by the chair of the workers' compensation board. If
3 the physician whose charges are being arbitrated is a member in good
4 standing of the New York osteopathic society or the New York homeopathic
5 society, the members of such arbitration committee shall be physicians
6 of such organization, one to be appointed by the president of that
7 organization, one by the employer or carrier and the third by the chair
8 of the workers' compensation board. Where the value of physical therapy
9 services is at issue and the amount of the disputed bill exceeds one
10 thousand dollars, the arbitration committee shall consist of a member in
11 good standing of a recognized professional association representing
12 physical therapists in the state of New York appointed by the president
13 of such organization, a physician designated by the employer or carrier
14 and a physician designated by the chair of the workers' compensation
15 board provided however, that the chair finds that there are a sufficient
16 number of physical therapy arbitrations in a geographical area comprised
17 of one or more counties to warrant a committee so comprised. In all
18 other cases where the value of physical therapy services is at issue and
19 the amount of the disputed bill exceeds one thousand dollars, the arbi-
20 tration committee shall be similarly selected and identical in composi-
21 tion, provided that the physical therapist member shall serve without
22 remuneration, and provided further that in the event a physical thera-
23 pist is not available, the committee shall be comprised of three physi-
24 cians designated in the same manner as in cases where the value of
25 medical aid is at issue.

26 (c) Where the value of occupational therapy services is at issue the
27 arbitration committee shall consist of a member in good standing of a
28 recognized professional association representing occupational therapists
29 in the state of New York appointed by the president of such organiza-
30 tion; a physician designated by the employer or carrier and a physician
31 designated by the chair of the workers' compensation board provided,
32 however, that the chair finds that there are a sufficient number of
33 occupational therapy arbitrations in a geographical area comprised of
34 one or more counties to warrant a committee so comprised. In all other
35 cases where the value of occupational therapy services is at issue and
36 the amount of the disputed bill exceeds one thousand dollars, the arbi-
37 tration committee shall be similarly selected and identical in composi-
38 tion, provided that the occupational therapist member shall serve with-
39 out remuneration, and provided further that in the event an occupational
40 therapist is not available, the committee shall be comprised of three
41 physicians designated in the same manner as in cases where the value of
42 medical aid is at issue.] The arbitration committee shall have three
43 members designated by the chair in consultation with the medical direc-
44 tor's office of the workers' compensation board. The majority decision
45 of any such arbitration committee shall be conclusive upon the parties
46 as to the value of the services in dispute.

47 (3) [(a) If an employer shall have notified the hospital in writing,
48 as provided in subdivision one of this section, why the bill has not
49 been paid, in part or in full, and the amount of the disputed bill is
50 one thousand dollars or less, or where the amount of the disputed
51 medical bill exceeds one thousand dollars and the hospital expressly so
52 requests, such value shall be decided by a single arbitrator process,
53 pursuant to rules promulgated by the chair. The chair shall appoint a
54 physician in good standing licensed to practice in New York state to
55 determine the value of such disputed bill. Decisions rendered under the



1 administrative resolution procedure shall be conclusive upon the parties
2 as to the value of the services in dispute.

3 (b) If an employer shall have notified the hospital in writing, as
4 provided in subdivision one of this section, why the bill has not been
5 paid, in part or in full, and the amount of the disputed bill exceeds
6 one thousand dollars, the value of such bill shall be determined by an
7 arbitration committee appointed by the chair for that purpose, which
8 committee shall consider all of the charges of the hospital, unless the
9 hospital expressly requests a single arbitrator process pursuant to
10 paragraph (a) of this subdivision. The committee shall consist of three
11 physicians. One member of the committee may be nominated by the chair
12 upon recommendation of the president of the hospital association of New
13 York state and one member may be nominated by the employer or insurance
14 carrier. The majority decision of any such committee shall be conclusive
15 upon the parties as to the value of the services rendered. The chair may
16 make reasonable rules and regulations consistent with the provisions of
17 this section.

18 (4)] A provider initiating an arbitration, including a single arbitra-
19 tor process, pursuant to this section shall not pay a fee to cover the
20 costs related to the conduct of such arbitration. Each member of an
21 arbitration committee for medical bills, and each member of an arbi-
22 tration committee for hospital bills shall be entitled to receive and
23 shall be paid a fee for each day's attendance at an arbitration session
24 in any one count in an amount fixed by the chair of the workers' compen-
25 sation board.

26 [(5)](4) In claims where the employer has failed to secure compen-
27 sation to his employees as required by section fifty of this chapter,
28 the board may make an award to a medical care provider or supplier for
29 the value of medical [and podiatry] services or supplies, or treatment
30 rendered to such employees, in accordance with the schedules of fees and
31 charges prepared and established under the provisions of [section thir-
32 teen, subdivision a, and section thirteen-k, subdivision two, of] this
33 chapter[, and for the reasonable value of hospital care in accordance
34 with the charges currently in force in hospitals in the same community
35 for cases coming within the provisions of this chapter]. Such award
36 shall be made to the [physician, podiatrist, or hospital] medical care
37 provider or supplier entitled thereto. A default in the payment of such
38 award may be enforced in the manner provided for the enforcement of
39 compensation awards as set forth in section twenty-six of this chapter.

40 In all cases coming under this subdivision the payment of the claim of
41 the physician, podiatrist, or hospital for medical, podiatry, or surgi-
42 cal services or treatment shall be subordinate to that of the claimant
43 or his beneficiaries.

44 [(6)](5) Notwithstanding any inconsistent provision of law, arbi-
45 tration regarding payments for inpatient hospital services for any
46 patient discharged on or after January first, nineteen hundred ninety-
47 one and prior to December thirty-first, nineteen hundred ninety-six
48 shall be resolved in accordance with paragraph (d) of subdivision three
49 of section twenty-eight hundred seven-c of the public health law.

50 § 5. Subdivision 2 of section 13-1 of the workers' compensation law,
51 as amended by chapter 473 of the laws of 2000, is amended to read as
52 follows:

53 2. An employee injured under circumstances which make such injury
54 compensable under this article, when care is required for an injury
55 which consists solely of a condition which may lawfully be treated by a
56 chiropractor as defined in section sixty-five hundred fifty-one of the

1 education law may select to treat him or her, any duly registered and
2 licensed chiropractor of the state of New York, authorized by the chair
3 to render chiropractic care as hereinafter provided. If the injury or
4 condition is one which is outside the limits prescribed by the education
5 law for chiropractic care and treatment, the said chiropractor must so
6 advise the said injured employee and instruct him or her to consult a
7 physician of said employee's choice for appropriate care and treatment.
8 Such physician shall thenceforth have supervision of the treatment of
9 said condition including the future treatment to be administered to the
10 patient by the chiropractor. [A chiropractor licensed and registered to
11 practice chiropractic in the state of New York, who is desirous of being
12 authorized to render chiropractic care under this section and/or to
13 conduct independent medical examinations in accordance with paragraph
14 (b) of subdivision three of this section shall file an application for
15 authorization under this section with the chiropractic practice commit-
16 tee. In such application he or she shall agree to refrain from subse-
17 quently treating for remuneration, as a private patient, any person
18 seeking chiropractic treatment, or submitting to an independent medical
19 examination, in connection with, or as a result of, any injury compensa-
20 ble under this chapter, if he or she has been removed from the list of
21 chiropractors authorized to render chiropractic care or to conduct inde-
22 pendent medical examinations under this chapter, or if the person seek-
23 ing such treatment has been transferred from his or her care in accord-
24 ance with the provisions of this section. This agreement shall run to
25 the benefit of the injured person so treated, or examined, and shall be
26 available to him or her as a defense in any action by such chiropractor
27 for payment rendered by a chiropractor after he or she has been removed
28 from the list of chiropractors authorized to render chiropractic care or
29 to conduct independent medical examinations under this section, or after
30 the injured person was transferred from his or her care in accordance
31 with the provisions of this section. The chiropractic practice committee
32 if it deems such licensed chiropractor duly qualified shall recommend to
33 the chair that such be authorized to render chiropractic care and/or to
34 conduct independent medical examinations under this section. Such recom-
35 mendations shall be advisory to the chair only and shall not be binding
36 or conclusive upon him or her.] The chair shall prepare and establish a
37 schedule for the state, or schedules limited to defined localities of
38 charges and fees for chiropractic treatment and care, to be determined
39 in accordance with and to be subject to change pursuant to rules promul-
40 gated by the chair. Before preparing such schedule for the state or
41 schedules for limited localities the chair shall request the chiroprac-
42 tic practice committee to submit to him or her a report on the amount of
43 remuneration deemed by such committee to be fair and adequate for the
44 types of chiropractic care to be rendered under this chapter, but
45 consideration shall be given to the view of other interested parties,
46 the amounts payable by the employer for such treatment and services
47 shall be the fees and charges established by such schedule.

48 § 6. Subdivisions 2 and 3 and paragraph (b) of subdivision 4 of
49 section 13-m of the workers' compensation law, subdivision 2 as added by
50 chapter 589 of the laws of 1989 and subdivision 3 and paragraph (b) of
51 subdivision 4 as amended by chapter 473 of the laws of 2000, are amended
52 to read as follows:

53 2. (a) An injured employee, injured under circumstances which make
54 such injury compensable under this article, may lawfully be treated[,
55 upon the referral of an authorized physician,] by a psychologist, duly
56 registered and licensed by the state of New York, authorized by the



1 chairman to render psychological care pursuant to [this] section thir-
2 teen-b of this article. Such services shall be within the scope of such
3 psychologist's specialized training and qualifications as defined in
4 article one hundred fifty-three of the education law.

5 (b) Medical bureaus, medical centers jointly operated by labor and
6 management representatives, hospitals and health maintenance organiza-
7 tions, authorized to provide medical care pursuant to section thirteen-c
8 of this chapter, may provide psychological services when required[, upon
9 the referral of an authorized physician, provided such care is rendered
10 by a duly registered, licensed and authorized psychologist, as required
11 by this section].

12 (c) A psychologist rendering service pursuant to this section shall
13 maintain records of the patient's psychological condition and treatment,
14 and such records or reports shall be submitted to the chairman on such
15 forms and at such times as the chairman may require.

16 3. [A psychologist, licensed and registered to practice psychology in
17 the state of New York, who is desirous of being authorized to render
18 psychological care under this section and/or to conduct independent
19 medical examinations in accordance with paragraph (b) of subdivision
20 four of this section shall file an application for authorization under
21 this section with the psychology practice committee. The applicant shall
22 agree to refrain from subsequently treating for remuneration, as a
23 private patient, any person seeking psychological treatment, or submit-
24 ting to an independent medical examination, in connection with, or as a
25 result of, any injury compensable under this chapter, if he or she has
26 been removed from the list of psychologists authorized to render psycho-
27 logical care under this chapter. This agreement shall run to the benefit
28 of the injured person so treated, and shall be available as a defense in
29 any action by such psychologist for payment for treatment rendered by
30 such psychologist after being removed from the list of psychologists
31 authorized to render psychological care or to conduct independent
32 medical examinations under this section. The psychology practice commit-
33 tee if it deems such licensed psychologist duly qualified shall recom-
34 mend to the chair that such person be authorized to render psychological
35 care and/or to conduct independent medical examinations under this
36 section. Such recommendations shall be only advisory to the chair and
37 shall not be binding or conclusive.] The chair shall prepare and estab-
38 lish a schedule for the state or schedules limited to defined localities
39 of charges and fees for psychological treatment and care, to be deter-
40 mined in accordance with and be subject to change pursuant to rules
41 promulgated by the chair. Before preparing such schedule for the state
42 or schedules for limited localities the chair shall request the psychol-
43 ogy practice committee to submit to such chair a report on the amount of
44 remuneration deemed by such committee to be fair and adequate for the
45 types of psychological care to be rendered under this chapter, but
46 consideration shall be given to the view of other interested parties.
47 The amounts payable by the employer for such treatment and services
48 shall be the fees and charges established by such schedule.

49 (b) Upon receipt of the notice provided for by paragraph (a) of this
50 subdivision, the employer, the carrier, and the claimant each shall be
51 entitled to have the claimant examined by a qualified psychologist,
52 authorized by the chair in accordance with [subdivision three of this]
53 section thirteen-b of this article and section one hundred thirty-seven
54 of this chapter, at a medical facility convenient to the claimant and in
55 the presence of the claimant's psychologist, and refusal by the claimant
56 to submit to such independent medical examination at such time or times



1 as may reasonably be necessary in the opinion of the board shall bar the
2 claimant from recovering compensation, for any period during which he or
3 she has refused to submit to such examination.

4 § 7. Section 14 of the workers' compensation law, as amended by chap-
5 ter 925 of the laws of 1937, subdivisions 1 and 2 as amended by chapter
6 94 of the laws of 1946, subdivision 3 as amended by chapter 277 of the
7 laws of 1941, subdivision 5 as amended by chapter 730 of the laws of
8 1978, subdivision 6 as amended by chapter 6 of the laws of 2007 and
9 subdivision 7 as amended by chapter 169 of the laws of 2007, is amended
10 to read as follows:

11 § 14. Weekly wages basis of compensation. Except as otherwise provided
12 in this chapter, the average weekly wages of the injured employee at the
13 time of the injury shall be taken as the basis upon which to compute
14 compensation or death benefits, and shall be determined as follows:

15 1. [If the injured employee shall have worked in the employment in
16 which he was working at the time of the accident, whether for the same
17 employer or not, during substantially the whole of the year immediately
18 preceding his injury, his average annual earnings shall consist of three
19 hundred times the average daily wage or salary for a six-day worker, and
20 two hundred sixty times the average daily wage or salary for a five-day
21 worker, which he shall have earned in such employment during the days
22 when so employed;

23 2. If the injured employee shall not have worked in such employment
24 during substantially the whole of such year, his average annual earn-
25 ings, if a six-day worker, shall consist of three hundred times the
26 average daily wage or salary, and, if a five-day worker, two hundred and
27 sixty times the average daily wage or salary, which an employee of the
28 same class working substantially the whole of such immediately preceding
29 year in the same or in a similar employment in the same or a neighboring
30 place shall have earned in such employment during the days when so
31 employed;

32 3. If either of the foregoing methods of arriving at the annual aver-
33 age earnings of an injured employee cannot reasonably and fairly be
34 applied, such annual average earnings shall be such sum as, having
35 regard to the previous earnings of the injured employee and of other
36 employees of the same or most similar class, working in the same or most
37 similar employment, or other employment as defined in this chapter, in
38 the same or neighboring locality, shall reasonably represent the annual
39 earning capacity of the injured employee in the employment in which he
40 was working at the time of the accident, provided, however, his average
41 annual earnings shall consist of not less than two hundred times the
42 average daily wage or salary which he shall have earned in such employ-
43 ment during the days when so employed, further provided, however, that
44 if the injured employee shall have been in the military or naval service
45 of the United States or of the state of New York within twelve months
46 prior to his injury, and his average annual earnings cannot be fairly
47 determined under subdivisions one and two, then the average annual earn-
48 ings shall be determined by multiplying his average daily wage during
49 the days so employed by not less than two hundred and forty;

50 4. The average weekly wages of an employee shall be one-fifty-second
51 part of his average annual earnings;] The average weekly wage shall be
52 determined by computing the total wages paid to the employee during the
53 thirteen weeks immediately preceding the date of injury and dividing by
54 thirteen, provided that:

55 a. If the employee worked less than thirteen weeks in the employment
56 in which the employee was injured, the average weekly wage shall be



1 based upon the total wage earned by the employee in the employment in
2 which the employee was injured, divided by the total number of weeks
3 actually worked in that employment;

4 b. If the injured employee sustains a compensable injury before
5 completing his or her first work week, or if the injured employee is a
6 seasonal employee, or if the earnings are at an irregular rate, such as
7 piecework, or on a commission basis, or are specified to be bi-weekly,
8 monthly, or other period, then the average weekly wage shall be taken as
9 the actual weekly earnings averaged for this period of time, not exceed-
10 ing one year;

11 c. If there is insufficient evidence available to determine the earn-
12 ings of the employee under the foregoing methods, or if the pay has not
13 been designated for the work required, the average weekly wage shall be
14 based upon the previous earnings of the injured employee and of other
15 employees of the same or most similar class, working in the same or most
16 similar employment, or other employment as defined in this chapter, in
17 the same or neighboring locality, that shall reasonably represent the
18 annual earning capacity of the injured employee in the employment in
19 which he or she was working at the time of the accident for a period of
20 thirteen weeks prior to the injury or, if that method does not consti-
21 tute sufficient evidence of the average weekly wage, earnings data for a
22 period not exceeding one year prior to the injury;

23 d. Provided, further, however, that only in the event that there is
24 insufficient evidence ascertained under the foregoing methods of comput-
25 ing the average weekly wage of the employee by reason of the nature of
26 the employment or where for any other reason the methods will not fairly
27 and accurately compute the average weekly wage, computation of the aver-
28 age weekly wage may be determined by such other manner and by such other
29 method as will be based upon the facts presented to fairly determine
30 such employee's average weekly wage;

31 e. If a claim is established as an occupational disease, the average
32 weekly wage shall be based on earnings as of the date of disablement.

33 [5.] 2. If it be established that the injured employee was under the
34 age of twenty-five when injured, and that under normal conditions his
35 wages would be expected to increase, that fact may be considered in
36 arriving at his average weekly wages.

37 [6.] 3. If the injured employee is concurrently engaged in more than
38 one employment at the time of injury, the employee's average weekly
39 wages shall be calculated upon the basis of wages earned from all
40 concurrent employments covered under this chapter. The employer in whose
41 employment the employee was injured shall be liable for the benefits
42 that would have been payable if the employee had had no other employ-
43 ment. Any additional benefits resulting from the increase in average
44 weekly wages due to the employee's concurrent employments shall be paya-
45 ble [in the first instance] by the employer in whose employment the
46 employee was injured [and shall be reimbursed by the special disability
47 fund created under subdivision eight of section fifteen of this article,
48 but only if such claim is presented in accordance with subparagraph two
49 of paragraph (h) of subdivision eight of section fifteen of this arti-
50 cle.] The employer in whose employment the employee was injured shall be
51 liable for all medical costs.

52 [7.] 4. The average weekly wages of a jockey, apprentice jockey or
53 exercise person licensed under article two or four of the racing, pari-
54 mutuel wagering and breeding law shall be computed based upon all of the
55 earnings of such jockey, apprentice jockey or exercise person, including
56 those derived from outside of the state.

1 § 8. Subdivision 1 of section 20 of the workers' compensation law, as
2 amended by chapter 635 of the laws of 1996, is amended to read as
3 follows:

4 1. At any time after the expiration of the first seven days of disa-
5 bility on the part of an injured employee, or at any time after the
6 employee's death, a claim for compensation may be presented to the
7 employer or to the chair. The board shall have full power and authority
8 to determine all questions in relation to the payment of claims
9 presented to it for compensation under the provisions of this chapter.
10 The chair or board shall make or cause to be made such investigation as
11 it deems necessary, and upon application of either party, shall order a
12 hearing, and within thirty days after a claim for compensation is
13 submitted under this section, or such hearing closed, shall make or deny
14 an award, determining such claim for compensation, and file the same in
15 the office of the chair. Immediately after such filing the chair shall
16 send to the parties a copy of the decision. Upon a hearing pursuant to
17 this section either party may present evidence and be represented by
18 counsel. The decision of the board shall be final as to all questions
19 of fact, and, except as provided in section twenty-three of this arti-
20 cle, as to all questions of law. Except as provided in section twenty-
21 seven of this article, all awards of the board shall draw simple inter-
22 est from thirty days after the making thereof at the rate provided in
23 section five thousand four of the civil practice law and rules. Whenev-
24 er a hearing or proceeding for the determination of a claim for compen-
25 sation is begun before a referee, pursuant to the provisions of this
26 chapter, such hearing or proceeding or any adjourned hearing [thereon
27 shall], including a referral for decision, may continue before [the same
28 referee until a final determination awarding or denying compensation,
29 except in the absence, inability or disqualification to act of such
30 referee, or for other good cause, in which event such hearing or
31 proceeding may be continued before another referee by order of the chair
32 or board] any referee as determined by the board.

33 § 9. Section 23 of the workers' compensation law, as amended by
34 section 10 of part GG of chapter 57 of the laws of 2013, is amended to
35 read as follows:

36 § 23. Appeals. An award or decision of the board shall be final and
37 conclusive upon all questions within its jurisdiction, as against the
38 state fund or between the parties, unless reversed or modified on appeal
39 therefrom as hereinafter provided. Any party may within thirty days
40 after notice of the filing of an award or decision of a referee, file
41 with the board an application in writing for a modification or rescis-
42 sion or review of such award or decision, as provided in this chapter.
43 The board shall render its decision upon such application in writing and
44 shall include in such decision a statement of the facts which formed the
45 basis of its action on the issues raised before it on such application.
46 Within thirty days after notice of the decision of the board upon such
47 application has been served upon the parties, or within thirty days
48 after notice of an administrative redetermination review decision by the
49 chair pursuant to subdivision five of section fifty-two, section one
50 hundred thirty-one or section one hundred forty-one-a of this chapter
51 has been served upon any party in interest, an appeal may be taken ther-
52 efrom to the appellate division of the supreme court, third department,
53 by any party in interest, including an employer insured in the state
54 fund; provided, however, that any party in interest may within thirty
55 days after notice of the filing of the board [panel's] decision with the
56 secretary of the board, make application in writing for review thereof



1 by the full board. If the decision or determination was that of a panel
2 of the board and there was a dissent from such decision or determination
3 other than a dissent the sole basis of which is to refer the case to an
4 impartial specialist, the full board shall review and affirm, modify or
5 rescind such decision or determination in the same manner as herein
6 above provided for an award or decision of a referee. If the decision
7 or determination was that of a unanimous panel of the board, or there
8 was a dissent from such decision or determination the sole basis of
9 which is to refer the case to an impartial specialist, the board may in
10 its sole discretion review and affirm, modify or rescind such decision
11 or determination in the same manner as herein above provided for an
12 award or decision of a referee. Failure to apply for review by the full
13 board shall not bar any party in interest from taking an appeal directly
14 to the court as above provided. The board may also, in its discretion
15 certify to such appellate division of the supreme court, questions of
16 law involved in its decision. Such appeals and the question so certified
17 shall be heard in a summary manner and shall have precedence over all
18 other civil cases in such court. The board shall be deemed a party to
19 every such appeal from its decision upon such application, and the chair
20 shall be deemed a party to every such appeal from an administrative
21 redetermination review decision pursuant to subdivision five of section
22 fifty-two of this chapter. The attorney general shall represent the
23 board and the chair thereon. An appeal may also be taken to the court of
24 appeals in the same manner and subject to the same limitations not
25 inconsistent herewith as is now provided in the civil practice law and
26 rules. It shall not be necessary to file exceptions to the rulings of
27 the board. An appeal to the appellate division of the supreme court,
28 third department, or to the court of appeals, shall not operate as a
29 stay of the payment of compensation required by the terms of the award
30 or of the payment of the cost of such medical, dental, surgical, optome-
31 tric or other attendance, treatment, devices, apparatus or other neces-
32 sary items the employer is required to provide pursuant to section thir-
33 teen of this article which are found to be fair and reasonable. Where
34 such award is modified or rescinded upon appeal, the appellant shall be
35 entitled to reimbursement in a sum equal to the compensation in dispute
36 paid to the respondent in addition to a sum equal to the cost of such
37 medical, dental, surgical, optometric or other attendance, treatment,
38 devices, apparatus or other necessary items the employer is required to
39 provide pursuant to section thirteen of this article paid by the appel-
40 lant pending adjudication of the appeal. Such reimbursement shall be
41 paid from administration expenses as provided in section one hundred
42 fifty-one of this chapter upon audit and warrant of the comptroller upon
43 vouchers approved by the chair. Where such award is subject to the
44 provisions of section twenty-seven of this article, the appellant shall
45 pay directly to the claimant all compensation as it becomes due during
46 the pendency of the appeal, and upon affirmance shall be entitled to
47 credit for such payments. Neither the chair, the board, the commission-
48 ers of the state insurance fund nor the claimant shall be required to
49 file a bond upon an appeal to the court of appeals. Upon final determi-
50 nation of such an appeal, the board or chair, as the case may be, shall
51 enter an order in accordance therewith. Whenever a notice of appeal is
52 served or an application made to the board by the employer or insurance
53 carrier for a modification or rescission or review of an award or deci-
54 sion, and the board shall find that such notice of appeal was served or
55 such application was made for the purpose of delay or upon frivolous
56 grounds, the board shall impose a penalty in the amount of five hundred



1 dollars upon the employer or insurance carrier, which penalty shall be
2 added to the compensation and paid to the claimant. Whenever an applica-
3 tion is made to the board by the employer or insurance carrier for a
4 modification or rescission or review of an award or decision, and the
5 board shall find that such application was made for the purpose of delay
6 and upon frivolous grounds, the board may impose a penalty pursuant to
7 paragraph (f) of subdivision three of section twenty-five of this arti-
8 cle. Upon a finding that an application has been made to the board for
9 the purpose of delay and upon frivolous grounds, and the employer or
10 carrier has made payment to the claimant of all compensation as it
11 becomes due during the pendency of the application, no penalty pursuant
12 to paragraph (f) of subdivision three of section twenty-five of this
13 article shall be imposed. The penalties provided herein shall be
14 collected in like manner as compensation. A party against whom an award
15 of compensation shall be made may appeal from a part of such award. In
16 such a case the payment of such part of the award as is not appealed
17 from shall not prejudice any rights of such party on appeal, nor be
18 taken as an admission against such party. Any appeal by an employer from
19 an administrative redetermination review decision pursuant to subdivi-
20 sion five of section fifty-two of this chapter shall in no way serve to
21 relieve the employer from the obligation to timely pay compensation and
22 benefits otherwise payable in accordance with the provisions of this
23 chapter.

24 Nothing contained in this section shall be construed to inhibit the
25 continuing jurisdiction of the board as provided in section one hundred
26 twenty-three of this chapter.

27 § 10. Paragraph (f) of subdivision 3 of section 25 of the workers'
28 compensation law, as amended by chapter 316 of the laws of 1991, is
29 amended to read as follows:

30 (f) If the employer or its insurance carrier shall fail to make
31 payments of compensation according to the terms of the award within ten
32 days or the uninsured employers' fund shall fail to make payments of
33 compensation according to the terms of the award within thirty days
34 after such ten day period except in case of an application to the board
35 for a modification, rescission or review of such award, there shall be
36 imposed a penalty equal to twenty percent of the unpaid compensation
37 which shall be paid to the injured worker or his or her dependents, and
38 there shall also be imposed an assessment of fifty dollars, which shall
39 be paid into the state treasury. Whenever an application is made to the
40 board by the employer or insurance carrier for a modification or rescis-
41 sion or review of an award or decision in accordance with section twen-
42 ty-three of this article, and the board shall find that such application
43 was made for the purpose of delay and upon frivolous grounds, the board
44 may impose a penalty equal to twenty percent of the unpaid compensation
45 which shall be paid to the injured worker or his or her dependents, and
46 there shall also be imposed an assessment of fifty dollars, which shall
47 be paid into the state treasury.

48 § 11. The closing paragraph of paragraph (a) of subdivision 2 of
49 section 25 of the workers' compensation law, as amended by chapter 635
50 of the laws of 1996, is amended to read as follows:

51 If the insurance carrier shall fail either to file notice of contro-
52 versy or begin payment of compensation within the prescribed period or
53 within ten days after receipt of a copy of the notice required in
54 section one hundred ten of this chapter, whichever period is the great-
55 er, the board may[, after a hearing,] impose a penalty in the amount of
56 three hundred dollars, which shall be in addition to all other penalties



1 provided for in this chapter and shall be paid to the claimant. Such
2 penalty shall be collected in like manner as an award of compensation.

3 § 12. Subdivisions 1 and 7 of section 27 of the workers' compensation
4 law, subdivision 1 as amended by chapter 192 of the laws of 1949, subdivi-
5 sion 7 as amended by chapter 62 of the laws of 1989, the closing para-
6 graph of subdivision 7 as amended by chapter 6 of the laws of 2007 and
7 as further amended by section 104 of part A of chapter 62 of the laws of
8 2011, are amended to read as follows:

9 1. All payments made into the fund pursuant to the provisions of this
10 section shall constitute an indivisible and aggregate trust fund except
11 as hereinafter provided. Notwithstanding any other provisions of this
12 chapter, the board shall not direct a mandatory deposit on or after the
13 effective date of the chapter of the laws of two thousand sixteen which
14 amended this subdivision. The carrier shall make a mandatory deposit
15 into the fund as directed in a board decision filed prior to the effec-
16 tive date of the chapter of the laws of two thousand sixteen which
17 amended this subdivision, in the amount set forth in a supplemental
18 board decision of any date. The carrier is responsible for payments to
19 the claimant as directed until the deposit is made into the fund. If the
20 insurance carrier shall fail to make a timely mandatory deposit into the
21 fund the chair may impose a penalty equal to twenty percent of the
22 unpaid mandatory deposit amount which shall be paid to the injured work-
23 er or his or her dependents, and there shall also be imposed an assess-
24 ment of fifty dollars, which shall be paid into the state treasury.

25 7. [For the purpose of securing the solvency of the aggregate trust
26 fund, there shall be required, in addition to the payments hereinbefore
27 provided for, a payment on each award, as follows:

28 (a) In the mandatory type cases based on an accident occurring on or
29 subsequent to July first, nineteen hundred forty-one up to and including
30 June thirtieth, nineteen hundred forty-three an amount equal to six per
31 centum of the present value of each such case paid into such fund;

32 (b) In the mandatory type cases based on an accident occurring on or
33 subsequent to July first, nineteen hundred forty-three an amount equal
34 to ten per centum of the present value of each such case paid into such
35 fund;

36 (c) In the discretionary type cases based on an accident occurring up
37 to and including June thirtieth, nineteen hundred thirty-nine an amount
38 equal to sixteen per centum of the present value of each such case paid
39 into such fund;

40 (d) In the discretionary type cases based on an accident occurring on
41 or subsequent to July first, nineteen hundred thirty-nine an amount
42 equal to ten per centum of the present value of each such case paid into
43 such fund.

44 Such additional payments shall be required until the surplus of the
45 fund equals or exceeds one per centum of the total outstanding loss
46 reserves as shown by three successive annual reports of the fund to the
47 superintendent of financial services and such additional payment shall
48 be required as a payment upon each award based on an accident occurring
49 prior to July first next succeeding the third such annual report, but
50 not as a payment upon any award based on an accident occurring on or
51 after said July first; provided, however, that if and when the surplus
52 of the fund as shown by any annual report thereafter shall be less than
53 one per centum of the total outstanding loss reserves, then the addi-
54 tional payments as provided in paragraphs (a), (b), (c) and (d) of this
55 subdivision shall be resumed and shall be payable upon any award based
56 on an accident occurring on or after July first next succeeding the

1 close of the year for which such annual report is made. Thereafter, the
 2 suspension or resumption of additional payments as required by this
 3 subdivision shall be governed by the foregoing provisions. Such loss
 4 reserves shall be computed based upon the tables specified in subdivi-
 5 sion five of this section and interest at a standard to be determined by
 6 the superintendent of financial services by regulation.] For the
 7 purposes of insuring the solvency of the aggregate trust fund subsequent
 8 to the first day of January, two thousand sixteen, the superintendent of
 9 financial services, in accordance with subdivision two of section one
 10 hundred eight of this chapter, may direct carriers to deposit not more
 11 than two percent of written premiums into the workers' compensation
 12 guarantee fund established by article six of this chapter. Such funds
 13 shall be transferred to the aggregate trust fund to enable the aggregate
 14 trust fund to meet its obligations under this section.

15 § 13. Subdivisions 3 and 4 of section 25-a of the workers' compen-
 16 sation law, subdivision 3 as amended by section 13 of part GG of chapter
 17 57 of the laws of 2013, subdivision 4 as amended by chapter 395 of the
 18 laws of 1964, and the closing paragraph of subdivision 4 as further
 19 amended by section 104 of part A of chapter 62 of the laws of 2011, are
 20 amended to read as follows:

21 3. Any awards so made shall be payable out of the special fund hereto-
 22 fore created for such purpose, which fund is hereby continued and shall
 23 be known as the fund for reopened cases. The employer, or, if insured,
 24 his insurance carrier shall pay into such fund, or, in the case of
 25 awards made on or after July first, nineteen hundred sixty-nine, either
 26 into such fund or the uninsured employers' fund under section twenty-
 27 six-a of this article in accordance with the provisions thereof, for
 28 every case of injury causing death for which there are no persons enti-
 29 tled to compensation the sum of three hundred dollars where such injury
 30 occurred prior to July first, nineteen hundred forty and the sum of one
 31 thousand dollars where such injury shall occur on or after said date and
 32 prior to April first, nineteen hundred forty-five, and the sum of
 33 fifteen hundred dollars where such injury shall occur on or after April
 34 first, nineteen hundred forty-five and prior to September first, nine-
 35 teen hundred seventy-eight and the sum of three thousand dollars where
 36 such injury shall occur on or after September first, nineteen hundred
 37 seventy-eight, and in each case of death resulting from injury sustained
 38 on or after July first, nineteen hundred forty and prior to September
 39 first, nineteen hundred seventy-eight, where there are persons entitled
 40 to compensation but the total amount of such compensation is less than
 41 two thousand dollars exclusive of funeral benefits, the employer, or, if
 42 insured, his insurance carrier, shall pay into such fund, or, in the
 43 case of awards made on or after July first, nineteen hundred sixty-nine
 44 and prior to September first, nineteen hundred seventy-eight, either
 45 into such fund or the uninsured employers' fund under section twenty-
 46 six-a of this article in accordance with the provisions thereof, the
 47 difference between the sum of two thousand dollars and the compensation,
 48 exclusive of funeral benefits, and in each case of death resulting from
 49 injury sustained on or after September first, nineteen hundred seventy-
 50 eight, the employer, or if insured, his insurance carrier shall pay into
 51 such fund or the uninsured employers' fund under section twenty-six-a of
 52 this article in accordance with the provisions thereof, the difference
 53 between the sum of five thousand dollars and the compensation, exclusive
 54 of funeral benefits actually paid to or for the dependents of the
 55 deceased employee together with any expense charge required by section
 56 twenty-seven of this article; provided, however, that where death shall

1 occur subsequent to the periods limited by subdivision one of this
2 section no payment into such special fund nor to the special fund
3 provided by subdivision nine of section fifteen nor to the uninsured
4 employers' fund provided by section twenty-six-a of this article shall
5 be required. In addition to the assessments made against all insurance
6 carriers for the expenses of administering this chapter provided for
7 under the provisions of section one hundred fifty-one of this chapter,
8 and the payments above provided, the employer, or, if insured, his
9 insurance carrier, shall pay the sum of five dollars into said fund for
10 each case in which an award is made pursuant to the provisions of para-
11 graphs a to s inclusive of subdivision three of section fifteen of this
12 chapter, by reason of injury sustained between July first, nineteen
13 hundred forty and June thirtieth, nineteen hundred forty-two, both dates
14 inclusive, and the sum of ten dollars for each such case by reason of
15 injury sustained between July first, nineteen hundred forty-two and June
16 thirtieth, nineteen hundred fifty, both dates inclusive, which payment
17 shall be in addition to any payment of compensation to the injured
18 employee as provided in this chapter.

19 There shall be maintained in the special fund at all times assets at
20 least equal in value to the sum of (1) the value of awards charged
21 against such fund, (2) the value of all claims that have been reopened
22 by the board as a charge against such fund but as to which awards have
23 not yet been made, (3) effective January first, nineteen hundred seven-
24 ty-one, the value of total supplemental benefits to be paid from such
25 fund as reimbursement pursuant to subdivision nine of this section, and
26 (4) a reserve equal to ten per cent of the sum of items (1), (2) and (3)
27 of this paragraph. Annually, as soon as practicable after January first
28 in each year, the chair shall ascertain the condition of the fund and
29 [whenever the assets shall fall below the prescribed minimum as herein
30 provided the chair] shall collect: (a) debt service amount sufficient
31 to cover debt service and associated costs to be paid during the calen-
32 dar year by the dormitory authority, as calculated in accordance with
33 subdivision four of this section and (b) whenever the value of other
34 assets fall below the prescribed minimum to be maintained as herein
35 provided, an amount sufficient to restore the fund to the prescribed
36 minimum. Such assessments shall be included in the assessment rate
37 established pursuant to subdivision two of section one hundred fifty-one
38 of this chapter. Such assessments shall be deposited with the commis-
39 sioner of taxation and finance and transferred to the benefit of such
40 fund following payment of debt service and associated costs, if any,
41 pursuant to section one hundred fifty-one of this chapter. Commencing on
42 the first of January, two thousand fourteen, the amount collected from
43 all employers required to obtain workers' compensation coverage to main-
44 tain the financial integrity of the fund may be paid over a period of
45 time at the discretion of the chair based upon an analysis of the finan-
46 cial condition of the fund. Such payment as determined by the chair
47 shall be included in the assessment rate established pursuant to subdivi-
48 sion two of section one hundred fifty-one of this chapter. The chair
49 shall promulgate regulations to administer claims whose liability has
50 been transferred to the fund for reopened cases. Such regulations may
51 include exercise of the chair's authority to administer existing claims,
52 to procure management for those claims, or to sell such liability
53 including, without limitation, by obtaining an "assumption of workers'
54 compensation liability insurance policy" as defined in section sixteen
55 hundred eighty-1 of the public authorities law. The chair may examine



1 into the condition of the fund at any time on his or her own initiative
2 or on request of the attorney of the fund.

3 The provisions of this subdivision shall not apply with respect to
4 policies containing coverage pursuant to section thirty-four hundred
5 twenty of the insurance law relating to every policy providing compre-
6 hensive personal liability insurance on a one, two, three or four family
7 owner-occupied dwelling.

8 4. The chair and the commissioner of taxation and finance are author-
9 ized and directed to enter into a financing agreement with the dormitory
10 authority, to be known as the "fund for reopened cases financing agree-
11 ment". Such agreement shall set forth the process for calculating the
12 annual debt service of the bonds issued by the dormitory authority and
13 any other associated costs in connection with the fund for reopened
14 cases, as set forth in section sixteen hundred eighty-1 of the public
15 authorities law. For purposes of this section, "associated costs" may
16 include a coverage factor, reserve fund requirements, all costs of any
17 nature incurred by the dormitory authority in connection with the fund
18 for reopened cases financing agreement or pursuant thereto, the costs of
19 any independent audits undertaken under this section, and any other
20 costs for the implementation of this subdivision and the issuance of
21 bonds by the dormitory authority, including interest rate exchange
22 payments, rebate payments, liquidity fees, credit provider fees, fiduci-
23 ary fees, remarketing, dealer, auction agent and related fees and other
24 similar bond-related expenses, unless otherwise funded. By September
25 first of each year, the dormitory authority shall provide to the chair
26 the calculation of the amount expected to be paid by the dormitory
27 authority in debt service and associated costs for purposes of calculat-
28 ing the debt service assessment as set forth in subdivision three of
29 this section. All monies received on account of any assessment under
30 subdivision three of this section and this subdivision shall be applied
31 in accordance with this subdivision and in accordance with the fund for
32 reopened cases financing agreement until the financial obligations of
33 the dormitory authority in respect to its contract with its bondholders
34 are met and all associated costs payable to or by the dormitory authori-
35 ty have been paid, notwithstanding any other provision of law respecting
36 secured transactions. This provision may be included by the dormitory
37 authority in any contract of the dormitory authority with its bondhold-
38 ers.

39 The fund for reopened cases financing agreement may restrict disburse-
40 ments, investments, or rebates, and may prescribe a system of accounts
41 applicable to the fund for reopened cases as consistent with the
42 provisions of this section governing such fund, including custody of
43 funds and accounts with a trustee that may be prescribed by the dormito-
44 ry authority as part of its contract with the bondholders. For purposes
45 of this subdivision, the term "bonds" shall include notes issued in
46 anticipation of the issuance of bonds, or notes issued pursuant to a
47 commercial paper program.

48 (a) The commissioner of taxation and finance shall be the custodian of
49 such [special] fund for reopened cases and, unless otherwise provided
50 for in the fund for reopened cases financing agreement, shall invest any
51 surplus or reserve monies thereof in securities which constitute legal
52 investments for savings banks under the laws of this state and in inter-
53 est bearing certificates of deposit of a bank or trust company located
54 and authorized to do business in this state or of a national bank
55 located in this state secured by a pledge of direct obligations of the
56 United States or of the state of New York in an amount equal to the

1 amount of such certificates of deposit, and may sell any of the securi-
2 ties or certificates of deposit in which such fund is invested, if
3 necessary for the proper administration or in the best interest of such
4 fund. Disbursements from such fund for compensation provided by this
5 section shall be paid by the commissioner of taxation and finance upon
6 vouchers signed by the [chairman] chair of the board unless the financ-
7 ing agreement provides for some other means of authorizing such
8 disbursements that is no less protective of the fund.

9 The commissioner of taxation and finance, as custodian of such fund,
10 annually as soon as practicable after January first, shall furnish to
11 the [chairman] chair of the workers' compensation board a statement of
12 the fund, setting forth the balance of monies in the said fund as of the
13 beginning of the year, the income of the fund, a summary of payments out
14 of the fund on account of compensation ordered to be paid by the board,
15 medical and other expense, and all other charges against the fund, and
16 setting forth the balance of the fund remaining to its credit on Decem-
17 ber thirty-first. Such statement shall be open to public inspection in
18 the office of the [chairman] chair, and a copy thereof shall be trans-
19 mitted by the [chairman] chair to the superintendent of financial
20 services. The superintendent of financial services may examine into the
21 condition of such fund at any time on his or her own initiative or on
22 request of the [chairman] chair or representative of the fund. He or she
23 shall verify the receipts and disbursements of the fund, and shall
24 ascertain the liability of the fund upon all cases in which awards of
25 compensation have been made and charged against said fund and shall
26 render a report of such facts to the [chairman] chair. Such report
27 shall also be open to public inspection in the office of the [chairman]
28 chair. The chair, not less than ninety days after the issuance of the
29 dormitory authority's annual audit, shall furnish to the president of the
30 the senate and the speaker of the assembly the following reports on the
31 fund for reopened cases: a revenue and operating expense statement; a
32 financing plan; a report concerning the assets and liabilities; the
33 number of agreements to procure management of such claims; the number of
34 assumption of workers' compensation liability insurance policies
35 executed selling such claims; the number of claimants remaining in the
36 fund; the estimated current unfunded liability of the fund with respect
37 to such claims; and a debt issuance report including but not limited to
38 (i) pledged assessment revenue and financing coverage, (ii) debt service
39 maturities, (iii) interest rate exchange or similar agreements, and (iv)
40 financing and issuance costs.

41 The commissioner of taxation and finance may establish within the fund
42 for reopened cases such accounts and sub-accounts as he or she deems
43 useful for the operation of the fund, or as necessary to segregate
44 moneys within the fund, subject to the provisions of the fund for
45 reopened cases financing agreement.

46 § 14. Subdivision (i) of section 32 of the workers' compensation law,
47 as added by chapter 6 of the laws of 2007 and paragraph 5 as further
48 amended by section 104 of part A of chapter 62 of the laws of 2011, is
49 amended to read as follows:

50 (i) (1) The waiver agreement management office may contract with an
51 insurance carrier, self-insured employer, state insurance fund or any
52 third party to assume liability for, manage, administer, or settle
53 claims on its behalf, so long as (A) such contract is approved by the
54 special disability fund advisory committee and (B) such [third] party
55 shall agree to be subject to any guidelines or directives as the chair
56 may issue.

1 (2) The chair may, with approval of the special disability fund advisory
2 committee and on such terms as the committee deems appropriate,
3 [shall have discretion to] procure one or more private entities to
4 assume the liability for and [management, administration or settlement
5 of] manage, administer or settle all or a portion of the claims in the
6 special disability fund including, without limitation, by obtaining "an
7 assumption of workers' compensation liability insurance policy" as
8 defined for purposes of section sixteen hundred eighty-1 of the public
9 authorities law. Any such policy shall expressly provide and, notwith-
10 standing any other provision of law, operate to release from any further
11 liability (1) the special disability fund and (2) the insurance carrier,
12 including as the case may be the state insurance fund, originally liable
13 for any claim covered by the assumption of workers' compensation liabil-
14 ity insurance policy securing such further and future contingent liabil-
15 ity as may arise for any such claim, including from prior injuries to
16 employees and be incurred by reason of any change in the condition of
17 such employees for payment of additional compensation. Notwithstanding
18 any other provisions of law, no consultation or approval of any employ-
19 er, insurance carrier, self-insurer or the state insurance fund shall be
20 required before such office may enter into any such policy or waiver
21 agreement, or before the board may approve such waiver agreement. Any
22 such procurement shall be conducted in accordance with state finance
23 law, except as otherwise set forth below. The chair shall not award any
24 contract that has not been approved by the special disability fund advisory
25 committee. Notwithstanding the foregoing, the chair of the workers'
26 compensation board may, if approved by the special disability fund advisory
27 committee, and on such terms as the committee deems appropriate:

28 (A) waive any informality in a bid, and either reject all bids and
29 again advertise for bids, or interview at least two responsible quali-
30 fied bidders and negotiate and enter into a contract with one or more of
31 such bidders; or

32 (B) group claims to be assigned, in whole or in part, based on the
33 insurance carrier, self-insured employer or state insurance fund that is
34 receiving or will receive reimbursement on those claims from the second
35 disability fund. Such grouping shall be permissible notwithstanding that
36 any insurance carrier may have greater access to information, or may be
37 able to provide better terms, in regard to claims so grouped.

38 (3) [Any such contract shall expressly provide that the special disa-
39 bility fund is no longer liable for the claims covered by the contract,
40 and require security of either cash, an indemnity policy, or such secu-
41 rity as is otherwise sufficient to cover any losses incurred as a result
42 of the failure or default of the entity or entities awarded any such
43 contract, including as a result of the insolvency of any such entity.
44 The chair may waive all or part of such security, and may impose other
45 reasonable methods of insuring payment, upon approval of the special
46 disability fund advisory committee] Any policy executed by the chair
47 pursuant to this section shall be in the form of an assumption of work-
48 ers' compensation liability insurance policy securing such further and
49 future contingent liability as may arise from any claim covered by such
50 policy, including prior injuries to workers and be incurred by reason of
51 any change in the condition of such workers warranting the board making
52 subsequent awards for payment of additional compensation. Such policy
53 shall be in a form approved by the superintendent of financial services
54 and issued by the state insurance fund or any insurance company licensed
55 to issue this class of insurance in this state. In the event that such
56 policy is issued by an insurance company other than the state insurance



1 fund, then said policy shall be deemed of the kind specified in para-
2 graph fifteen of subsection (a) of section one thousand one hundred
3 thirteen of the insurance law and covered by the workers' compensation
4 security fund as created and governed by article six-A of this chapter.
5 Such policy shall only be issued for a single complete premium paid in
6 advance and in an amount deemed acceptable by the chair and the super-
7 intendent of financial services. When issued such policy shall be non-
8 cancellable without recourse for any cause during the continuance of the
9 liability secured and so covered.

10 (4) Notwithstanding any other provision of this article, the waiver
11 agreement management office may request in writing any information rele-
12 vant to its entry into or management of waiver agreements from (A) any
13 insurance carrier, employer, or the state insurance fund, if that entity
14 has submitted a claim for reimbursement from the special disability fund
15 as to the claimant to whom the information relates; or (B) the special
16 funds conservation committee. The party to whom the request is made
17 shall provide the requested information within fourteen days of the
18 request, unless before that date it files an objection with the board to
19 any information which is subject to a recognized privilege or whose
20 production is otherwise barred by law. The objecting party shall provide
21 the requested information within five business days of the board's
22 rejection of its objection.

23 (5) No carrier, self-insured employer or the state insurance fund
24 shall assume the liability for, or management, administration or settle-
25 ment of any claims under this section on which it holds reserves, beyond
26 such reserves as are permitted by regulation of the superintendent of
27 financial services for purposes of this provision. No carrier may assume
28 liability for any claims in the special disability fund under this para-
29 graph unless the carrier maintains, on a stand alone basis, separate
30 from its parent or any affiliated entities, an interactive financial
31 strength rating from a nationally recognized statistical rating organ-
32 ization that is considered secure or deemed acceptable by the special
33 disability fund advisory committee.

34 (6) The director of the budget shall notify in writing the chairs of
35 the senate finance committee and the assembly ways and means committee
36 of any plans to transfer all or a portion of the portfolio of claims
37 determined to be eligible for reimbursement from the special disability
38 fund or to [contract with any party to take responsibility in whole or
39 in part for the administration of a material portion of the claims,
40 including the procurement process to be used to select parties involved
41 in such transfer or contract] enter into an assumption of workers'
42 compensation liability insurance policy, not less than forty-five days
43 prior to the commencement of such process. At any time borrowing is
44 anticipated to settle claims, the chief executive officer of the dormi-
45 tory authority of the state of New York and the director of the budget
46 shall provide a report to the chairs of the senate finance committee and
47 the assembly ways and means committee on a planned bond sale of the
48 authority and such report shall include, but not be limited to: (A) the
49 maximum amount of bonds expected to be sold by the authority in
50 connection with a sale agreement; (B) the expected maximum interest rate
51 and maturity date of such bonds; (C) the expected amount of the bonds
52 that will be fixed and/or variable interest rate; (D) the estimated
53 costs of issuance; (E) the estimated level or levels of reserve fund or
54 funds, if any; (F) the estimated cost of bond issuance, if any; (G) the
55 anticipated use or uses of the proceeds; (H) the maximum expected net
56 proceeds that will be paid to the state as a result of the issuance of



1 such bonds; and (I) the process to be used to select parties to the
2 transaction. Any such expectations and estimates in the report shall not
3 be deemed a substantive limitation on the authority of the dormitory
4 authority of the state of New York.

5 § 15. Subdivisions 1 and 8 of section 151 of the workers' compensation
6 law, as added by section 22 of part GG of chapter 57 of the laws of
7 2013, are amended to read as follows:

8 1. The annual expenses necessary for the board to administer the
9 provisions of this chapter, the volunteer ambulance workers' benefit
10 law, the volunteer firefighters' benefit law, the disability benefits
11 law, and the workmen's compensation act for civil defense volunteers
12 shall be borne by affected employers securing compensation for their
13 employees pursuant to section fifty of this chapter. The board shall
14 collect such annual expenses from affected employers through assessments
15 as provided by the provisions of this section, including for purposes of
16 this subdivision: (a) the aggregate assessment amount described in
17 subparagraph four of paragraph (h) of subdivision eight of section
18 fifteen of this chapter for the special disability fund in accordance
19 with each financing agreement described in such subparagraph, (b) the
20 aggregate assessment amount described in section fifty-c of this chapter
21 for the self-insurer offset fund in accordance with each financing
22 agreement described in such section, (c) the aggregate assessment amount
23 described in subdivision three of section twenty-five-a of this chapter
24 for the fund for reopened cases in accordance with each financing agree-
25 ment described in such section, and (d) the assessment amount described
26 in section two hundred fourteen of this chapter for the special fund for
27 disability benefits; provided, that the foregoing and any other
28 provision of this chapter to the contrary notwithstanding, assessment
29 receipts shall be applied first to fully fund the aggregate amount
30 described in subparagraph four of paragraph (h) of subdivision eight of
31 section fifteen of this chapter pursuant to a special disability fund
32 financing agreement entered into by the dormitory authority prior to
33 March thirty-first, two thousand thirteen pursuant to section sixteen
34 hundred eighty-1 of the public authorities law, and then to fully fund
35 the aggregate amount described in subparagraph four of paragraph (h) of
36 subdivision eight of section fifteen, in subdivision three of section
37 twenty-five-a of this chapter and in section fifty-c of this chapter in
38 accordance with each such then applicable special disability fund
39 financing agreement entered into by the dormitory authority on or subse-
40 quent to March thirty-first, two thousand thirteen, pursuant to section
41 sixteen hundred eighty-1 of the public authorities law, with each such
42 then applicable fund for reopened cases financing agreement entered into
43 by the dormitory authority pursuant to such provision or with each then
44 applicable self-insured bond financing agreement [pursuant to such
45 provisions] entered into by the dormitory authority pursuant to section
46 sixteen hundred eighty-1 of the public authorities law, respectively,
47 prior to application to any other purpose other than to pay any actual
48 costs of collecting such assessment that are not otherwise funded. For
49 purposes of this section, affected employer means all employers required
50 to obtain workers' compensation coverage pursuant to this chapter.

51 8. The foregoing and every other [provision] provision of law to the
52 contrary notwithstanding, all moneys received on account of the assess-
53 ment authorized by this section shall be deposited upon receipt into the
54 administrative clearing account held by the commissioner of taxation and
55 finance and applied, as pledged assessments for purposes of sections
56 sixteen hundred eighty-1 and sixteen hundred eighty-q of the public



1 authorities law and prior to any other application: first, in accordance
2 with any other provision of any special disability fund financing agree-
3 ment entered into prior to March thirty-first, two thousand thirteen, to
4 the extent required to fully fund the then current payment and reserve
5 requirements under such financing agreement with respect to the bonds
6 issued by the dormitory authority pursuant to section sixteen hundred
7 eighty-1 of the public authorities law prior to such date; and second,
8 in accordance with each special disability fund financing agreement
9 entered into on or subsequent to March thirty-first, two thousand thir-
10 teen, each fund for reopened cases financing agreement and each self-in-
11 sured bond financing agreement, to the extent required to fully fund the
12 then current payment and reserve requirements under each such financing
13 agreement [entered into after March thirty-first, two thousand thirteen]
14 with respect to bonds issued by the dormitory authority pursuant to
15 either section sixteen hundred eighty-1 or section sixteen hundred
16 eighty-q of the public authorities law, on a pari passu basis without
17 preference or priority among all such other bonds. Such monies shall not
18 be commingled with any other monies in the commissioner's custody prior
19 to the completion of such application and shall not be deemed to be part
20 of the state treasury or of any funds under management of the state or
21 be deemed money of the state or money under control of the state. This
22 section shall not be deemed to authorize any infringement upon the
23 rights of holders of such bonds issued or to be issued under such
24 sections of the public authorities law. The provisions of this section
25 may be included by the dormitory authority in any contract with the
26 holders of any such bonds. The operation of this section and the appli-
27 cation of the receipts of the assessment authorized by this section
28 shall be subject to the provisions of each financing agreement author-
29 ized pursuant to subparagraph four of paragraph (h) of subdivision eight
30 of section fifteen [or to] of this chapter, section fifty-c of this
31 chapter, or subdivision three of section twenty-five-a of this chapter
32 and this section shall not be deemed to authorize any infringement upon
33 the rights of holders of bonds issued or to be issued pursuant to either
34 such provision.

35 § 16. Subdivision 3 of section 25 of the workers' compensation law is
36 amended by adding a new paragraph (g) to read as follows:

37 (g) Notwithstanding any other provision in this chapter, the chair may
38 by regulation elect to establish a performance standard concerning the
39 subject of any penalty or assessment provision applicable to an insur-
40 ance carrier or self-insured employer, where such penalty or assessment
41 is remittable to the New York state treasury, or chair, but not to
42 claimants or any other payee or fund, and impose a single penalty or
43 assessment upon the failure to meet that promulgated standard, with
44 notice to the carrier or self-insured employer. The penalty or assess-
45 ment imposed in the aggregate shall be payable to the chair. Such aggre-
46 gate penalty or assessment imposed in the aggregate shall be payable to
47 the chair. Such aggregate penalty or assessment shall be based upon the
48 number of violations as multiplied against the applicable penalty or
49 assessment, but may be negotiated by the chair's designee in full satis-
50 faction of the penalty or assessment. A final agreement between the
51 chair's designee and the carrier or self-insured employer may be submit-
52 ted and approved subject to section thirty-two of this article, without
53 notice to any claimant. Any aggregate penalty or assessment issued in
54 this section shall be issued administratively, and the chair may, by
55 regulation, specify the method of review or redetermination, and the
56 presentment of evidence and objections shall occur solely upon the



1 documentation. The carrier or self-insured employer shall receive credit
2 for any instances in which the aggregate penalty or assessment is inclu-
3 sive of a penalty or assessment previously issued and paid in an indi-
4 vidual claim or proceeding. A final determination is subject to review
5 under section twenty-three of this article, except that no stay in
6 payment of the penalty or assessment shall apply pending the outcome of
7 the application for administrative review. Failure to pay the finally
8 determined penalty or assessment, or the penalty or assessment agreed
9 upon pursuant to section thirty-two of this article, within ten days of
10 filing, shall result in the imposition of a twenty percent penalty,
11 payable to the chair. In the event of the carrier or self-insured
12 employer instituting or continuing an issue without reasonable grounds,
13 the provisions of subdivision three of section one hundred fourteen-a of
14 this chapter shall be applicable.

15 § 17. Subparagraph (c) of paragraph 7 of subdivision 3-a of section
16 50 of the workers' compensation law, as amended by section 4 of part R
17 of chapter 56 of the laws of 2010, is amended to read as follows:

18 (c) Upon the assumption of the assets and liabilities of a group self-
19 insurer by the chair or his or her designee pursuant to regulation of
20 the chair, all records, documents and files of whatever nature, pertain-
21 ing to the group self-insurer, including but not limited to any procure-
22 ment records of the group self-insurer with respect to an assumption of
23 workers' compensation liability insurance policy, be they in the
24 possession of the group self-insurer or a third party, and all remaining
25 assets of the group self-insurer, shall become the property of the
26 chair. All] and any such assumption of workers' compensation liability
27 insurance policy shall be deemed owned and enforceable by the chair from
28 all custodians of such records and/or funds shall turn over to the chair
29 or his designee all such original records upon demand.

30 § 18. Subdivision 3 of section 50 of the workers' compensation law, as
31 amended by section 3 of part G of chapter 57 of the laws of 2011 and the
32 closing paragraph as further amended by section 104 of part A of chapter
33 62 of the laws of 2011, is amended to read as follows:

34 3. By furnishing satisfactory proof to the chair of his financial
35 ability to pay such compensation for himself, [or to pay such compen-
36 sation on behalf of a group of employers in accordance with subdivision
37 ten of this section, in which case the chair shall require the] in which
38 case all eligible individual self-insured employers shall collectively
39 secure their liability for the payment of workers' compensation obli-
40 gations through participation in the pooled individual self-insured
41 employer fund. Notwithstanding any other provision of this section, the
42 chair shall, by regulation, set minimum credit, financial, or other
43 conditions that an individual self-insured employer must meet in order
44 to participate in the pooled security system. In the event any existing
45 individual self-insured employer is unable to meet the conditions set by
46 the chair, the existing individual self-insured employer shall be
47 excluded from participation in the pooled individual self-insured
48 employer fund and the existing individual self-insured employer shall
49 post a separate security deposit in the manner provided by paragraph (h)
50 of this subdivision. The chair shall promulgate regulations requiring
51 the chair to set an aggregate security requirement for all individual
52 self-insured employers participating in the pooled individual self-in-
53 sured employer fund based on a review of all participating individual
54 self-insured employers annual reports and any other information as may
55 be specified by the chair. The chair shall procure and maintain in the
56 pooled individual self-insured employer fund a combination of cash and



1 investment securities satisfactory to provide adequate security to
2 secure the payment of the aggregate workers' compensation obligations of
3 all individual self-insured employers participating in the fund as well
4 as any amounts as may be reasonably necessary to pay for the administra-
5 tive and other activities of the fund. This amount shall be known as the
6 aggregate pooled security amount. Each participating individual self-in-
7 sured employer shall pay the initial entry fee required herein during
8 their first year of participation in the fund. This amount shall be
9 known as the pool deposit fee. Thereafter, on an annual basis, the chair
10 shall evaluate the condition and sufficiency of the aggregate pooled
11 security amount. Where necessary, the chair shall require each partic-
12 ipating individual self-insured employer to pay a participation fee, on
13 a pro rata basis, sufficient to bring the pooled individual self-insured
14 employer fund up to the aggregate pooled security amount. This amount
15 shall be known as the pool participation fee. A participating individual
16 self-insured employer's obligation to pay either the pool deposit fee or
17 subsequent pool participation fees shall continue, regardless of the
18 individual self-insured employer's cessation of participation in the
19 pooled individual self-insured employer fund, for so long as the former
20 self-insured employer shall continue to have workers' compensation obli-
21 gations attributable to its period of participation in the pooled indi-
22 vidual self-insured employer fund.

23 (a) In order to provide for the aggregate pooled security amount, each
24 participating individual self-insured employer shall pay to the chair
25 its pool deposit fee and any annual pool participation fee within thirty
26 days of demand by the chair. The amount of the pool deposit fee and pool
27 participation fee paid by each participating individual self-insured
28 employer shall be set by the chair, based on his or her reasonable
29 consideration, of all the following factors:

30 (i) The total amount needed to provide the pooled security deposit
31 amount;

32 (ii) The individual self-insured employer's paid or incurred liabil-
33 ities as reflected in its annual report;

34 (iii) The financial strength and creditworthiness of the individual
35 self-insured employer;

36 (iv) Any other reasonable factors as may be authorized by regulation.

37 (b) Within thirty (30) business days of the participating individual
38 self-insured employer paying its pool deposit fee, the chair shall
39 release the security deposit posted by the self-insured employer and
40 held by the chair pursuant to paragraph (h) of this section. Upon
41 payment of the pool deposit fee and any subsequent pool participation
42 fees, and except as provided herein, the individual self-insured employ-
43 er loses all right, title, and interest in the pool deposit fee and pool
44 participation fee. To the extent that in any one year the pool deposit
45 fee or pool participation fee paid by all participating individual self-
46 insurers is not exhausted in the purchase of investment securities
47 obtained by the chair as part of the aggregate pooled security amount,
48 the surplus shall remain with the chair and the principal and interest
49 earned on that surplus shall be used to reduce any future pool fees in
50 subsequent years.

51 (c) If any participating individual self-insured employer objects to
52 the calculation, posting, or any other aspect of its pool fees, upon
53 payment of the pool fee in the time provided, the employer shall have
54 the right to appeal the pool fee to the chair, who shall have exclusive
55 jurisdiction over this dispute. If any participating individual self-in-
56 sured employer fails to pay either its pool deposit fee or pool partic-



1 ipation fee in the time provided, the employer shall: (i) be removed
2 from the pooled individual self-insured employer fund; and (ii) pay a
3 penalty of not less than ten (10) percent nor more than thirty (30)
4 percent of its pool fee. The penalty shall be paid directly to the
5 pooled individual self-insured employer fund. In the event that the
6 self-insured employer fails or neglects to pay the penalty within thirty
7 days, the employer shall be deemed in default in the payment of compen-
8 sation to its employees and the chair may file a judgment against the
9 self-insured employer, pursuant to the provisions of section twenty-six
10 of this chapter, in the amount of the unpaid penalty. The chair may also
11 revoke the authorization to self-insure of any individual self-insured
12 employer who fails to pay a pool fee in the time provided in which case
13 the employer must insure the payment of such compensation in the state
14 fund or with any stock corporation, mutual corporation or reciprocal
15 insurer authorized to transact the business of workers' compensation
16 insurance in this state through a policy issued under the law of this
17 state within thirty days.

18 (d) Upon the chair's posting of the aggregate pooled security amount
19 in the pooled individual self-insured employer fund, said security shall
20 be paid over to the commissioner of tax and finance, as custodian of the
21 fund until the chair determines that a participating individual self-in-
22 sured employer has failed or neglected to meet its workers' compensation
23 obligations as required by this chapter, and the chair directs the
24 commissioner of tax and finance to commence payment of such unmet self-
25 insurance obligations the pooled individual self-insured employer fund
26 consistent with the provisions of paragraph (e) of this subdivision.
27 Upon ordering the pooled individual self-insured employer fund to
28 commence payment, the commissioner of tax and finance shall utilize the
29 aggregate pooled security amount necessary to meet the workers' compen-
30 sation obligations of the defaulting participating individual self-in-
31 sured employer. In the event additional funds are needed in future years
32 to meet the workers' compensation obligations of any former participat-
33 ing individual self-insured employer, who thereafter defaults with
34 respect to its obligations incurred during its period of participation
35 in the pooled individual self-insured employer fund, the chair shall
36 direct the commissioner of tax and finance to make available to the
37 pooled individual self-insured employer fund any portions of the aggre-
38 gate pooled security amount as may be needed to pay those benefits. In
39 the discretion of the chair, in the event that the obligations associ-
40 ated with the default of participating individual self-insured employers
41 are such that they jeopardize the solvency of the pooled individual
42 self-insured employer fund, the chair may request that the dormitory
43 authority of the State of New York issue bonds, consistent with section
44 sixteen hundred eighty-g of the public authorities law, and pursuant to
45 self-insured bond finance agreement described in section fifty-c of this
46 article to meet such unmet obligations of self-insured employers.

47 (e) The cash portion of the aggregate pooled security amount shall be
48 segregated from all other funds held under the workers' compensation
49 law, and shall be invested as herein provided for the sole benefit of
50 the pooled individual self-insured employer fund, and may not be used
51 for any other purpose by the state. The commissioner of tax and finance
52 shall be the custodian of the pooled individual self-insured employer
53 fund and all disbursements from said fund shall be made by the commis-
54 sioner of tax and finance upon vouchers signed by the chair of the work-
55 ers' compensation board or his or her designee. Monies not required for
56 immediate use or disbursement may be invested by the commissioner of tax



1 and finance in obligations of the state or the United States government
2 or obligations the principal and interest of which are guaranteed by the
3 state or the United States or in any other obligations in which the
4 comptroller of the state is authorized to invest pursuant to section
5 ninety-eight of the state finance law. The commissioner of tax and
6 finance may sell any of the securities or certificates of deposit in
7 which said fund is invested, if advisable for its proper administration
8 or in the best interest of such fund, and all earnings from the invest-
9 ments of such fund shall be credited to such fund.

10 (f) The chair shall implement the provisions of this subdivision by
11 promulgating rules and regulations but no such rules or regulations
12 shall be necessary for any provision of this subdivision to be effec-
13 tive.

14 (g) For those individual employers self-insuring pursuant to paragraph
15 (h) of this subdivision, said employers shall also pay an annual fee to
16 the chair for deposit into the pooled individual self-insurance fund.
17 The chair shall calculate this annual fee in the same manner as pool
18 fees set forth above.

19 (h) For those employers who self-insured individually as of the effec-
20 tive date of the pooled individual self-insured employer fund but which
21 do not meet the qualifications for participation therein, and for those
22 employers who self-insure for article 9 benefits, such individual self-
23 insured employer shall deposit with the chair of such securities as the
24 chair may deem necessary of the kind prescribed in subdivisions one,
25 two, three, four and five, and subparagraph (a) of paragraph three of
26 subdivision seven of section two hundred thirty-five of the banking law,
27 or the deposit of cash, or the filing of irrevocable letters of credit
28 issued by a qualified banking institution as defined by rules promulgat-
29 ed by the chair or the filing of a bond of a surety company authorized
30 to transact business in this state, in an amount to be determined by the
31 chair, or the posting and filing as aforesaid of a combination of such
32 securities, cash, irrevocable letters of credit and surety bond in an
33 amount to be determined by the chair, to secure his liability to pay the
34 compensation provided in this chapter. Any such surety bond must be
35 approved as to form by the chair. If an employer [or group of employers]
36 posts and files a combination of securities, cash, irrevocable letters
37 of credit and surety bond as aforesaid, and if it becomes necessary to
38 use the same to pay the compensation provided in this chapter, the chair
39 shall first use such securities or cash or irrevocable letters of credit
40 and, when the full amount thereof has been exhausted, he shall then
41 require the surety to pay forthwith to the chair all or any part of the
42 penal sum of the bond for that purpose. The chair may also require an
43 agreement on the part of the employer [or group of employers] to pay any
44 awards commuted under section twenty-seven of this chapter, into the
45 special fund of the state fund, as a condition of his being allowed to
46 remain [uninsured] self-insured pursuant to this section. The chair
47 shall have the authority to deny the application of an employer [or
48 group of employers] to pay such compensation for himself or to revoke
49 his consent furnished, under this section at any time, for good cause
50 shown. [The] An individual employer [or group of employers] qualifying
51 under this subdivision shall be known as [a] an individual self-insurer.

52 If for any reason the status of an employer [or group of employers]
53 under this subdivision is terminated, the securities or the surety bond,
54 or the securities, cash, or irrevocable letters of credit and surety
55 bond, on deposit referred to herein shall remain in the custody of the
56 chair for such time as the chair may deem proper and warranted under the



1 circumstances. In lieu thereof, and at the discretion of the chair, the
2 employer, his or her heirs or assigns or others carrying on or liquidat-
3 ing such business, may execute an assumption of workers' compensation
4 liability insurance policy securing such further and future contingent
5 liability as may arise from prior injuries to workers and be incurred by
6 reason of any change in condition of such workers warranting the board
7 making subsequent awards for payment of additional compensation. Such
8 policy shall be in a form approved by the superintendent of financial
9 services and issued by the state fund or any insurance company licensed
10 to issue this class of insurance in this state. In the event that such
11 policy is issued by an insurance company other than the state fund, then
12 said policy shall be deemed of the kind specified in paragraph fifteen
13 of subsection (a) of section one thousand one hundred thirteen of the
14 insurance law and covered by the workers' compensation security fund as
15 created and governed by article six-A of this chapter. It shall only be
16 issued for a single complete premium payment in advance by the employer
17 [or group of employers] and in an amount deemed acceptable by the chair
18 and the superintendent of financial services. In lieu of the applicable
19 premium charge ordinarily required to be imposed by a carrier, said
20 premium shall include a surcharge in an amount to be determined by the
21 chair to: (i) satisfy all assessment liability due and owing to the
22 board and/or the chair under this chapter; and (ii) satisfy all future
23 assessment liability under this section[, and which surcharge shall be
24 adjusted from time to time to reflect any changes to the assessment of
25 group self-insured employers, including any changes enacted by the chap-
26 ter of the laws of two thousand eleven amending sections fifteen and one
27 hundred fifty-one of this chapter]. Said surcharge shall be payable to
28 the board simultaneous to the execution of the assumption of workers'
29 compensation liability insurance policy. However, the payment of said
30 surcharge does not relieve the carrier from any other liability, includ-
31 ing liability owed to the superintendent of financial services pursuant
32 to article six-A of this chapter. When issued such policy shall be non-
33 cancellable without recourse for any cause during the continuance of the
34 liability secured and so covered.

35 (i) There is established an advisory committee for the pooled individ-
36 ual self-insured employer fund whose membership shall consist of the
37 chair or his or her designee, four representatives of individual self-
38 insurers nominated by the New York state self-insurance association and
39 approved by the chair, and four members to be appointed by the governor
40 as follows: one upon nomination of the speaker of the assembly, one upon
41 nomination of the temporary president of the senate, and two others
42 without limitation. The advisory committee shall meet no less than annu-
43 ally and shall prepare a report available to the public for inspection
44 on or before February first, of each year making recommendations
45 concerning:

46 (i) the standards for participation in the pool;
47 (ii) the adequacy of the funding of the pool;
48 (iii) payment of claims insured by defaulted pool participants;
49 (iv) the long term viability of the pool; and
50 (v) such other topics related to the pool as the advisory committee
51 may deem necessary.

52 § 19. Paragraphs c, f, and g of subdivision 5 of section 50 of the
53 workers' compensation law, as amended by chapter 139 of the laws of
54 2008, are amended to read as follows:

55 c. (1) The chair and the department of audit and control as soon as
56 practicable after May first, nineteen hundred sixty, and annually there-



1 after, as soon as practicable after April first in each succeeding year,
2 shall ascertain the total amount of net expenses, including (a) adminis-
3 trative expenses, which shall include the direct costs of personal
4 services, the cost of maintenance and operation, the cost of retirement
5 contributions made and workers' compensation premiums paid by the State
6 for or on account of personnel, rentals for space occupied in state
7 owned or state leased buildings, and (b) all direct or indirect costs
8 incurred by the board during the preceding fiscal year in carrying out
9 the provisions of subdivision three and three-a of this section except
10 those expenses associated with the pooled individual self-insured
11 employers fund. Such expenses shall be adjusted quarterly to reflect
12 any change in circumstances, and shall be assessed against all private
13 self-insured employers, including for this purpose active and terminated
14 group self-insurers, active individual self-insured employers, and indi-
15 vidual self-insured employers who have ceased to exercise the privilege
16 of self-insurance including those individual self-insured employers
17 participating in the pooled individual self-insured employers fund.

18 (2) Such expenses shall be assessed against all self-insurers includ-
19 ing for this purpose employers who have ceased to exercise the privilege
20 of self-insurance. The basis of apportionment of the assessment against
21 each self-insurer shall be a sum equal to that proportion of the amount
22 which the indemnity payment for each self-insurer bore to the total
23 indemnity payments for all self-insurers for the calendar year which
24 ended within the preceding state fiscal year. All such assessments when
25 collected shall be deposited into a fund which shall be used to reim-
26 burse the appropriations theretofore made by the state for the payment
27 of the expenses of administering this chapter.

28 [(3) Pure premium for assessments made prior to January first, two
29 thousand nine against individual and group self-insurers who ceased to
30 self-insure shall be based on payroll at the time the individual or
31 group self-insurer has ceased to self-insure, reduced by a factor
32 reflecting the reduction in the group or individual self-insurer's self-
33 insurance liabilities since ceasing to self-insure.]

34 f. Whenever the chair shall determine that the compensation and bene-
35 fits provided by this chapter may be unpaid by reason of the default of
36 an insolvent private self-insured employer, including a private group
37 self-insurer, except an individual self-insured employer participating
38 in the pooled individual self-insured employers fund, the chair shall
39 pay such compensation and benefits from administration expenses as
40 provided in section one hundred fifty-one of this chapter upon audit and
41 warrant of the comptroller upon vouchers approved by the chair. Such
42 payments shall be considered expenses of administration. The chair shall
43 be reimbursed therefor from the surety bond, cash or securities held or,
44 if such surety bond, securities or cash is insufficient, by the employ-
45 er, its receiver, liquidator, rehabilitator or trustee in bankruptcy.
46 All moneys reimbursed to the chair or recovered by the chair in an
47 action or proceeding to secure such reimbursement shall forthwith be
48 applied as a credit against the expenses on which the assessment levied
49 upon all private self-insured employers, in accordance with paragraphs c
50 and e of this subdivision, is calculated.

51 g. Whenever the chair shall determine that the compensation and bene-
52 fits provided by this chapter may be unpaid by reason of the default of
53 an insolvent private self-insured employer, including a private group
54 self-insurer, except an individual self-insured employer participating
55 in the pooled individual self-insured employers fund, the chair shall
56 levy an assessment against all private self-insured employers, including

1 private group self-insurers, in accordance with paragraphs c and e of
2 this subdivision to assure prompt payment of such compensation and bene-
3 fits. Whenever compensation and benefits are unpaid by reason of such
4 default, the chair shall promptly pay such compensation and benefits
5 from administration expenses as provided in section one hundred fifty-
6 one of this chapter upon audit and warrant of the comptroller upon
7 vouchers approved by the chair. Nothing in this paragraph shall preclude
8 the chair from recovering the moneys it expends from its administrative
9 expenses against the defaulted individual self-insurer, or the members
10 of the defaulted group self-insurer, as otherwise permitted by this
11 chapter.

12 § 20. Section 134 of the workers' compensation law is amended by
13 adding a new subdivision 5 to read as follows:

14 5. In accordance with rules adopted by the department of labor in
15 consultation with the department of financial services and the workers'
16 compensation board and upon receipt of the written notification set
17 forth in subdivision two of this section, the employer's name and other
18 relevant information shall be added to a published list of all employers
19 whose most recent annual payroll is in excess of eight hundred thousand
20 dollars and whose most recent experience rating exceeds the level of
21 1.2. No employer shall be removed from such list until such time as the
22 employer submits to the department of labor the certification of
23 completion of the workplace safety and loss prevention program
24 prescribed herein. Insurers that issue workers' compensation coverage
25 shall consult such list prior to issuing a policy and shall, if applica-
26 ble, impose the surcharge of the employer's manual rate premium in
27 accordance with subdivision three of this section measured from the date
28 of written notification in subdivision two of this section.

29 § 21. Section 140 of the workers' compensation law, as amended by
30 chapter 57 of the laws of 1951, is amended to read as follows:

31 § 140. [Workmen's] Workers' compensation board. The [workmen's] work-
32 ers' compensation board in the department of labor is hereby continued.
33 Such board shall consist of [thirteen] seven members, at least [four]
34 three of whom shall be attorneys and counsellors-at-law duly admitted to
35 practice in this state. The members of the board shall be appointed by
36 the governor, by and with the advice and consent of the senate. The
37 members of the board in office, together with the additional members and
38 the members appointed to fill vacancies, if any, at the time this
39 section takes effect, shall continue, notwithstanding the appointment of
40 any of the members for a term expiring on a different date, to hold
41 office for terms to be assigned by the governor by and with the advice
42 and consent of the senate[; two such terms to expire on December thir-
43 ty-first, nineteen hundred fifty; two to expire on December thirty-
44 first, nineteen hundred fifty-one; two to expire on December thirty-
45 first, nineteen hundred fifty-two; two to expire on December
46 thirty-first, nineteen hundred fifty-three; two to expire on December
47 thirty-first, nineteen hundred fifty-four; two to expire on December
48 thirty-first, nineteen hundred fifty-five; and one to expire on December
49 thirty-first, nineteen hundred fifty-six. The]. Upon the expiration of a
50 seven year term, the members next appointed, except to fill a vacancy
51 created otherwise than by expiration of term, shall be appointed for
52 terms of seven years. The governor shall designate one of the members of
53 the board as chairman and another as vice-chairman.

54 § 22. Section 142 of the workers' compensation law, as added by chap-
55 ter 74 of the laws of 1945, subdivision 2 as amended by chapter 608 of
56 the laws of 1989, the opening paragraph of subdivision 2 as amended by



1 section 12 of part GG of chapter 57 of the laws of 2013, section 5 as
2 amended by chapter 924 of the laws of 1990, subdivision 6 as added by
3 chapter 635 of the laws of 1996 and subdivision 7 as added by chapter
4 452 of the laws of 2005, is amended to read as follows:

5 § 142. General powers and duties of the [workmen's] workers' compen-
6 sation board. 1. The [workmen's] workers' compensation board shall have
7 power to hear and determine all claims for compensation or benefits or
8 relating to special funds created under the provisions of this chapter,
9 in the manner provided by this chapter; to require medical service for
10 injured employees as provided by this chapter; to approve and fix attor-
11 ney's fees and claims for medical service to the extent provided in this
12 chapter; to excuse failure to give notice either of injury or death of
13 an employee, to approve agreements, to modify or rescind awards, to make
14 conclusions of fact and rulings of law, to certify questions to the
15 appellate division of the supreme court, to enter orders in appealed
16 cases, to determine the time for the payment of compensation, to order
17 the reimbursement of employers for amounts advanced, to assess penal-
18 ties, to commute awards, to compromise actions for the collection of
19 awards, to require or permit employers to deposit the present value of
20 awards in the aggregate trust fund of the state fund, to determine by
21 rule the assignment of a minor's right to sue a third party, to require
22 guardianship for minor dependents, to hear and determine claims under
23 the occupational disease act, to order physical examinations, to take
24 testimony by depositions; and to have and exercise all other powers and
25 duties, exclusive of purely administrative functions, originally
26 conferred or imposed upon the [workmen's] workers' compensation commis-
27 sion by this chapter, or by any other statute, and by chapter six
28 hundred and seventy-four of the laws of nineteen hundred fifteen
29 conferred and imposed upon the industrial commission, and by chapter
30 fifty of the laws of nineteen hundred twenty-one conferred and imposed
31 upon the industrial board. For the purpose of exercising such powers and
32 performing such duties, the [workmen's] workers' compensation board
33 shall be deemed to be a continuation of the industrial board provided
34 for by the provisions of the labor law; and all proceedings under this
35 chapter pending before such board are hereby transferred to the [work-
36 men's] workers' compensation board without prejudice to the rights of
37 any party to such proceeding.

38 The [workmen's] workers' compensation board, subject to the provisions
39 of this chapter and of the provisions of the labor law as to the
40 distribution of functions, shall succeed to all the rights, powers,
41 duties and obligations of the department of labor, the industrial
42 commissioner and the industrial board, in so far as they relate to
43 [workmen's] workers' compensation, as heretofore constituted, except
44 such as are vested in the chairman of the board by this article and
45 except with respect to article six of this chapter.

46 Whenever the term "industrial board" or the "chairman" or "vice-chair-
47 man" thereof appears in this chapter or in the provisions of the labor
48 law after the time this article takes effect, it shall be construed to
49 mean the [workmen's] workers' compensation board or the chairman there-
50 of, as created by the provisions of this chapter, as may be required by
51 the context unless the contrary shall be indicated.

52 2. [Any] Except as set forth in subdivision three of this section, any
53 review, hearing, rehearing, inquiry or investigation required or author-
54 ized to be conducted or made by the workers' compensation board may be
55 conducted or made by any panel of the board consisting of not less than
56 three members thereof, and the order, decision or determination of a

1 majority of the members of a panel shall be deemed the order, decision
2 or determination of the board from the date of filing thereof with the
3 secretary of the board, unless the board on its own motion, or on appli-
4 cation by a party in interest for a full board review made in accordance
5 with section twenty-three of this chapter, shall modify or rescind such
6 order, decision or determination. [Four panels shall be constituted at
7 all times, and the chair shall assign the members to the panels upon
8 which they shall serve.] At least one member on each panel shall be an
9 attorney and counsellor-at-law, but the absence of an attorney on any
10 panel shall not invalidate the order, decision or determination of a
11 majority of the members of the panel if at least two affirmative votes
12 are cast in favor of such action. The panels shall be constituted so
13 that the members of the board shall alternate in their periods of
14 service together thereon. Whenever a number of proceedings remains pend-
15 ing before the board for a period in excess of thirty days, members of
16 the board shall hold hearings and otherwise act in the discharge of
17 their duties evenings and at other convenient times on all days of the
18 week except Sundays, in addition to the times when they would perform
19 such duties in the ordinary conduct of the business of the board, in
20 order to expedite the disposal thereof. The chair may and shall, when
21 directed by the governor, prescribe the hours and the times for such
22 additional performance of duty by the members of the board and the peri-
23 od or periods for the continuance thereof.

24 3. The chair of the board, or chair's designee, may designate any
25 board employee who is licensed to practice law in the state of New York
26 or a single board member to conduct an appellate rehearing or review of
27 any order, decision or determination which resolves any issues, other
28 than the determination of compensability in a controverted claim and
29 reverse, modify or affirm such order, decision or determination. In the
30 absence of a designation, and in the case of the determinations
31 mentioned above, the rehearing or review shall be conducted by a three-
32 member panel of board members. Discretion as to designations is solely
33 with the chair or the chair's designee, and shall not be based upon the
34 request of any party, nor shall any designation be subject to review
35 under section twenty-three of this chapter. The order, decision, or
36 determination issued by any such designated board employee or board
37 member on such a claim shall be deemed the order, decision, or determi-
38 nation of the board from the date of the filing thereof in the office of
39 the secretary of the board unless the board, on its own motion or on
40 application duly made to it, modify or rescind such decision. The chair
41 may promulgate rules, or the board may promulgate a subject number,
42 regarding rehearing and review designations under this subdivision.

43 Notwithstanding any provision in this section to the contrary, a
44 member of the board may be designated by the chair to act individually
45 in the hearing and determination of any claim under this chapter, or
46 conduct any investigation, hearing or inquiry hereunder, or review and
47 rescind any order, decision or determination upon any claim and restore
48 such claim for further trial hearing and evidence or consideration
49 except that such member may not conduct any appellate rehearing of any
50 case or otherwise review any order, decision or determination upon any
51 claim and reverse, modify or affirm such order, decision or determi-
52 nation which by the provisions of this section shall be reheard or
53 reviewed by the board or a panel thereof.

54 [3.] 4. The members of the [workmen's] workers' compensation board, a
55 referee or any other officer or employee of the board if duly authorized

1 by the chairman, may administer oaths and take affidavits in matters
2 relating to the provisions of this chapter.

3 The members of the [workmen's] workers' compensation board, the refer-
4 ees and any other officer of the board designated by the chairman, shall
5 have power:

6 a. To issue subpoenas for and compel the attendance of witnesses and
7 the production of books, contracts, papers, documents and other
8 evidence;

9 b. To hear testimony and take or cause to be taken depositions of
10 witnesses residing within or without this state in the manner prescribed
11 by law for like depositions in civil actions in the supreme court.
12 Subpoenas and commissions to take testimony shall be issued under the
13 seal of the board.

14 [4.] 5. Notwithstanding the provisions of any other law, neither the
15 industrial commissioner nor any board or other agency of the department
16 of labor shall in any way direct, review, modify or reverse any decision
17 or finding of the board nor shall the industrial commissioner or any
18 board or other agency of the department of labor supervise or control
19 the board or its members in the exercise of any powers or in the
20 performance of any duties under this chapter.

21 [5.] 6. The workers' compensation board shall keep an accurate record
22 of all hearings held. Where the decision of a referee is affirmed by the
23 board upon review, or where the decision is modified in part, but is
24 affirmed as to the substantial portion of issues raised upon the appli-
25 cation for review or if review is denied, the board shall assess against
26 each insurance carrier or employer seeking such review the sum of one
27 hundred fifty dollars and may assess against any other party the sum of
28 twenty dollars. The amount so secured from these assessments shall be
29 paid into the state treasury.

30 [6.] 7. The workers' compensation board shall not release any informa-
31 tion acquired pursuant to section five hundred thirty-seven of the labor
32 law and section one hundred seventy-one-a of the tax law unless the
33 release of such information is required to further fraud control activ-
34 ities undertaken by the workers' compensation board pursuant to this
35 chapter, in which case release of such information shall be subject to
36 the restrictions contained in section five hundred thirty-seven of the
37 labor law and section one hundred seventy-one-a of the tax law.

38 [7.] 8. Where there has been a motor vehicle accident which caused
39 personal injury and there is a dispute as to whether the injury occurred
40 in the course of employment, the workers' compensation board shall,
41 after notice to the no-fault carrier and the workers' compensation
42 carrier, hold an expedited hearing on the issue of whether the accident
43 occurred during the course of employment.

44 § 23. Subdivision 6 of section 151 of the workers' compensation law is
45 amended by adding a new paragraph (c) to read as follows:

46 (c) Effective immediately, notwithstanding any law to the contrary,
47 pursuant to the provisions of this chapter, the assessment reserves
48 remitted to the chair pursuant to this paragraph shall, at the request
49 of the director of the budget, be distributed as follows:

50 (i) Effective immediately, the chair of the workers' compensation
51 board shall authorize the board to expend up to sixty million dollars to
52 implement infrastructure and system upgrades consistent with recommenda-
53 tions of the workers' compensation board redesign and reengineering
54 project.

55 (ii) Effective immediately, the chair of the workers' compensation
56 board shall authorize the board to expend up to fifty million dollars

1 for: (A) transfer into the training and educational program on occupa-
 2 tional safety and health fund created pursuant to chapter eight hundred
 3 eighty-six of the laws of nineteen hundred eighty-five and section nine-
 4 ty-seven-c of the state finance law; (B) the department of labor occupa-
 5 tional safety and health program; (C) transfer into the uninsured
 6 employers' fund pursuant to subdivision two of section twenty-six-a of
 7 this chapter in connection with payment of claims made pursuant to arti-
 8 cle eight-A of this chapter; (D) a reduction in liabilities of the
 9 special disability fund pursuant to subdivision eight of section fifteen
 10 of this chapter and/or the fund for reopened cases pursuant to section
 11 twenty-five-a of this chapter; and/or (E) transfer to or payment on
 12 behalf of the superintendent of financial services for costs associated
 13 with the implementation of the paid family leave act of article nine of
 14 this chapter.

15 (iii) As soon as practicable on or after April first, two thousand
 16 sixteen, the chair of the workers' compensation board shall transfer one
 17 hundred forty million dollars to the state insurance fund, for partial
 18 payment and partial satisfaction of the state's obligations to the state
 19 insurance fund under workers' compensation law section eighty-eight-c
 20 for two thousand sixteen.

21 (iv) As soon as practicable on or after April first, two thousand
 22 seventeen, the chair of the workers' compensation board shall transfer
 23 one hundred million dollars to the state insurance fund, for partial
 24 payment and partial satisfaction of the state's obligations to the state
 25 insurance fund under workers' compensation law section eighty-eight-c
 26 for two thousand seventeen.

27 (v) As soon as practicable on or after April first, two thousand eigh-
 28 teen, the chair of the workers' compensation board shall transfer one
 29 hundred million dollars to the state insurance fund, for partial payment
 30 and partial satisfaction of the state's obligations to the state insur-
 31 ance fund under workers' compensation law section eighty-eight-c for two
 32 thousand eighteen.

33 (vi) As soon as practicable on or after April first, two thousand
 34 nineteen, the chair of the workers' compensation board shall transfer
 35 thirty-five million dollars to the state insurance fund, for partial
 36 payment and partial satisfaction of the state's obligations to the state
 37 insurance fund under workers' compensation law section eighty-eight-c
 38 for two thousand nineteen.

39 Any and all funds remaining after accounting for the transfers and
 40 expenditures set forth above may, at the discretion of the director of
 41 the budget, either remain with the workers' compensation board or be
 42 transferred to the general fund for the purpose of reducing budget gaps.

43 Annually, the workers' compensation board will provide to the director
 44 of the budget, the chair of the senate finance committee, and the chair
 45 of the assembly ways and means committee, an accounting of such funds
 46 and all associated income received. Such accounting will continue until
 47 March thirty-first, two thousand twenty.

48 § 24. Section 167 of the workers' compensation law, as added by chap-
 49 ter 446 of the laws of 2006, is amended to read as follows:

50 § 167. Claims of volunteers. For persons who participated in World
 51 Trade Center rescue, recovery and clean-up operations as volunteers, the
 52 uninsured employers' fund shall be deemed to be the employer [only] for
 53 the purposes of administering and paying claims pursuant to this arti-
 54 cle. Benefits under this chapter shall be payable to such volunteers
 55 [only] in the first instance and to the extent that funds are available
 56 out of funds appropriated to the United States Department of Labor under

1 Public Law 109-148 to reimburse the uninsured employer's fund for the
2 payment of such benefits and thereafter from the uninsured employers'
3 fund. The uninsured employers' fund may pay for volunteers' medical
4 treatment notwithstanding such medical expenses having been denied by
5 the World Trade Center Health Organization.

6 § 25. Subdivisions 1 and 2 of section 354 of the workers' compensation
7 law, subdivision 1 as amended by chapter 6 of the laws of 2007, and
8 subdivision 2 as added by chapter 635 of the laws of 1996, are amended
9 to read as follows:

10 1. Each preferred provider organization shall provide at least two
11 health providers in every medical specialty consistent with section 13-b
12 of this chapter from which the employee may choose and at least two
13 hospitals from which the employee may choose in the event that hospital-
14 ization is necessary. The commissioner of health may waive such numer-
15 ical requirements upon a finding that the geographical area in which the
16 preferred provider organization is located cannot meet the requirements.

17 2. An employee, not subject to a collective bargaining agreement or
18 subject to a collective bargaining agreement dated on or after April
19 first, two thousand sixteen, may seek medical treatment from outside the
20 preferred provider organization [thirty] one hundred and twenty days
21 after his or her first visit to a preferred provider organization
22 provider. In the event that such employee seeks medical treatment
23 outside the preferred provider organization the employer may require a
24 second opinion from a provider within the preferred provider organiza-
25 tion. For collective bargaining agreements entered into before April
26 first, two thousand sixteen, the employee may seek medical treatment
27 from outside a preferred provider organization thirty days after his or
28 her first visit with the preferred provider organization.

29 § 26. Paragraphs 1 and 2 and subparagraph (a) of paragraph 5 of subdi-
30 vision 3-a of section 50 of the workers' compensation law, paragraph 1
31 and subparagraph (a) of paragraph 5 as amended by chapter 139 of the
32 laws of 2008 and paragraph 2 and subsection (d)(1)(e) of paragraph 5 and
33 subsection (a) of paragraph 6 of subdivision 3-a as amended by section 4
34 of part G of chapter 57 of the laws of 2011, are amended to read as
35 follows:

36 (1) Definitions. As used in this chapter the term "employers" shall
37 include: (a) employers with related activity in a given industry [which
38 shall include municipal corporations as that term is defined in sections
39 two and six-n of the general municipal law,] employing persons who
40 perform work in connection with the given industry, (b) an incorporated
41 or unincorporated association or associations consisting exclusively of
42 such employers provided they employ persons who perform such related
43 work in the given industry, and (c) a combination of employers as
44 described in subparagraph (a) hereof and an association or associations
45 of employers as described in subparagraph (b) hereof.

46 (2) (a) Any group consisting exclusively of such employers may adopt a
47 plan for self-insurance, as a group, for the payment of compensation
48 under this chapter to their employees, except that no new groups may
49 adopt such a plan, and no group not composed solely of public entities
50 set forth in [paragraph a of] subdivision [four] three-f of this section
51 may insure any liabilities for any employers on and after January first,
52 two thousand twelve, except as provided for in paragraph ten of this
53 subdivision. Under such plan the group shall assume the liability of all
54 the employers within the group and pay all compensation for which the
55 said employers are liable under this chapter[, except that in the case
56 of municipal corporations as herein defined no proof of financial abili-



1 ty or deposit of securities or cash need be made in compliance with this
2 subdivision]. The group qualifying under this subdivision shall be known
3 as a group self-insurer and the employers participating therein and
4 covered thereby shall be known as members.

5 (b) Where such plan is adopted the group self-insurer, except a group
6 composed solely of public entities set forth in subdivision three-f of
7 this section, shall furnish satisfactory proof to the chair of its
8 financial ability to pay such compensation for the members in the indus-
9 try covered by it, its revenues, their source and assurance of contin-
10 uance. The chair shall require the deposit with the chair of such secu-
11 rities as may be deemed necessary of the kind prescribed in subdivisions
12 one, two, three, four and five, and subparagraph (a) of paragraph three
13 of subdivision seven of section two hundred thirty-five of the banking
14 law or the deposit of cash or the filing of irrevocable letters of cred-
15 it issued by a qualified banking institution as defined by rules promul-
16 gated by the chair or the filing of a bond of a surety company author-
17 ized to transact business in this state, in an amount to be determined
18 to secure its liability to pay the compensation of each employer as
19 above provided. Such surety bond must be approved as to form by the
20 chair. The chair shall require each group self-insurer to provide regu-
21 lar reports no less than annually, which shall include but not be limit-
22 ed to audited financial statements, actuarial opinions and payroll
23 information containing proof that it is fully funded. Such reports shall
24 also include a contribution year analysis detailing contributions and
25 expenses associated with each specific contribution year. For purposes
26 of this paragraph, proof that a group self-insurer is fully funded shall
27 at a minimum include proof of unrestricted cash and investments permit-
28 ted by regulation of the chair of at least one hundred percent of the
29 total liabilities, including the estimate presented in the actuarial
30 opinion submitted by the group self-insurer in accordance with this
31 chapter. The chair by regulation, may set further financial standards
32 for group self-insurers. Any group self-insurer that fails to show that
33 it is fully funded shall be deemed underfunded, and must submit a plan
34 for achieving fully funded status which may include a deficit assessment
35 on members of such group self-insurer which shall be subject to approval
36 or modification by the chair.

37 (c) The chair shall evaluate, no less than once every three years, a
38 group self-insurer's compliance with the financial and regulatory
39 requirements for self-insurance. The chair may engage any qualified
40 person or organization to assist with such evaluation and any costs
41 incurred by the chair shall be borne by the group self-insurer under
42 examination. Failure to submit to such independent review or to pay such
43 costs, upon demand of the chair, shall be sufficient grounds to termi-
44 nate coverage of the group self-insurer.

45 (d) The chair may require reports to be prepared by an auditor, actu-
46 ary or other consultant, selected by the board or, at the chair's
47 discretion, by the group self-insurer from a list which shall be pre-ap-
48 proved by the chair to determine whether the group self-insurer meets
49 the financial criteria for self-insurance. All actuaries so selected
50 shall be fellows or associates of the casualty actuarial society.

51 (e) The chair may also require that any and all agreements, contracts
52 and other pertinent documents relating to the organization of the
53 members in the group self-insurer shall be filed with the chair.

54 (f) The chair shall have the authority to revoke consent furnished
55 under this section at any time for good cause shown.



1 (g) Prior to the requested effective date of the participating agree-
2 ment, a group self-insurer shall notify the chair on a prescribed form
3 of a new group self-insurer member and file (1) a member application and
4 (2) a copy of the properly executed prescribed participation agreement
5 wherein the member acknowledges their joint and several obligation for
6 their period of membership. The board shall, on a form promulgated by
7 the chair, provide notice of the member's rights and responsibilities as
8 a group self-insurer member, including the member's assumption of joint
9 and several liability, and require the member to return a signed copy to
10 the chair as a condition of membership.

11 (h) Any member terminating membership in a private group self-insurer
12 after less than four years in such private group self-insurer, and any
13 member in a group self-insurer that has defaulted, shall be precluded
14 from obtaining prospective coverage from any private group self-insurer
15 for a period of at least three years from the effective date of termi-
16 nation.

17 (a) Each private group self-insurer shall, and each group self-insurer
18 may, shall secure the services of a group administrator to be responsi-
19 ble for assisting the group self-insurer in complying with the
20 provisions of this section and the rules and regulations promulgated
21 hereunder, and for coordinating services including but not limited to
22 claims processing, loss control, legal, accounting and actuarial
23 services. No person, firm or corporation shall coordinate such services
24 or otherwise carry out the tasks of a group administrator as provided in
25 this subdivision or in the regulations issued pursuant thereto on behalf
26 of a group self-insurer unless such person shall have obtained from the
27 chair a license authorizing it to act as a group self-insurer adminis-
28 trator, which license may be revoked for good cause. The chair shall
29 promulgate regulations setting forth any additional qualifications for
30 such license, governing the conduct and compensation of group self-in-
31 surer administrators, and setting a license fee in an amount not less
32 than five thousand dollars per year for such license for each group
33 self-insurer the administrator administers. Each administrator shall
34 post a bond in the amount of five hundred thousand dollars for each
35 group self-insurer administered or such other amount as may be set by
36 the chair based on the cost and availability of such bond, from which
37 the chair may recover any recoveries or penalties against the adminis-
38 trator under this section. Nothing in this section shall relieve the
39 trustees of a group self-insurer of any fiduciary obligation they hold
40 to the other members of such group self-insurer.

41 (5)(d)(1)e. the number and amount of rate deviations provided to
42 members during the prior year and whether the recipient of any such
43 deviation was a trustee, provided that the application of rating factors
44 in a manner consistent with the filed rating plan is not a deviation
45 which must be reported under this subsection;

46 (6)(a) Group self-insurers must file with the board, as soon as prac-
47 ticable but no later than sixty days prior to the start of the fund year
48 a rating plan which is supported by an actuarial rate study prepared by
49 an independent, qualified actuary that is a fellow or associate of the
50 casualty actuarial society, that clearly identifies the actuary's indi-
51 cated rate assumptions therein. The rating plan must apply consistently
52 to all members, and must provide for a common renewal date for all
53 private group self-insurer members. The rates filed can be adjusted
54 based on an experience modification calculated for every member in
55 accordance with the experience rating plan promulgated by the workers'
56 compensation rating board. Experience modification formulas must be



1 applied identically to all members. Other rate deviations may be permis-
2 sible provided a plan has been approved by the board. Such deviations
3 shall not be in excess of ten percent of the actuary's indicated rate
4 unless otherwise approved by the board for a fully funded group self-in-
5 surer, and shall in no event result in amounts less than the actuary's
6 overall indicated rate. The chair by regulation may set further rate
7 plan and actuarial reporting standards.

8 § 27. Paragraph (g) of subdivision 3-e of section 50 of the workers'
9 compensation law is amended as follows and a new subdivision 3-f is
10 added to read as follows:

11 (g) The state insurance fund, any other insurer or any group self-in-
12 surer for municipal corporations as defined in subdivision [three-a]
13 three-f of this section may, at its option, offer a deductible in an
14 amount specified in paragraph (c) of this subdivision to any policyhold-
15 er who is not otherwise eligible for a deductible under this subdivi-
16 sion.

17 3-f. (1) Any group consisting exclusively of municipal corporations
18 and public corporations as those terms are defined in section sixty-six
19 of the general construction law, county self-insurance plans established
20 under article five of this chapter, boards of cooperative educational
21 services and consortia established by boards of cooperative educational
22 services may adopt a plan for self-insurance, as a group, for the
23 payment of compensation under this chapter to their employees. Such
24 group shall be known as a "public group self-insurer". All other groups
25 established under this section fifty are "private group self-insurers".
26 A county of self-insurance plan established under article five of this
27 chapter is not itself a public group self-insurer, and is not itself
28 subject to the requirements of this section, but may join a public group
29 self-insurer and, if it does so, shall assume all of the obligations of
30 its participants to the public group self-insurer. No entity which is
31 not a municipal corporation as defined in section sixty-six of the
32 general construction law, a county self-insurance plan established under
33 article five of this chapter, or a consortium established by a board of
34 cooperative educational services, may join a public group self-insurer
35 unless it may levy taxes or is otherwise directly capable of generating
36 revenue in the event of a funding deficiency within the public group
37 self-insurer, or its obligations are guaranteed by another member which
38 is such a municipal corporation. A public group self-insurer shall
39 comply with all of the requirements of subdivision three-a of this
40 section; provided however that no proof of financial ability to pay the
41 compensation provided for by this chapter or deposit of securities shall
42 be required and, in lieu thereof, the joint and several liability of the
43 public group self-insurer's members shall serve as the security required
44 under paragraph two of subdivision three-a of this section. The chair
45 shall implement the provisions of this subdivision by promulgating rules
46 and regulations but no such rules and regulations shall be necessary for
47 any provisions of this subdivision to be effective.

48 (2) A public group self-insurer as defined herein may offer, as part
49 of the agreement or by endorsement, deductibles optional to the member
50 for benefits payable under the agreement, upon a determination by the
51 chair that the plan is supported by an actuarial analysis prepared by an
52 independent, qualified actuary who is a member of the casualty actuarial
53 society that clearly identifies the actuary's indicated deductible cred-
54 it and rate assumptions, and subject to underwriting by the public group
55 self-insurer, consistent with the following standards or factors:



1 (a) claimants' rights are properly protected and claimants' benefits
2 are paid without regard to any such deductible;

3 (b) appropriate premium reductions reflect the type and level of any
4 deductible approved by the chairman and selected by the member;

5 (c) premium reductions for deductibles are determined before applica-
6 tion of any experience modification, premium surcharge, or premium
7 discount;

8 (d) recognition is given to member characteristics, including size,
9 financial capabilities, nature of activities, and number of employees;

10 (e) if the member selects a deductible, the member is liable to the
11 public group self-insurer for the deductible amount in regard to bene-
12 fits paid for compensable claims;

13 (f) the public group self-insurer pays all of the deductible amount,
14 applicable to a compensable claim, to the person or provider entitled to
15 benefits and requires the member to pay to it in advance an amount actu-
16 arially determined to be sufficient to pay the portion of the compen-
17 sation claim that is within the deductible amount as those payments
18 become due; provided that such periodic payments shall be paid to the
19 public group self-insurer in intervals of no greater of six months; and

20 (g) failure to reimburse deductible amounts by the member to the
21 public group self-insurer is treated under the coverage agreement in the
22 same manner as nonpayment of contributions.

23 (3) If, in the determination of the chair, a public group self-insurer
24 becomes insolvent or otherwise defaults on its obligations, the insol-
25 vent group will require each member and each former member to pay a
26 supplemental assessment in an amount sufficient to make the public group
27 self-insurer solvent based upon a formula to be established by the chair
28 in regulations which considers the members' annual contributions and
29 loss experience; provided however, nothing herein shall preclude the
30 chair from directing that an underfunded public group self-insurer levy
31 an assessment on its members as part of a plan implemented pursuant to
32 subparagraph two (b) of section 3-a of this section fifty. As used in
33 this provision, insolvent means the sum of the public group self-
34 insurer's assets being less than the total cost of all of the public
35 group self-insurer's anticipated workers' compensation liabilities that
36 will accrue within the succeeding six months. If an assessment is not
37 sufficient to cure the insolvency or default, (i) each member and any
38 former member will be jointly and severally liable for the remaining
39 deficit; and (ii) whenever the chair shall determine that the compen-
40 sation and benefits provided by this chapter may be unpaid by reason of
41 the default of a public group self-insurer, the chair shall pay such
42 compensation and benefits from administration expenses as provided in
43 section one hundred fifty-one of this chapter upon audit and warrant of
44 the comptroller upon vouchers approved by the chair. Such payments shall
45 be considered expenses of administration. The chair shall be reimbursed
46 therefor from any member of the public group self-insurer, first pursu-
47 ant to the supplemental assessment formula referenced herein, but in any
48 event where necessary, on a joint and several basis.

49 § 28. The section heading and subdivisions 1, 2, 3 and 4 of section
50 1680-1 of the public authorities law, as added by chapter 6 of the laws
51 of 2007, are amended to read as follows:

52 [The special] Special disability fund and fund for reopened cases
53 financing. 1. As used in this section the following terms shall have
54 the following meanings:

55 (a) "Ancillary bond facility" means any interest rate exchange or
56 similar agreement or any bond insurance policy, letter of credit or



1 other credit enhancement facility, liquidity facility, guaranteed
2 investment or reinvestment agreement, or other similar agreement,
3 arrangement or contract.

4 (b) "Benefited party" means any person, firm or corporation that
5 enters into an ancillary bond facility with the authority according to
6 the provisions of this section.

7 (c) "Bonds" means any bonds, notes, certificates of participation and
8 other evidence of indebtedness issued by the authority pursuant to
9 subdivision five of this section.

10 (d) "Bond owners or owners of bonds" means any registered owners of
11 bonds.

12 (e) "Chair" means the chair of the workers' compensation board.

13 (f) "Code" means the United States Internal Revenue Code of 1986, as
14 amended.

15 (g) "Costs of issuance" means any item of expense directly or indi-
16 rectly payable or reimbursable by the authority and related to the
17 authorization, sale, or issuance of bonds, including, but not limited
18 to, underwriting fees and fees and expenses of professional consultants
19 and fiduciaries.

20 (h) "Debt service" means actual debt service, comprised of principal,
21 interest and associated costs, as defined in subparagraph five of para-
22 graph (h) of subdivision eight of section fifteen of the workers'
23 compensation law.

24 (i) "Director of the budget" or "director" means the director of the
25 budget of the state of New York.

26 (j) "Financing agreement" means [any agreement authorized pursuant to
27 subdivision four of this section between the chair and the commissioner
28 of taxation and finance, and the authority] each or any special disabili-
29 ty fund financing agreement or fund for reopened cases financing agree-
30 ment, as applicable.

31 (k) "Financing costs" means all costs of issuance, capitalized inter-
32 est, capitalized operating expenses of the authority and, pursuant to
33 the financing agreement, the initial capitalized operating expenses of
34 the waiver agreement management office and debt service reserves, fees,
35 cost of any ancillary bond facility, and any other fees, discounts,
36 expenses and costs related to issuing, securing and marketing the bonds
37 including, without limitation, any net original issue discount.

38 (l) "Fund for reopened cases financing agreement" means an agreement
39 authorized and created pursuant to subdivision four of this section and
40 to subdivision four of section twenty-five-a of the workers' compen-
41 sation law, as such agreement may be amended.

42 (m) "Investment securities" means: (i) general obligations of, or
43 obligations guaranteed by, any state of the United States of America or
44 political subdivision thereof, or the District of Columbia or any agency
45 or instrumentality of any of them, receiving one of the three highest
46 long-term unsecured debt rating categories available for such securities
47 of at least one independent rating agency, or (ii) certificates of
48 deposit, savings accounts, time deposits or other obligations or
49 accounts of banks or trust companies in the state, secured, if the
50 authority shall so require, in such manner as the authority may so
51 determine, or (iii) obligations in which the comptroller is authorized
52 to invest pursuant to either section ninety-eight or ninety-eight-a of
53 the state finance law, or (iv) investments which the commissioner of
54 taxation and finance is permitted to make with surplus or reserve moneys
55 of the special disability fund under subparagraph seven of paragraph (h)



1 of subdivision eight of section fifteen of the workers' compensation
2 law.

3 [(m)] (n) "Interest rate exchange or similar agreement" means a writ-
4 ten contract entered into in connection with the issuance of bonds or
5 with such bonds outstanding with a counterparty to provide for an
6 exchange or swap of payments based upon fixed and/or variable interest
7 rates, and shall be for exchanges in currency of the United States of
8 America only.

9 [(n)] (o) "Net proceeds" means the amount of proceeds remaining
10 following each sale of bonds which are not required by the authority for
11 purposes of this section to pay or provide for debt service or financing
12 costs, as provided in the financing agreement.

13 [(o)] (p) "Operating expenses" means the reasonable or necessary oper-
14 ating expenses of the authority for purposes of this section, including,
15 without limitation, the costs of: retention of auditors, preparation of
16 accounting and other reports, maintenance of the ratings on the bonds,
17 any operating expense reserve fund, insurance premiums, ancillary bond
18 facilities, rebate payments, annual meetings or other required activ-
19 ities of the authority, and professional consultants and fiduciaries.

20 [(p)] (q) "Outstanding", when used with respect to bonds, shall
21 exclude bonds that shall have been paid in full at maturity, or shall
22 have otherwise been refunded, redeemed, defeased or discharged, or that
23 may be deemed not outstanding pursuant to agreements with the holders
24 thereof.

25 [(q)] (r) "Pledged assessments revenues", "pledged revenues" or
26 "pledged assessments" means: (i) with respect to bonds issued prior to
27 March thirty-first, two thousand thirteen pursuant to this section,
28 either receipts of special disability fund assessments imposed pursuant
29 to subparagraph four of paragraph (h) of subdivision eight of section
30 fifteen of the workers' compensation law and pledged for the payment of
31 debt service on the bonds, receipts of assessments for annual expenses
32 imposed pursuant to section one hundred fifty-one of the workers'
33 compensation law and pledged for the payment of debt service on the
34 bonds, or amounts due pursuant to an ancillary bond facility, including
35 the right to receive the same; and (ii) with respect to bonds issued on
36 or subsequent to March thirty-first, two thousand thirteen pursuant to
37 this section, either receipts of such assessments for annual expenses or
38 amounts due pursuant to an ancillary bond facility, including the right
39 to receive same.

40 [(r)] (s) "State" means the state of New York.

41 [(s)] (t) "Special disability fund financing agreement" means an
42 agreement authorized and created pursuant to subdivision four of this
43 section and to subparagraph five of paragraph (h) of subdivision eight
44 of section fifteen of the workers' compensation law, as [same by its
45 terms and bond proceedings,] such agreement may be amended.

46 [(t)] (u) "Waiver agreement" means waiver agreements entered into
47 pursuant to section thirty-two of the workers' compensation law.

48 [(u)] (v) "Waiver agreement management office" shall mean the office
49 described in paragraph (e) of section thirty-two of the workers' compen-
50 sation law.

51 (w) "Workers' compensation liability insurance policy" or "assumption
52 of workers' compensation liability insurance policy" means any policy
53 executed by the chair pursuant to subdivision (i) of section thirty-two
54 or subdivision three of section twenty-five-a of the workers' compen-
55 sation law providing for the assumption of all or part of such further
56 and future contingent workers' compensation liability as may arise from

1 prior injuries to workers. Such policy shall be in a form approved by
2 the superintendent of financial services and issued by the state insur-
3 ance fund or any insurance company licensed to issue this class of
4 insurance in this state. In the event that such policy is issued by an
5 insurance company other than the state insurance fund, then such policy
6 shall be deemed of the kind specified in paragraph fifteen of subsection
7 (a) of section one thousand one hundred thirteen of the insurance law
8 and covered by the workers' compensation security fund as created and
9 governed by article six-A of the workers' compensation law. Such a poli-
10 cy shall only be issued for a single complete premium payment that is
11 payable in advance and in an amount deemed acceptable by the chair and
12 the superintendent of financial services. When issued such policy shall
13 be noncancellable without recourse for any cause during the continuance
14 of the liability secured and so covered.

15 2. The authority is hereby authorized to issue bonds to finance the
16 special disability fund established by paragraph (h) of subdivision
17 eight of section fifteen of the workers' compensation law and to enter
18 into one or more special disability fund financing agreements described
19 in such subdivision and authorized to issue bonds to finance the fund
20 for reopened cases established by subdivision three of section twenty-
21 five-a of the workers' compensation law and to enter into one or more
22 fund for reopened cases financing agreements described in subdivision
23 four of such section. All of the provisions of the [authority] public
24 authorities law relating to bonds and notes of the dormitory authority
25 generally which are not inconsistent with the provisions of this section
26 shall apply to obligations authorized by this section, including but not
27 limited to the power to establish adequate reserves therefor and to
28 issue renewal notes or refunding bonds thereof. [The provisions of this
29 section shall apply solely to obligations authorized by this section and
30 shall not include liabilities, assets or revenues other than liabil-
31 ities, assets or revenues derived from the authority solely from the
32 special disability fund.]

33 3. It is found and declared that the special disability fund and the
34 fund for reopened cases no longer [serves] serve the purposes for which
35 [it was] they were created, [adds] add to the time and expense of
36 proceedings before the workers' compensation board and to employers'
37 costs for workers' compensation insurance; that the creation and opera-
38 tion of a waiver agreement management office of the workers' compen-
39 sation board, to manage, maintain and negotiate waiver agreements on
40 behalf of the special disability fund and fund for reopened cases can
41 reduce the special disability fund's and fund for reopened cases
42 unfunded liability; that the reduction of such liability and the closing
43 of the fund to new claims will over the long term reduce assessments
44 paid to the [fund] funds by insurance carriers, self-insurers and the
45 state insurance fund, as well as the employers to whom these costs are
46 passed on; that in the absence of this section the annual cost of [such]
47 assessments to employers is expected to rise; that the settlement of
48 claims and other actions undertaken by the waiver agreement management
49 office will lower the administrative costs of insurance carriers, self-
50 insurers and the state insurance fund; [that revenue obligations issued
51 by the authority and secured by a special assessment annually levied,
52 imposed and collected on and from insurance carriers, self-insurers and
53 the state insurance fund for the governmental purpose of funding waiver
54 agreements] that unfunded special disability fund liabilities and
55 unfunded claims payable from the fund for reopened cases will, absent
56 provision for long-term financing, result in imposition of costs on



1 employers through assessments; that such unfunded liabilities, claims
2 and assessments may have detrimental impact on businesses and not-for-
3 profit corporations in New York state and on the provision of services
4 to New York residents; that without financing the board may be required
5 to impose higher assessments to pay such unfunded liabilities and
6 claims; that financing will allow the workers' compensation board to
7 fund waiver agreements and contract awards and to purchase one or more
8 assumption of workers' compensation liability insurance policies that
9 will limit the long term losses from these unfunded liabilities and
10 claims; that bonds issued by the authority and secured by assessments
11 levied, for the governmental purpose of funding waiver agreements with
12 respect to the special disability fund and funding contract awards,
13 assumption of workers' compensation liability insurance policies and
14 anticipated liabilities with respect to the special disability fund and
15 the fund for reopened cases amortized over a substantial period would
16 allow the state to settle and otherwise manage [claims] the special
17 disability fund and fund for reopened cases claims and to reduce special
18 disability fund and fund for reopened cases claims as a means for reduc-
19 ing the fund's liabilities and the assessments needed to pay them,
20 thereby furthering the policy of the state to reduce the costs of work-
21 ers' compensation and to improve the business climate in the state while
22 compensating injured workers and honoring the obligations of the special
23 disability fund and fund for reopened cases; that all costs of the
24 authority in relation to this section shall be paid from assessments set
25 forth in paragraph (h) of subdivision eight of section fifteen and in
26 section one hundred fifty-one of the workers' compensation law; and
27 that, therefore, the provisions of this section are for the public bene-
28 fit and good and the authorization as provided in this section of the
29 issuance of revenue obligations of the authority is declared to be for a
30 public purpose and the exercise of an essential governmental function.

31 4. (a) The authority, the commissioner of taxation and finance and the
32 chair, [in] after consultation with the director of the budget and the
33 special disability fund advisory committee shall execute a financing
34 agreement prior to the issuance of any bonds. Such agreement shall
35 contain such terms and conditions as are necessary to carry out and
36 effectuate the purposes of this section, including covenants with
37 respect to the assessment and enforcement of the assessments, the appli-
38 cation and use of the proceeds of the sale of bonds to preserve the
39 tax-exemption on the bonds, the interest on which is intended to be
40 exempt from taxation. The state shall not be authorized to make any
41 covenant, pledge, promise or agreement purporting to bind the state with
42 respect to pledged revenues, except as otherwise specifically authorized
43 by this section.

44 (b) The net proceeds of the bonds shall be deposited in accordance
45 with the applicable financing agreement and this section. [The] Each
46 special disability fund financing agreement shall provide for the appli-
47 cation of the net bond proceeds, and such bond proceeds shall be used,
48 for any of the following corporate purposes: (i) funding of waiver
49 agreements, (ii) payment of financing costs, (iii) funding anticipated
50 liabilities of the special disability fund, (iv) funding contract awards
51 pursuant to [subparagraph two of] paragraph [(h)] (i) of section thir-
52 ty-two of the workers' compensation law [and (v)], (v) funding the
53 purchase of one or more assumption of workers' compensation liability
54 insurance policies to discharge the liabilities incurred under subpara-
55 graph one of paragraph (h) of subdivision eight of section fifteen of
56 the workers' compensation law and (vi) such other purposes as are set

1 forth in the financing agreement. Each fund for reopened cases financing
2 agreement shall provide for the application of the net bond proceeds,
3 and such bond proceeds shall be used, for any of the following corporate
4 purposes: (i) payment of financing costs, (ii) funding anticipated
5 liabilities of the fund for reopened cases, (iii) funding contract
6 awards pursuant to subdivision three of section twenty-five-a of the
7 workers' compensation law, (iv) funding the purchase of one or more
8 assumption of workers' compensation liability insurance policies to
9 discharge the liabilities incurred or to be incurred under subdivision
10 three of section twenty-five-a of the workers' compensation law and (v)
11 such other purposes as are set forth in the financing agreement. Not
12 inconsistent with this section, the authority may provide restrictions
13 on the use and investment of net proceeds of the bonds and other amounts
14 in [the] any financing agreement or otherwise in a tax regulatory agree-
15 ment as necessary or desirable to assure that they are exempt from taxa-
16 tion.

17 § 29. Paragraphs (a), (c), and (g) of subdivision 5 of section 1680-1
18 of the public authorities law, as added by chapter 6 of the laws of
19 2007, subparagraph (i) of paragraph (a) of subdivision 5 as further
20 amended by section 104 of part A of chapter 62 of the laws of 2011, are
21 amended to read as follows:

22 (a) (i) The authority shall have power and is hereby authorized to
23 issue its bonds at such times and in an aggregate principal amount not
24 to exceed an amount to be determined by the superintendent of financial
25 services as necessary to address all or a portion of the incurred
26 unfunded liabilities of the special disability fund, but in no case
27 exceeding twenty-five percent of the unfunded liability of the special
28 disability fund as of a date no later than July first, two thousand
29 seven, as certified to the authority by a qualified third party. The
30 bonds shall be issued for the [following] corporate purposes[: (A) fund-
31 ing of waiver agreements, (B) payment of financing costs, (C) funding
32 anticipated liabilities of the special disability fund, (D) funding
33 contract awards pursuant to paragraph two of subdivision (h) of section
34 thirty-two of the workers' compensation law and (E) such other purposes
35 as are set forth in the financing agreement] identified in subdivision
36 four-b of this section and in the applicable financial agreement. The
37 foregoing limitation on outstanding aggregate principal shall not apply
38 to prevent the issuance of bonds to refund bonds.

39 (ii) Each issuance of bonds shall be authorized by a resolution of the
40 authority, provided, however, that any such resolution authorizing the
41 issuance of bonds may delegate to an officer of the authority the power
42 to issue such bonds from time to time and to fix the details of any such
43 issues of bonds by an appropriate certificate of such authorized offi-
44 cer. Every issue of the bonds of the authority [for the special disabili-
45 ty fund] pursuant to this section shall be special revenue obligations
46 payable from and secured by a pledge of revenues and other assets,
47 including those proceeds of such bonds deposited in a reserve fund for
48 the benefit of bondholders, earnings on funds of the authority and such
49 other funds and assets as may become available, upon such terms and
50 conditions as specified by the authority in the resolution under which
51 the bonds are issued or in a related trust indenture.

52 (iii) The authority shall have the power and is hereby authorized from
53 time to time to issue bonds, [in] after consultation with the director
54 of budget and special disability fund advisory committee to refund any
55 bonds issued under this section by the issuance of new bonds, whether
56 the bonds to be refunded have or have not matured, and to issue bonds



1 partly to refund bonds then outstanding and partly for any of its other
2 corporate purposes under this section. The refunding bonds may be
3 exchanged for the bonds to be refunded or sold and the proceeds applied
4 to the purchase, redemption or payment of such bonds.

5 (c) The authority may sell such bonds in such manner, either at a
6 public or private sale and either on a competitive or negotiated basis,
7 provided no such bonds may be sold by the authority at private sale
8 unless such sale and the terms thereof have been approved in writing by
9 the comptroller of the state of New York. The proceeds of such bonds
10 shall be disbursed for the purposes for which such bonds were issued
11 under such restrictions as the financing agreement and the resolution
12 authorizing the issuance of such bonds or the related trust indenture
13 may provide. Such bonds shall be issued upon approval of the authority
14 and without any other approvals, filings, proceedings or the happening
15 of any other conditions or things other than the approvals, findings,
16 proceedings, conditions, and things that are specified and required by
17 this section[. Provided]; provided, however, that any issuance of bonds
18 under the authority of this section shall be considered a project for
19 the purposes of section fifty-one of this chapter, and subject to
20 approval under such section.

21 (g) The authority may enter into, amend or terminate, as it determines
22 to be necessary or appropriate, any ancillary bond facility [in] after
23 consultation with the director of budget and special disability fund
24 advisory committee (i) to facilitate the issuance, sale, resale,
25 purchase, repurchase or payment of bonds, interest rate savings or
26 market diversification or the making or performance of interest rate
27 exchange or similar agreements, including without limitation bond insur-
28 ance, letters of credit and liquidity facilities, (ii) to attempt to
29 manage or hedge risk or achieve a desirable effective interest rate or
30 cash flow, or (iii) to place the obligations or investments of the
31 authority, as represented by the bonds or the investment of reserved
32 bond proceeds or other pledged revenues or other assets, in whole or in
33 part, on the interest rate, cash flow or other basis decided [in], after
34 consultation with the director of budget and special disability fund
35 advisory committee, which facility may include without limitation
36 contracts commonly known as interest rate exchange or similar agree-
37 ments, forward purchase contracts or guaranteed investment contracts and
38 futures or contracts providing for payments based on levels of, or
39 changes in, interest rates. These contracts or arrangements may be
40 entered into by the authority in connection with, or incidental to,
41 entering into, or maintaining any (i) agreement which secures bonds of
42 the authority or (ii) investment, or contract providing for investment
43 of reserves or similar facility guaranteeing an investment rate for a
44 period of years not to exceed the underlying term of the bonds. The
45 determination by the authority that an ancillary bond facility or the
46 amendment or termination thereof is necessary or appropriate as afore-
47 said shall be conclusive. Any ancillary bond facility may contain such
48 payment, security, default, remedy, and termination provisions and
49 payments and other terms and conditions as determined by the authority,
50 after giving due consideration to the creditworthiness of the counter-
51 party or other obligated party, including any rating by any nationally
52 recognized rating agency, and any other criteria as may be appropriate.

53 § 30. Subdivision 8 of section 1680-1 of the public authorities law,
54 as added by chapter 6 of the laws of 2007, is amended to read as
55 follows:



1 8. All monies of the authority from whatever source derived, that are
2 pledged pursuant to this section, shall be paid to the treasurer of the
3 authority and shall be deposited forthwith in a bank or banks designated
4 by the authority. The monies in such accounts shall be paid out or with-
5 drawn on the order of such person or persons as the authority may
6 authorize to make such requisitions. All deposits of such monies shall
7 either be secured by obligations of the United States or of the state or
8 of any municipality of a market value equal at all times to the amount
9 on deposit, or monies of the authority may be deposited in money market
10 funds rated in the highest short-term or long-term rating category by at
11 least one nationally recognized rating agency. To the extent practica-
12 ble, and consistent with the requirements of the authority, all such
13 monies shall be deposited in interest bearing accounts. The authority
14 shall have power, notwithstanding the provisions of this section, to
15 contract with the holders of any bonds as to the custody, collection,
16 security, investment and payment of any monies of the authority or any
17 monies held in trust or otherwise for the payment of bonds or any way to
18 secure bonds, and carry out any such contract notwithstanding that such
19 contract may be inconsistent with the provisions of this section. Monies
20 held in trust or otherwise for the payment of bonds or in any way to
21 secure bonds and deposits of such moneys may be secured in the same
22 manner as monies of the authority and all banks and trust companies are
23 authorized to give such security for such deposits. Any such monies of
24 the authority not required for immediate use or disbursement may, at the
25 discretion of the authority, be invested in accordance with law and such
26 guidelines as are approved by the authority.

27 § 31. Paragraph (a) of subdivision 10 of section 1680-1 of the public
28 authorities law, as added by chapter 6 of the laws of 2007, is amended
29 to read as follows:

30 (a) The state, solely with respect to the resources of the special
31 disability fund and of the fund for reopened cases, as applicable and as
32 set forth in [the special disability fund] each applicable financing
33 agreement, covenants with the purchasers and all subsequent owners and
34 transferees of bonds issued by the authority pursuant to this section in
35 consideration of the acceptance of the payment of the bonds, until the
36 bonds, together with the interest thereon, with interest on any unpaid
37 installment of interest and all costs and expenses in connection with
38 any action or proceeding on behalf of the owners, are fully met and
39 discharged or unless expressly permitted or otherwise authorized by the
40 terms of each [special disability fund] applicable financing agreement
41 and any contract made or entered into by the authority with or for the
42 benefit of such owners, (i) that in the event bonds of the authority are
43 sold as federally tax-exempt bonds, the state shall not take any action
44 or fail to take action that would result in the loss of such federal tax
45 exemption on said bonds, (ii) that the state will cause the workers'
46 compensation board to impose, charge, raise, levy, collect and apply the
47 pledged assessments and other revenues, receipts, funds or moneys
48 pledged for the payment of debt service requirements in each year in
49 which bonds are outstanding, and (iii) further, that the state (A) will
50 not materially limit or alter the duties imposed on the workers' compen-
51 sation board, the authority and other officers of the state by [the
52 special disability fund] each applicable financing agreement and the
53 bond proceedings authorizing the issuance of bonds with respect to
54 application of pledged assessments or other revenues, receipts, funds or
55 moneys pledged for the payment of debt service requirements, (B) will
56 not issue any bonds, notes or other evidences of indebtedness, other



1 than the bonds authorized by this section, having any rights arising out
2 of paragraph (h) of subdivision eight of section fifteen of the workers'
3 compensation law, subdivision three of section twenty-five-a of the
4 workers' compensation law, section one hundred fifty-one of the workers'
5 compensation law or this section or secured by any pledge of or other
6 lien or charge on the pledged revenues or other receipts, funds or
7 moneys pledged for the payment of debt service requirements; except for
8 bonds authorized under section fifty-c of the workers' compensation law,
9 (C) will not create or cause to be created any lien or charge on the
10 pledged revenues, other than a lien or pledge created thereon pursuant
11 to said sections, (D) will carry out and perform, or cause to be carried
12 out and performed, each and every promise, covenant, agreement or
13 contract made or entered into by [the special disability fund] each
14 applicable financing agreement, by the authority or on its behalf with
15 the bond owners of any bonds, (E) will not in any way impair the rights,
16 exemptions or remedies of the bond owners, and (F) will not limit, modi-
17 fy, rescind, repeal or otherwise alter the rights or obligations of the
18 appropriate officers of the state to impose, maintain, charge or collect
19 the assessments and other revenues or receipts constituting the pledged
20 revenues as may be necessary to produce sufficient revenues to fulfill
21 the terms of the proceedings authorizing the issuance of the bonds,
22 including pledged revenue coverage requirements, provided, however, (i)
23 the remedies available to the authority and the bondholders for any
24 breach of the pledges and agreements of the state set forth in this
25 subclause shall be limited to injunctive relief, (ii) nothing in this
26 subdivision shall prevent the authority from issuing evidences of
27 indebtedness (A) which are secured by a pledge or lien which is, and
28 shall on the face thereof, be expressly subordinate and junior in all
29 respects to every lien and pledge created by or pursuant to said
30 sections, or (B) which are secured by a pledge of or lien on moneys or
31 funds derived on or after the date every pledge or lien thereon created
32 by or pursuant to said sections shall be discharged and satisfied, and
33 (iii) nothing in this subdivision shall preclude the state from exercis-
34 ing its power, through a change in law, to limit, modify, rescind,
35 repeal or otherwise alter the character of the pledged assessments or
36 revenues or to substitute like or different sources of assessments,
37 taxes, fees, charges or other receipts as pledged revenues if and when
38 adequate provision shall be made by law for the protection of the hold-
39 ers of outstanding bonds pursuant to the proceedings under which the
40 bonds are issued, including changing or altering the method of estab-
41 lishing the special assessments.

42 The authority is authorized to include this covenant of the state, as
43 a contract of the state, in any agreement with the owner of any bonds
44 issued pursuant to this section and in any credit facility or reimburse-
45 ment agreement with respect to such bonds. Notwithstanding these pledges
46 and agreements by the state, the attorney general may in his or her
47 discretion enforce any and all provisions related to the special disa-
48 bility fund, without limitation.

49 § 32. Paragraph (t) of subdivision 1 of section 1680-q of the public
50 authorities law, as added by section 35 of part GG of chapter 57 of the
51 laws of 2013, is amended to read as follows:

52 (t) "Self-insured bond financing agreement" or "financing agreement"
53 means an agreement authorized and created pursuant to subdivision four
54 of this section and section fifty-c of the workers' compensation law, as
55 [same by its terms and bond proceedings,] such agreement may be amended.



1 § 33. Subdivision 1 of section 1680-q of the public authorities law,
2 as added by section 35 of part GG of chapter 57 of the laws of 2013, is
3 amended by adding a new paragraph (u) to read as follows:

4 (u) "Workers' compensation liability insurance policy" or "assumption
5 of workers' compensation liability insurance policy" means any policy
6 executed or deemed owned by the chair pursuant to subparagraph (a) or
7 (c) of paragraph seven of subdivision three-a of section fifty of the
8 workers' compensation law providing for the assumption of all or part of
9 such further and future contingent workers' compensation liability as
10 may arise from prior injuries to workers. Such policy shall be in a form
11 approved by the superintendent of financial services and issued by the
12 state insurance fund or any insurance company licensed to issue this
13 class of insurance in this state. In the event that such policy is
14 issued by an insurance company other than the state insurance fund, then
15 such policy shall be deemed of the kind specified in paragraph fifteen
16 of subsection (a) of section one thousand one hundred thirteen of the
17 insurance law and covered by the workers' compensation security fund as
18 created and governed by article six-A of the workers' compensation law.
19 Such a policy shall only be issued for a single complete premium payment
20 that is payable in advance and in an amount deemed acceptable by the
21 chair and the superintendent of financial services. When issued such
22 policy shall be noncancellable without recourse for any cause during the
23 continuance of the liability secured and so covered.

24 § 34. Subdivision 2 of section 1680-q of the public authorities law,
25 as added by section 35 of part GG of chapter 57 of the laws of 2013, is
26 REPEALED and a new subdivision 2 is added to read as follows:

27 2. The authority is hereby authorized to issue bonds to reduce assess-
28 ments imposed on self-insured employers under section fifty of the work-
29 ers' compensation law as a result of the unfunded claims of individual
30 and group self-insurers. The authority may enter into one or more self-
31 insured bond financing agreements described in section fifty-c and, to
32 the extent applicable, section 50(3)(c), of the workers' compensation
33 law. All of the provisions of the public authorities law relating to
34 bonds and notes of the dormitory authority generally which are not
35 inconsistent with the provisions of this section shall apply to obli-
36 gations authorized by this section, including but not limited to the
37 power to establish adequate reserves therefor and to issue renewal notes
38 or refunding bonds thereof.

39 § 35. Subparagraph (iii) of paragraph (a) of subdivision 5 of section
40 1680-q of the public authorities law, as added by section 35 of part GG
41 of chapter 57 of the laws of 2013, is amended to read as follows:

42 (iii) The authority shall have the power and is hereby authorized from
43 time to time to issue bonds, [in] after consultation with the chair, the
44 commissioner of taxation and finance and the director of the budget, to
45 refund any bonds issued under this section by the issuance of new bonds,
46 whether the bonds to be refunded have or have not matured, and to issue
47 bonds partly to refund bonds then outstanding and partly for any of its
48 other corporate purposes under this section. The refunding bonds may be
49 exchanged for the bonds to be refunded or sold and the proceeds applied
50 to the purchase, redemption or payment of such bonds.

51 § 36. Paragraph (g) of subdivision 5 of section 1680-q of the public
52 authorities law, as added by section 35 of part GG of chapter 57 of the
53 laws of 2013, is amended to read as follows:

54 (g) The authority may enter into, amend or terminate, as it determines
55 to be necessary or appropriate, any ancillary bond facility [in] after
56 consultation with the chair and director of the budget (i) to facilitate

1 the issuance, sale, resale, purchase, repurchase or payment of bonds,
2 interest rate savings or market diversification or the making or
3 performance of interest rate exchange or similar agreements, including
4 without limitation bond insurance, letters of credit and liquidity
5 facilities, (ii) to attempt to manage or hedge risk or achieve a desira-
6 ble effective interest rate or cash flow, or (iii) to place the obli-
7 gations or investments of the authority, as represented by the bonds or
8 the investment of reserved bond proceeds or other pledged revenues or
9 other assets, in whole or in part, on the interest rate, cash flow or
10 other basis decided [in] after consultation with the chair and director
11 of the budget, which facility may include without limitation contracts
12 commonly known as interest rate exchange or similar agreements, forward
13 purchase contracts or guaranteed investment contracts and futures or
14 contracts providing for payments based on levels of, or changes in,
15 interest rates. These contracts or arrangements may be entered into by
16 the authority in connection with, or incidental to, entering into, or
17 maintaining any agreement which secures bonds of the authority or
18 investment, or contract providing for investment of reserves or similar
19 facility guaranteeing an investment rate for a period of years not to
20 exceed the underlying term of the bonds. The determination by the
21 authority that an ancillary bond facility or the amendment or termi-
22 nation thereof is necessary or appropriate as aforesaid shall be conclu-
23 sive. Any ancillary bond facility may contain such payment, security,
24 default, remedy, and termination provisions and payments and other terms
25 and conditions as determined by the authority, after giving due consid-
26 eration to the creditworthiness of the counterparty or other obligated
27 party, including any rating by any nationally recognized rating agency,
28 and any other criteria as may be appropriate.

29 § 37. Subdivision 8 of section 1680-q of the public authorities law,
30 as added by section 35 of part GG of chapter 57 of the laws of 2013, is
31 amended to read as follows:

32 8. All monies of the authority from whatever source derived, that are
33 pledged pursuant to this section, shall be paid to the treasurer of the
34 authority and shall be deposited forthwith in a bank or banks designated
35 by the authority. The monies in such accounts shall be paid out or with-
36 drawn on the order of such person or persons as the authority may
37 authorize to make such requisitions. All deposits of such monies shall
38 either be secured by obligations of the United States or of the state or
39 of any municipality of a market value equal at all times to the amount
40 on deposit, or monies of the authority may be deposited in money market
41 funds rated in the highest short-term or long-term rating category by at
42 least one nationally recognized rating agency. To the extent practica-
43 ble, and consistent with the requirements of the authority, all such
44 monies shall be deposited in interest bearing accounts. The authority
45 shall have power, notwithstanding the provisions of this section, to
46 contract with the holders of any bonds as to the custody, collection,
47 security, investment and payment of any monies of the authority or any
48 monies held in trust or otherwise for the payment of bonds or any way to
49 secure bonds, and carry out any such contract notwithstanding that such
50 contract may be inconsistent with the provisions of this section. Monies
51 held in trust or otherwise for the payment of bonds or in any way to
52 secure bonds and deposits of such moneys may be secured in the same
53 manner as monies of the authority and all banks and trust companies are
54 authorized to give such security for such deposits. Any such monies of
55 the authority not required for immediate use or disbursement may, at the



1 discretion of the authority, be invested in accordance with law and such
2 guidelines as are approved by the authority.

3 § 38. Clause (B) of subparagraph (iii) of paragraph (a) of subdivision
4 10 of section 1680-q of the public authorities law, as added by section
5 35 of part GG of chapter 57 of the laws of 2013, is amended to read as
6 follows:

7 (B) will not issue any bonds, notes or other evidences of indebt-
8 edness, other than the bonds authorized by this section, having any
9 rights arising out of subparagraph two of paragraph c of subdivision
10 five of section fifty of the workers' compensation law, section one
11 hundred fifty-one of the workers' compensation law, or this section or
12 secured by any pledge of or other lien or charge on the revenues pledged
13 for the payment of debt service requirements; except for bonds author-
14 ized under subdivision eight of section fifteen of the workers' compen-
15 sation law, or under section twenty-five-a of the workers' compensation
16 law.

17 § 39. The opening paragraph of section 3443 of the insurance law, as
18 added by chapter 924 of the laws of 1990, is amended to read as follows:

19 An insurer issuing a workers' compensation and employers' liability
20 insurance policy, [and a group self-insurer for municipal corporations
21 as defined in subdivision three-a of section fifty of the workers'
22 compensation law,] may offer, as part of the policy or by endorsement,
23 deductibles optional to the policyholder for benefits payable under the
24 policy, subject to approval by the superintendent and subject to under-
25 writing by the insurer, consistent with the following standards or
26 factors:

27 § 40. This act shall take effect immediately; provided, however, that
28 sections eighteen and nineteen of this act shall take effect January 1,
29 2017.

30

PART H

31 Section 1. Section 200 of the workers' compensation law, as added by
32 chapter 600 of the laws of 1949, is amended to read as follows:

33 § 200. Short title. This article shall be known and may be cited as
34 the "disability benefits law and the paid family leave benefits law."

35 § 2. Subdivision 14 of section 201 of the workers' compensation law,
36 as added by chapter 600 of the laws of 1949 and as renumbered by chapter
37 438 of the laws of 1964, is amended and eleven new subdivisions 15, 16,
38 17, 18, 19, 20, 21, 22, 23, 24 and 25 are added to read as follows:

39 14. "A day of disability" means any day on which the employee was
40 prevented from performing work because of disability, including any day
41 which the employee uses for family care, and for which [he] the employee
42 has not received his or her regular remuneration.

43 15. "Family leave" shall mean any leave taken by an employee from work
44 to participate in providing care, including physical or psychological
45 care, for a family member of the employee made necessary by a serious
46 health condition of the family member; or to bond with the employee's
47 child during the first twelve months after the child's birth, or the
48 first twelve months after the placement of the child for adoption or
49 foster care with the employee; or because of any qualifying exigency as
50 interpreted under the family and medical leave act, 29 U.S.C.S §
51 2612(a)(1)(e) and 29 C.F.R. S.825.126(a)(1)-(8), arising out of the
52 fact that the spouse, domestic partner, child, or parent of the employee
53 is on active duty (or has been notified of an impending call or order to
54 active duty) in the armed forces of the United States.

1 16. "Child" means a biological, adopted, or foster son or daughter, a
2 stepson or stepdaughter, a legal ward, a son or daughter of a domestic
3 partner, or the person to whom the employee stands in loco parentis.

4 17. "Domestic partner" has the same meaning as set forth in section
5 four of this chapter.

6 18. "Serious health condition" means an illness, injury, impairment,
7 or physical or mental condition that involves inpatient care in a hospi-
8 tal, hospice, or residential health care facility, or continuing treat-
9 ment or continuing supervision by a health care provider and requiring
10 assistance to perform the activities of daily living.

11 19. "Parent" means a biological, foster, or adoptive parent, a
12 parent-in-law, a stepparent, a legal guardian, or other person who stood
13 in loco parentis to the employee when the employee was a child.

14 20. "Family member" means a child, parent, grandparent, grandchild,
15 sibling, spouse, or domestic partner as defined in this section.

16 21. "Grandchild" means a child of the employee's child.

17 22. "Health care provider" shall mean a person licensed under article
18 one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-
19 two, one hundred thirty-three, one hundred thirty-six, one hundred thir-
20 ty-nine, one hundred forty-one, one hundred forty-three, one hundred
21 forty-four, one hundred fifty-three, one hundred fifty-four, one hundred
22 fifty-six or one hundred fifty-nine of the education law or a person
23 licensed under the public health law, article one hundred forty of the
24 education law or article one hundred sixty-three of the education law.

25 23. "Grandparent" means a parent of the employee's parent.

26 24. "Sibling" means a person related to another person by blood,
27 adoption, or affinity through a common legal or biological parent.

28 25. "Family care" shall mean any leave taken by an employee from work:

29 (a) to participate in providing care, including physical or psycholog-
30 ical care, for a family member of the employee made necessary by a seri-
31 ous health condition of the family member; or

32 (b) to bond with the employee's child during the first twelve months
33 after the child's birth, or the first twelve months after the placement
34 of the child for adoption or foster care with the employee; or

35 (c) because of any qualifying exigency as interpreted under the Family
36 and Medical Leave Act, 29 U.S.C. § 2612(a)(1)(E) and 29 C.F.R. §
37 825.126(a)(1)-(8), arising out of the fact that the spouse, domestic
38 partner, child, or parent of the employee is on active duty or has been
39 notified of an impending call or order to active duty in the armed forc-
40 es of the United States.

41 § 3. Section 203 of the workers' compensation law, as amended by chap-
42 ter 436 of the laws of 1986, is amended to read as follows:

43 § 203. Employees eligible for benefits under section two hundred four
44 of this article. Employees in employment of a covered employer for four
45 or more consecutive weeks and employees in employment during the work
46 period usual to and available during such four or more consecutive weeks
47 in any trade or business in which they are regularly employed and in
48 which hiring from day to day of such employees is the usual employment
49 practice shall be eligible for disability and family leave benefits as
50 provided in section two hundred four of this article. Every such
51 employee shall continue to be eligible for family leave benefits only
52 during employment with a covered employer. Every such employee shall
53 continue to be eligible for disability benefits during such employment
54 and for a period of four weeks after such employment terminates regard-
55 less of whether the employee performs any work for remuneration or
56 profit in non-covered employment. If during such four week period the



1 employee performs any work for remuneration or profit for another
2 covered employer the employee shall become eligible for disability bene-
3 fits immediately with respect to that employment. In addition every such
4 employee who has previously completed four or more consecutive weeks in
5 employment with the covered employer and returns to work with the same
6 employer after an agreed and specified unpaid leave of absence or vaca-
7 tion without pay shall become eligible for disability and family leave
8 benefits immediately with respect to such employment. An employee who
9 during a period in which he or she is eligible to receive benefits under
10 subdivision two of section two hundred seven of this article returns to
11 employment with a covered employer and an employee who is currently
12 receiving unemployment insurance benefits or benefits under section two
13 hundred seven of this article and who returns to employment with a
14 covered employer shall become eligible for disability benefits imme-
15 diately with respect to such employment. An employee regularly in the
16 employment of a single employer on a work schedule less than the employ-
17 er's normal work week shall become eligible for disability and family
18 leave benefits on the twenty-fifth day of such regular employment. An
19 employee who [becomes disabled while] is eligible for disability and
20 family leave benefits in the employment of a covered employer shall not
21 be deemed, for the purposes of this article, to have such employment
22 terminated during any period he or she is eligible to receive benefits
23 under section two hundred four of this article with respect to such
24 employment.

25 § 4. The workers' compensation law is amended by adding three new
26 sections 203-a, 203-b and 203-c to read as follows:

27 § 203-a. Retaliatory action prohibited for family leave. 1. The
28 provisions of section one hundred twenty of this chapter and section two
29 hundred forty-one of this article shall be applicable to family leave.

30 2. Nothing in this section shall be deemed to diminish the rights,
31 privileges, or remedies of any employee under any collective bargaining
32 agreement or employment contract.

33 § 203-b. Reinstatement following family leave. Any eligible employee
34 of a covered employer who takes leave under this section shall be enti-
35 tled, on return from such leave, to be restored by the employer to the
36 position of employment held by the employee when the leave commenced, or
37 to be restored to a comparable position with comparable employment bene-
38 fits, pay and other terms and conditions of employment. The taking of
39 family leave shall not result in the loss of any employment benefit
40 accrued prior to the date on which the leave commenced. Nothing in this
41 section shall be construed to entitle any restored employee to the
42 accrual of any seniority or employment benefits during any period of
43 leave, or any right, benefit or position to which the employee would
44 have been entitled had the employee not taken the leave.

45 § 203-c Health insurance during family leave.

46 In accordance with the Family and Medical Leave Act (29 U.S.C. §§
47 2601-2654), during any period of family leave the employer shall main-
48 tain any existing health benefits of the employee in force for the dura-
49 tion of such leave as if the employee had continued to work from the
50 date he or she commenced family leave until the date he or she returns
51 to employment.

52 § 5. Section 204 of the workers' compensation law, as added by chapter
53 600 of the laws of 1949, subdivision 2 as amended by chapter 38 of the
54 laws of 1989, is amended to read as follows:

55 § 204. Disability and family leave during employment. 1. Disability
56 benefits shall be payable to an eligible employee for disabilities

1 [commencing after June thirtieth, nineteen hundred fifty], beginning
2 with the eighth [consecutive] day of disability and thereafter during
3 the continuance of disability, subject to the limitations as to maximum
4 and minimum amounts and duration and other conditions and limitations in
5 this section and in sections two hundred five and two hundred six of
6 this article. Family leave benefits shall be payable to an eligible
7 employee for the first full day when family leave is required and there-
8 after during the continuance of the need for family leave, subject to
9 the limitations as to maximum and minimum amounts and duration and other
10 conditions and limitations in this section and in sections two hundred
11 five and two hundred six of this article. Successive periods of disabil-
12 ity or family leave caused by the same or related injury or sickness
13 shall be deemed a single period of disability or family leave only if
14 separated by less than three months.

15 2. (a) The weekly benefit for family leave that occurs (i) on or after
16 January first, two thousand eighteen shall be fifty percent of the
17 employee's average weekly wage but shall not exceed fifty percent of the
18 state average weekly wage, (ii) on or after January first, two thousand
19 nineteen shall be fifty-five percent of the employee's average weekly
20 wage but shall not exceed fifty-five percent of the state average weekly
21 wage, (iii) on or after January first, two thousand twenty shall be
22 sixty percent of the employee's average weekly wage but shall not exceed
23 sixty percent of the state average weekly wage, and (iv) on or after
24 January first of each succeeding year, shall be sixty-seven percent of
25 the employee's average weekly wage but shall not exceed sixty-seven
26 percent of the New York state average weekly wage in effect. The weekly
27 benefits for family leave that occurs on or after January first, two
28 thousand eighteen shall not be less than one hundred dollars per week
29 except that if the employee's wages at the time of family leave are less
30 than one hundred dollars per week, the employee shall receive his or her
31 full wages. Benefits may be payable to employees for paid family leave
32 taken intermittently or for less than a full work week in increments of
33 one full day or one fifth of the weekly benefit.

34 (b) The weekly benefit which the disabled employee is entitled to
35 receive for disability commencing on or after May first, nineteen
36 hundred eighty-nine shall be one-half of the employee's weekly wage, but
37 in no case shall such benefit exceed one hundred seventy dollars; except
38 that if the employee's average weekly wage is less than twenty dollars,
39 the benefit shall be such average weekly wage. The weekly benefit which
40 the disabled employee is entitled to receive for disability commencing
41 on or after July first, nineteen hundred eighty-four shall be one-half
42 of the employee's weekly wage, but in no case shall such benefit exceed
43 one hundred forty-five dollars; except that if the employee's average
44 weekly wage is less than twenty dollars, the benefit shall be such aver-
45 age weekly wage. The weekly benefit which the disabled employee is enti-
46 tled to receive for disability commencing on or after July first, nine-
47 teen hundred eighty-three and prior to July first, nineteen hundred
48 eighty-four shall be one-half of the employee's average weekly wage, but
49 in no case shall such benefit exceed one hundred thirty-five dollars nor
50 be less than twenty dollars; except that if the employee's average week-
51 ly wage is less than twenty dollars the benefit shall be such average
52 weekly wage. The weekly benefit which the disabled employee is entitled
53 to receive for disability commencing on or after July first, nineteen
54 hundred seventy-four, and prior to July first, nineteen hundred eighty-
55 three, shall be one-half of the employee's average weekly wage, but in
56 no case shall such benefit exceed ninety-five dollars nor be less than

1 twenty dollars; except that if the employee's average weekly wage is
2 less than twenty dollars, the benefit shall be such average weekly wage.
3 The weekly benefit which the disabled employee is entitled to receive
4 for disability commencing on or after July first, nineteen hundred
5 seventy and prior to July first, nineteen hundred seventy-four shall be
6 one-half of the employee's average weekly wage, but in no case shall
7 such benefit exceed seventy-five dollars nor be less than twenty
8 dollars; except that if the employee's average weekly wage is less than
9 twenty dollars the benefit shall be such average weekly wage. For any
10 period of disability less than a full week, the benefits payable shall
11 be calculated by dividing the weekly benefit by the number of the
12 employee's normal work days per week and multiplying the quotient by the
13 number of normal work days in such period of disability. The weekly
14 benefit for a disabled employee who is concurrently eligible for bene-
15 fits in the employment of more than one covered employer shall, within
16 the maximum and minimum herein provided, be one-half of the total of the
17 employee's average weekly wages received from all such covered employ-
18 ers, and shall be allocated in the proportion of their respective aver-
19 age weekly wage payments.

20 § 6. Section 205 of the workers' compensation law, as added by chapter
21 600 of the laws of 1949, subdivision 1 as amended by chapter 651 of the
22 laws of 1958, subdivision 2 as amended by chapter 270 of the laws of
23 1990, subdivision 5 as amended by chapter 288 of the laws of 1970, and
24 subdivisions 3, 4, 5, 6, 7 and 8 as renumbered by chapter 352 of the
25 laws of 1981, is amended to read as follows:

26 § 205. Disabilities, family leave and [disability] periods for which
27 benefits are not payable. 1. No employee shall be entitled to disability
28 benefits under this article:

29 [1.] (a) For more than twenty-six weeks minus any days taken for fami-
30 ly leave during any fifty-two consecutive calendar weeks during a period
31 of fifty-two consecutive calendar weeks or during any one period of
32 disability, or for more than twenty-six weeks;

33 [2.] (b) for any period of disability during which an employee is not
34 under the care of a duly licensed [physician or with respect to disabil-
35 ity resulting from a condition of the foot which may lawfully be treated
36 by a duly registered and licensed podiatrist of the state of New York or
37 with respect to a disability resulting from a condition which may
38 lawfully be treated by a duly registered and licensed chiropractor of
39 the state of New York or with respect to a disability resulting from a
40 condition which may lawfully be treated by a duly licensed dentist of
41 the state of New York or with respect to a disability resulting from a
42 condition which may lawfully be treated by a duly registered and
43 licensed psychologist of the state of New York or with respect to a
44 disability resulting from a condition which may lawfully be treated by a
45 duly certified nurse midwife, for any period of such disability during
46 which an employee is neither under the care of a physician nor a podia-
47 trist, nor a chiropractor, nor a dentist, nor a psychologist, nor a
48 certified nurse midwife] health care provider; and for any period of
49 disability during which an employee who adheres to the faith or teach-
50 ings of any church or denomination and who in accordance with its creed,
51 tenets or principles depends for healing upon prayer through spiritual
52 means alone in the practice of religion, is not under the care of a
53 practitioner duly accredited by the church or denomination, and provided
54 such employee shall submit to all physical examinations as required by
55 this chapter.



1 2. No employee shall be entitled to family leave benefits under this
2 article:

3 (a) For more than twelve weeks during a period of fifty-two consec-
4 utive calendar weeks, or for any period in which the family leave
5 combined with the disability benefits previously paid exceeds twenty-six
6 weeks during the same fifty-two consecutive calendar weeks;

7 (b) For any period of family leave wherein the notice and medical
8 certification as prescribed by the chair has not been filed. At the
9 discretion of the chair or chair's designee, the family member who is
10 the recipient of care may be required to submit to a physical examina-
11 tion by a qualified health care provider. Such examination shall be paid
12 for by the carrier.

13 (c) As a condition of an employee's initial receipt of family leave
14 benefits during any fifty-two consecutive calendar weeks in which an
15 employee is eligible for these benefits, an employer may offer an
16 employee who has accrued but unused vacation time or personal leave
17 available at the time of use of available family leave to choose whether
18 to charge all or part of the family leave time to accrued but unused
19 vacation or personal leave, and receive full salary, or to not charge
20 time to accrued but unused vacation or personal leave, and receive the
21 benefit as set forth in section two hundred four of this article. An
22 employer that pays full salary during a period of family leave may
23 request reimbursement in accordance with section two hundred thirty-sev-
24 en of this article. With the election of either option, the employee
25 shall receive the full protection of the reinstatement provision set
26 forth in section two hundred three-b of this article, and shall concur-
27 rently use available family medical leave act and paid family leave
28 credits. In no event can an employee utilize family leave beyond the
29 twelve weeks per any fifty-two week period set forth in this article.
30 This paragraph may not be construed in a manner that relieves an employ-
31 er of any duty of collective bargaining the employer may have with
32 respect to the subject matter of this paragraph.

33 3. No employee shall be entitled to disability or family leave bene-
34 fits under this article:

35 (a) for any disability occasioned by the wilful intention of the
36 employee to bring about injury to or the sickness of himself or another,
37 or resulting from any injury or sickness sustained in the perpetration
38 by the employee of an illegal act;

39 [4.] (b) for any day of disability or family leave during which the
40 employee performed work for remuneration or profit;

41 [5.] (c) for any day of disability or family leave for which the
42 employee is entitled to receive from his or her employer, or from a fund
43 to which the employer has contributed, remuneration or maintenance in an
44 amount equal to or greater than that to which he or she would be enti-
45 tled under this article; but any voluntary contribution or aid which an
46 employer may make to an employee or any supplementary benefit paid to an
47 employee pursuant to the provisions of a collective bargaining agreement
48 or from a trust fund to which contributions are made pursuant to the
49 provisions of a collective bargaining agreement shall not be considered
50 as continued remuneration or maintenance for this purpose;

51 [6.] (d) for any period in respect to which such employee is subject
52 to suspension or disqualification of the accumulation of unemployment
53 insurance benefit rights, or would be subject if he or she were eligible
54 for such benefit rights, except for ineligibility resulting from the
55 employee's disability;

1 [7.] (e) for any disability due to any act of war, declared or unde-
2 clared[, if such act shall occur after June thirtieth, nineteen hundred
3 fifty];

4 [8.] (f) for any disability or family leave commencing before the
5 employee becomes eligible to benefits [hereunder or commencing prior to
6 July first, nineteen hundred fifty, but this shall not preclude benefits
7 for recurrence after July first, nineteen hundred fifty, of a disability
8 commencing prior thereto] under this section.

9 4. An employee who has given birth may use no more than a combined
10 twelve weeks pursuant to subdivision one for recovery from childbirth
11 and subdivision two for bonding with the child as permitted under subdivi-
12 vision fifteen of section 201, during any fifty-two consecutive calendar
13 weeks. An employee may not seek benefits concurrently under both subdivi-
14 sions one and two of this section.

15 § 7. Section 206 of the workers' compensation law, as amended by chap-
16 ter 699 of the laws of 1956, paragraph (a) of subdivision 1 as separate-
17 ly amended by chapters 699 and 929 of the laws of 1956 and subdivision 2
18 as amended by chapter 24 of the laws of 1988, is amended to read as
19 follows:

20 § 206. Non-duplication of benefits. 1. No disability benefits shall be
21 payable under section two hundred four or two hundred seven of this
22 article:

23 (a) in a weekly benefit amount which, together with any amount that
24 the employee receives or is entitled to receive for the same period or
25 any part thereof as a permanent disability benefit or annuity under any
26 governmental system or program, except under a veteran's disability
27 program, or under any permanent disability policy or program of an
28 employer for whom he or she has performed services, would, if appor-
29 tioned to weekly periods, exceed his or her weekly benefit amount [here-
30 under] under this section, provided however, that there shall be no
31 offset against the benefits set forth in this article if the claim for
32 disability benefits is based on a disability other than the permanent
33 disability for which the aforesaid permanent disability benefit or annu-
34 ity was granted;

35 (b) with respect to any week for which payments are received under the
36 unemployment insurance law or similar law of this state or of any other
37 state or of the United States;

38 (c) subject to the provisions of subdivision two of this section, for
39 any period with respect to which benefits, compensation or other allow-
40 ances (other than [workmen's] workers' compensation benefits for a
41 permanent partial disability occurring prior to the disability for which
42 benefits are claimed hereunder) are paid or payable under this chapter,
43 the volunteer [firemen's] firefighters' benefit law, or any other [work-
44 men's] workers' compensation act, occupational disease act or similar
45 law, or under any employers' liability act or similar law; under any
46 other temporary disability or cash sickness benefits act or similar law;
47 under section six hundred eighty-eight, title forty-six, United States
48 code; under the federal employers' liability act; or under the maritime
49 doctrine of maintenance, wages and cure.

50 2. If an employee who is eligible for disability benefits under
51 section two hundred three or two hundred seven of this article is disa-
52 bled and has claimed or subsequently claims workers' compensation bene-
53 fits under this chapter or benefits under the volunteer firefighters'
54 benefit law or the volunteer ambulance workers' benefit law, and such
55 claim is controverted on the ground that the employee's disability was
56 not caused by an accident that arose out of and in the course of his

1 employment or by an occupational disease, or by an injury in line of
2 duty as a volunteer firefighter or volunteer ambulance worker, the
3 employee shall be entitled in the first instance to receive benefits
4 under this article for his or her disability. If benefits have been paid
5 under this article in respect to a disability alleged to have arisen out
6 of and in the course of the employment or by reason of an occupational
7 disease, or in line of duty as a volunteer firefighter or a volunteer
8 ambulance worker, the employer or carrier or the chairman making such
9 payment may, at any time before award of workers' compensation benefits,
10 or volunteer firefighters' benefits or volunteer ambulance workers'
11 benefits, is made, file with the board a claim for reimbursement out of
12 the proceeds of such award to the employee for the period for which
13 disability benefits were paid to the employee under this article, and
14 shall have a lien against the award for reimbursement, notwithstanding
15 the provisions of section thirty-three of this chapter or section twenty-
16 ty-three of the volunteer firefighters' benefit law or section twenty-
17 three of the volunteer ambulance workers' benefit law provided the
18 insurance carrier liable for payment of the award receives, before such
19 award is made, a copy of the claim for reimbursement from the employer,
20 carrier or [chairman] chair who paid disability benefits, or provided
21 the board's decision and award directs such reimbursement therefrom.

22 3. No family leave benefits shall be payable under section two hundred
23 four of this article:

24 (a) During periods when the employee is receiving workers' compen-
25 sation lost wage benefits, or benefits under the volunteer firefighters'
26 benefit law or the volunteer ambulance workers' benefit law or under any
27 state's law;

28 (b) To an employee who is not employed or is on administrative leave
29 from his or her employment;

30 (c) To an employee during periods where the employee is collecting
31 sick pay or paid time off from the employer; and

32 (d) for any day in which claimant works at least part of that day for
33 remuneration or profit.

34 4. Unless otherwise expressly permitted by the employer, benefits
35 available under 29 U.S. Code Chapter 28 (The Family and Medical Leave
36 Act) must be used concurrently with family leave benefits. An employer
37 shall not be required to permit twelve additional weeks of benefits
38 following exhaustion of the twelve weeks of paid family leave benefits.

39 5. A covered employer is not required to permit more than one employee
40 to use the same period of family leave to care for the same family
41 member.

42 § 8. Section 207 of the workers' compensation law is amended by adding
43 a new subdivision 5 to read as follows:

44 5. The foregoing provisions of this section shall not apply to family
45 leave benefits, as family leave benefits are not available to employees
46 that are not employed at the time family leave is requested by filing
47 the notice and medical certification required by the chair.

48 § 9. Section 208 of the workers' compensation law, as added by chapter
49 600 of the laws of 1949, subdivision 1 as amended by chapter 314 of the
50 laws of 2010, is amended to read as follows:

51 § 208. Payment of disability and family leave benefits. 1. Benefits
52 provided under this article shall be paid periodically and promptly and,
53 except as to a contested period of disability or family leave, without
54 any decision by the board, or designee of the chair. The first payment
55 of benefits shall be due on the fourteenth day of disability or family
56 leave and benefits for that period shall be paid directly to the employ-



1 ee within four business days thereafter or within four business days
2 after the filing of required proof of claim, whichever is the later.
3 Thereafter benefits shall be due and payable bi-weekly in like manner.
4 The [chairman] chair or chair's designee may determine that benefits may
5 be paid monthly or semi-monthly if wages were so paid, and may authorize
6 deviation from the foregoing requirements to facilitate prompt payment
7 of benefits. Any inquiry which requires the employee's response in order
8 to continue benefits uninterrupted or unmodified shall provide a reason-
9 able time period in which to respond and include a clear and prominent
10 statement of the deadline for responding and consequences of failing to
11 respond.

12 2. The [chairman] chair and superintendent of financial services may,
13 whenever such information is deemed necessary, require any carrier to
14 file in form prescribed by the [chairman] chair a report or reports as
15 to any claim or claims, including (but without limitation) dates of
16 commencement and termination of benefit payments and amount of benefits
17 paid under this article. The [chairman] chair and superintendent of
18 financial services may also require annually information in respect to
19 the aggregate of benefits paid, the number of claims allowed and disal-
20 lowed, the average benefits and duration of benefit periods, the amount
21 of payrolls covered and such other information as the [chairman] chair
22 may deem necessary for the purposes of administering this article. If
23 the carrier is providing benefits in respect to more than one employer,
24 the [chairman] chair and superintendent of financial services may
25 require that such information be shown separately as to those employers
26 who are providing only benefits that are substantially the same as the
27 benefits required in this article. The chair and superintendent of
28 financial services may prescribe the format of such report and may
29 promulgate regulations to effectuate this article.

30 § 10. Section 209 of the workers' compensation law, as added by chap-
31 ter 600 of the laws of 1949, subdivision 3 as amended by chapter 415 of
32 the laws of 1983 and subdivision 4 as amended by chapter 134 of the laws
33 of 1952, is amended to read as follows:

34 § 209. Contribution of employees for disability and family leave bene-
35 fits. 1. Every employee in the employment of a covered employer shall[,
36 on and after January first, nineteen hundred fifty,] contribute to the
37 cost of providing disability and after January first, two thousand eigh-
38 teen, family leave benefits under this article, to the extent and in the
39 manner herein provided.

40 2. The special contribution of each such employee to the accumulation
41 of funds to provide benefits for disabled unemployed shall be as
42 provided in subdivision one of section two hundred fourteen of this
43 article.

44 3. (a) Disability benefits. The contribution of each such employee to
45 the cost of disability benefits provided by this article shall be one-
46 half of one per centum of the employee's wages paid to him or her on and
47 after July first, nineteen hundred fifty, but not in excess of sixty
48 cents per week.

49 (b) Family leave benefits. On September first, two thousand seventeen
50 and annually thereafter the superintendent of financial services shall
51 set the maximum employee contribution, using the reports provided in
52 section two hundred eight of this article, and consistent with the prin-
53 ciple that the costs of family leave should be funded one hundred
54 percent by employee payroll contribution.

55 4. Notwithstanding any other provision of law, the employer is author-
56 ized to collect from his or her employees, except as otherwise provided



1 in any plan or agreement under the provisions of subdivisions four or
2 five of section two hundred eleven of this article, the contribution
3 provided under subdivisions two and three of this section, through
4 payroll deductions. If the employer shall not make deduction for any
5 payroll period he or she may thereafter, but not later than one month
6 after payment of wages, collect such contribution through payroll
7 deduction.

8 5. In collecting employee contributions through payroll deductions,
9 the employer shall act as the agent of his or her employees and shall
10 use the contributions only to provide disability and family leave bene-
11 fits as required by this article. In no event may the employee's annual
12 contribution for family leave exceed his or her pro rata share of the
13 actual annual premium charged for the same year and must be determined
14 consistent with the principle that employees should pay the total costs
15 of family leave premium. In no event may the employee's weekly contrib-
16 ution for disability premium exceed one-half of one per centum of the
17 employee's wages paid to him or her, but not in excess of sixty cents
18 per week. After June thirtieth, nineteen hundred fifty, if the employer
19 is not providing, or to the extent that he or she is not then providing,
20 for the payment of disability benefits to his or her employees by insur-
21 ing with the state fund or with another insurance carrier, he or she
22 shall keep the contributions of his or her employees as trust funds
23 separate and apart from all other funds of the employer. The payment of
24 such contributions by the employer to a carrier providing for the
25 payment of such benefits shall discharge the employer from responsibil-
26 ity with respect to such contributions.

27 § 11. Section 210 of the workers' compensation law, as added by chap-
28 ter 600 of the laws of 1949, is amended to read as follows:

29 § 210. Employer contributions. 1. Every covered employer shall, on and
30 after January first, nineteen hundred fifty, contribute the cost of
31 providing disability and family leave benefits in excess of the contrib-
32 utions collected from his or her employees, to the extent and in the
33 manner provided in this article.

34 2. The special contribution of each covered employer to the accumu-
35 lation of funds to provide benefits for disabled unemployed shall be as
36 provided in subdivision one of section two hundred fourteen of this
37 article.

38 3. The contribution of every covered employer to the cost of providing
39 disability benefits after June thirtieth, nineteen hundred fifty, and
40 providing disability and family leave benefits after January first, two
41 thousand eighteen, shall be the excess of such cost over the amount of
42 the contributions of his or her employees.

43 4. No profit shall be derived by any employer or association of
44 employers or of employees from providing payment of disability and fami-
45 ly leave benefits under this article. All funds representing contrib-
46 utions of employers and employees, and increments thereon, held by
47 employers or associations of employers or of employees authorized or
48 permitted to pay benefits under the provisions of this article, and by
49 trustees paying benefits under plans or agreements meeting the require-
50 ments of section two hundred eleven of this article, shall be trust
51 funds and shall be expended only to provide for the payment of benefits
52 to employees and for the costs of administering this article and for the
53 support of the fund established under section two hundred fourteen of
54 this article.

55 § 12. The opening paragraph and subdivisions 3, 4 and 5 of section 211
56 of the workers' compensation law, the opening paragraph as added by



1 chapter 600 of the laws of 1949, subdivision 3 as amended by chapter 207
2 of the laws of 1992, and subdivisions 4 and 5 as amended by chapter 197
3 of the laws of 1960, are amended, and new subdivisions 7 and 8 are added
4 to read as follows:

5 A covered employer shall, with his or her own contributions and the
6 contributions of his employees, provide disability and after January
7 first, two thousand eighteen, family leave benefits to his or her
8 employees in one or more of the following ways:

9 3. by furnishing satisfactory proof to the chair of the employers
10 financial ability to pay such benefits, in which case the chair shall
11 require the deposit of such securities as the chair may deem necessary
12 [of the kind prescribed in subdivisions one, two, three, four and five
13 and paragraph a of subdivision seven of section two hundred thirty-five
14 of the banking law or the deposit of cash or the filing of irrevocable
15 letters of credit issued by a qualified banking institution as defined
16 by rules promulgated by the chair or the filing of the bond of a surety
17 company authorized to do business in this state, conditioned on the
18 payment by the employer of its obligations under this article and in
19 form approved by the chair, or the posting and filing of a combination
20 of such securities, cash, irrevocable letters of credit and surety bonds
21 in an amount to be determined by the chair, to secure his or her liabil-
22 ity to pay the compensation provided in this chapter. The amount of
23 deposit or of the penal sum of the bond shall be determined by the chair
24 and shall not be less than one-half the estimated contributions of the
25 employees of the employer for the ensuing year or one-half of the
26 contributions of the employees which would have been paid by the employ-
27 ees during the preceding year, whichever is the greater, or if such
28 amount is more than fifty thousand dollars an amount not less than fifty
29 thousand dollars. The chair shall have authority to deny an application
30 to provide benefits pursuant to this subdivision or to revoke approval
31 at any time for good cause shown. In the case of an employer who main-
32 tains a deposit of securities, irrevocable letters of credit or cash in
33 accordance with subdivision three of section fifty of this chapter, the
34 chair may reduce the amount of the deposit or of the penal sum of the
35 bond, provided the securities, irrevocable letters of credit or cash
36 deposited by or for such employer under subdivision three of section
37 fifty of this chapter are, by agreement satisfactory to the chair, made
38 available for the payment of unpaid benefits under this article with
39 respect to obligations incurred for disabilities commencing prior to the
40 effective date of such revocation] consistent with the provisions of
41 subdivision three of section fifty of this chapter. An association of
42 employers or employees authorized to pay benefits under this article or
43 the trustee or trustees paying benefits under a plan or agreement
44 authorized under subdivisions four and five of this section, may with
45 the approval of the chair furnish such proof and otherwise comply with
46 the provisions of this section to provide disability and family leave
47 benefits to employees under such plan or agreement.

48 4. by a plan in existence on the effective date of this article. If on
49 the effective date of this article the employees of a covered employer
50 or any class or classes of such employees are entitled to receive disa-
51 bility and family leave benefits under a plan or agreement which remains
52 in effect on July first, nineteen hundred fifty, the employer, subject
53 to the requirements of this section, shall be relieved of responsibility
54 for making provision for benefit payments required under this article
55 until the earliest date, determined by the [chairman] chair for the
56 purposes of this article, upon which the employer shall have the right



1 to discontinue the provisions thereof or to discontinue his contrib-
2 utions towards the cost. Any such plan or agreement may be extended,
3 with or without modification, by agreement or collective bargaining
4 between an employer or employers or association of employers and an
5 association of employees, in which event the period for which the
6 employer is relieved of such responsibility shall include such period of
7 extension. Any other plan or agreement in existence on the effective
8 date of this article which the employer may, by his or her sole act,
9 terminate at any time, or with respect to which he or she is not obli-
10 gated to continue for any period to make contributions, may be accepted
11 by the [chairman] chair as satisfying the obligation to provide for the
12 payment of benefits under this article if such plan or agreement
13 provides benefits at least as favorable as the disability and family
14 leave benefits provided by this article and does not require contrib-
15 utions of any employee or of any class or classes of employees in excess
16 of the statutory amount provided in subdivision three of section two
17 hundred nine of this article, subdivision three, except by agreement and
18 provided the contribution is reasonably related to the value of the
19 benefits as determined by the chair [chairman]. The [chairman] chair may
20 require that the employer shall enter into an agreement in writing with
21 the [chairman] chair that he or she will pay the assessments set forth
22 in sections two hundred fourteen and two hundred twenty-eight and that
23 until he or she shall have filed written notice with the chair [chair-
24 man] of his or her election to terminate such plan or agreement or to
25 discontinue making necessary contributions to its cost, he or she will
26 continue to provide for the payment of the disability and family leave
27 benefits under such plan or agreement.

28 During any period in which any plan or agreement or extension thereof
29 authorized under this subdivision provides for payment of benefits under
30 this article, the responsibility of the employer and the obligations and
31 benefits of the employees shall be as provided in said plan or agreement
32 rather than as provided under this article, other than the benefits
33 provided in section two hundred seven, and provided the employer or
34 carrier has agreed to pay the assessments described in sections two
35 hundred fourteen and two hundred twenty-eight.

36 Any such plan or agreement may be extended with or without modifica-
37 tion, provided the benefits under such plan or agreement, as extended or
38 modified, shall be found by the [chairman] chair to be at least as
39 favorable as the benefits provided by this article.

40 5. by a new plan or agreement. After the effective date of this arti-
41 cle, a new plan or agreement with a carrier may be accepted by the chair
42 [chairman] as satisfying the obligation to provide for the payment of
43 benefits under this article if such plan or agreement shall provide
44 benefits at least as favorable as the disability and family leave bene-
45 fits provided by this article and does not require contributions of any
46 employee or of any class or classes of employees in excess of the statu-
47 tory amount provided in section two hundred nine, subdivision three,
48 except by agreement and provided the contribution is reasonably related
49 to the value of the benefits as determined by the [chairman] chair. Any
50 such plan or agreement shall continue until written notice filed with
51 the [chairman] chair of intention to terminate such plan or agreement,
52 and any modification of such plan or agreement shall be subject to the
53 written approval of the [chairman] chair.

54 During any period in which any plan or agreement or extension thereof
55 authorized under this subdivision provides for payment of benefits under
56 this article, the responsibility of the employer and the obligations and



1 benefits of the employees shall be as provided in said plan or agreement
2 rather than as provided under this article, other than the benefits
3 provided in section two hundred seven, and provided the employer or
4 carrier has agreed to pay the assessments described in sections two
5 hundred fourteen and two hundred twenty-eight.

6 7. Premiums for policies providing disability or family leave benefits
7 in accordance with this article shall be calculated in accordance with
8 applicable provisions of the insurance law, including subsection (n) of
9 section four thousand two hundred and thirty-five of such law.

10 8. An employer providing disability benefits coverage pursuant to
11 subdivision three of this section may obtain coverage for family leave
12 benefits separately pursuant to subdivision one or subdivision two of
13 this section.

14 § 13. Subdivisions 1, 2, 4 and 5 of section 212 of the workers'
15 compensation law, subdivision 1 as amended by chapter 740 of the laws of
16 1960, subdivision 2 as amended by chapter 120 of the laws of 1969,
17 subdivision 4 as amended by chapter 205 of the laws of 1993, and subdi-
18 vision 5 as added by chapter 593 of the laws of 1992, are amended to
19 read as follows:

20 1. Any employer not required by this article to provide for the
21 payment of disability or family leave benefits to his employees, or to
22 any class or classes thereof, may become a covered employer or bring
23 within the provisions of this article such employees or class or classes
24 thereof by voluntarily electing to provide for payment of such benefits
25 in one or more of the ways set forth in section two hundred eleven of
26 this article; but such election shall be subject to the approval of the
27 [chairman] chair, and if the employees are required to contribute to the
28 cost of such benefits the assent within thirty days before such approval
29 is granted, of more than one-half of such employees shall be evidenced
30 to the satisfaction of the [chairman] chair. On approval by the [chair-
31 man] chair of such election to provide benefits, all the provisions of
32 this article shall become and continue applicable as if the employer
33 were a covered employer as defined in this article. The obligation to
34 continue as a covered employer with respect to employees for whom
35 provision of benefits is not required under this article, may be discon-
36 tinued by such employer on ninety days notice to the [chairman] chair in
37 writing and to his or her employees, after he or she has provided for
38 payment of benefits for not less than one year and with such provision
39 for payment of obligations incurred on and prior to the termination date
40 as the [chairman] chair may approve.

41 2. Notwithstanding the definition of "employer" and "employment" in
42 section two hundred one of this article, a public authority, a municipal
43 corporation or a fire district or other political subdivision may become
44 a covered employer for the purpose of providing disability benefits
45 under this article by complying with the provisions of subdivision one
46 of this section and may discontinue such status only as provided in that
47 subdivision.

48 4. (a) An executive officer of a corporation who at all times during
49 the period involved owns all of the issued and outstanding stock of the
50 corporation and holds all of the offices pursuant to paragraph (e) of
51 section seven hundred fifteen of the business corporation law or two
52 executive officers of a corporation who at all times during the period
53 involved between them own all of the issued and outstanding stock of
54 such corporation and hold all such offices provided, however, that each
55 officer must own at least one share of stock and who is the executive
56 officer or who are the executive officers of a corporation having other

1 persons who are employees required to be covered under this article,
2 shall be deemed to be included in the corporation's disability and fami-
3 ly leave benefits insurance contract or covered by a certificate of
4 self-insurance or a plan under section two hundred eleven of this arti-
5 cle, unless the officer or officers elect to be excluded from the cover-
6 age of this article. Such election shall be made by any such corporation
7 filing with the insurance carrier, or the chair of the workers' compen-
8 sation board in the case of self-insurance, upon a form prescribed by
9 the [chairman] chair, a notice that the corporation elects to exclude
10 the executive officer or officers of such corporation named in the
11 notice from the coverage of this article. Such election shall be effec-
12 tive with respect to all policies issued to such corporation by such
13 insurance carrier as long as it shall continuously insure the corpo-
14 ration. Such election shall be final and binding upon the executive
15 officer or officers named in the notice until revoked by the corpo-
16 ration.

17 (b) Notwithstanding the definition of "employer" in section two
18 hundred one of this article, a sole proprietor, member of a limited
19 liability company or limited liability partnership, or other self-em-
20 ployed person may become a covered employer under this article by
21 complying with the provisions of subdivision one of this section.

22 5. A spouse who is an employee of a covered employer shall be deemed
23 to be included in the employer's disability and family leave benefits
24 insurance contract or covered by a certificate of self-insurance or a
25 plan under section two hundred eleven of this article, unless the
26 employer elects to exclude such spouse from the coverage of this arti-
27 cle. Such election shall be made by any such employer filing with the
28 insurance carrier, or the chair of the workers' compensation board in
29 the case of self-insurance, upon a form prescribed by the chair, a
30 notice that the employer elects to exclude such spouse named in the
31 notice from the coverage of this article. Such election shall be effec-
32 tive with respect to all policies issued to such employer by such insur-
33 ance carrier as long as it shall continuously insure the employer. Such
34 election shall be final and binding upon the spouse named in the notice
35 until revoked by the employer.

36 § 14. The workers' compensation law is amended by adding new sections
37 212-a and 212-b to read as follows:

38 § 212-a. Notwithstanding the definition of "employer" and "employment"
39 set forth in section two hundred one of this article and the requirement
40 for insurance policies to offer both disability and family leave cover-
41 age set forth in two hundred twenty six of this article, the state, any
42 political subdivision of the state, a public authority or any other
43 governmental agency or instrumentality, may elect to become a covered
44 employer solely for the purpose of family leave benefits. Coverage for
45 family leave benefits may be secured by a public employer, as that term
46 is defined in subdivision one of section two hundred twelve-b of this
47 article, as permitted by this article, including as applicable section
48 two hundred eleven, subdivision four of section fifty, or section eight-
49 y-eight-c. The provider of family leave coverage for such public employ-
50 ees shall be exempt from the requirement that insurance policies offer
51 both disability and family leave benefits in section two hundred twen-
52 ty-six of this article.

53 § 212-b. Public employees; public employees represented by an employee
54 organization; employee opt in.

55 1. For purposes of this section, "public employee" means any employee
56 of the state, any political subdivision of the state, a public authority



1 or any other governmental agency or instrumentality. "Public employer"
2 means the state, any political subdivision of the state, a public
3 authority or any other governmental agency or instrumentality thereof.
4 "Employee organization" shall have the same meaning set forth in section
5 two hundred one of the civil service law.

6 2. Public employers shall provide benefits for family leave to public
7 employees in accordance with the procedures and terms set forth in
8 subdivision three of this section.

9 3. (a) An employee organization may, pursuant to collective bargain-
10 ing, opt in to paid family leave benefits on behalf of those public
11 employees it is either certified or recognized, within the meaning of
12 article 14 of the civil service law, to represent at any time that is
13 mutually agreed upon between the employee organization and any public
14 employer. An employee organization that has opted in to paid family
15 leave benefits may, pursuant to collective bargaining, opt out of it as
16 is mutually agreed upon between the employee organization and any public
17 employer.

18 b. For public employees who are not represented by an employee organ-
19 ization, the public employer may opt-in to paid family leave benefits
20 within ninety days notice to such public employees. Following opt-in by
21 a public employer for public employees not represented by an employee
22 organization, the public employer may opt-out of paid family leave bene-
23 fits with twelve months notice to those public employees.

24 4. In the absence of any contrary statement in a collectively negoti-
25 ated agreement under article fourteen of the civil service law, a public
26 employer may require public employees who opt in under this section to
27 provide the maximum employee contribution, as defined in paragraph (b)
28 of subdivision three of section two hundred nine of this article.

29 § 15. Subdivision 1 of section 213 of the workers' compensation law,
30 as amended by chapter 784 of the laws of 1980, is amended and a new
31 subdivision 3 is added to read as follows:

32 1. Whenever a covered employer does not comply with this article by
33 providing for the payment of disability and family leave benefits to his
34 or her employees in one or more of the ways provided in section two
35 hundred eleven of this article or whenever a carrier fails to pay the
36 benefits required by this article to employees of a covered employer,
37 then such employer shall be fully and directly liable to each of his or
38 her employees for the payment of benefits provided by this article. The
39 amount of the benefits to which employees of such employers are entitled
40 under this article and attendance fees of [their] any attending [physi-
41 cians or attending podiatrists] health care provider fixed pursuant to
42 subdivision two of section two hundred thirty-two of this article shall,
43 on order of the [chairman] chair, be paid out of the fund established
44 under section two hundred fourteen of this article. In case of non-com-
45 pliance of the employer, such employer shall forthwith pay to the
46 [chairman] chair, for credit to the fund, the sum so expended or one
47 [per cent] percent of his or her payroll for his or her employees in
48 employment during the period of non-compliance, whichever is greater;
49 provided, however, that if it shall appear to the satisfaction of the
50 [chairman] chair that the default in payment of benefits or the non-com-
51 pliance of the employer otherwise with his or her obligation under this
52 article was inadvertent, the [chairman] chair may fix the sum payable in
53 such case for non-compliance or default at the amount paid out of the
54 fund and a sum less than one [per cent] percent of such payroll, and in
55 addition the penalties for non-compliance imposed under this article. In
56 case of failure of the carrier to pay benefits, the employer shall

1 forthwith pay to the [chairman] chair, for credit to the fund, the sum
2 so expended.

3 3. The provisions of section one hundred forty-one-b of this chapter
4 shall not apply to violations of this section after January first, two
5 thousand eighteen and before January first, two thousand twenty. There-
6 after, in the event an employer is subject to debarment solely due to a
7 penalty for violation of this section, the chair may, in the interests
8 of justice, restore the employer's eligibility to submit a bid on or be
9 awarded any public work contract or subcontract. The chair may exercise
10 this authority only if it is the employer's first time violation of
11 section one hundred forty-one-b of this chapter; the employer is not
12 liable for any outstanding workers' compensation, disability or family
13 leave claims as a result of the lack of coverage; and the employer has
14 paid all fines, assessments, and penalties associated with the lack of
15 coverage.

16 § 16. Section 217 of the workers' compensation law, as added by chap-
17 ter 600 of the laws of 1949, subdivision 1 as amended by chapter 167 of
18 the laws of 1999, subdivisions 2 and 3 as amended by chapter 270 of the
19 laws of 1990, and subdivision 6 as amended by chapter 344 of the laws of
20 1994, is amended to read as follows:

21 § 217. Notice and proof of claim. 1. Written notice and proof of
22 disability or proof of need for family leave shall be furnished to the
23 employer by or on behalf of the employee claiming benefits or, in the
24 case of a claimant under section two hundred seven of this article, to
25 the chair, within thirty days after commencement of the period of disa-
26 bility. Additional proof shall be furnished thereafter from time to time
27 as the employer or carrier or chair may require but not more often than
28 once each week. Such proof shall include a statement of disability by
29 the employee's [attending physician or attending podiatrist or attending
30 chiropractor or attending dentist or attending psychologist or attending
31 certified nurse midwife] or family leave care recipient's health care
32 provider, or in the case of an employee who adheres to the faith or
33 teachings of any church or denomination, and who in accordance with its
34 creed, tenets or principles depends for healing upon prayer through
35 spiritual means alone in the practice of religion, by an accredited
36 practitioner, containing facts and opinions as to such disability in
37 compliance with regulations of the chair. Failure to furnish notice or
38 proof within the time and in the manner above provided shall not invali-
39 date the claim but no benefits shall be required to be paid for any
40 period more than two weeks prior to the date on which the required proof
41 is furnished unless it shall be shown to the satisfaction of the chair
42 not to have been reasonably possible to furnish such notice or proof and
43 that such notice or proof was furnished as soon as possible; provided,
44 however, that no benefits shall be paid unless the required proof of
45 disability is furnished within [twenty-six weeks after commencement of
46 the period of disability] the period of actual disability or family
47 leave that does not exceed the statutory maximum period permitted under
48 section two hundred five of this article. No limitation of time
49 provided in this section shall run as against any [person] disabled
50 employee who is mentally incompetent, or physically incapable of provid-
51 ing such notice as a result of a serious medical condition, or a minor
52 so long as such person has no guardian of the person and/or property.

53 2. An employee claiming disability benefits shall, as requested by the
54 employer or carrier, submit himself or herself at intervals, but not
55 more than once a week, for examination by [a physician or podiatrist or
56 chiropractor or dentist or psychologist or certified nurse midwife] an



1 accredited health care provider designated by the employer or carrier.
2 All such examinations shall be without cost to the employee and shall be
3 held at a reasonable time and place.

4 3. The chair or chair's designee may direct the claimant or family
5 leave care recipient to submit to examination by a [physician or podia-
6 trist or chiropractor or dentist or psychologist] health care provider
7 designated by him or her in any case in which the claim to disability or
8 family leave benefits is contested and in claims arising under section
9 two hundred seven of this article, and in other cases as the chair or
10 board may require.

11 4. Refusal of the claimant or family leave care recipient without good
12 cause to submit to any such examination shall disqualify [him] the
13 claimant or employee from all benefits hereunder for the period of such
14 refusal, except as to benefits already paid.

15 5. If benefits required to be paid by this article have been paid to
16 an employee, further payments for the same disability or family leave
17 shall not be barred solely because of failure to give notice or to file
18 proof of disability for the period or periods for which such benefits
19 have been paid.

20 6. In the event that a claim for benefits is rejected, the carrier or
21 employer shall send by first class mail written notice of rejection to
22 the [claimant] employee within forty-five days of receipt of proof of
23 disability. Failure to mail such written notice of rejection within the
24 time provided, shall bar the employer or carrier from contesting enti-
25 tlement to benefits for any period of disability prior to such notice
26 but such failure may be excused by the [chairman] chair if it can be
27 shown to the satisfaction of the [chairman] chair not to have been
28 reasonably possible to mail such notice and that such notice was mailed
29 as soon as possible. Such notice shall include a statement, in a form
30 prescribed by the [chairman] chair, to the effect that the [claimant]
31 employee may, for the purpose of review [by the board], file [with the
32 chairman] notice that his or her claim has not been paid as set forth in
33 section two hundred twenty-one of this article.

34 § 17. Section 219 of the workers' compensation law, as amended by
35 chapter 688 of the laws of 1953, is amended to read as follows:

36 § 219. Enforcement of payment in default. In case of a default in the
37 payment of any benefits, assessments or penalties payable under this
38 article by an employer who has failed to comply with the provisions of
39 section two hundred eleven of this [chapter] article or refusal of such
40 employer to reimburse the fund under section two hundred fourteen of
41 this article for the expenditures made therefrom pursuant to section two
42 hundred thirteen of this article or to deposit within ten days after
43 demand the estimated value of benefits not presently payable, the
44 [chairman] chair may file with the county clerk for the county in which
45 the employer has his principal place of business (1) a certified copy of
46 the decision of the board, or alternative dispute resolution association
47 designated by the chair pursuant to section two hundred twenty-one of
48 this article, or order of the [chairman] chair, or (2) a certified copy
49 of the demand for deposit of security, and thereupon judgment must be
50 entered in the supreme court by the clerk of such county in conformity
51 therewith immediately upon such filing.

52 § 18. Section 220 of the workers' compensation law, as added by chap-
53 ter 600 of the laws of 1949, subdivision 1 as amended by chapter 387 of
54 the laws of 1984, subdivision 2 as amended by chapter 626 of the laws of
55 1979, subdivision 3 as amended by chapter 415 of the laws of 1983,
56 subdivision 4 as amended by chapter 645 of the laws of 1981, subdivision



1 5 as amended by chapter 940 of the laws of 1973, subdivision 7 as
2 amended by chapter 61 of the laws of 1989 and subdivision 8 as amended
3 by chapter 213 of the laws of 1993, is amended to read as follows:

4 § 220. Penalties. 1. Any employer who fails to make provision for
5 payment of disability or family leave benefits as required by section
6 two hundred eleven of this article within ten days following the date on
7 which such employer becomes a covered employer as defined in section two
8 hundred two of this article shall be guilty of a misdemeanor and upon
9 conviction be punishable by a fine of not less than one hundred nor more
10 than five hundred dollars or imprisonment for not more than one year or
11 both, except that where any person has previously been convicted of a
12 failure to make provisions for payment of disability or family leave
13 benefits within the preceding five years, upon conviction for a second
14 violation such person shall be fined not less than two hundred fifty nor
15 more than one thousand two hundred fifty dollars in addition to any
16 other penalties including fines otherwise provided by law, and upon
17 conviction for a third or subsequent violation such person may be fined
18 up to two thousand five hundred dollars in addition to any other penal-
19 ties including fines otherwise provided by law. Where the employer is a
20 corporation, the president, secretary, treasurer, or officers exercising
21 corresponding functions, shall each be liable under this section.

22 2. The [chairman] chair or any officer of the board designated by him
23 or her, upon finding that an employer has failed to make provision for
24 the payment of disability or family leave benefits, shall impose upon
25 such employer a penalty not in excess of a sum equal to one-half of one
26 per centum of his or her weekly payroll for the period of such failure
27 and a further sum not in excess of five hundred dollars, which sums
28 shall be paid into the fund created under section two hundred fourteen
29 of this article.

30 3. If for the purpose of obtaining any benefit or payment under the
31 provisions of this article, or for the purpose of influencing any deter-
32 mination regarding any benefit payment, either for himself or herself or
33 any other person, any person, employee, employer or carrier wilfully
34 makes a false statement or representation or fails to disclose a materi-
35 al fact, he or she shall be guilty of a misdemeanor.

36 4. Whenever a carrier shall fail to make prompt payment of disability
37 or family leave benefits payable under this article and after [hearing
38 before an officer designated by the chairman] a determination by the
39 chair's designee for that purpose, the [chairman] chair or designee
40 shall determine that failure to make such prompt payment was without
41 just cause, the [chairman] chair or designee shall collect from the
42 carrier a sum not in excess of twenty-five per centum of the amount of
43 the benefits as to which the carrier failed to make payment, which sum
44 shall be credited to the special fund for disability benefits. In addi-
45 tion, the [chairman] chair or designee may collect and pay over to the
46 employee the sum of ten dollars in respect to each week, or fraction
47 thereof, for which benefits have not been promptly paid.

48 5. In addition to other penalties herein provided, the [chairman]
49 chair or designee shall remove from the list of [physicians] health care
50 providers authorized to render medical care under the provisions [of
51 articles one to eight, inclusive,] of this chapter [and from the list of
52 podiatrists authorized to render podiatric care under section thirteen-k
53 of this chapter, and from the list of chiropractors authorized to render
54 chiropractic care under section thirteen-l of this chapter the name of
55 any physician or podiatrist or chiropractor] whom [he] the chair or
56 designee shall find, after reasonable investigation, has submitted to



1 the employer or carrier or [chairman] chair in connection with any claim
2 for disability benefits under this article, a statement of disability
3 that is not truthful and complete.

4 6. In addition to other penalties herein provided, any person who for
5 the purpose of obtaining any benefit or payment under this article or
6 for the purpose of influencing any determination regarding any benefit
7 payment, knowingly makes a false statement with regard to a material
8 fact, shall not be entitled to receive benefits with respect to the
9 disability claimed or any disability benefits during the period of
10 twelve calendar months thereafter; but this penalty shall not be applied
11 more than once with respect to each such offense.

12 7. All fines imposed under subdivisions one and three of this section,
13 except as herein otherwise provided, shall be paid directly and imme-
14 diately by the officer collecting the same to the chair, and be paid
15 into the state treasury, provided, however, that all such fines
16 collected by justices of the peace of towns and police justices of
17 villages shall be paid to the state comptroller in accordance with the
18 provisions of section twenty-seven of the town law [and section one
19 hundred eighty-five of the village law, respectively].

20 8. (a) The head of a state or municipal department, board, commission
21 or office authorized or required by law to issue any permit for or in
22 connection with any work involving the employment of employees in
23 employment as defined in this article, and notwithstanding any general
24 or special statute requiring or authorizing the issue of such permits,
25 shall not issue such permit unless proof duly subscribed by an insurance
26 carrier is produced in a form satisfactory to the chair, that the
27 payment of disability benefits and after January first, two thousand
28 twenty-one, the payment of family leave benefits for all employees has
29 been secured as provided by this article. Nothing herein, however,
30 shall be construed as creating any liability on the part of such state
31 or municipal department, board, commission or office to pay any disabil-
32 ity benefits to any such employee if so employed.

33 (b) The head of a state or municipal department, board, commission or
34 office authorized or required by law to enter into any contract for or
35 in connection with any work involving the employment of employees in
36 employment as defined in this article, and notwithstanding any general
37 or special statute requiring or authorizing any such contract, shall not
38 enter into any such contract unless proof duly subscribed by an insur-
39 ance carrier is produced in a form satisfactory to the chair, that the
40 payment of disability benefits and after January first, two thousand
41 eighteen, the payment of family leave benefits for all employees has
42 been secured as provided by this article.

43 § 19. Section 221 of the workers' compensation law, as separately
44 amended by chapters 425 and 500 of the laws of 1985, is amended to read
45 as follows:

46 § 221. Determination of contested claims for disability and family
47 leave benefits. [Within twenty-six weeks] In accordance with regu-
48 lations adopted by the chair, within twenty-six weeks of written notice
49 of rejection of claim, the employee may file with the [chairman] chair a
50 notice that his or her claim for disability or family leave benefits has
51 not been paid, and the employee shall submit proof of disability or
52 entitlement to family leave and of his or her employment, wages and
53 other facts reasonably necessary for determination of the employee's
54 right to such benefits. Failure to file such notice within the time
55 provided, may be excused [by the chairman] if it can be shown [to the
56 satisfaction of the chairman] not to have been reasonably possible to

1 furnish such notice and that such notice was furnished as soon as possi-
2 ble. On demand [of the chairman] the employer or carrier shall forth-
3 with deliver to the [chairman] board the original or a true copy of the
4 [attending physician's or attending podiatrist's or accredited practi-
5 tioner's statement] health care provider's report, wage and employment
6 data and all other papers in the possession of the employer or carrier
7 with respect to such claim.

8 The [board] chair or designee shall have full power and authority to
9 determine all issues in relation to every such claim for disability or
10 family leave benefits required or provided under this article[, and
11 shall file its decision in the office of the chairman. Upon such filing,
12 the chairman shall send to the parties a copy of the decision. Either
13 party may present evidence and be represented by counsel at any hearing
14 on such claim. The decision of the board shall be final as to all ques-
15 tions of fact and, except as provided in section twenty-three of this
16 chapter, as to all questions of law]. Every decision [of the board]
17 shall be complied with in accordance with its terms within ten days
18 thereafter except [in case of appeal] as permitted by law upon the
19 filing of a request for review, and any payments due under such decision
20 shall draw simple interest from thirty days after the making thereof at
21 the rate provided in section five thousand four of the civil practice
22 law and rules. The chair shall adopt rules and regulations to carry out
23 the provisions of this article including but not limited to resolution
24 of contested claims and requests for review thereof, and payment of
25 costs for resolution of disputed claims by carriers. The chair shall
26 have authority to provide for alternative dispute resolution procedures
27 for claims arising under this article including but not limited to
28 referral and submission of disputed claims to mandatory arbitration with
29 private arbitration associations, and any determination made by alterna-
30 tive dispute resolution shall not be reviewable by the board and the
31 venue for any appeal shall be to a court of competent jurisdiction.

32 § 20. Section 222 of the workers' compensation law, as added by chap-
33 ter 600 of the laws of 1949, is amended to read as follows:

34 § 222. Technical rules of evidence or procedure not required. The
35 [chairman or] chair, the board or the chair's designee, in making an
36 investigation or inquiry or conducting a hearing shall not be bound by
37 common law or statutory rules of evidence or by technical or formal
38 rules of procedure, except as provided by this chapter; but may make
39 such investigation or inquiry or conduct such hearing in such manner as
40 to ascertain the substantial rights of the parties.

41 § 21. Sections 223 and 224 of the workers' compensation law are
42 REPEALED.

43 § 22. Section 225 of the workers' compensation law, as added by chap-
44 ter 600 of the laws of 1949, is amended to read as follows:

45 § 225. Fees for representing employees. Claims of attorneys and coun-
46 sellors-at-law for services in connection with any contested claim aris-
47 ing under this article shall not be enforceable unless approved by the
48 board. If so approved, such fee or fees shall become a lien upon the
49 benefits ordered, but shall be paid therefrom only in the manner fixed
50 by the board or the alternative dispute resolution association. Any
51 other person, firm, corporation, organization, or other association who
52 shall exact or receive any fee or gratuity for any services rendered on
53 behalf of an employee except in an amount so determined [by the board]
54 shall be guilty of a misdemeanor. Any person, firm, corporation, organ-
55 ization, or association who shall solicit the business [of appearing
56 before the board on behalf] of an employee claiming benefits under this



1 article, or who shall make it a business to solicit employment for a
2 lawyer in connection with any claim for disability or family leave bene-
3 fits under this article, or who shall exact or receive any fee or gratu-
4 ity or other charge with respect to the collection of any uncontested
5 claim for disability or family leave benefits, shall be guilty of a
6 misdemeanor.

7 § 23. Subdivision 5 of section 226 of the workers' compensation law,
8 as amended by chapter 211 of the laws of 1983, is amended and three new
9 subdivisions 7, 8 and 9 are added to read as follows:

10 5. No contract of insurance issued by an insurance carrier providing
11 the benefits to be paid under this article shall be cancelled within the
12 time limited in such contract for its expiration unless notice is given
13 as required by this section. When cancellation is due to non-payment of
14 premiums such cancellation shall not be effective until at least ten
15 days after a notice of cancellation of such contract, on a date speci-
16 fied in such notice, shall be filed in the office of the [chairman]
17 chair and also served on the employer. When cancellation is due to any
18 reason other than non-payment of premiums such cancellation shall not be
19 effective until at least thirty days after a notice of cancellation of
20 such contract, on a date specified in such notice, shall be filed in the
21 office of the [chairman] chair and also served on the employer;
22 provided, however, in either case that if insurance with another insur-
23 ance carrier has been obtained which becomes effective prior to the
24 expiration of the time stated in such notice, the cancellation shall be
25 effective as of the date of such other coverage. Such notice shall be
26 served on the employer [by] as prescribed by the chair, including deliv-
27 ering it to him [or by sending it by certified or registered mail,
28 return receipt requested, addressed to the employer at his or its last
29 known place of business] or her by electronic means; provided that, if
30 the employer be a partnership, then such notice may be given to any one
31 of the partners, and if the employer be a corporation then the notice
32 may be given to any agent or officer of the corporation upon whom legal
33 process may be served, provided, however, the right to cancellation of a
34 policy of insurance in the state fund shall be exercised only for
35 nonpayment of premiums or as provided in section ninety-four of this
36 chapter.

37 7. The chair may require by regulation that every policy of insurance
38 contain a provision requiring that all disputes be resolved by mandatory
39 arbitration, in accordance with such regulations.

40 8. Premiums for policies providing disability or family leave benefits
41 in accordance with this article shall be calculated in accordance with
42 applicable provisions of the insurance law, including subsection (n) of
43 section four thousand two hundred thirty-five of such law.

44 9. Except as set forth in subdivision eight of section two hundred
45 eleven of this article, every policy of insurance issued pursuant to
46 this article must offer coverage for both disability and family leave
47 benefits.

48 § 24. The section heading of section 227 of the workers' compensation
49 law, as amended by chapter 805 of the laws of 1984, is amended to read
50 as follows:

51 Actionable injuries in claims for disability benefits; subrogation.

52 § 25. Subdivision 1 of section 228 of the workers' compensation law,
53 as added by section 27 of part GG of chapter 57 of the laws of 2013, is
54 amended to read as follows:

55 1. The estimated annual expenses necessary for the workers' compen-
56 sation board or department of financial services to administer the



1 provisions of the disability and family leave benefits law shall be
2 borne by all affected employers and included as part of the assessment
3 rate generated pursuant to subdivision two of section one hundred
4 fifty-one of this chapter.

5 § 26. Section 229 of the workers' compensation law, as amended by
6 chapter 271 of the laws of 1985, is amended to read as follows:

7 § 229. Posting of notice and providing of notice of rights. 1. Each
8 covered employer shall post and maintain in a conspicuous place or plac-
9 es in and about the employer's place or places of business typewritten
10 or printed notices in form prescribed by the [chairman] chair, stating
11 that the employer has provided for the payment of disability and family
12 leave benefits as required by this article. The [chairman] chair may
13 require any covered employer to furnish a written statement at any time
14 showing the carrier insuring the payment of benefits under this article
15 or the manner in which such employer has complied with section two
16 hundred eleven of this article or any other provision of this article.
17 Failure for a period of ten days to furnish such written statement shall
18 constitute presumptive evidence that such employer has neglected or
19 failed in respect of any of the matters so required.

20 2. Whenever an employee of a covered employer who is eligible for
21 benefits under section two hundred four of this article shall be absent
22 from work due to a disability or to provide family care as defined in
23 subdivision nine and subdivision twenty-five respectively, of section
24 two hundred one of this article for more than seven consecutive days,
25 the employer shall provide the employee with a written statement of the
26 employee's rights under this article in a form prescribed by the [chair-
27 man] chair. The statement shall be provided to the employee within five
28 business days after the employee's seventh consecutive day of absence
29 due to disability or family leave or within five business days after the
30 employer [knows or should know] has received notice that the employee's
31 absence is due to disability or family leave, whichever is later.

32 § 27. Section 232 of the workers' compensation law, as amended by
33 chapter 270 of the laws of 1990, is amended to read as follows:

34 § 232. Fees for testimony of [physicians, podiatrists, chiropractors,
35 dentists and psychologists] health care providers. Whenever his or her
36 attendance at a hearing, deposition or arbitration before the board or
37 [its referees] the chair's designee is required, the attending [physi-
38 cian or attending podiatrist or attending chiropractor or attending
39 dentist or attending psychologist or attending certified nurse midwife
40 of the disabled employee, except such physicians as are disqualified
41 from testifying pursuant to subdivision one of section thirteen-b, or
42 section nineteen-a of this chapter, and except such podiatrists as are
43 disqualified from testifying under the provisions of section thirteen-k,
44 and except such chiropractors as are disqualified from testifying under
45 the provisions of section thirteen-l, and except such psychologists as
46 are disqualified from testifying under the provisions of section thir-
47 teen-m,] health care provider shall be entitled to receive a fee [from
48 the carrier or the fund established under section two hundred fourteen,
49 in an amount as directed and fixed by the board, or its referees, and
50 such fee shall be in addition to any witness fee] in accordance with
51 regulations of the chair.

52 § 28. Section 237 of the workers' compensation law, as added by chap-
53 ter 600 of the laws of 1949, is amended to read as follows:

54 § 237. Reimbursement for advance payments by employers. If an employer
55 has made advance payments of benefits or has made payments to an employ-
56 ee in like manner as wages during any period of disability or family



1 leave for which such employee is entitled to the benefits provided by
2 this article, he or she shall be entitled to be reimbursed by the carri-
3 er out of any benefits due or to become due for the existing disability
4 or family leave, if the claim for reimbursement is filed with the carri-
5 er prior to payment of the benefits by the carrier.

6 § 29. Section 238 of the workers' compensation law, as added by chap-
7 ter 600 of the laws of 1949, is amended to read as follows:

8 § 238. Payments to minors. Minors shall be deemed to be sui juris for
9 the purpose of [receiving] payment of benefits under this article.

10 § 30. Section 239 of the workers' compensation law, as added by chap-
11 ter 600 of the laws of 1949, is amended to read as follows:

12 § 239. Representation before the board. Any person, firm, or corpo-
13 ration licensed by the board under section twenty-four-a of this article
14 or subdivision three-b of section fifty of this chapter shall be deemed
15 to be authorized to appear in behalf of claimants or self insured
16 employers, as the case may be, in contested disability or family leave
17 claims under this article.

18 § 31. The section heading and the opening paragraph of section 120 of
19 the workers' compensation law, as amended by chapter 61 of the laws of
20 1989, are amended to read as follows:

21 Discrimination against employees [who bring proceedings]. It shall be
22 unlawful for any employer or his or her duly authorized agent to
23 discharge or fail to reinstate pursuant to section two hundred three-b
24 of this chapter, or in any other manner discriminate against an employee
25 as to his or her employment because such employee has claimed or
26 attempted to claim compensation from such employer, or claimed or
27 attempted to claim any benefits provided under this chapter or because
28 he or she has testified or is about to testify in a proceeding under
29 this chapter and no other valid reason is shown to exist for such action
30 by the employer.

31 § 32. Subdivision 2 of section 76 of the workers' compensation law, as
32 added by chapter 600 of the laws of 1949, is amended to read as follows:

33 2. The purposes of the state insurance fund herein created are hereby
34 enlarged to provide [for the] insurance [by the state insurance fund of]
35 for the payment of the benefits required by section two hundred four of
36 this chapter including benefits for family care. A separate fund is
37 hereby created within the state insurance fund, which shall be known as
38 the "disability benefits fund", and which shall consist of all premiums
39 received and paid into said fund on account of such insurance, all secu-
40 rities acquired by and through the use of moneys belonging to said fund
41 and of interest earned upon moneys belonging to said fund and deposited
42 or invested as herein provided. Said disability benefits fund shall be
43 applicable to the payment of benefits, expenses and assessments on
44 account of insurance written pursuant to article nine of this chapter.
45 Premiums for policies providing disability and family leave benefits in
46 accordance with this article shall be calculated in accordance with
47 applicable provisions of the insurance law, including subsection (n) of
48 section four thousand two hundred thirty-five of such law. The state
49 insurance fund shall have authority to discount or surcharge on estab-
50 lished premium rates based on sound actuarial principles.

51 § 33. Section 88-c of the workers' compensation law, as added by chap-
52 ter 103 of the laws of 1981, is amended to read as follows:

53 § 88-c. Coverage of state employees. Notwithstanding any other
54 provisions of law to the contrary and except as set forth in section two
55 hundred and twelve-a of this chapter, the liability of the state for the
56 payment of compensation under this chapter heretofore existing or here-



1 inafter arising shall be secured by an insuring agreement to be entered
2 into between the department of civil service and the state insurance
3 fund wherein the state, from moneys appropriated therefor, shall pay in
4 advance to the fund on a periodic basis the actual costs to the fund for
5 the meeting and paying, as the same become due and payable, all obli-
6 gations incurred under this chapter by the state as an employer.
7 Notwithstanding any law to the contrary, the fund may on an actuarially
8 sound basis provide to the state insurance for any portion of the obli-
9 gations of the state as employer under this chapter with respect to
10 injuries or deaths resulting from accidents arising out of and in the
11 course of employment on or after April first, nineteen hundred eighty-
12 one. All such payments made by the state and paid into the state fund
13 shall constitute a separate account in the fund to be used solely for
14 the purpose of discharging all compensation obligations of the state
15 pursuant to the provisions of this chapter and in accordance with the
16 insuring agreement as provided in this section. Any portion of the
17 account may be invested in the same manner as the assets of the fund as
18 provided in section eighty-seven of this article. The liability of the
19 fund for the payment of any claims or the meeting of any obligations of
20 the state as an employer as provided in this chapter shall not exceed
21 the moneys paid into such separate account and any increments or diminu-
22 tions thereof. The agreement shall further provide that the fund shall
23 render all services and make all reasonable expenditures necessary or
24 required for the processing, defense and payment of all claims under
25 this chapter, including the protection of liens, subrogation, credit and
26 other rights of the state as an employer or the fund as an insurer, in
27 situations where the employees' injuries or deaths were caused by culpa-
28 bility of third parties. Except to the extent that the state obtains
29 insurance on an actuarially sound basis pursuant to the provisions of
30 this section, the provisions of section eighty-six of this chapter with
31 respect to the maintenance of reserves for the purpose of meeting antic-
32 ipated compensation losses, shall not in any manner be applicable to
33 claims of employees of the state with respect to injuries or deaths
34 resulting from accidents arising out of and in the course of employment
35 prior to April first, nineteen hundred eighty-one, or to an insuring
36 agreement entered into between the state insurance fund and the depart-
37 ment of civil service in accordance with the provisions of this section.

38 § 34. Subdivision 1 of section 141-a of the workers' compensation law,
39 as added by chapter 6 of the laws of 2007, is amended to read as
40 follows:

41 1. To investigate violations of sections fifty-two [and] one hundred
42 thirty-one and two hundred thirteen of this chapter, the chair or his or
43 her designees shall have the power to:

44 (a) Enter and inspect any place of business at any reasonable time for
45 the purpose of investigating employer compliance.

46 (b) Examine and copy business records.

47 (c) Administer oaths and affirmations.

48 (d) Issue and serve subpoenas for attendance of witnesses or
49 production of business records, books, papers, correspondence, memoran-
50 da, and other records. Such subpoenas may be served without the state on
51 any defendant over whom a New York court would have personal jurisdic-
52 tion under the civil practice law and rules as to the subject matter
53 under investigation, provided the information or testimony sought bears
54 a reasonable relationship to the subject matter under investigation.

55 § 35. Section 318 of the workers' compensation law, as added by chap-
56 ter 788 of the laws of 1951, is amended to read as follows:



1 § 318. Rules of evidence; modification of board decisions or orders;
2 appeals. The provisions of [sections] section two hundred twenty-two [,
3 two hundred twenty-three and two hundred twenty-four] of this chapter
4 are made applicable to claims for compensation under this article.

5 § 36. Paragraph 3 of subsection (a) of section 1113 of the insurance
6 law is amended to read as follows:

7 (3) "Accident and health insurance," means (i) insurance against death
8 or personal injury by accident or by any specified kind or kinds of
9 accident and insurance against sickness, ailment or bodily injury,
10 including insurance providing disability and family leave benefits
11 pursuant to article nine of the workers' compensation law, except as
12 specified in item (ii) hereof; and (ii) non-cancellable disability
13 insurance, meaning insurance against disability resulting from sickness,
14 ailment or bodily injury (but excluding insurance solely against acci-
15 dental injury) under any contract which does not give the insurer the
16 option to cancel or otherwise terminate the contract at or after one
17 year from its effective date or renewal date.

18 § 37. Paragraphs 1 and 4 of subsection (h) of section 4235 of the
19 insurance law are amended and a new subsection (n) is to added read as
20 follows:

21 (1) Each domestic insurer and each foreign or alien insurer doing
22 business in this state shall file with the superintendent its schedules
23 of premium rates, rules and classification of risks for use in
24 connection with the issuance of its policies of group accident, group
25 health or group accident and health insurance, and of its rates of
26 commissions, compensation or other fees or allowances to agents and
27 brokers pertaining to the solicitation or sale of such insurance and of
28 such fees or allowances, exclusive of amounts payable to persons who are
29 in the regular employ of the insurer, other than as agent or broker to
30 any individuals, firms or corporations pertaining to such class of busi-
31 ness, whether transacted within or without the state. A group accident
32 and health insurance policy providing disability and family leave bene-
33 fits pursuant to article nine of the workers' compensation law shall be
34 subject to the requirements of subsection (n) of this section.

35 (4) Nothing herein shall prohibit the state insurance fund from taking
36 into account peculiar hazards of individual risks in establishing higher
37 premium rates to be charged for insurance providing for the payment of
38 disability [or] and family leave benefits in accordance with article
39 nine of the workers' compensation law.

40 (n)(1) On or before June first, two thousand seventeen, the super-
41 intendent of financial services by regulation, in consultation with the
42 chair of the workers' compensation board of this state, shall determine
43 whether a group accident and health insurance policy providing disabili-
44 ty or family leave benefits pursuant to Article 9 of the workers'
45 compensation law, including policies issued by the state insurance fund,
46 shall be experience rated or community rated, which may include subject-
47 ing the policy to a risk adjustment mechanism.

48 (2) If the policy is subjected to a risk adjustment mechanism, the
49 superintendent of financial services shall promulgate regulations neces-
50 sary for the implementation of this subsection in consultation with the
51 chair of the workers' compensation board of this state. Any such risk
52 adjustment mechanism shall be administered directly by the superinten-
53 dent of financial services of this state, in consultation with the chair
54 of the workers' compensation board of this state, or by a third party
55 vendor selected by the superintendent of financial services in consulta-
56 tion with the chair of the workers' compensation board.



1 (3) "Risk adjustment mechanism" as used in this subsection means the
2 process used to equalize the per member per month claim amounts among
3 insurers in order to protect insurers from disproportionate adverse
4 risks.

5 § 38. Subdivision (c) of section 1108 of the insurance law, as amended
6 by chapter 838 of the laws of 1985, is amended to read as follows:

7 (c) The state insurance fund of this state, except as to the
8 provisions of subsection (d) of section two thousand three hundred thir-
9 ty-nine, section three thousand one hundred ten, subsection (a), para-
10 graph one of subsection (b), paragraph three of subsection (c) and
11 subsection (d) of section three thousand two hundred one, sections three
12 thousand two hundred two, three thousand two hundred four, subsections
13 (a) through (d) of section three thousand two hundred twenty-one,
14 subsections (b) and (c) of section four thousand two hundred twenty-
15 four, section four thousand two hundred twenty-six and subsections (a)
16 and (b) [and] (g) through (j), and (n) of section four thousand two
17 hundred thirty-five of this chapter and except as otherwise specifically
18 provided by the laws of this state.

19 § 39. Section 242 of the workers' compensation law, as added by chap-
20 ter 600 of the laws of 1949, is amended to read as follows:

21 § 242. Separability of provisions; federal law; regulations. 1. If
22 any provision of this [act] article or the application thereof to any
23 person or circumstances is held invalid, the remainder of this [act]
24 article and the application of such provision to other persons or
25 circumstances shall not be affected thereby.

26 2. Nothing in this article shall be interpreted or applied so as to
27 create a conflict with federal law.

28 3. The chair shall have authority to adopt regulations to effectuate
29 any of the provisions of this article.

30 § 40. This act shall take effect on the April 1, 2016 and shall apply
31 to all policies or contracts issued, renewed, modified, altered or
32 amended on or after such effective date; provided, however, that effec-
33 tive immediately, the addition, amendment and/or repeal of any rule or
34 regulation necessary for the implementation of this act on its effective
35 date are authorized and directed to be made and completed on or before
36 such effective date.

37

PART I

38 Section 1. The public authorities law is amended by adding a new
39 section 1678-a to read as follows:

40 § 1678-a. New York state design and construction corporation act. 1.
41 Purposes of act. The purposes of the New York state design and
42 construction corporation act are to: (a) establish the New York state
43 design and construction corporation in order to provide additional
44 project management expertise and oversight on significant public works
45 projects undertaken by state agencies, departments, public authorities
46 and public benefit corporations; (b) set forth the responsibility and
47 obligation of all state agencies, departments, public authorities and
48 public benefit corporations to cooperate with the corporation and accom-
49 plish the purposes of this section; (c) make provisions for contractual
50 requirements concerning the incorporation of this section for public
51 works projects having a total or aggregate construction value in excess
52 of fifty million dollars and for any and all contracts relating to such
53 projects which are advertised for bid or proposal or otherwise procured
54 and/or entered into on or after January first, two thousand sixteen; and



1 (d) provide a means to implement improvements and other project changes
2 on all proposed public works projects in excess of fifty million dollars
3 in total or aggregate value, in a more timely fashion, so that such
4 projects can be accomplished, to the extent practicable, on time, within
5 budget and at an acceptable overall quality and cost to the state of New
6 York.

7 2. New York state design and construction corporation. (a) There is
8 hereby established the New York state design and construction corpo-
9 ration as a subsidiary corporation of the dormitory authority.

10 (b) The dormitory authority may transfer or assign to such subsidiary
11 corporation any real, personal or mixed property as shall be required in
12 order to carry out the purposes of this act. The authority may assign
13 any such employees to work for the corporation as shall be required in
14 order to carry out the purposes of this section. Notwithstanding any
15 provision of law to the contrary, the term "employee" as set forth in
16 this section shall mean a dormitory authority employee assigned, in
17 whole, or in part, to work for the corporation.

18 (c) Such corporation shall be a body corporate and politic constitut-
19 ing a public benefit corporation, and shall have all of the privileges,
20 immunities, tax exemptions and other exemptions of the dormitory author-
21 ity to the extent the same are not inconsistent with this section.

22 (d) The board of the corporation shall consist of three members as
23 designated by the governor, and the governor shall designate the chair
24 from among the members of the corporation's board. The members of the
25 corporation's board shall serve until such time as his or her successor
26 is appointed by the governor.

27 (e) A quorum shall consist of a majority of the members of the board.
28 A quorum shall be required for the board to conduct business, and
29 approval of any matter properly before the board shall require the
30 affirmative vote of the majority of the board. Meetings of the corpo-
31 ration shall be called by the chair, or by a majority of the members
32 appointed. Meetings shall be held at least bi-annually.

33 (f) Nothing in this subdivision shall be construed to impose any
34 liabilities, obligations or responsibilities of such corporation upon
35 the dormitory authority, and the authority shall have no liability or
36 responsibility therefor unless the authority expressly agrees by resol-
37 ution of the authority board to assume the same.

38 (g) The provisions of section sixteen hundred ninety-one of this title
39 shall in all respects apply to members of the corporation and any offi-
40 cer, employee or agent of the dormitory authority transferred or
41 assigned to the corporation, while acting within the scope of his, her
42 or its authority.

43 (h) All of the provisions of sections seventeen and nineteen of the
44 public officers law shall apply to the members, directors, officers and
45 employees of the corporation.

46 (i) The corporation created pursuant to this section shall be subject
47 to any other provisions of this chapter pertaining to subsidiaries of
48 public authorities to the extent that such provisions are not inconsis-
49 tent with the provisions of this section.

50 3. Corporation review and oversight of public works contracts. For all
51 public works projects having a total or aggregate construction value in
52 excess of fifty million dollars and for any and all contracts relating
53 to such projects which are advertised for bid or proposal or otherwise
54 procured and/or entered into on or after January first, two thousand
55 sixteen:



1 (a) Any state agency, department, public authority or public benefit
2 corporation proposing a public works project having a total or aggregate
3 construction value in excess of fifty million dollars shall provide
4 written notice to the corporation of such proposal, to include without
5 limitation, the estimated value of the project and a summary of the
6 scope and duration of the project. Projects shall not be divided or
7 segmented for the purposes of avoiding compliance with the provisions of
8 this act.

9 (b) The corporation shall have the authority to, and may, in its sole
10 discretion, require review and oversight, in whole or in part, of any
11 project, and make recommendations regarding required corrective or other
12 action to any state agency, department, public authority or public bene-
13 fit corporation in connection with such project.

14 (c) For the purposes of this section, the term "project" shall mean
15 any work associated with the planning, acquisition, design, engineering,
16 environmental analysis, construction, reconstruction, restoration, reha-
17 ilitation, establishment, improvement, renovation, extension, repair,
18 revitalization, management and development of a capital asset as defined
19 in section two of the state finance law.

20 (d) The state agency, department, public authority or public benefit
21 corporation undertaking such project shall fully cooperate with any
22 determination of the corporation, and provide access to all personnel,
23 books, records, plans, specifications, data and other information as may
24 be necessary for the corporation to perform its duties.

25 (e) In the event the corporation determines that corrective or other
26 action is necessary for such a project, then the corporation shall have
27 the authority to direct that the state agency, department, public
28 authority or public benefit corporation undertaking the project shall
29 implement all corrective or other action as shall be required to accom-
30 plish the project, to the extent practicable, on time, within budget and
31 at an acceptable overall cost to the state of New York. Such corrective
32 or other action shall include, but not be limited to:

33 (i) Modification of such plans, specifications, designs and estimates
34 of costs for the construction of the project and equipment of facili-
35 ties;

36 (ii) Detailed analysis of the project schedule;

37 (iii) Detailed analysis of project budget;

38 (iv) Detailed analysis of change orders and/or payments to prime
39 contractors, subcontractors and other parties;

40 (v) Detailed analysis of records of construction observations,
41 inspections and deficiencies;

42 (vi) Termination of contracts, contractors, subcontractors or other
43 consultants;

44 (vii) Procurement of independent auditors, project managers, legal
45 counsel, or other professionals for the benefit of the project;

46 (viii) Regular reporting of project status and milestones to the
47 public;

48 (ix) Active project management review and oversight utilizing addi-
49 tional resources provided by the corporation; and

50 (x) Periodic project review and audit by the corporation on a suitable
51 time interval determined by the corporation.

52 (f) Any state agency, department, public authority or public benefit
53 corporation proposing a public works project having a total or aggregate
54 construction value in excess of fifty million dollars shall include a
55 summary of the provisions of this subdivision in all such proposal
56 and/or bid documents for such projects.

1 (g) All contract documents shall expressly incorporate the provisions
2 of this section and include compliance with the provisions hereof as a
3 condition of performance.

4 4. General powers and duties of the corporation. (a) The corporation
5 shall have the power to:

6 (i) Sue and be sued;

7 (ii) Have a seal and alter the same at pleasure;

8 (iii) Make and alter by-laws for its organization and internal manage-
9 ment and make rules and regulations governing same;

10 (iv) Appoint such officers and employees from the officers and employ-
11 ees of the authority, as it may require for the performance of its
12 duties and fix and determine their qualifications, duties, and compen-
13 sation, and retain or employ counsel, auditors, private financial
14 consultants, professional engineers or other technical consultants and
15 other services on a contract basis or otherwise, for the rendering of
16 professional, business or technical services and advice, and be reim-
17 bursed for such services as a cost of the project;

18 (v) Make and execute contracts and all other instruments necessary or
19 convenient for the exercise of its powers and functions under this
20 section;

21 (vi) To fix and collect fees and other charges for services the corpo-
22 ration renders in connection with this section;

23 (vii) Acquire, hold and dispose of real or personal property for its
24 corporate purposes, including without limitation the power to exercise
25 eminent domain;

26 (viii) Engage the services of private consultants on a contract basis
27 for rendering professional and technical assistance advice;

28 (ix) Procure insurance against any loss in connection with its activ-
29 ities, properties and other assets, in such amount and from such insur-
30 ance as it deems desirable; and

31 (x) Invest any funds of the corporation, or any other monies under its
32 custody and control not required for immediate use or disbursement, at
33 the discretion of the corporation, in obligations of the state or the
34 United States government or obligations the principal and interest of
35 which are obligations in which the comptroller of the state is author-
36 ized to invest pursuant to section ninety-eight of the state finance
37 law.

38 (b) The corporation may do any and all things necessary or convenient
39 to carry out and exercise the powers given and granted by this section.

40 (c) Notwithstanding any other provision of law, to the contrary, all
41 state officers, departments, boards, divisions, commissions, public
42 authorities and public benefit corporations shall cooperate with the
43 corporation in every way and shall implement any and all recommendations
44 of the corporation in any manner without the approval or authorization
45 of any state officer or agency.

46 5. Termination of corporation. The corporation and its corporate
47 existence shall continue until terminated by law, provided, however,
48 that no such law shall take effect so long as the corporation shall have
49 obligations outstanding, unless adequate provision has been made for the
50 payment or exercise thereof.

51 § 2. This act shall take effect immediately.

PART J

53 Section 1. Section 167 of the civil service law is amended by adding a
54 new subdivision 10 to read as follows:

1 10. Notwithstanding any inconsistent provision of law, the state's
2 contribution for the cost of premium or subscription charges for the
3 coverage of retired state employees who are enrolled in the statewide
4 and the supplementary health benefit plans established pursuant to this
5 article and who retired on or after October first, two thousand sixteen
6 shall be as set forth in this subdivision.

7 (a) For state employees who retire from a position at or equated to
8 grade ten or higher with at least ten but less than twenty years of
9 service, the state shall pay fifty percent of the cost of premium or
10 subscription charges for the individual coverage of such retired state
11 employees. Such contributions shall increase by two percent of the cost
12 of premium or subscription charges for each year of service in excess of
13 ten years, to a maximum of sixty-eight percent of the cost of premium or
14 subscription charges. For state employees who retire from a position at
15 or equated to grade ten or higher with twenty or more years of service,
16 the state shall pay seventy-four percent of the cost of premium or
17 subscription charges for the individual coverage of such retired state
18 employees. Such contributions shall increase by one percent of the cost
19 of premium or subscription charges for each year of service in excess of
20 twenty years, to a maximum of eighty-four percent of the cost of premium
21 or subscription charges.

22 (b) For state employees who retire from a position at or equated to
23 grade nine or lower with at least ten but less than twenty years of
24 service, the state shall pay fifty-four percent of the cost of premium
25 or subscription charges for the individual coverage of such retired
26 state employees. Such contributions shall increase by two percent of
27 the cost of premium or subscription charges for each year of service in
28 excess of ten years, to a maximum of seventy-two percent of the cost of
29 premium or subscription charges. For state employees who retire from a
30 position at or equated to grade nine or lower with twenty or more years
31 of service, the state shall pay seventy-eight percent of the cost of
32 premium subscription charges for the individual coverage of such retired
33 state employees. Such contributions shall increase by one percent of the
34 cost of premium or subscription charges for each year of service in
35 excess of twenty years, to a maximum of eighty-eight percent of the cost
36 of premium or subscription charges.

37 (c) For state employees who retire from a position at or equated to
38 grade ten or higher with at least ten but less than twenty years of
39 service, the state shall pay thirty-five percent of the cost of premium
40 or subscription charges for the coverage of dependents of such retired
41 state employees; such contribution shall increase by two percent of the
42 cost of premium or subscription charges for each year of service in
43 excess of ten years, to a maximum of fifty-three percent of the cost of
44 premium or subscription charges for such dependents. For state employees
45 who retire from a position at or equated to grade ten or higher with
46 twenty or more years of service, the state shall pay fifty-nine percent
47 of the cost of premium or subscription charges for the coverage of
48 dependents of such retired state employees; such contribution shall
49 increase by one percent of the cost of premium or subscription charges
50 for each year of service in excess of twenty years, to a maximum of
51 sixty-nine percent of the cost of premium or subscription charges for
52 such dependents.

53 (d) For state employees who retire from a position at or equated to
54 grade nine or lower with at least ten but less than twenty years of
55 service, the state shall pay thirty-nine percent of the cost of premium
56 or subscription charges for the coverage of dependents of such retired



1 state employees; such contribution shall increase by two percent of the
2 cost of premium or subscription charges for each year of service in
3 excess of ten years, to a maximum of fifty-seven percent of the cost of
4 premium or subscription charges for such dependents. For state employees
5 who retire from a position at or equated to grade nine or lower with
6 twenty or more years of service, the state shall pay sixty-three percent
7 of the cost of premium or subscription charges for the coverage of
8 dependents of such retired state employees; such contribution shall
9 increase by one percent of the cost of premium or subscription charges
10 for each year of service in excess of twenty years, to a maximum of
11 seventy-three percent of the cost of premium or subscription charges for
12 such dependents.

13 (e) With respect to all such retired state employees, each increment
14 of one or two percent of the cost of premium or subscription charges for
15 each year of service shall be applicable for whole years of service to
16 the state and shall not be applied on a pro-rata basis for partial years
17 of service.

18 (f) The provisions of this subdivision shall not be applicable to:

19 (I) members of the New York state and local police and fire retirement
20 system;

21 (II) members in the uniformed personnel in institutions under the
22 jurisdiction of the state department of corrections and community super-
23 vision or who are security hospital treatment assistants, as defined in
24 section eighty-nine of the retirement and social security law; and

25 (III) any state employee determined to have retired with an ordinary,
26 accidental, or performance of duty disability retirement benefit.

27 (g) For the purposes of determining the premium or subscription charg-
28 es to be paid by the state on behalf of retired state employees enrolled
29 in the New York state health insurance program who retire on or after
30 October first, two thousand sixteen, the state shall consider all years
31 of service that a retired state employee has accrued in a public retire-
32 ment system of the state or an optional retirement program established
33 pursuant to article three, eight-B, or one hundred twenty-five-A of the
34 education law. The provisions of this paragraph may not be used to grant
35 eligibility for retiree state health insurance coverage to a retiree who
36 is not otherwise eligible to enroll in the New York state health insur-
37 ance program as a retiree.

38 § 2. This act shall take effect October 1, 2016.

39

PART K

40 Section 1. Section 167-a of the civil service law, as amended by
41 section 1 of part I of chapter 55 of the laws of 2012, is amended to
42 read as follows:

43 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
44 from the coverage of the health benefit plan of supplementary medical
45 insurance benefits for which an active or retired employee or a depend-
46 ent covered by the health benefit plan is or would be eligible under the
47 federal old-age, survivors and disability insurance program, effective
48 October first, two thousand sixteen, an amount [equal to] not to exceed
49 one hundred four dollars and ninety cents per month for the standard
50 medicare premium charge for such supplementary medical insurance bene-
51 fits for such active or retired employee and his or her dependents, if
52 any, shall be paid monthly or at other intervals to such active or
53 retired employee from the health insurance fund; provided, however,
54 effective January first, two thousand sixteen, there shall be no payment



1 whatsoever for the income related monthly adjustment amount for any
2 amounts or premiums incurred on or after January first, two thousand
3 sixteen, to any active or retired employee and his or her dependents, if
4 any. Where appropriate, such standard medicare premium amount may be
5 deducted from contributions payable by the employee or retired employee;
6 or where appropriate in the case of a retired employee receiving a
7 retirement allowance, such standard medicare premium amount may be
8 included with payments of his or her retirement allowance. All state
9 employer, employee, retired employee and dependent contributions to the
10 health insurance fund, including contributions from public authorities,
11 public benefit corporations or other quasi-public organizations of the
12 state eligible for participation in the health benefit plan as author-
13 ized by subdivision two of section one hundred sixty-three of this arti-
14 cle, shall be adjusted as necessary to cover the cost of reimbursing
15 federal old-age, survivors and disability insurance program premium
16 charges under this section. This cost shall be included in the calcu-
17 lation of premium or subscription charges for health coverage provided
18 to employees and retired employees of the state, public authorities,
19 public benefit corporations or other quasi-public organizations of the
20 state; provided, however, the state, public authorities, public benefit
21 corporations or other quasi-public organizations of the state shall
22 remain obligated to pay no less than its share of such increased cost
23 consistent with its share of premium or subscription charges provided
24 for by this article. All other employer contributions to the health
25 insurance fund shall be adjusted as necessary to provide for such
26 payments.

27 § 2. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after October 1, 2016 for the
29 standard medicare premium amount and January 1, 2016 for the income
30 related monthly adjustment amount for any amounts or premiums incurred
31 on or after January 1, 2016.

32

PART L

33 Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil
34 service law, as amended by chapter 67 of the laws of 2013, is amended to
35 read as follows:

36 (d) The provisions of this subdivision shall expire [thirty-nine years
37 from July first, nineteen hundred seventy-seven, and hereafter may be
38 renewed every four years] July first, two thousand nineteen.

39 § 2. Paragraph (f) of subdivision 6 of section 209 of the civil
40 service law, as added by chapter 67 of the laws of 2013, is amended to
41 read as follows:

42 (f) The provisions of this subdivision shall expire [three years from]
43 July first, two thousand [thirteen] nineteen.

44 § 3. This act shall take effect immediately.

45

PART M

46 Section 1. The opening paragraph of subdivision 3 of section 93-b of
47 the state finance law, as added by section 1 of part H of chapter 60 of
48 the laws of 2015, is amended to read as follows:

49 Notwithstanding any other provisions of law to the contrary, for the
50 state fiscal year commencing on April first, two thousand fifteen, and
51 each state fiscal year thereafter, the comptroller is hereby authorized
52 to transfer monies from the dedicated infrastructure investment fund to

1 the general fund, and from the general fund to the dedicated infrastruc-
2 ture investment fund, in an amount determined by the director of the
3 budget to the extent moneys are available in the fund; provided, howev-
4 er, that the comptroller is only authorized to transfer monies from the
5 dedicated infrastructure investment fund to the general fund in the
6 event of an economic downturn as described in paragraph (a) of this
7 subdivision; and/or to fulfill disallowances and/or settlements related
8 to over-payments of federal medicare and medicaid revenues in excess of
9 one hundred million dollars from anticipated levels, as determined by
10 the director of the budget and described in paragraph (b) of this subdi-
11 vision.

12 § 2. This act shall take effect immediately.

13

PART N

14 Section 1. The state comptroller is hereby authorized and directed to
15 loan money in accordance with the provisions set forth in subdivision 5
16 of section 4 of the state finance law to the following funds and/or
17 accounts:

- 18 1. Proprietary vocational school supervision account (20452).
- 19 2. Local government records management account (20501).
- 20 3. Child health plus program account (20810).
- 21 4. EPIC premium account (20818).
- 22 5. Education - New (20901).
- 23 6. VLT - Sound basic education fund (20904).
- 24 7. Sewage treatment program management and administration fund
25 (21000).
- 26 8. Hazardous bulk storage account (21061).
- 27 9. Federal grants indirect cost recovery account (21065).
- 28 10. Low level radioactive waste account (21066).
- 29 11. Recreation account (21067).
- 30 12. Public safety recovery account (21077).
- 31 13. Environmental regulatory account (21081).
- 32 14. Natural resource account (21082).
- 33 15. Mined land reclamation program account (21084).
- 34 16. Great lakes restoration initiative account (21087).
- 35 17. Environmental protection and oil spill compensation fund (21200).
- 36 18. Public transportation systems account (21401).
- 37 19. Metropolitan mass transportation (21402).
- 38 20. Operating permit program account (21451).
- 39 21. Mobile source account (21452).
- 40 22. Statewide planning and research cooperative system account
41 (21902).
- 42 23. Mental hygiene program fund account (21907).
- 43 24. Mental hygiene patient income account (21909).
- 44 25. Financial control board account (21911).
- 45 26. Regulation of racing account (21912).
- 46 27. New York Metropolitan Transportation Council account (21913).
- 47 28. State university dormitory income reimbursable account (21937).
- 48 29. Criminal justice improvement account (21945).
- 49 30. Environmental laboratory reference fee account (21959).
- 50 31. Clinical laboratory reference system assessment account (21962).
- 51 32. Indirect cost recovery account (21978).
- 52 33. High school equivalency program account (21979).
- 53 34. Multi-agency training account (21989).



- 1 35. Interstate reciprocity for post-secondary distance education
- 2 account.
- 3 36. Bell jar collection account (22003).
- 4 37. Industry and utility service account (22004).
- 5 38. Real property disposition account (22006).
- 6 39. Parking account (22007).
- 7 40. Asbestos safety training program account (22009).
- 8 41. Batavia school for the blind account (22032).
- 9 42. Investment services account (22034).
- 10 43. Surplus property account (22036).
- 11 44. Financial oversight account (22039).
- 12 45. Regulation of Indian gaming account (22046).
- 13 46. Rome school for the deaf account (22053).
- 14 47. Seized assets account (22054).
- 15 48. Administrative adjudication account (22055).
- 16 49. Federal salary sharing account (22056).
- 17 50. New York City assessment account (22062).
- 18 51. Cultural education account (22063).
- 19 52. Local services account (22078).
- 20 53. DHCR mortgage servicing account (22085).
- 21 54. Department of motor vehicles compulsory insurance account (22087).
- 22 55. Housing indirect cost recovery account (22090).
- 23 56. DHCR-HCA application fee account (22100).
- 24 57. Low income housing monitoring account (22130).
- 25 58. Corporation administration account (22135).
- 26 59. Montrose veteran's home account (22144).
- 27 60. Deferred compensation administration account (22151).
- 28 61. Rent revenue other New York City account (22156).
- 29 62. Rent revenue account (22158).
- 30 63. Tax revenue arrearage account (22168).
- 31 64. Highway use tax administration account.
- 32 65. State university general income offset account (22654).
- 33 66. Lake George park trust fund account (22751).
- 34 67. State police motor vehicle law enforcement account (22802).
- 35 68. Highway safety program account (23001).
- 36 69. EFC drinking water program account (23101).
- 37 70. DOH drinking water program account (23102).
- 38 71. NYCCC operating offset account (23151).
- 39 72. Commercial gaming revenue account (23701).
- 40 73. Commercial gaming regulation account (23702).
- 41 74. Highway and bridge capital account (30051).
- 42 75. State university residence hall rehabilitation fund (30100).
- 43 76. State parks infrastructure account (30351).
- 44 77. Clean water/clean air implementation fund (30500).
- 45 78. Hazardous waste remedial cleanup account (31506).
- 46 79. Youth facilities improvement account (31701).
- 47 80. Housing assistance fund (31800).
- 48 81. Housing program fund (31850).
- 49 82. Highway facility purpose account (31951).
- 50 83. Information technology capital financing account (32215).
- 51 84. New York racing account (32213).
- 52 85. Mental hygiene facilities capital improvement fund (32300).
- 53 86. Correctional facilities capital improvement fund (32350).
- 54 87. New York State Storm Recovery Capital Fund (33000).
- 55 88. OGS convention center account (50318).
- 56 89. Empire Plaza Gift Shop (50327)



- 1 90. Centralized services fund (55000).
- 2 91. Archives records management account (55052).
- 3 92. Federal single audit account (55053).
- 4 93. Civil service EHS occupational health program account (55056).
- 5 94. Banking services account (55057).
- 6 95. Cultural resources survey account (55058).
- 7 96. Automation & printing chargeback account (55060).
- 8 97. OFT NYT account (55061).
- 9 98. Data center account (55062).
- 10 99. Intrusion detection account (55066).
- 11 100. Domestic violence grant account (55067).
- 12 101. Centralized technology services account (55069).
- 13 102. Labor contact center account (55071).
- 14 103. Human services contact center account (55072).
- 15 104. Tax contact center account (55073).
- 16 105. Policing the NYS thruway account.
- 17 106. Executive direction internal audit account (55251).
- 18 107. CIO Information technology centralized services account (55252).
- 19 108. Health insurance internal service account (55300).
- 20 109. Civil service employee benefits division administrative account
21 (55301).
- 22 110. Correctional industries revolving fund (55350).
- 23 111. Employees health insurance account (60201).
- 24 112. Medicaid management information system escrow fund (60900).
- 25 § 1-a. The state comptroller is hereby authorized and directed to loan
26 money in accordance with the provisions set forth in subdivision 5 of
27 section 4 of the state finance law to any account within the following
28 federal funds, provided the comptroller has made a determination that
29 sufficient federal grant award authority is available to reimburse such
30 loans:
 - 31 1. Federal USDA-food and nutrition services fund (25000).
 - 32 2. Federal health and human services fund (25100).
 - 33 3. Federal education fund (25200).
 - 34 4. Federal block grant fund (25250).
 - 35 5. Federal miscellaneous operating grants fund (25300).
 - 36 6. Federal unemployment insurance administration fund (25900).
 - 37 7. Federal unemployment insurance occupational training fund (25950).
 - 38 8. Federal emergency employment act fund (26000).
 - 39 9. Federal capital projects fund (31350).
- 40 § 2. Notwithstanding any law to the contrary, and in accordance with
41 section 4 of the state finance law, the comptroller is hereby authorized
42 and directed to transfer, upon request of the director of the budget, on
43 or before March 31, 2017, and with respect to item 5 under the miscella-
44 neous category set forth in this section, up to and after March 31,
45 2017, up to the unencumbered balance or the following amounts:
 - 46 Economic Development and Public Authorities:
 - 47 1. \$175,000 from the miscellaneous special revenue fund, underground
48 facilities safety training account (22172), to the general fund.
 - 49 2. An amount up to the unencumbered balance from the miscellaneous
50 special revenue fund, business and licensing services account (21977),
51 to the general fund.
 - 52 3. \$14,810,000 from the miscellaneous special revenue fund, code
53 enforcement account (21904), to the general fund.
 - 54 4. \$3,000,000 from the general fund to the miscellaneous special
55 revenue fund, tax revenue arrearage account (22168).
 - 56 Education:

- 1 1. \$2,260,000,000 from the general fund to the state lottery fund,
2 education account (20901), as reimbursement for disbursements made from
3 such fund for supplemental aid to education pursuant to section 92-c of
4 the state finance law that are in excess of the amounts deposited in
5 such fund for such purposes pursuant to section 1612 of the tax law.
 - 6 2. \$986,000,000 from the general fund to the state lottery fund, VLT
7 education account (20904), as reimbursement for disbursements made from
8 such fund for supplemental aid to education pursuant to section 92-c of
9 the state finance law that are in excess of the amounts deposited in
10 such fund for such purposes pursuant to section 1612 of the tax law.
 - 11 3. Moneys from the state lottery fund up to an amount deposited in
12 such fund pursuant to section 1612 of the tax law in excess of the
13 current year appropriation for supplemental aid to education pursuant to
14 section 92-c of the state finance law.
 - 15 4. Up to \$137,700,000 from the moneys deposited in commercial gaming
16 revenue account (23701) to the general fund as reimbursement for
17 disbursements made from the general fund for supplemental aid to educa-
18 tion during the prior fiscal year due to the unencumbered balance of the
19 commercial gaming revenue account during the prior fiscal year being
20 less than required to fully fund payments of general support for public
21 schools, pursuant to Chapter 61 of the laws of 2015.
 - 22 5. \$300,000 from the local government records management improvement
23 fund (20500) to the archives partnership trust fund (20350).
 - 24 6. \$900,000 from the general fund to the miscellaneous special revenue
25 fund, Batavia school for the blind account (22032).
 - 26 7. \$900,000 from the general fund to the miscellaneous special revenue
27 fund, Rome school for the deaf account (22053).
 - 28 8. \$343,400,000 from the state university dormitory income fund
29 (40350) to the miscellaneous special revenue fund, state university
30 dormitory income reimbursable account (21937).
 - 31 9. \$24,000,000 from any of the state education department special
32 revenue and internal service funds to the miscellaneous special revenue
33 fund, indirect cost recovery account (21978).
 - 34 10. \$8,318,000 from the general fund to the state university income
35 fund, state university income offset account (22654), for the state's
36 share of repayment of the STIP loan.
 - 37 11. \$40,000,000 from the state university income fund, state universi-
38 ty hospitals income reimbursable account (22656) to the general fund for
39 hospital debt service for the period April 1, 2015 through March 31,
40 2016.
 - 41 12. An amount up to \$14,251,000 from the general fund to the state
42 university income fund, state university general revenue account
43 (22653).
- 44 Environmental Affairs:
- 45 1. \$16,000,000 from any of the department of environmental conserva-
46 tion's special revenue federal funds to the environmental conservation
47 special revenue fund, federal indirect recovery account (21065).
 - 48 2. \$2,000,000 from any of the department of environmental conserva-
49 tion's special revenue federal funds to the conservation fund as neces-
50 sary to avoid diversion of conservation funds.
 - 51 3. \$3,000,000 from any of the office of parks, recreation and historic
52 preservation capital projects federal funds and special revenue federal
53 funds to the miscellaneous special revenue fund, federal grant indirect
54 cost recovery account (22188).



1 4. \$1,000,000 from any of the office of parks, recreation and historic
2 preservation special revenue federal funds to the miscellaneous special
3 revenue fund, I love NY water account (21930).

4 5. \$146,000,000 from the general fund to the environmental protection
5 fund, environmental protection fund transfer account (30451).

6 6. \$9,700,000 from the general fund to the hazardous waste remedial
7 fund, hazardous waste oversight and assistance account (31505).

8 Family Assistance:

9 1. \$10,000,000 from any of the office of children and family services,
10 office of temporary and disability assistance, or department of health
11 special revenue federal funds and the general fund, in accordance with
12 agreements with social services districts, to the miscellaneous special
13 revenue fund, office of human resources development state match account
14 (21967).

15 2. \$4,000,000 from any of the office of children and family services
16 or office of temporary and disability assistance special revenue federal
17 funds to the miscellaneous special revenue fund, family preservation and
18 support services and family violence services account (22082).

19 3. \$18,670,000 from any of the office of children and family services,
20 office of temporary and disability assistance, or department of health
21 special revenue federal funds and any other miscellaneous revenues
22 generated from the operation of office of children and family services
23 programs to the general fund.

24 4. \$140,000,000 from any of the office of temporary and disability
25 assistance or department of health special revenue funds to the general
26 fund.

27 5. \$2,500,000 from any of the office of temporary and disability
28 assistance special revenue federal funds to the miscellaneous special
29 revenue fund, office of temporary and disability assistance program
30 account (21980).

31 6. \$21,000,000 from any of the office of children and family services,
32 office of temporary and disability assistance, department of labor, and
33 department of health special revenue federal funds to the office of
34 children and family services miscellaneous special revenue fund, multi-
35 agency training contract account (21989).

36 7. \$65,000,000 from the miscellaneous special revenue fund, youth
37 facility per diem account (22186), to the general fund.

38 8. \$621,850 from the general fund to the combined gifts, grants, and
39 bequests fund, WB Hoyt Memorial account (20128).

40 9. \$3,100,000 from the miscellaneous special revenue fund, state
41 central registry (22028), to the general fund.

42 10. \$1,000,000 from the general fund to the housing program fund
43 (31850).

44 General Government:

45 1. \$1,566,000 from the miscellaneous special revenue fund, examination
46 and miscellaneous revenue account (22065) to the general fund.

47 2. \$12,500,000 from the general fund to the health insurance revolving
48 fund (55300).

49 3. \$192,400,000 from the health insurance reserve receipts fund
50 (60550) to the general fund.

51 4. \$150,000 from the general fund to the not-for-profit revolving loan
52 fund (20650).

53 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
54 general fund.

55 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
56 property account (22036), to the general fund.



- 1 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
2 arrearage account (22024), to the general fund.
- 3 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
4 arrearage account (22024), to the miscellaneous special revenue fund,
5 authority budget office account (22138).
- 6 9. \$1,000,000 from the miscellaneous special revenue fund, parking
7 services account (22007), to the general fund, for the purpose of reim-
8 bursing the costs of debt service related to state parking facilities.
- 9 10. \$21,789,000 from the general fund to the centralized services
10 fund, COPS account (55013).
- 11 11. \$2,360,000 from the general fund to the agencies internal service
12 fund, central technology services account (55069), for the purpose of
13 enterprise technology projects.
- 14 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
15 compensation account (21995), to the miscellaneous capital projects
16 fund, workers' compensation board IT business process design fund.
- 17 Health:
- 18 1. \$33,710,000 from the miscellaneous special revenue fund, quality of
19 care account (21915), to the general fund.
- 20 2. A transfer from the general fund to the combined gifts, grants and
21 bequests fund, breast cancer research and education account (20155), up
22 to an amount equal to the monies collected and deposited into that
23 account in the previous fiscal year.
- 24 3. A transfer from the general fund to the combined gifts, grants and
25 bequests fund, prostate cancer research, detection, and education
26 account (20183), up to an amount equal to the moneys collected and
27 deposited into that account in the previous fiscal year.
- 28 4. A transfer from the general fund to the combined gifts, grants and
29 bequests fund, Alzheimer's disease research and assistance account
30 (20143), up to an amount equal to the moneys collected and deposited
31 into that account in the previous fiscal year.
- 32 5. \$30,295,000 from the HCRA resources fund (20800) to the miscella-
33 neous special revenue fund, empire state stem cell trust fund account
34 (22161).
- 35 6. \$7,000,000 from the miscellaneous special revenue fund, certificate
36 of need account (21920), to the miscellaneous capital projects fund,
37 healthcare IT capital subfund (32216).
- 38 7. \$1,000,000 from the miscellaneous special revenue fund, adminis-
39 tration program account (21982), to the miscellaneous capital projects
40 fund, healthcare IT capital account (32216).
- 41 8. \$1,000,000 from the miscellaneous special revenue fund, vital
42 records account (22103), to the miscellaneous capital projects fund,
43 healthcare IT capital account (32216).
- 44 9. \$55,500,000 from the HCRA resources fund (20800) to the capital
45 projects fund (30000).
- 46 10. \$3,700,000 from the miscellaneous New York state agency fund,
47 medical assistance account to the general fund.
- 48 11. \$4,886,000 from the general fund to the medical marihuana trust
49 fund, health operation and oversight account (23755).
- 50 12. \$1,086,000 from the miscellaneous special revenue fund, certif-
51 icate of need account (21920), to the general fund.
- 52 13. \$1,000,000 from the miscellaneous special revenue fund, profes-
53 sional medical conduct account (22088), to the miscellaneous capital
54 projects fund, healthcare IT capital account (32216).
- 55 Labor:



- 1 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
2 penalty account (21923), to the child performer's protection fund, child
3 performer protection account (20401).
- 4 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
5 penalty account (21923), to the general fund.
- 6 3. \$3,300,000 from the unemployment insurance interest and penalty
7 fund, unemployment insurance special interest and penalty account
8 (23601), to the general fund.
- 9 Mental Hygiene:
 - 10 1. \$10,000,000 from the miscellaneous special revenue fund, mental
11 hygiene patient income account (21909), to the miscellaneous special
12 revenue fund, federal salary sharing account (22056).
 - 13 2. \$1,950,000,000 from the general fund to the miscellaneous special
14 revenue fund, mental hygiene patient income account (21909).
 - 15 3. \$1,550,000,000 from the general fund to the miscellaneous special
16 revenue fund, mental hygiene program fund account (21907).
 - 17 4. \$100,000,000 from the miscellaneous special revenue fund, mental
18 hygiene program fund account (21907), to the general fund.
 - 19 5. \$100,000,000 from the miscellaneous special revenue fund, mental
20 hygiene patient income account (21909), to the general fund.
 - 21 6. \$3,800,000 from the miscellaneous special revenue fund, mental
22 hygiene patient income account (21909), to the agencies internal service
23 fund, civil service EHS occupational health program account (55056).
 - 24 7. \$5,000,000 from the chemical dependence service fund, substance
25 abuse services fund account (22700), to the miscellaneous capital
26 projects fund, chemical dependence service capital account.
- 27 Public Protection:
 - 28 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
29 management account (21944), to the general fund.
 - 30 2. \$3,300,000 from the general fund to the miscellaneous special
31 revenue fund, recruitment incentive account (22171).
 - 32 3. \$10,500,000 from the general fund to the correctional industries
33 revolving fund, correctional industries internal service account
34 (55350).
 - 35 4. \$3,000,000 from the federal miscellaneous operating grants fund,
36 DMNA damage account (25324), to the general fund.
 - 37 5. \$6,300,000 from the general fund to the miscellaneous special
38 revenue fund, crimes against revenue program account (22015).
 - 39 6. \$8,600,000 from the miscellaneous special revenue fund, criminal
40 justice improvement account (21945), to the general fund.
 - 41 7. \$106,000,000 from the state police motor vehicle law enforcement
42 and motor vehicle theft and insurance fraud prevention fund, state
43 police motor vehicle enforcement account (22802), to the general fund
44 for state operation expenses of the division of state police.
 - 45 8. \$53,500,000 from the general fund to the correctional facilities
46 capital improvement fund (32350).
 - 47 9. \$5,000,000 from the general fund to the dedicated highway and
48 bridge trust fund (30050) for the purpose of work zone safety activities
49 provided by the division of state police for the department of transpor-
50 tation.
 - 51 10. \$10,000,000 from the miscellaneous special revenue fund, statewide
52 public safety communications account (22123), to the capital projects
53 fund (30000).
 - 54 11. \$2,900,000 from the miscellaneous special revenue fund, legal
55 services assistance account (22096), to the general fund.



1 12. \$300,000 from the state police motor vehicle law enforcement and
2 motor vehicle theft and insurance fraud prevention fund, motor vehicle
3 theft and insurance fraud account (22801), to the general fund.

4 13. \$1,000,000 from the general fund to the agencies internal service
5 fund, center for employment opportunities NWP account.

6 Transportation:

7 1. \$17,672,000 from the federal miscellaneous operating grants fund to
8 the miscellaneous special revenue fund, New York Metropolitan Transpor-
9 tation Council account (21913).

10 2. \$20,147,000 from the federal capital projects fund to the miscella-
11 neous special revenue fund, New York Metropolitan Transportation Council
12 account (21913).

13 3. \$1,240,000 from the miscellaneous special revenue fund, compulsory
14 insurance account (22087), to the dedicated highway and bridge trust
15 fund (30050).

16 4. \$15,046,384 from the general fund to the mass transportation oper-
17 ating assistance fund, public transportation systems operating assist-
18 ance account (21401), of which \$12,000,000 constitutes the base need for
19 operations.

20 5. \$810,000,000 from the general fund to the dedicated highway and
21 bridge trust fund (30050).

22 6. \$936,000 from the miscellaneous special revenue fund, accident
23 prevention course program account (22094), to the dedicated highway and
24 bridge trust fund (30050).

25 7. \$1,234,000 from the miscellaneous special revenue fund, motorcycle
26 safety account (21976), to the dedicated highway and bridge trust fund
27 (30050).

28 8. \$309,250,000 from the general fund to the MTA financial assistance
29 fund, mobility tax trust account (23651).

30 9. \$5,000,000 from the miscellaneous special revenue fund, transporta-
31 tion regulation account (22067) to the dedicated highway and bridge
32 trust fund (30050), for disbursements made from such fund for motor
33 carrier safety that are in excess of the amounts deposited in the dedi-
34 cated highway and bridge trust fund (30050) for such purpose pursuant to
35 section 94 of the transportation law.

36 10. \$34,000 from the miscellaneous special revenue fund, seized assets
37 account (21906), to the dedicated highway and bridge trust fund (30050).

38 Miscellaneous:

39 1. \$250,000,000 from the general fund to any funds or accounts for the
40 purpose of reimbursing certain outstanding accounts receivable balances.

41 2. \$500,000,000 from the general fund to the debt reduction reserve
42 fund (40000).

43 3. \$450,000,000 from the New York state storm recovery capital fund
44 (33000) to the revenue bond tax fund (40152).

45 4. \$15,500,000 from the general fund, community projects account GG
46 (10256), to the general fund, state purposes account (10050).

47 5. \$1,840,000,000 from the general fund to the dedicated infrastruc-
48 ture investment fund.

49 § 3. Notwithstanding any law to the contrary, and in accordance with
50 section 4 of the state finance law, the comptroller is hereby authorized
51 and directed to transfer, on or before March 31, 2017:

52 1. Upon request of the commissioner of environmental conservation, up
53 to \$11,410,000 from revenues credited to any of the department of envi-
54 ronmental conservation special revenue funds, including \$3,293,400 from
55 the environmental protection and oil spill compensation fund (21200),



1 and \$1,783,600 from the conservation fund (21150), to the environmental
2 conservation special revenue fund, indirect charges account (21060).

3 2. Upon request of the commissioner of agriculture and markets, up to
4 \$3,000,000 from any special revenue fund or enterprise fund within the
5 department of agriculture and markets to the general fund, to pay appro-
6 priate administrative expenses.

7 3. Upon request of the commissioner of agriculture and markets, up to
8 \$2,000,000 from the state exposition special fund, state fair receipts
9 account (50051) to the miscellaneous capital projects fund, state fair
10 capital improvement account (32208).

11 4. Upon request of the commissioner of the division of housing and
12 community renewal, up to \$6,221,000 from revenues credited to any divi-
13 sion of housing and community renewal federal or miscellaneous special
14 revenue fund to the miscellaneous special revenue fund, housing indirect
15 cost recovery account (22090).

16 5. Upon request of the commissioner of the division of housing and
17 community renewal, up to \$5,500,000 may be transferred from any miscel-
18 laneous special revenue fund account, to any miscellaneous special
19 revenue fund.

20 6. Upon request of the commissioner of health up to \$5,000,000 from
21 revenues credited to any of the department of health's special revenue
22 funds, to the miscellaneous special revenue fund, administration account
23 (21982).

24 § 4. On or before March 31, 2017, the comptroller is hereby authorized
25 and directed to deposit earnings that would otherwise accrue to the
26 general fund that are attributable to the operation of section 98-a of
27 the state finance law, to the agencies internal service fund, banking
28 services account (55057), for the purpose of meeting direct payments
29 from such account.

30 § 5. Notwithstanding any law to the contrary, upon the direction of
31 the director of the budget and upon requisition by the state university
32 of New York, the dormitory authority of the state of New York is
33 directed to transfer, up to \$22,000,000 in revenues generated from the
34 sale of notes or bonds, to the state university of New York for
35 reimbursement of bondable equipment for further transfer to the state's
36 general fund.

37 § 6. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer, upon request of the director of the budget and
40 upon consultation with the state university chancellor or his or her
41 designee, on or before March 31, 2017, up to \$16,000,000 from the state
42 university income fund general revenue account (22653) to the state
43 general fund for debt service costs related to campus supported capital
44 project costs for the NY-SUNY 2020 challenge grant program at the
45 University at Buffalo.

46 § 7. Notwithstanding any law to the contrary, and in accordance with
47 section 4 of the state finance law, the comptroller is hereby authorized
48 and directed to transfer, upon request of the director of the budget and
49 upon consultation with the state university chancellor or his or her
50 designee, on or before March 31, 2017, up to \$6,500,000 from the state
51 university income fund general revenue account (22653) to the state
52 general fund for debt service costs related to campus supported capital
53 project costs for the NY-SUNY 2020 challenge grant program at the
54 University at Albany.

55 § 8. Notwithstanding any law to the contrary, the state university
56 chancellor or his or her designee is authorized and directed to transfer

1 estimated tuition revenue balances from the state university collection
2 fund (61000) to the state university income fund, state university
3 general revenue offset account (22655) on or before March 31, 2017.

4 § 9. Notwithstanding any law to the contrary, and in accordance with
5 section 4 of the state finance law, the comptroller is hereby authorized
6 and directed to transfer, upon request of the director of the budget, up
7 to \$69,264,000 from the general fund to the state university income
8 fund, state university hospitals income reimbursable account (22656)
9 during the period July 1, 2016 through June 30, 2017 to reflect ongoing
10 state subsidy of SUNY hospitals and to pay costs attributable to the
11 SUNY hospitals' state agency status.

12 § 10. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the director of the budget, up
15 to \$996,778,300 from the general fund to the state university income
16 fund, state university general revenue offset account (22655) during the
17 period of July 1, 2016 through June 30, 2017 to support operations at
18 the state university.

19 § 11. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, upon request of the state university chancel-
22 lor or his or her designee, up to \$55,000,000 from the state university
23 income fund, state university hospitals income reimbursable account
24 (22656), for services and expenses of hospital operations and capital
25 expenditures at the state university hospitals; and the state university
26 income fund, Long Island veterans' home account (22652) to the state
27 university capital projects fund (32400) on or before June 30, 2017.

28 § 12. Notwithstanding any law to the contrary, and in accordance with
29 section 4 of the state finance law, the comptroller, after consultation
30 with the state university chancellor or his or her designee, is hereby
31 authorized and directed to transfer moneys, in the first instance, from
32 the state university collection fund, Stony Brook hospital collection
33 account (61006), Brooklyn hospital collection account (61007), and Syra-
34 cuse hospital collection account (61008) to the state university income
35 fund, state university hospitals income reimbursable account (22656) in
36 the event insufficient funds are available in the state university
37 income fund, state university hospitals income reimbursable account
38 (22656) to permit the full transfer of moneys authorized for transfer,
39 to the general fund for payment of debt service related to the SUNY
40 hospitals. Notwithstanding any law to the contrary, the comptroller is
41 also hereby authorized and directed, after consultation with the state
42 university chancellor or his or her designee, to transfer moneys from
43 the state university income fund to the state university income fund,
44 state university hospitals income reimbursable account (22656) in the
45 event insufficient funds are available in the state university income
46 fund, state university hospitals income reimbursable account (22656) to
47 pay hospital operating costs or to permit the full transfer of moneys
48 authorized for transfer, to the general fund for payment of debt service
49 related to the SUNY hospitals on or before March 31, 2017.

50 § 13. Notwithstanding any law to the contrary, upon the direction of
51 the director of the budget and the chancellor of the state university of
52 New York or his or her designee, and in accordance with section 4 of the
53 state finance law, the comptroller is hereby authorized and directed to
54 transfer monies from the state university dormitory income fund (40350)
55 to the state university residence hall rehabilitation fund (30100), and
56 from the state university residence hall rehabilitation fund (30100) to



1 the state university dormitory income fund (40350), in a net amount not
2 to exceed \$80 million.

3 § 14. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer monies, upon request of the director of the
6 budget, on or before March 31, 2017, from and to any of the following
7 accounts: the miscellaneous special revenue fund, patient income account
8 (21909), the miscellaneous special revenue fund, mental hygiene program
9 fund account (21907), the miscellaneous special revenue fund, federal
10 salary sharing account (22056), or the general fund in any combination,
11 the aggregate of which shall not exceed \$350 million.

12 § 15. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, at the request of the director of the budget,
15 up to \$750 million from the unencumbered balance of any special revenue
16 fund or account, agency fund or account, internal service fund or
17 account, enterprise fund or account, or any combination of such funds
18 and accounts, to the general fund. The amounts transferred pursuant to
19 this authorization shall be in addition to any other transfers expressly
20 authorized in the 2016-17 budget. Transfers from federal funds, debt
21 service funds, capital projects funds, the community projects fund, or
22 funds that would result in the loss of eligibility for federal benefits
23 or federal funds pursuant to federal law, rule, or regulation as assent-
24 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
25 1951 are not permitted pursuant to this authorization.

26 § 16. Notwithstanding any law to the contrary, and in accordance with
27 section 4 of the state finance law, the comptroller is hereby authorized
28 and directed to transfer, at the request of the director of the budget,
29 up to \$100 million from any non-general fund or account, or combination
30 of funds and accounts, to the miscellaneous special revenue fund, tech-
31 nology financing account (22207) or the miscellaneous capital projects
32 fund, information technology capital financing account (32215), for the
33 purpose of consolidating technology procurement and services. The
34 amounts transferred to the miscellaneous special revenue fund, technolo-
35 gy financing account (22207) pursuant to this authorization shall be
36 equal to or less than the amount of such monies intended to support
37 information technology costs which are attributable, according to a
38 plan, to such account made in pursuance to an appropriation by law.
39 Transfers to the technology financing account shall be completed from
40 amounts collected by non-general funds or accounts pursuant to a fund
41 deposit schedule or permanent statute, and shall be transferred to the
42 technology financing account pursuant to a schedule agreed upon by the
43 affected agency commissioner. Transfers from funds that would result in
44 the loss of eligibility for federal benefits or federal funds pursuant
45 to federal law, rule, or regulation as assented to in chapter 683 of the
46 laws of 1938 and chapter 700 of the laws of 1951 are not permitted
47 pursuant to this authorization.

48 § 17. Notwithstanding any law to the contrary, and in accordance with
49 section 4 of the state finance law, the comptroller is hereby authorized
50 and directed to transfer, at the request of the director of the budget,
51 up to \$350 million from any non-general fund or account, or combination
52 of funds and accounts, to the general fund for the purpose of consol-
53 idating technology procurement and services. The amounts transferred
54 pursuant to this authorization shall be equal to or less than the amount
55 of such monies intended to support information technology costs which
56 are attributable, according to a plan, to such account made in pursuance



1 to an appropriation by law. Transfers to the general fund shall be
2 completed from amounts collected by non-general funds or accounts pursu-
3 ant to a fund deposit schedule. Transfers from funds that would result
4 in the loss of eligibility for federal benefits or federal funds pursu-
5 ant to federal law, rule, or regulation as assented to in chapter 683 of
6 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
7 pursuant to this authorization.

8 § 18. Notwithstanding any provision of law to the contrary, as deemed
9 feasible and advisable by its trustees, the power authority of the state
10 of New York is authorized and directed to transfer to the state treasury
11 to the credit of the general fund \$20,000,000 for the state fiscal year
12 commencing April 1, 2016, the proceeds of which will be utilized to
13 support energy-related state activities.

14 § 19. Notwithstanding any provision of law, rule or regulation to the
15 contrary, the New York State energy research and development authority
16 is authorized and directed to make a contribution to the state treasury
17 to the credit of the general fund in the amount of \$23,000,000 from
18 proceeds collected by the authority from the auction or sale of carbon
19 dioxide emission allowances allocated by the department of environmental
20 conservation on or before March 31, 2017.

21 § 20. Notwithstanding any provision of law, rule or regulation to the
22 contrary, the New York state energy research and development authority
23 is authorized and directed to transfer to the state university income
24 fund general revenue account (22653), in an amount not to exceed
25 \$15,000,000 for the state fiscal year commencing April 1, 2016 from the
26 proceeds collected by the authority from the auction or sale of carbon
27 dioxide emission allowances allocated by the department of environmental
28 conservation, which amount shall be utilized to support the Clean Energy
29 Workforce Opportunity Program, to expand and develop clean energy educa-
30 tion and workforce training programs; provided further, that up to
31 \$5,000,000 of such amount shall be available to support Clean Energy
32 Workforce Opportunity Program initiatives at state university of New
33 York community colleges.

34 § 21. Subdivision 5 of section 97-rrr of the state finance law, as
35 amended by section 21 of part I of chapter 60 of the laws of 2015, is
36 amended to read as follows:

37 5. Notwithstanding the provisions of section one hundred seventy-one-a
38 of the tax law, as separately amended by chapters four hundred eighty-
39 one and four hundred eighty-four of the laws of nineteen hundred eight-
40 y-one, and notwithstanding the provisions of chapter ninety-four of the
41 laws of two thousand eleven, or any other provisions of law to the
42 contrary, during the fiscal year beginning April first, two thousand
43 [fifteen] sixteen, the state comptroller is hereby authorized and
44 directed to deposit to the fund created pursuant to this section from
45 amounts collected pursuant to article twenty-two of the tax law and
46 pursuant to a schedule submitted by the director of the budget, up to
47 [\$3,382,279,000] \$3,227,844,000, as may be certified in such schedule as
48 necessary to meet the purposes of such fund for the fiscal year begin-
49 ning April first, two thousand [fifteen] sixteen.

50 § 22. The comptroller is authorized and directed to deposit to the
51 general fund-state purposes account reimbursements from moneys appropri-
52 ated or reappropriated to the correctional facilities capital improve-
53 ment fund by a chapter of the laws of 2016. Reimbursements shall be
54 available for spending from appropriations made to the department of
55 corrections and community supervision in the general fund-state purposes
56 accounts by a chapter of the laws of 2016 for costs associated with the



1 administration and security of capital projects and for other costs
2 which are attributable, according to a plan, to such capital projects.

3 § 23. The opening paragraph of section 2 and section 47 of part I of
4 chapter 60 of the laws of 2015, providing for the administration of
5 certain funds and accounts related to the 2015-16 budget, are amended to
6 read as follows:

7 Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller is hereby authorized
9 and directed to transfer, upon request of the director of the budget, on
10 or before March 31, 2016, and with respect to item 5 under the miscella-
11 neous category set forth in this section, up to and after March 31,
12 2016, up to the unencumbered balance or the following amounts:

13 § 47. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2015; provided,
15 however, [that] with the exception of item 5 of the miscellaneous cate-
16 gory set forth within section two of this act, the provisions of
17 sections one through eight and sections thirteen through twenty of this
18 act shall expire March 31, 2016, when upon such date the provisions of
19 such sections shall be deemed repealed.

20 § 24. Subdivision 6 of section 4 of the state finance law, as amended
21 by section 22 of part I of chapter 55 of the laws of 2014, is amended to
22 read as follows:

23 6. Notwithstanding any law to the contrary, at the beginning of the
24 state fiscal year, the state comptroller is hereby authorized and
25 directed to receive for deposit to the credit of a fund and/or an
26 account such monies as are identified by the director of the budget as
27 having been intended for such deposit to support disbursements from such
28 fund and/or account made in pursuance of an appropriation by law. As
29 soon as practicable upon enactment of the budget, the director of the
30 budget shall, but not less than three days following preliminary
31 submission to the chairs of the senate finance committee and the assem-
32 bly ways and means committee, file with the state comptroller an iden-
33 tification of specific monies to be so deposited. Any subsequent change
34 regarding the monies to be so deposited shall be filed by the director
35 of the budget, as soon as practicable, but not less than three days
36 following preliminary submission to the chairs of the senate finance
37 committee and the assembly ways and means committee.

38 All monies identified by the director of the budget to be deposited to
39 the credit of a fund and/or account shall be consistent with the intent
40 of the budget for the then current state fiscal year as enacted by the
41 legislature.

42 [The provisions of this subdivision shall expire on March thirty-
43 first, two thousand sixteen.]

44 § 25. Subdivision 4 of section 40 of the state finance law, as amended
45 by section 23 of part I of chapter 55 of the laws of 2014, is amended to
46 read as follows:

47 4. Every appropriation made from a fund or account to a department or
48 agency shall be available for the payment of prior years' liabilities in
49 such fund or account for fringe benefits, indirect costs, and telecommu-
50 nications expenses and expenses for other centralized services fund
51 programs without limit. Every appropriation shall also be available for
52 the payment of prior years' liabilities other than those indicated
53 above, but only to the extent of one-half of one percent of the total
54 amount appropriated to a department or agency in such fund or account.

55 [The provisions of this subdivision shall expire March thirty-first,
56 two thousand sixteen.]

1 § 26. Subparagraph (i) of paragraph (a) of subdivision 3 of section
2 92-cc of the state finance law, as added by chapter 1 of the laws of
3 2007, is amended to read as follows:

4 (i) Economic downturn. The commissioner of labor shall calculate and
5 publish, on or before the fifteenth day of each month, a composite index
6 of business cycle indicators. Such index shall be calculated using
7 monthly data on New York state private sector employment, [total] aver-
8 age weekly hours of manufacturing [hours worked] workers, and the unem-
9 ployment rate prepared by the department of labor or its successor agen-
10 cy, and total sales tax [collected net of law changes] collections
11 adjusted for inflation, prepared by the department of taxation and
12 finance or its successor agency. Such index shall be [constructed in
13 accordance with the procedures for calculating composite indexes issued
14 by the conference board or its successor organization, and] adjusted for
15 seasonal variations in accordance with the procedures issued by the
16 [census bureau of the] United States [department of commerce] Census
17 Bureau or its successor agency. If the composite index declines for five
18 consecutive months, the commissioner of labor shall notify the governor,
19 the speaker of the assembly, the temporary president of the senate, and
20 the minority leaders of the assembly and the senate. Upon such notifica-
21 tion, the director of the budget may authorize and direct the comp-
22 troller to transfer from the rainy day reserve fund to the general fund
23 such amounts as the director of the budget deems necessary to meet the
24 requirements of the state financial plan. The authority to transfer
25 funds under the provisions of this subdivision shall lapse when the
26 composite index shall have increased for five consecutive months or
27 twelve months from the original notification of the commissioner of
28 labor, whichever occurs earlier. Provided, however, that for every addi-
29 tional and consecutive monthly decline succeeding the five month decline
30 so noted by the commissioner of labor, the twelve month lapse date shall
31 be extended by one additional month; or

32 § 27. Paragraph (a) of subdivision 3 of section 93-b of the state
33 finance law, as added by section 1 of part H of chapter 60 of the laws
34 of 2015, is amended to read as follows:

35 (a) Economic downturn. Notwithstanding any law to the contrary, for
36 the purpose of this section, the commissioner of labor shall calculate
37 and publish, on or before the fifteenth day of each month, a composite
38 index of business cycle indicators. Such index shall be calculated using
39 monthly data on New York state private sector employment, [total] aver-
40 age weekly hours of manufacturing [hours worked] workers, and the unem-
41 ployment rate prepared by the department of labor or its successor agen-
42 cy, and total sales tax [collected net of law changes] collections
43 adjusted for inflation, prepared by the department of taxation and
44 finance or its successor agency. Such index shall be [constructed in
45 accordance with the procedures for calculating composite indexes issued
46 by the conference board or its successor organization, and] adjusted for
47 seasonal variations in accordance with the procedures issued by the
48 [census bureau of the] United States [department of commerce] Census
49 Bureau or its successor agency. If the composite index declines for five
50 consecutive months, the commissioner of labor shall notify the governor,
51 the speaker of the assembly, the temporary president of the senate, and
52 the minority leaders of the assembly and the senate. Upon such notifica-
53 tion, the director of the budget may authorize and direct the comp-
54 troller to transfer from the dedicated infrastructure investment fund to
55 the general fund such amounts as the director of the budget deems neces-
56 sary to meet the requirements of the state financial plan. The authority



1 to transfer funds under the provisions of this paragraph shall lapse
2 when the composite index shall have increased for five consecutive
3 months or twelve months from the original notification of the commis-
4 sioner of labor, whichever occurs earlier. Provided, however, that for
5 every additional and consecutive monthly decline succeeding the five
6 month decline so noted by the commissioner of labor, the twelve month
7 lapse date shall be extended by one additional month.

8 § 28. Notwithstanding any other law, rule, or regulation to the
9 contrary, the state comptroller is hereby authorized and directed to use
10 any balance remaining in the mental health services fund debt service
11 appropriation, after payment by the state comptroller of all obligations
12 required pursuant to any lease, sublease, or other financing arrangement
13 between the dormitory authority of the state of New York as successor to
14 the New York state medical care facilities finance agency, and the
15 facilities development corporation pursuant to chapter 83 of the laws of
16 1995 and the department of mental hygiene for the purpose of making
17 payments to the dormitory authority of the state of New York for the
18 amount of the earnings for the investment of monies deposited in the
19 mental health services fund that such agency determines will or may have
20 to be rebated to the federal government pursuant to the provisions of
21 the internal revenue code of 1986, as amended, in order to enable such
22 agency to maintain the exemption from federal income taxation on the
23 interest paid to the holders of such agency's mental services facilities
24 improvement revenue bonds. Annually on or before each June 30th, such
25 agency shall certify to the state comptroller its determination of the
26 amounts received in the mental health services fund as a result of the
27 investment of monies deposited therein that will or may have to be
28 rebated to the federal government pursuant to the provisions of the
29 internal revenue code of 1986, as amended.

30 § 29. Subdivision 1 of section 47 of section 1 of chapter 174 of the
31 laws of 1968, constituting the New York state urban development corpo-
32 ration act, as amended by section 25 of part I of chapter 60 of the laws
33 of 2015, is amended to read as follows:

34 1. Notwithstanding the provisions of any other law to the contrary,
35 the dormitory authority and the corporation are hereby authorized to
36 issue bonds or notes in one or more series for the purpose of funding
37 project costs for the office of information technology services, depart-
38 ment of law, and other state costs associated with such capital
39 projects. The aggregate principal amount of bonds authorized to be
40 issued pursuant to this section shall not exceed [two] three hundred
41 [sixty-nine] sixty-four million [one] eight hundred forty thousand
42 dollars, excluding bonds issued to fund one or more debt service reserve
43 funds, to pay costs of issuance of such bonds, and bonds or notes issued
44 to refund or otherwise repay such bonds or notes previously issued. Such
45 bonds and notes of the dormitory authority and the corporation shall not
46 be a debt of the state, and the state shall not be liable thereon, nor
47 shall they be payable out of any funds other than those appropriated by
48 the state to the dormitory authority and the corporation for principal,
49 interest, and related expenses pursuant to a service contract and such
50 bonds and notes shall contain on the face thereof a statement to such
51 effect. Except for purposes of complying with the internal revenue code,
52 any interest income earned on bond proceeds shall only be used to pay
53 debt service on such bonds.

54 § 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws
55 of 1997, relating to the financing of the correctional facilities
56 improvement fund and the youth facility improvement fund, as amended by



1 section 27 of part I of chapter 60 of the laws of 2015, is amended to
2 read as follows:

3 1. Subject to the provisions of chapter 59 of the laws of 2000, but
4 notwithstanding the provisions of section 18 of section 1 of chapter 174
5 of the laws of 1968, the New York state urban development corporation is
6 hereby authorized to issue bonds, notes and other obligations in an
7 aggregate principal amount not to exceed seven billion [one] four
8 hundred [sixty-three] twenty-four million [three] nine hundred [sixty-
9 nine] ninety-nine thousand dollars [\$7,163,369,000] \$7,424,999,000, and
10 shall include all bonds, notes and other obligations issued pursuant to
11 chapter 56 of the laws of 1983, as amended or supplemented. The proceeds
12 of such bonds, notes or other obligations shall be paid to the state,
13 for deposit in the correctional facilities capital improvement fund to
14 pay for all or any portion of the amount or amounts paid by the state
15 from appropriations or reappropriations made to the department of
16 corrections and community supervision from the correctional facilities
17 capital improvement fund for capital projects. The aggregate amount of
18 bonds, notes or other obligations authorized to be issued pursuant to
19 this section shall exclude bonds, notes or other obligations issued to
20 refund or otherwise repay bonds, notes or other obligations theretofore
21 issued, the proceeds of which were paid to the state for all or a
22 portion of the amounts expended by the state from appropriations or
23 reappropriations made to the department of corrections and community
24 supervision; provided, however, that upon any such refunding or repay-
25 ment the total aggregate principal amount of outstanding bonds, notes or
26 other obligations may be greater than seven billion [one] four hundred
27 [sixty-three] twenty-four million [three] nine hundred [sixty-nine]
28 ninety-nine thousand dollars [\$7,163,369,000] \$7,424,999,000, only if
29 the present value of the aggregate debt service of the refunding or
30 repayment bonds, notes or other obligations to be issued shall not
31 exceed the present value of the aggregate debt service of the bonds,
32 notes or other obligations so to be refunded or repaid. For the purposes
33 hereof, the present value of the aggregate debt service of the refunding
34 or repayment bonds, notes or other obligations and of the aggregate debt
35 service of the bonds, notes or other obligations so refunded or repaid,
36 shall be calculated by utilizing the effective interest rate of the
37 refunding or repayment bonds, notes or other obligations, which shall be
38 that rate arrived at by doubling the semi-annual interest rate
39 (compounded semi-annually) necessary to discount the debt service
40 payments on the refunding or repayment bonds, notes or other obligations
41 from the payment dates thereof to the date of issue of the refunding or
42 repayment bonds, notes or other obligations and to the price bid includ-
43 ing estimated accrued interest or proceeds received by the corporation
44 including estimated accrued interest from the sale thereof.

45 § 31. Paragraph (a) of subdivision 2 of section 47-e of the private
46 housing finance law, as amended by section 28 of part I of chapter 60 of
47 the laws of 2015, is amended to read as follows:

48 (a) Subject to the provisions of chapter fifty-nine of the laws of two
49 thousand, in order to enhance and encourage the promotion of housing
50 programs and thereby achieve the stated purposes and objectives of such
51 housing programs, the agency shall have the power and is hereby author-
52 ized from time to time to issue negotiable housing program bonds and
53 notes in such principal amount as shall be necessary to provide suffi-
54 cient funds for the repayment of amounts disbursed (and not previously
55 reimbursed) pursuant to law or any prior year making capital appropri-
56 ations or reappropriations for the purposes of the housing program;



1 provided, however, that the agency may issue such bonds and notes in an
2 aggregate principal amount not exceeding [three] four billion [one] six
3 hundred [fifty-three] ninety-seven million [seven] four hundred [nine-
4 ty-nine] seventy-four thousand dollars, plus a principal amount of bonds
5 issued to fund the debt service reserve fund in accordance with the debt
6 service reserve fund requirement established by the agency and to fund
7 any other reserves that the agency reasonably deems necessary for the
8 security or marketability of such bonds and to provide for the payment
9 of fees and other charges and expenses, including underwriters'
10 discount, trustee and rating agency fees, bond insurance, credit
11 enhancement and liquidity enhancement related to the issuance of such
12 bonds and notes. No reserve fund securing the housing program bonds
13 shall be entitled or eligible to receive state funds apportioned or
14 appropriated to maintain or restore such reserve fund at or to a partic-
15 ular level, except to the extent of any deficiency resulting directly or
16 indirectly from a failure of the state to appropriate or pay the agreed
17 amount under any of the contracts provided for in subdivision four of
18 this section.

19 § 32. Subdivision (b) of section 11 of chapter 329 of the laws of
20 1991, amending the state finance law and other laws relating to the
21 establishment of the dedicated highway and bridge trust fund, as amended
22 by section 29 of part I of chapter 60 of the laws of 2015, is amended to
23 read as follows:

24 (b) Any service contract or contracts for projects authorized pursuant
25 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
26 14-k of the transportation law, and entered into pursuant to subdivision
27 (a) of this section, shall provide for state commitments to provide
28 annually to the thruway authority a sum or sums, upon such terms and
29 conditions as shall be deemed appropriate by the director of the budget,
30 to fund, or fund the debt service requirements of any bonds or any obli-
31 gations of the thruway authority issued to fund or to reimburse the
32 state for funding such projects having a cost not in excess of
33 [\$8,658,881,000] \$9,147,234,000 cumulatively by the end of fiscal year
34 [2015-16] 2016-17.

35 § 33. Subdivision 1 of section 1689-i of the public authorities law,
36 as amended by section 30 of part I of chapter 60 of the laws of 2015, is
37 amended to read as follows:

38 1. The dormitory authority is authorized to issue bonds, at the
39 request of the commissioner of education, to finance eligible library
40 construction projects pursuant to section two hundred seventy-three-a of
41 the education law, in amounts certified by such commissioner not to
42 exceed a total principal amount of one hundred [forty] fifty-four
43 million dollars.

44 § 34. Subdivision (a) of section 27 of part Y of chapter 61 of the
45 laws of 2005, providing for the administration of certain funds and
46 accounts related to the 2005-2006 budget, as amended by section 31 of
47 part I of chapter 60 of the laws of 2015, is amended to read as follows:

48 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
49 notwithstanding any provisions of law to the contrary, the urban devel-
50 opment corporation is hereby authorized to issue bonds or notes in one
51 or more series in an aggregate principal amount not to exceed
52 [\$155,600,000] \$167,600,000, excluding bonds issued to finance one or
53 more debt service reserve funds, to pay costs of issuance of such bonds,
54 and bonds or notes issued to refund or otherwise repay such bonds or
55 notes previously issued, for the purpose of financing capital projects
56 including IT initiatives for the division of state police, debt service

1 and leases; and to reimburse the state general fund for disbursements
2 made therefor. Such bonds and notes of such authorized issuer shall not
3 be a debt of the state, and the state shall not be liable thereon, nor
4 shall they be payable out of any funds other than those appropriated by
5 the state to such authorized issuer for debt service and related
6 expenses pursuant to any service contract executed pursuant to subdivi-
7 sion (b) of this section and such bonds and notes shall contain on the
8 face thereof a statement to such effect. Except for purposes of comply-
9 ing with the internal revenue code, any interest income earned on bond
10 proceeds shall only be used to pay debt service on such bonds.

11 § 35. Section 44 of section 1 of chapter 174 of the laws of 1968,
12 constituting the New York state urban development corporation act, as
13 amended by section 32 of part I of chapter 60 of the laws of 2015, is
14 amended to read as follows:

15 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
16 provisions of any other law to the contrary, the dormitory authority and
17 the corporation are hereby authorized to issue bonds or notes in one or
18 more series for the purpose of funding project costs for the regional
19 economic development council initiative, the economic transformation
20 program, state university of New York college for nanoscale and science
21 engineering, projects within the city of Buffalo or surrounding envi-
22 rons, the New York works economic development fund, projects for the
23 retention of professional football in western New York, the empire state
24 economic development fund, the clarkson-trudeau partnership, the New
25 York genome center, the cornell university college of veterinary medi-
26 cine, the olympic regional development authority, a project at nano
27 Utica, onondaga county revitalization projects, Binghamton university
28 school of pharmacy, New York power electronics manufacturing consortium,
29 regional infrastructure projects, a commercialization center in Chautau-
30 qua county, an industrial scale research and development facility in
31 Clinton county, upstate revitalization initiative projects, market New
32 York projects, and other state costs associated with such projects. The
33 aggregate principal amount of bonds authorized to be issued pursuant to
34 this section shall not exceed [two] three billion [eight] six hundred
35 [eighty-eight] fifty-three million two hundred fifty-seven thousand
36 dollars, excluding bonds issued to fund one or more debt service reserve
37 funds, to pay costs of issuance of such bonds, and bonds or notes issued
38 to refund or otherwise repay such bonds or notes previously issued. Such
39 bonds and notes of the dormitory authority and the corporation shall not
40 be a debt of the state, and the state shall not be liable thereon, nor
41 shall they be payable out of any funds other than those appropriated by
42 the state to the dormitory authority and the corporation for principal,
43 interest, and related expenses pursuant to a service contract and such
44 bonds and notes shall contain on the face thereof a statement to such
45 effect. Except for purposes of complying with the internal revenue code,
46 any interest income earned on bond proceeds shall only be used to pay
47 debt service on such bonds.

48 2. Notwithstanding any other provision of law to the contrary, in
49 order to assist the dormitory authority and the corporation in undertak-
50 ing the financing for project costs for the regional economic develop-
51 ment council initiative, the economic transformation program, state
52 university of New York college for nanoscale and science engineering,
53 projects within the city of Buffalo or surrounding environs, the New
54 York works economic development fund, projects for the retention of
55 professional football in western New York, the empire state economic
56 development fund, the clarkson-trudeau partnership, the New York genome



1 center, the cornell university college of veterinary medicine, the olym-
2 pic regional development authority, a project at nano Utica, onondaga
3 county revitalization projects, Binghamton university school of pharma-
4 cy, New York power electronics manufacturing consortium, regional
5 infrastructure projects, a commercialization center in Chautauqua coun-
6 ty, an industrial scale research and development facility in Clinton
7 county, upstate revitalization initiative projects, market New York
8 projects, and other state costs associated with such projects, the
9 director of the budget is hereby authorized to enter into one or more
10 service contracts with the dormitory authority and the corporation, none
11 of which shall exceed thirty years in duration, upon such terms and
12 conditions as the director of the budget and the dormitory authority and
13 the corporation agree, so as to annually provide to the dormitory
14 authority and the corporation, in the aggregate, a sum not to exceed the
15 principal, interest, and related expenses required for such bonds and
16 notes. Any service contract entered into pursuant to this section shall
17 provide that the obligation of the state to pay the amount therein
18 provided shall not constitute a debt of the state within the meaning of
19 any constitutional or statutory provision and shall be deemed executory
20 only to the extent of monies available and that no liability shall be
21 incurred by the state beyond the monies available for such purpose,
22 subject to annual appropriation by the legislature. Any such contract or
23 any payments made or to be made thereunder may be assigned and pledged
24 by the dormitory authority and the corporation as security for its bonds
25 and notes, as authorized by this section.

26 § 36. Subdivision 3 of section 1285-p of the public authorities law,
27 as amended by section 33 of part I of chapter 60 of the laws of 2015, is
28 amended to read as follows:

29 3. The maximum amount of bonds that may be issued for the purpose of
30 financing environmental infrastructure projects authorized by this
31 section shall be [one] two billion [seven hundred seventy-five] eight
32 million [seven] two hundred sixty thousand dollars, exclusive of bonds
33 issued to fund any debt service reserve funds, pay costs of issuance of
34 such bonds, and bonds or notes issued to refund or otherwise repay bonds
35 or notes previously issued. Such bonds and notes of the corporation
36 shall not be a debt of the state, and the state shall not be liable
37 thereon, nor shall they be payable out of any funds other than those
38 appropriated by the state to the corporation for debt service and
39 related expenses pursuant to any service contracts executed pursuant to
40 subdivision one of this section, and such bonds and notes shall contain
41 on the face thereof a statement to such effect.

42 § 37. Subdivision 1 of section 45 of section 1 of chapter 174 of the
43 laws of 1968, constituting the New York state urban development corpo-
44 ration act, as amended by section 34 of part I of chapter 60 of the laws
45 of 2015, is amended to read as follows:

46 1. Notwithstanding the provisions of any other law to the contrary,
47 the urban development corporation of the state of New York is hereby
48 authorized to issue bonds or notes in one or more series for the purpose
49 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
50 2020 challenge grant program subject to the approval of a NY-SUNY and
51 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
52 the state university of New York or the chancellor of the city universi-
53 ty of New York, as applicable. The aggregate principal amount of bonds
54 authorized to be issued pursuant to this section shall not exceed
55 [\$440,000,000] \$550,000,000, excluding bonds issued to fund one or more
56 debt service reserve funds, to pay costs of issuance of such bonds, and



1 bonds or notes issued to refund or otherwise repay such bonds or notes
2 previously issued. Such bonds and notes of the corporation shall not be
3 a debt of the state, and the state shall not be liable thereon, nor
4 shall they be payable out of any funds other than those appropriated by
5 the state to the corporation for principal, interest, and related
6 expenses pursuant to a service contract and such bonds and notes shall
7 contain on the face thereof a statement to such effect. Except for
8 purposes of complying with the internal revenue code, any interest
9 income earned on bond proceeds shall only be used to pay debt service on
10 such bonds.

11 § 38. Subdivision (a) of section 48 of part K of chapter 81 of the
12 laws of 2002, providing for the administration of certain funds and
13 accounts related to the 2002-2003 budget, as amended by section 35 of
14 part I of chapter 60 of the laws of 2015, is amended to read as follows:

15 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
16 notwithstanding the provisions of section 18 of the urban development
17 corporation act, the corporation is hereby authorized to issue bonds or
18 notes in one or more series in an aggregate principal amount not to
19 exceed \$197,000,000 excluding bonds issued to fund one or more debt
20 service reserve funds, to pay costs of issuance of such bonds, and bonds
21 or notes issued to refund or otherwise repay such bonds or notes previ-
22 ously issued, for the purpose of financing capital costs related to
23 homeland security and training facilities for the division of state
24 police, the division of military and naval affairs, and any other state
25 agency, including the reimbursement of any disbursements made from the
26 state capital projects fund, and is hereby authorized to issue bonds or
27 notes in one or more series in an aggregate principal amount not to
28 exceed [~~\$469,800,000~~] \$509,600,000, excluding bonds issued to fund one
29 or more debt service reserve funds, to pay costs of issuance of such
30 bonds, and bonds or notes issued to refund or otherwise repay such bonds
31 or notes previously issued, for the purpose of financing improvements to
32 State office buildings and other facilities located statewide, including
33 the reimbursement of any disbursements made from the state capital
34 projects fund. Such bonds and notes of the corporation shall not be a
35 debt of the state, and the state shall not be liable thereon, nor shall
36 they be payable out of any funds other than those appropriated by the
37 state to the corporation for debt service and related expenses pursuant
38 to any service contracts executed pursuant to subdivision (b) of this
39 section, and such bonds and notes shall contain on the face thereof a
40 statement to such effect.

41 § 39. Subdivision 1 of section 386-b of the public authorities law, as
42 amended by section 36 of part I of chapter 60 of the laws of 2015, is
43 amended to read as follows:

44 1. Notwithstanding any other provision of law to the contrary, the
45 authority, the dormitory authority and the urban development corporation
46 are hereby authorized to issue bonds or notes in one or more series for
47 the purpose of financing peace bridge projects and capital costs of
48 state and local highways, parkways, bridges, the New York state thruway,
49 Indian reservation roads, and facilities, and transportation infrastruc-
50 ture projects including aviation projects, non-MTA mass transit
51 projects, and rail service preservation projects, including work appur-
52 tenant and ancillary thereto. The aggregate principal amount of bonds
53 authorized to be issued pursuant to this section shall not exceed [one]
54 two billion [six hundred ninety] seven hundred twenty-five million
55 dollars [~~\$1,690,000,000~~] \$2,725,000,000, excluding bonds issued to fund
56 one or more debt service reserve funds, to pay costs of issuance of such

1 bonds, and to refund or otherwise repay such bonds or notes previously
2 issued. Such bonds and notes of the authority, the dormitory authority
3 and the urban development corporation shall not be a debt of the state,
4 and the state shall not be liable thereon, nor shall they be payable out
5 of any funds other than those appropriated by the state to the authori-
6 ty, the dormitory authority and the urban development corporation for
7 principal, interest, and related expenses pursuant to a service contract
8 and such bonds and notes shall contain on the face thereof a statement
9 to such effect. Except for purposes of complying with the internal
10 revenue code, any interest income earned on bond proceeds shall only be
11 used to pay debt service on such bonds.

12 § 40. Paragraph (c) of subdivision 19 of section 1680 of the public
13 authorities law, as amended by section 37 of part I of chapter 60 of the
14 laws of 2015, is amended to read as follows:

15 (c) Subject to the provisions of chapter fifty-nine of the laws of two
16 thousand, the dormitory authority shall not issue any bonds for state
17 university educational facilities purposes if the principal amount of
18 bonds to be issued when added to the aggregate principal amount of bonds
19 issued by the dormitory authority on and after July first, nineteen
20 hundred eighty-eight for state university educational facilities will
21 exceed eleven billion [two] six hundred [twenty-eight] three million
22 dollars; provided, however, that bonds issued or to be issued shall be
23 excluded from such limitation if: (1) such bonds are issued to refund
24 state university construction bonds and state university construction
25 notes previously issued by the housing finance agency; or (2) such bonds
26 are issued to refund bonds of the authority or other obligations issued
27 for state university educational facilities purposes and the present
28 value of the aggregate debt service on the refunding bonds does not
29 exceed the present value of the aggregate debt service on the bonds
30 refunded thereby; provided, further that upon certification by the
31 director of the budget that the issuance of refunding bonds or other
32 obligations issued between April first, nineteen hundred ninety-two and
33 March thirty-first, nineteen hundred ninety-three will generate long
34 term economic benefits to the state, as assessed on a present value
35 basis, such issuance will be deemed to have met the present value test
36 noted above. For purposes of this subdivision, the present value of the
37 aggregate debt service of the refunding bonds and the aggregate debt
38 service of the bonds refunded, shall be calculated by utilizing the true
39 interest cost of the refunding bonds, which shall be that rate arrived
40 at by doubling the semi-annual interest rate (compounded semi-annually)
41 necessary to discount the debt service payments on the refunding bonds
42 from the payment dates thereof to the date of issue of the refunding
43 bonds to the purchase price of the refunding bonds, including interest
44 accrued thereon prior to the issuance thereof. The maturity of such
45 bonds, other than bonds issued to refund outstanding bonds, shall not
46 exceed the weighted average economic life, as certified by the state
47 university construction fund, of the facilities in connection with which
48 the bonds are issued, and in any case not later than the earlier of
49 thirty years or the expiration of the term of any lease, sublease or
50 other agreement relating thereto; provided that no note, including
51 renewals thereof, shall mature later than five years after the date of
52 issuance of such note. The legislature reserves the right to amend or
53 repeal such limit, and the state of New York, the dormitory authority,
54 the state university of New York, and the state university construction
55 fund are prohibited from covenanting or making any other agreements with



1 or for the benefit of bondholders which might in any way affect such
2 right.

3 § 41. Paragraph (c) of subdivision 14 of section 1680 of the public
4 authorities law, as amended by section 38 of part I of chapter 60 of the
5 laws of 2015, is amended to read as follows:

6 (c) Subject to the provisions of chapter fifty-nine of the laws of two
7 thousand, (i) the dormitory authority shall not deliver a series of
8 bonds for city university community college facilities, except to refund
9 or to be substituted for or in lieu of other bonds in relation to city
10 university community college facilities pursuant to a resolution of the
11 dormitory authority adopted before July first, nineteen hundred eighty-
12 five or any resolution supplemental thereto, if the principal amount of
13 bonds so to be issued when added to all principal amounts of bonds
14 previously issued by the dormitory authority for city university commu-
15 nity college facilities, except to refund or to be substituted in lieu
16 of other bonds in relation to city university community college facili-
17 ties will exceed the sum of four hundred twenty-five million dollars and
18 (ii) the dormitory authority shall not deliver a series of bonds issued
19 for city university facilities, including community college facilities,
20 pursuant to a resolution of the dormitory authority adopted on or after
21 July first, nineteen hundred eighty-five, except to refund or to be
22 substituted for or in lieu of other bonds in relation to city university
23 facilities and except for bonds issued pursuant to a resolution supple-
24 mental to a resolution of the dormitory authority adopted prior to July
25 first, nineteen hundred eighty-five, if the principal amount of bonds so
26 to be issued when added to the principal amount of bonds previously
27 issued pursuant to any such resolution, except bonds issued to refund or
28 to be substituted for or in lieu of other bonds in relation to city
29 university facilities, will exceed seven billion [three] five hundred
30 [ninety-two] forty-eight million [seven] four hundred [fifty-three]
31 eleven thousand dollars. The legislature reserves the right to amend or
32 repeal such limit, and the state of New York, the dormitory authority,
33 the city university, and the fund are prohibited from covenanting or
34 making any other agreements with or for the benefit of bondholders which
35 might in any way affect such right.

36 § 42. Subdivision 10-a of section 1680 of the public authorities law,
37 as amended by section 39 of part I of chapter 60 of the laws of 2015, is
38 amended to read as follows:

39 10-a. Subject to the provisions of chapter fifty-nine of the laws of
40 two thousand, but notwithstanding any other provision of the law to the
41 contrary, the maximum amount of bonds and notes to be issued after March
42 thirty-first, two thousand two, on behalf of the state, in relation to
43 any locally sponsored community college, shall be eight hundred [thir-
44 ty-eight] sixty-one million four hundred [fifty-eight] fifty-four thou-
45 sand dollars. Such amount shall be exclusive of bonds and notes issued
46 to fund any reserve fund or funds, costs of issuance and to refund any
47 outstanding bonds and notes, issued on behalf of the state, relating to
48 a locally sponsored community college.

49 § 43. Subdivision 1 of section 17 of part D of chapter 389 of the laws
50 of 1997, relating to the financing of the correctional facilities
51 improvement fund and the youth facility improvement fund, as amended by
52 section 41 of part I of chapter 60 of the laws of 2015, is amended to
53 read as follows:

54 1. Subject to the provisions of chapter 59 of the laws of 2000, but
55 notwithstanding the provisions of section 18 of section 1 of chapter 174
56 of the laws of 1968, the New York state urban development corporation is



1 hereby authorized to issue bonds, notes and other obligations in an
2 aggregate principal amount not to exceed six hundred [eleven] forty-sev-
3 en million [two hundred fifteen] sixty-five thousand dollars
4 [(\$611,215,000)] (\$647,065,000), which authorization increases the
5 aggregate principal amount of bonds, notes and other obligations author-
6 ized by section 40 of chapter 309 of the laws of 1996, and shall include
7 all bonds, notes and other obligations issued pursuant to chapter 211 of
8 the laws of 1990, as amended or supplemented. The proceeds of such
9 bonds, notes or other obligations shall be paid to the state, for depos-
10 it in the youth facilities improvement fund, to pay for all or any
11 portion of the amount or amounts paid by the state from appropriations
12 or reappropriations made to the office of children and family services
13 from the youth facilities improvement fund for capital projects. The
14 aggregate amount of bonds, notes and other obligations authorized to be
15 issued pursuant to this section shall exclude bonds, notes or other
16 obligations issued to refund or otherwise repay bonds, notes or other
17 obligations theretofore issued, the proceeds of which were paid to the
18 state for all or a portion of the amounts expended by the state from
19 appropriations or reappropriations made to the office of children and
20 family services; provided, however, that upon any such refunding or
21 repayment the total aggregate principal amount of outstanding bonds,
22 notes or other obligations may be greater than six hundred [eleven]
23 forty-seven million [two hundred fifteen] sixty-five thousand dollars
24 [(\$611,215,000)] (\$647,065,000), only if the present value of the aggre-
25 gate debt service of the refunding or repayment bonds, notes or other
26 obligations to be issued shall not exceed the present value of the
27 aggregate debt service of the bonds, notes or other obligations so to be
28 refunded or repaid. For the purposes hereof, the present value of the
29 aggregate debt service of the refunding or repayment bonds, notes or
30 other obligations and of the aggregate debt service of the bonds, notes
31 or other obligations so refunded or repaid, shall be calculated by
32 utilizing the effective interest rate of the refunding or repayment
33 bonds, notes or other obligations, which shall be that rate arrived at
34 by doubling the semi-annual interest rate (compounded semi-annually)
35 necessary to discount the debt service payments on the refunding or
36 repayment bonds, notes or other obligations from the payment dates ther-
37 eof to the date of issue of the refunding or repayment bonds, notes or
38 other obligations and to the price bid including estimated accrued
39 interest or proceeds received by the corporation including estimated
40 accrued interest from the sale thereof.

41 § 44. Paragraph b of subdivision 2 of section 9-a of section 1 of
42 chapter 392 of the laws of 1973, constituting the New York state medical
43 care facilities finance agency act, as amended by section 42 of part I
44 of chapter 60 of the laws of 2015, is amended to read as follows:

45 b. The agency shall have power and is hereby authorized from time to
46 time to issue negotiable bonds and notes in conformity with applicable
47 provisions of the uniform commercial code in such principal amount as,
48 in the opinion of the agency, shall be necessary, after taking into
49 account other moneys which may be available for the purpose, to provide
50 sufficient funds to the facilities development corporation, or any
51 successor agency, for the financing or refinancing of or for the design,
52 construction, acquisition, reconstruction, rehabilitation or improvement
53 of mental health services facilities pursuant to paragraph a of this
54 subdivision, the payment of interest on mental health services improve-
55 ment bonds and mental health services improvement notes issued for such
56 purposes, the establishment of reserves to secure such bonds and notes,



1 the cost or premium of bond insurance or the costs of any financial
2 mechanisms which may be used to reduce the debt service that would be
3 payable by the agency on its mental health services facilities improve-
4 ment bonds and notes and all other expenditures of the agency incident
5 to and necessary or convenient to providing the facilities development
6 corporation, or any successor agency, with funds for the financing or
7 refinancing of or for any such design, construction, acquisition, recon-
8 struction, rehabilitation or improvement and for the refunding of mental
9 hygiene improvement bonds issued pursuant to section 47-b of the private
10 housing finance law; provided, however, that the agency shall not issue
11 mental health services facilities improvement bonds and mental health
12 services facilities improvement notes in an aggregate principal amount
13 exceeding [seven] eight billion [seven hundred twenty-two] twenty-one
14 million eight hundred fifteen thousand dollars, excluding mental health
15 services facilities improvement bonds and mental health services facili-
16 ties improvement notes issued to refund outstanding mental health
17 services facilities improvement bonds and mental health services facili-
18 ties improvement notes; provided, however, that upon any such refunding
19 or repayment of mental health services facilities improvement bonds
20 and/or mental health services facilities improvement notes the total
21 aggregate principal amount of outstanding mental health services facili-
22 ties improvement bonds and mental health facilities improvement notes
23 may be greater than [seven] eight billion [seven hundred twenty-two]
24 twenty-one million eight hundred fifteen thousand dollars only if,
25 except as hereinafter provided with respect to mental health services
26 facilities bonds and mental health services facilities notes issued to
27 refund mental hygiene improvement bonds authorized to be issued pursuant
28 to the provisions of section 47-b of the private housing finance law,
29 the present value of the aggregate debt service of the refunding or
30 repayment bonds to be issued shall not exceed the present value of the
31 aggregate debt service of the bonds to be refunded or repaid. For
32 purposes hereof, the present values of the aggregate debt service of the
33 refunding or repayment bonds, notes or other obligations and of the
34 aggregate debt service of the bonds, notes or other obligations so
35 refunded or repaid, shall be calculated by utilizing the effective
36 interest rate of the refunding or repayment bonds, notes or other obli-
37 gations, which shall be that rate arrived at by doubling the semi-annual
38 interest rate (compounded semi-annually) necessary to discount the debt
39 service payments on the refunding or repayment bonds, notes or other
40 obligations from the payment dates thereof to the date of issue of the
41 refunding or repayment bonds, notes or other obligations and to the
42 price bid including estimated accrued interest or proceeds received by
43 the authority including estimated accrued interest from the sale there-
44 of. Such bonds, other than bonds issued to refund outstanding bonds,
45 shall be scheduled to mature over a term not to exceed the average
46 useful life, as certified by the facilities development corporation, of
47 the projects for which the bonds are issued, and in any case shall not
48 exceed thirty years and the maximum maturity of notes or any renewals
49 thereof shall not exceed five years from the date of the original issue
50 of such notes. Notwithstanding the provisions of this section, the agen-
51 cy shall have the power and is hereby authorized to issue mental health
52 services facilities improvement bonds and/or mental health services
53 facilities improvement notes to refund outstanding mental hygiene
54 improvement bonds authorized to be issued pursuant to the provisions of
55 section 47-b of the private housing finance law and the amount of bonds
56 issued or outstanding for such purposes shall not be included for



1 purposes of determining the amount of bonds issued pursuant to this
2 section. The director of the budget shall allocate the aggregate princi-
3 pal authorized to be issued by the agency among the office of mental
4 health, office for people with developmental disabilities, and the
5 office of alcoholism and substance abuse services, in consultation with
6 their respective commissioners to finance bondable appropriations previ-
7 ously approved by the legislature.

8 § 45. Paragraph (b) of subdivision 3 of section 1 and clause (B) of
9 subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of
10 part D of chapter 63 of the laws of 2005 relating to the composition and
11 responsibilities of the New York state higher education capital matching
12 grant board, as amended by section 43 of part I of chapter 60 of the
13 laws of 2015, is amended to read as follows:

14 (b) Within amounts appropriated therefor, the board is hereby author-
15 ized and directed to award matching capital grants totaling [210] 240
16 million dollars. Each college shall be eligible for a grant award amount
17 as determined by the calculations pursuant to subdivision five of this
18 section. In addition, such colleges shall be eligible to compete for
19 additional funds pursuant to paragraph (h) of subdivision four of this
20 section.

21 (B) The dormitory authority shall not issue any bonds or notes in an
22 amount in excess of [210] 240 million dollars for the purposes of this
23 section; excluding bonds or notes issued to fund one or more debt
24 service reserve funds, to pay costs of issuance of such bonds, and bonds
25 or notes issued to refund or otherwise repay such bonds or notes previ-
26 ously issued. Except for purposes of complying with the internal revenue
27 code, any interest on bond proceeds shall only be used to pay debt
28 service on such bonds.

29 § 46. Notwithstanding any other provision of law to the contrary, from
30 the taxes, interest and penalties collected or received by the commis-
31 sioner of taxation and finance in respect of the tax imposed by the city
32 of New York pursuant to the authority of section 1210, 1211, 1212 or
33 1212-A of the tax law, the comptroller shall pay, as directed in writing
34 by the director of the budget, the sum of \$16,666,667 on or before the
35 twelfth day of each month from such taxes, penalties and interest
36 collected or received by such commissioner during the previous month to
37 (i) any issuers of state-related debt for the purposes of paying princi-
38 pal, interest, and related expenses, or for retiring or defeasing bonds
39 previously issued, including any accrued interest or other expenses
40 related thereto, for any state-related bonding program or programs, or
41 to (ii) a governmental fund or funds of the state treasury. The comp-
42 troller shall make the first payment to issuers of state-related debt or
43 the government funds on the twelfth day of May, 2016 from the taxes,
44 penalties and interest collected or received during April 2016 and the
45 last payment on or before the twelfth day of April, 2019 from the taxes,
46 penalties and interest collected or received during March 2019.
47 Provided, however, that in no event shall such payments exceed
48 \$200,000,000 in any state fiscal year; and provided further that such
49 payments shall not reduce the reasonable costs of such commissioner
50 under paragraph (b) of section 1261 of the tax law.

51 § 47. This act shall take effect immediately and shall be deemed to
52 have been in full force and effect on and after April 1, 2016; provided,
53 however, with the exception of item 5 of the miscellaneous category set
54 forth within section two of this act: (a) the provisions of sections
55 one through eight, and sections twelve through twenty of this act shall
56 expire March 31, 2017, when upon such date the provisions of such

1 sections shall be deemed repealed; and (b) the provisions of section
 2 forty-six of this act shall expire upon the last payment made by the
 3 comptroller pursuant to section forty-six of this act when upon such
 4 date the provisions of such section shall be deemed repealed; provided
 5 that the state comptroller shall notify the legislative bill drafting
 6 commission upon the occurrence of the last payment provided for in
 7 section forty-six of this act in order that the commission may maintain
 8 an accurate and timely effective database of the official text of the
 9 laws of the state of New York in furtherance of effectuating the
 10 provisions of section 44 of the legislative law and section 70-b of the
 11 public officers law.

12 PART O

13 Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the
 14 public lands law, as amended by section 1 of part T of chapter 55 of the
 15 laws of 2013, is amended to read as follows:

16 (1) Notwithstanding any provision of this section to the contrary, in
 17 addition to state aid otherwise payable pursuant to this section, there
 18 shall be payable to any city located in a county in which there has been
 19 constructed a state office building project in accordance with the
 20 provisions of chapter one hundred fifty-two of the laws of nineteen
 21 hundred sixty-four, as amended, and pursuant to an agreement entitled
 22 the "South Mall contract" dated May eleventh, nineteen hundred sixty-
 23 five, state aid in accordance with the following schedule:

24	State Fiscal Year	Amount
25		
26	2000-2001	\$4,500,000
27	2001-2002	\$4,500,000
28	2002-2003	\$4,500,000
29	2003-2004	\$9,850,000
30	2004-2005	\$16,850,000
31	2005-2006	\$22,850,000
32	2006-2007	\$22,850,000
33	2007-2008	\$22,850,000
34	2008-2009	\$22,850,000
35	2009-2010	\$22,850,000
36	2010-2011	\$22,850,000
37	2011-2012	\$15,000,000
38	2012-2013	\$22,850,000
39	2013-2014	\$22,850,000
40	2014-2015	\$15,000,000
41	2015-2016	\$15,000,000
42	2016-2017	[\$15,000,000] <u>\$27,500,000</u>
43	2017-2018	\$15,000,000
44	2018-2019	\$15,000,000
45	2019-2020	\$15,000,000
46	2020-2021	\$15,000,000
47	2021-2022	\$15,000,000
48	2022-2023	\$15,000,000
49	2023-2024	\$15,000,000
50	2024-2025	\$15,000,000
51	2025-2026	\$15,000,000
52	2026-2027	\$15,000,000
53	2027-2028	\$15,000,000

1	2028-2029	\$15,000,000
2	2029-2030	\$15,000,000
3	2030-2031	\$15,000,000
4	2031-2032	[\$7,150,000] \$1,800,000
5	[2032-2033	\$7,150,000]

6 § 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2016.

8 PART P

9 Section 1. Subdivision 1 of section 483-a of the real property tax
10 law, as amended by chapter 272 of the laws of 2013, is amended to read
11 as follows:

12 1. [Structures] The following structures permanently affixed to agri-
13 cultural land shall be exempt from taxation, special ad valorem levies
14 and special assessments: (a) structures for the purpose of preserving
15 and storing forage in edible condition; (b) farm feed grain storage
16 bins; (c) commodity sheds; (d) bulk milk tanks and coolers used to hold
17 milk awaiting shipment to market; and (e) manure storage, handling and
18 treatment facilities, including composting [or anaerobic digestion] of
19 agricultural materials, such as livestock manure and farming wastes,
20 food residuals or other organic wastes associated with food production
21 or consumption with at least fifty percent by weight of its feedstock on
22 an annual basis being livestock manure, farming wastes and crops grown
23 specifically for use as [anaerobic digestion or] composting feedstock
24 [and including any equipment necessary to the process of producing,
25 collecting, storing, cleaning and converting biogas into forms of energy
26 and transporting biogas or energy on-site; and bulk milk tanks and cool-
27 ers used to hold milk awaiting shipment to market shall be exempt from
28 taxation, special ad valorem levies and special assessments]. "Food
29 residuals" means organic material, including, but not limited to, food
30 scraps, food processing residue, and related soiled or unrecyclable
31 paper used in food packaging, preparation or cleanup.

32 § 2. The real property tax law is amended by adding a new section
33 483-e to read as follows:

34 § 483-e. Anaerobic digestion facilities. 1. Structures permanently
35 affixed to land for the purpose of anaerobic digestion of agricultural
36 materials, including structures necessary for the storage and handling
37 of the agricultural materials that are part of the digestion process,
38 together with any equipment necessary for producing, collecting, stor-
39 ing, cleaning and converting biogas into forms of energy and generation,
40 transmission, transporting, use of and/or the sale of biogas or energy
41 on-site, off-site, and/or pursuant to an interconnection agreement with
42 a utility; shall be exempt from taxation, special ad valorem levies and
43 special assessments. "Agricultural materials" includes, but is not
44 limited to, livestock manure, farming wastes and food residuals and
45 other organic wastes associated with food production or consumption with
46 at least fifty percent by weight of its feedstock on an annual basis
47 being livestock manure, farming wastes and crops grown specifically for
48 use as anaerobic digestion feedstock. "Food residuals" means organic
49 material, including, but not limited to, food scraps, food processing
50 residue, and related soiled or unrecyclable paper used in food packag-
51 ing, preparation or cleanup.

52 2. The exemption provided by subdivision one of this section shall
53 only be granted upon the application of the owner of the property upon
54 which such structures are located, on a form to be prescribed by the

1 commissioner. Such application shall be filed on or before the appropri-
2 ate taxable status date with the assessor of the municipality having the
3 power to assess real property. Once an exemption is granted, no renewal
4 thereof shall be necessary.

5 § 3. Subdivision 2 of section 487 of the real property tax law, as
6 amended by chapter 515 of the laws of 2002, is amended to read as
7 follows:

8 2. Real property which includes a solar or wind energy system or farm
9 waste energy system approved in accordance with the provisions of this
10 section shall be exempt from taxation to the extent of any increase in
11 the value thereof by reason of the inclusion of such solar or wind ener-
12 gy system or farm waste energy system for a period of fifteen years.
13 When a solar or wind energy system or components thereof or farm waste
14 energy system also serve as part of the building structure, the increase
15 in value which shall be exempt from taxation shall be equal to the
16 assessed value attributable to such system or components multiplied by
17 the ratio of the incremental cost of such system or components to the
18 total cost of such system or components. The exemption provided by this
19 section is inapplicable to any structure that satisfies the requirements
20 for exemption under section four hundred eighty-three-e of this title.

21 § 4. This act shall take effect immediately and shall apply to assess-
22 ment rolls based on taxable status dates occurring on and after March 1,
23 2013; provided, that an application for the exemption on the 2013
24 assessment roll shall be considered timely if filed on or before March
25 1, 2017; and provided further, that in the event such application should
26 be denied, administrative and judicial review shall be available in the
27 same manner and to the same extent as if the application had been for an
28 exemption on the 2017 assessment roll; provided, however, that the
29 amendments made by section three of this act shall not apply to any
30 exemption from taxation for a farm waste energy system that was granted
31 pursuant to real property tax law section four hundred eighty-seven
32 prior to such effective date.

33 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
34 sion, section or part of this act shall be adjudged by any court of
35 competent jurisdiction to be invalid, such judgment shall not affect,
36 impair, or invalidate the remainder thereof, but shall be confined in
37 its operation to the clause, sentence, paragraph, subdivision, section
38 or part thereof directly involved in the controversy in which such judg-
39 ment shall have been rendered. It is hereby declared to be the intent of
40 the legislature that this act would have been enacted even if such
41 invalid provisions had not been included herein.

42 § 3. This act shall take effect immediately provided, however, that
43 the applicable effective date of Parts A through P of this act shall be
44 as specifically set forth in the last section of such Parts.