

Amend Senate 6806, Assembly 9806, A BUDGET BILL, AN ACT to amend the arts and cultural affairs law, in relation to revising the powers and duties of the empire state plaza arts commission . . . . .

Page	Line	Amendment
Page 2,	Unnumbered line 56 (AN ACT CLAUSE),	After "practices;" strike out "and"
Page 3,	Unnumbered line 6 (AN ACT CLAUSE),	After "thereof" insert "; to amend the civil practice law and rules, in relation to the impact of collateral source payments upon tort claims for personal injury, property damage or wrongful death, and upon related subrogation claims and in relation to equalizing the treatment of collateral sources in tort actions; to amend the general municipal law, the public housing law, the state finance law and chapter 585 of the laws of 1939 relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims, in relation to the rate of interest paid on judgments; to repeal subdivisions (a) and (b) of section 4545 of the civil practice law and rules relating to the admissibility of collateral source of payment; and to repeal subdivisions (d) and (e) of rule 4111 of the civil practice law and rules relating to itemized verdicts in certain actions against a public employer for personal injury and wrongful death"
Page 3,	Unnumbered line 33 (AN ACT CLAUSE),	After "(Part U);" strike out "and"
Page 6,	Unnumbered line 15 (AN ACT CLAUSE),	After "(Part V)" insert "; and to amend the civil service law, in relation to the implementation of an amnesty program for the New York health insurance program (Part W)"
Page 6,	Line 4,	After "A through" strike out "V" and insert "W"
Page 25,	Lines 23 and 24,	After " <u>surcharge</u> " strike out " <u>specified in subdivision one of this section</u> "
Page 28,	Lines 4 and 5,	After " <u>surcharge</u> " strike out " <u>specified in subdivision one of this section</u> "
Page 31,	Line 25,	After " <u>during</u> " strike out " <u>the monthly reporting period</u> " and insert " <u>each month</u> "
Page 34,	Line 8,	Before " <u>of section three</u> " strike " <u>three</u> " and insert " <u>four</u> "  After " <u>subdivision</u> " strike " <u>three</u> " and insert " <u>four</u> "

Page 59,	Lines 49 and 50,	<p>After "<u>fee</u>," strike out "<u>the fee for any</u>" and insert "<u>a</u>"</p> <p>After "<u>page</u>" insert "<u>required by a county clerk</u>"</p> <p>After "<u>be</u>" strike out "<u>included within the twenty dollar fee and shall not be</u>"</p>
Page 59,	Line 51,	<p>After "<u>instrument</u>" strike out "<u>for purposes of the per-page fee</u>"</p>
Page 90,	Between lines 46 and 47,	<p>Insert " § 25. Subdivisions (a) and (b) of section 4545 of the civil practice law and rules are REPEALED.</p> <p>§ 26. Subdivision (c) of section 4545 of the civil practice law and rules, as added by chapter 220 of the laws of 1986, is amended to read as follows:</p> <p>(c) Actions for personal injury, injury to property or wrongful death.</p> <p>In any action brought to recover damages for personal injury, injury to property or wrongful death, where the plaintiff seeks to recover for the cost of medical care, dental care, custodial care or rehabilitation services, loss of earnings or other economic loss, evidence shall be admissible for consideration by the court to establish that any such past or future cost or expense was or will, with reasonable certainty, be replaced or indemnified, in whole or in part, from any collateral source [<del>such as insurance</del>] (except for life insurance)[<del>social security</del> (<del>except those benefits provided under title XVIII of the social security act</del>), <del>workers' compensation or employee benefit programs (except such collateral sources entitled by law to liens against any recovery of the plaintiff)</del>], and <u>except for those payments as to which there is a statutory right of reimbursement</u>. If the court finds that any such cost or expense was or will, with reasonable certainty, be replaced or indemnified from any <u>such</u> collateral source, it shall reduce the amount of the award by such finding, minus an amount equal to the premiums paid by the plaintiff for such benefits for the two-year period immediately preceding the accrual of such action and minus an amount equal to the projected future cost to the plaintiff of maintaining such benefits. In order to find that any future cost or expense will, with reasonable certainty, be replaced or indemnified by the collateral source, the court must find</p>

that the plaintiff is legally entitled to the continued receipt of such collateral source, pursuant to a contract or otherwise enforceable agreement, subject only to the continued payment of a premium and such other financial obligations as may be required by such agreement. Any collateral source deduction required by this subdivision shall be made by the trial court after the rendering of the jury's verdict. The plaintiff may prove his or her losses and expenses at the trial irrespective of whether such sums will later have to be deducted from the plaintiff's recovery.

§ 27. Section 4545 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

(e) No right of reimbursement for certain collateral source payments. A collateral source payor which has made payment to a person who had a claim founded on personal injury or wrongful death shall have no right to seek reimbursement from either the plaintiff or the tortfeasor unless the right to seek said reimbursement is set forth by statute. When an action within the scope of this section settles, it shall be conclusively presumed that the settlement does not include any compensation for those losses or expenses that would have been deducted, pursuant to this section, from any verdict that the plaintiff might have obtained. By entering into a settlement agreement, a plaintiff shall not be deemed to have taken an action in derogation of the non-statutory right of any person who supplied the collateral source payments; nor shall a plaintiff's entry into such agreement constitute a violation of any contract between the plaintiff and the person who supplied the collateral payments. Except where there is a statutory lien or statutory subrogation right, no defendant entering into such settlement shall be subject to a claim for reimbursement by any person who supplied the collateral source payments.

§ 28. Subdivisions (d) and (e) of rule 4111 of the civil practice law and rules are REPEALED.

§ 29. Subdivision (f) of rule 4111 of the civil practice law and rules, as amended by chapter 100 of the laws of 1994, is amended to read as follows:

(f) Itemized verdict in certain actions. In an action brought to recover damages for personal injury, injury to

		<p>property or wrongful death, <del>[which is not subject to subdivisions (d) and (e) of this rule,]</del> the court shall instruct the jury that if the jury finds a verdict awarding damages, it shall in its verdict specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element including, but not limited to, medical expenses, dental expenses, loss of earnings, impairment of earning ability, and pain and suffering. Each element shall be further itemized into amounts intended to compensate for damages that have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of years over which such amounts are intended to provide compensation. In actions in which article fifty-A or fifty-B of this chapter applies, in computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value.</p> <p>§ 30. Subdivision (b) of section 4213 of the civil practice law and rules, as separately amended by chapters 485 and 682 of the laws of 1986, is amended to read as follows:</p> <p>(b) Form of decision. The decision of the court may be oral or in writing and shall state the facts it deems essential. In <del>[a medical, dental or podiatric malpractice action or in an action against a public employer or a public employee who is subject to indemnification by a public employer with respect to such action or both, as such terms are defined in subdivision (b) of section forty five hundred forty five, for personal injury or wrongful death arising out of an injury sustained by a public employee while acting within the scope of his public employment or duties, and in]</del> any <del>[other]</del> action brought to recover damages for personal injury, injury to property, or wrongful death, a decision awarding damages shall specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element, including but not limited to medical expenses, dental expenses, podiatric expenses, loss of earnings, impairment of earning ability, and pain and suffering. In <del>[a medical, dental or podiatric malpractice action, and in]</del> any <del>[other]</del> <u>such</u> action <del>[brought to recover damages for personal</del></p>
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~~injury, injury to property, or wrongful death~~], each element shall be further itemized into amounts intended to compensate for damages which have been incurred prior to the decision and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the court shall set forth the period of years over which such amounts are intended to provide compensation. In computing said damages, the court shall award the full amount of future damages, as calculated, without reduction to present value.

§ 31. Subdivision 1 of section 3-a of the general municipal law, as amended by chapter 4 of the laws of 1991, is amended to read as follows:

1. Except as provided in subdivisions two, four and five of this section, the rate of interest to be paid by a municipal corporation upon any judgment or accrued claim against the municipal corporation shall [not exceed nine per centum per annum] be calculated at a rate equal to the weekly average one year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. In no event, however, shall a municipal corporation pay a rate of interest on any judgment or accrued claim more than nine per centum per annum.

§ 32. Subdivision 5 of section 157 of the public housing law, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

5. The rate of interest to be paid by an authority upon any judgment or accrued claim against the authority shall [not exceed nine per centum per annum] be calculated at a rate equal to the weekly average one year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. In no event, however, shall an authority pay a rate of interest on any judgment or accrued claim more than nine per centum per annum.

§ 33. Section 16 of the state finance law, as amended by chapter 681 of the laws of 1982, is amended to read as follows:

§ 16. Rate of interest on judgments and accrued claims against the state. The rate of interest to be paid by the

		<p>state upon any judgment or accrued claim against the state shall [<del>not exceed nine per centum per annum</del>] <u>be calculated at a rate equal to the weekly average one year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. In no event, however, shall the state pay a rate of interest on any judgment or accrued claim more than nine per centum per annum.</u></p> <p>§ 34. Section 1 of chapter 585 of the laws of 1939, relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims, as amended by chapter 681 of the laws of 1982, is amended to read as follows:</p> <p>Section 1. The rate of interest to be paid by a public corporation upon any judgment or accrued claim against the public corporation shall [<del>not exceed nine per centum per annum</del>] <u>be calculated at a rate equal to the weekly average one year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages. In no event, however, shall a public corporation pay a rate of interest on any judgment or accrued claim more than nine per centum per annum.</u> The term "public corporation" as used in this act shall mean and include every corporation created for the construction of public improvements, other than a county, city, town, village, school district or fire district or an improvement district established in a town or towns, and possessing both the power to contract indebtedness and the power to collect rentals, charges, rates or fees for services or facilities furnished or supplied."</p>
Page 90,	Line 47,	After "\$" strike out "25" and insert "35"
Page 90,	Line 53,	After "act" insert "and provided, further, however, that the amendments in sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of this act shall apply to all actions and proceedings pending on or commenced on or after such date except that it shall not apply to trials or settlements that occurred prior to such effective date"

Page 99,	Line 9,	After " <u>eight.</u> " insert " <u>Notwithstanding the foregoing provisions of this subdivision and any general, special or local law to the contrary, the provisions of subdivision eight of section three hundred ten of this title shall apply to all cities.</u> "
Page 128,	Line 55,	After " <u>for the</u> " strike out " <u>sharing of</u> "
Page 129,	Line 1,	Before " <u>county</u> " strike out " <u>one</u> " and insert " <u>employment of the same person as the</u> "
Page 129,	Lines 54 and 55,	After " <u>function.</u> " strike out " <u>In such districts that have district commissioners, the receipt of the powers and duties by the town board shall be</u> "
Page 130,	Line 1,	Before "the" strike out " <u>treated as a transfer of function pursuant to section seventy of</u> " and insert " <u>Employees of the district who are transferred to the town shall be transferred pursuant to</u> "
Page 130,	Lines 24 and 25,	After " <u>residents of the</u> " strike out " <u>municipality</u> " and insert " <u>jurisdiction to be consolidated or dissolved</u> "
Page 133,	Line 3,	After "be" insert "["
Page 133,	Line 4,	After "as" strike out "["
Page 133,	Lines 6 through 8,	After "petitions]" strike out " <u>, and be in substantially the same form as, a petition to start a municipal consolidation or dissolution process pursuant to</u> " and insert " <u>in accordance with</u> "
Page 133,	Line 9,	After " <u>law</u> " strike out " <u>. On</u> " and insert " <u>, except that on</u> "
Page 133,	Line 52,	After "be" insert "["
Page 133,	Line 53,	After "as" strike out "["
Page 133,	Lines 55 and 56,	After "petitions]" strike out " <u>, and be in substantially the same form as, a petition to start a municipal consolidation or dissol-</u> "
Page 134,	Line 1,	Before " <u>article</u> " strike out " <u>ution process pursuant to</u> " and insert " <u>in accordance with</u> "
Page 134,	Line 2,	After " <u>law</u> " strike out " <u>. On</u> " and insert " <u>, except that on</u> "
Page 135,	Line 40,	After "account" strike out "(ZV)" and insert "(28)"

Page 136,	Line 30,	After "account" strike out "(DU)" and insert "(CU)"
Page 137,	Between lines 38 and 39,	Insert "b. New York racing account."
Page 139,	Line 36,	After "3." strike out "\$100,000,000" and insert "\$125,000,000"
Page 144,	Line 7,	After "3." strike out "\$28,300,000" and insert "\$33,550,000"
Page 144,	Line 20,	After "8." strike out "\$140,000,000" and insert "\$155,500,000"
Page 144,	Between lines 26 and 27,	Insert "3. \$229,000,000 from the general fund to the debt reduction reserve fund (064), not to exceed the amount remaining unused from the \$250,000,000 authorized pursuant to section 3 of part T of chapter 57 of the laws of 2007."
Page 155,	Line 4,	After "appropriation of" strike out "\$111,000,000" and insert "\$141,000,000"
Page 156,	Between lines 26 and 27,	Insert "§ 27-a. The New York racing account of the miscellaneous capital projects fund is eligible to be reimbursed from proceeds of notes or bonds issued by any public authority."
Page 160,	Line 29,	After " <u>issuance</u> " insert ", <u>premium or discount,</u> "
Page 161,	Line 52,	After " <u>billion</u> " strike out " <u>five hundred forty-seven</u> " and insert " <u>nine hundred thirty-two</u> "
Page 161,	Line 53,	After " <u>dollars</u> " strike out " <u>(\$7,547,295,000)</u> " and insert " <u>(\$7,932,295,000)</u> "
Page 162,	Line 33,	Before " <u>four</u> " insert " <u>thirty-</u> "  After " <u>dollars</u> " strike out " <u>(\$404,000,000)</u> " and insert " <u>(\$434,000,000)</u> "
Page 162,	Between lines 52 and 53,	Insert " <u>(xx) The urban development corporation, three hundred fifty-five million dollars (\$355,000,000), of which an amount not to exceed one hundred five million dollars (\$105,000,000) shall be for the purpose of financing the acquisition of clear title to the aqueduct, belmont and saratoga racetracks and related real property through a payment or payments by the state pursuant to an order of the United States bankruptcy court for the southern district of New York approving a plan of reorganization of the New York</u> "



		<p><u>racine association, and of which an amount not to exceed two hundred fifty million dollars (\$250,000,000) shall be for the purpose of financing the design, acquisition, construction and equipment of such structures as may be necessary to properly house video lottery terminal gaming at aqueduct racetrack. Eligible project costs may include, but not be limited to, the cost of site and property acquisition, costs relating to the clearance of title, studies, appraisals, surveys, testing, environmental impact statements, infrastructure facility design, construction and equipment, costs of leasing space, professional fees and costs of issuance."</u></p>
Page 165,	Between lines 22 and 23,	<p><u>Insert "2. Notwithstanding any other provision of law to the contrary, in order to assist the issuers of state-supported debt not otherwise secured by a dedication of specific revenues, the director of the budget is authorized to enter into one or more service contracts or other agreements, none of which shall exceed thirty years in duration, with the issuer of such state-supported debt, upon such terms and conditions as the director of the budget and the issuer shall agree.</u></p> <p><u>(a) Any service contract or other agreements entered into pursuant to this subdivision or any payments made or to be made thereunder may be assigned and pledged by the issuer as security for its bonds, notes, or other obligations.</u></p> <p><u>(b) Any such service contract or other agreements shall provide that the obligation of the director of the budget or of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent moneys are available and that no liability shall be incurred by the state beyond the moneys available for such purpose, and that such obligation is subject to annual appropriation by the legislature. Except for the purpose of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.</u></p> <p><u>(c) Any service contract or other agreements entered into pursuant to this subdivision shall provide for state commitments to provide annually to the issuer a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget and the</u></p>

		<p><u>authorized issuer, to fund the principal, interest, and other related expenses required for any bonds, notes, or other obligations.</u></p> <p><u>3. In addition to the debt authorizations specified in subdivision one of this section, the issuers of state-supported debt may also issue bonds and notes to refund or otherwise repay previously issued state-supported debt.</u></p> <p><u>(a) The aggregate amount of indebtedness evidenced by bonds and notes of the authorized issuer hereinafter issued pursuant to this paragraph, including as may have been previously authorized in law, shall exclude the amount of such indebtedness represented by such bonds or notes issued to refund or otherwise repay bonds or notes; provided that the amount so excluded under this paragraph may exceed the principal amount of such bonds or notes that were refunded or otherwise repaid only if the present value of the aggregate debt service on the refunding bonds or notes shall not have at the time of their issuance exceeded the present value of the aggregate debt service of the bonds or notes they were issued to refund or repay, such present value in each case being calculated by using the effective interest rate of the refunding or repayment bonds or notes, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds or notes from the payment date thereof to the date of issue of the refunding or repayment bonds or notes and to the price bid therefor, or to the proceeds received by the authorized issuer from the sale thereof.</u></p> <p><u>(b) Nothing contained in this section, shall be construed to limit the abilities of the director of the budget and the authorized issuers of state-supported debt to perform their respective obligations on existing service contracts or other agreements entered into prior to April first, two thousand eight."</u></p>
<p>Page 210,</p>	<p>Between lines 31 and 32,</p>	<p>Insert new "PART W (LBD 70026-03-8)"</p>
<p>Page 210,</p>	<p>Line 42,</p>	<p>After "A through" strike out "V" and insert "W"</p>