

Amend Senate S.6405, Assembly A.9005, AN ACT to amend the executive law, in relation to the appointment of an independent special counsel to review matters involving the use...

Page	Line	Amendment
Page 1,	Unnumbered line 13 (AN ACT CLAUSE),	After "amend" insert "part H of"
Page 2,	Unnumbered line 31 (AN ACT CLAUSE),	After "(Part M);" strike out "and"
Page 3,	Unnumbered line 24 (AN ACT CLAUSE),	After "(Part N)" insert ";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)"
Page 3,	Line 4,	After "through" strike out "N" and insert "P"
Page 8,	Line 30,	After "2009" insert ","
Page 11,	Line 49,	Before " <u>care</u> " strike out " <u>medical</u> " and insert " <u>health</u> "
Page 12,	Line 9,	After " <u>mean</u> " insert " <u>duly</u> "
Page 12,	Lines 16 and 17,	After " <u>licensed</u> " strike out " <u>as having completed a master's degree or higher</u> "
Page 12,	Line 51,	After " <u>provide</u> " strike out " <u>medical</u> " and insert " <u>health</u> "
Page 13,	Line 4,	After " <u>such</u> " insert "[" and after "medical" insert "]" <u>health</u> "
Page 13,	Line 8,	After " <u>provider</u> ," insert "[" and after "medical" insert "]"
Page 13,	Line 9,	After "laboratory" insert ", <u>therapeutic</u> "
Page 13,	Line 12,	After "treatment" insert " <u>or care</u> "
Page 13,	Line 13,	After "treatment" insert " <u>or care</u> "
Page 13,	Line 41,	Before " <u>treat</u> " insert " <u>care for or</u> "
Page 13,	Lines 44 through 46,	After " <u>maintained</u> " strike out " <u>by the physical therapist, occupational therapist, acupuncturist rendering treatment and</u> "
Page 13,	Line 46,	After " <u>by the</u> " strike out " <u>referring physician</u> " and insert " <u>provider overseeing treatment</u> "
Page 14,	Line 1,	After "render" insert "[" and after "medical" insert "]" <u>health</u> "
Page 14,	Line 12,	After " <u>agreement.</u> " insert " <u>A provider authorized by the board prior to the effective date of this subdivision may continue to treat or perform</u> "

		<u>independent medical examinations in accordance with his or her earlier authorization pending execution of a new authorization agreement within twelve months of the effective date of this section following notices to the provider."</u>
Page 14,	Line 20,	After "render" insert "[" and after "medical" insert "]" <u>health</u> "
Page 14,	Line 27,	After "treatment" insert " <u>or care</u> "
Page 14,	Line 29,	Before "medical care" insert "[" and before "care" insert "]" <u>health</u> "
Page 15,	Line 13,	After "authorized]" strike out " <u>authorized providers</u> " and insert " <u>qualified physicians duly authorized</u> "
Page 15,	Line 28,	After "render" insert "[" and before "care" insert "]" <u>health</u> "
Page 16,	Line 3,	After "render" insert "[" and after "medical" insert "]" <u>health</u> "
Page 16,	Line 9,	Before " <u>care</u> " strike out " <u>medical</u> " and insert " <u>health</u> "
Page 16,	Line 12,	Before " <u>care</u> " strike out " <u>medical</u> " and insert " <u>health</u> "
Page 17,	Line 34,	After "or" insert " <u>serious or recurring violation of</u> "
Page 19,	Between lines 15 and 16,	Insert "Section 4. Section 13-g of the workers' compensation law is amended to read as follows: § 13-g. Payment of bills for medical care. (1) Within forty-five days after a bill <u>for medical care or supplies delivered pursuant to section thirteen of this chapter</u> has been rendered to the employer [by the hospital, physician or self-employed physical or occupational therapist who has rendered treatment pursuant to a referral from the injured employee's authorized physician or authorized podiatrist for treatment to the injured employee,] such employer must pay the bill or notify the <u>medical care provider or supplier in the format prescribed by the chair</u> [hospital, physician or self-employed physical or occupational therapist in writing] that the bill is not being paid and explain the reasons for non-payment. In the event that the employer fails to make payment or notify the hospital, physician or self-employed physical or occupational therapist within such forty-five day period that payment is not being made, <u>the medical provider or supplier</u> [the hospital, physician, self-employed physical therapist or self-employed occupational therapist] may notify the [chair] <u>board in the format prescribed by the chair</u> [in writing] that the bill has not been paid and request that the board make an

		<p>award for payment of such bill. The board or the chair may make an award not in excess of the established fee schedules for any such bill or part thereof which remains unpaid after said forty-five day period or thirty days after all other questions duly and timely raised in accordance with the provisions of this chapter, relating to the employer's liability for the payment of such amount, shall have been finally determined adversely to the employer, whichever is later, in accordance with rules promulgated by the chair, and such award may be collected in like manner as an award of compensation. The chair shall assess the sum of fifty dollars against the employer for each such award made by the board, which sum shall be paid into the state treasury.</p> <p>In the event that the employer has provided an explanation in writing why the bill has not been paid, in part or in full, within the aforesaid time period, and the parties can not agree as to the value of medical aid rendered under this chapter, such value shall be decided by arbitration [if requested by the hospital, physician or self-employed physical or occupational therapist, in accordance with the provisions of subdivision two or subdivision three of this section, as appropriate, and] <u>as set forth in rules and regulations promulgated by the chair.</u></p> <p>Where a [physician, physical or occupational therapist] bill <u>for medical care or supplies</u> has been determined to be due and owing in accordance with the provisions of this section the board shall include in the amount of the award interest of not more than one and one-half per cent (1 1/2%) per month payable to the [physician, physical or occupational therapist,] <u>medical care provider or supplier</u> in accordance with the rules and regulations promulgated by the board. Interest shall be calculated from the forty-fifth day after the bill was rendered or from the thirtieth day after all other questions duly and timely raised in accordance with the provisions of this chapter, relating to the employer's liability for the payment of such amount, shall have been finally determined adversely to the employer, whichever is later, in accordance with rules promulgated by the chair.</p> <p>(2) (a) If the parties fail to agree to the value of medical aid rendered under this chapter and the amount of the disputed bill is one thousand dollars or less, or if the amount of the disputed medical bill exceeds one thousand dollars and the [health] <u>medical care provider or supplier</u> expressly so requests, such value shall be decided by a single arbitrator process, pursuant to rules promulgated by the chair. [The chair shall appoint a physician who is a member in good standing of the medical society of the</p>
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		<p>state of New York to determine the value of such disputed medical bill. Where the physician whose charges are being arbitrated is a member in good standing of the New York osteopathic society, the value of such disputed bill shall be determined by a member in good standing of the New York osteopathic society appointed by the chair. Where the physician whose charges are being arbitrated is a member in good standing of the New York homeopathic society, the value of such disputed bill shall be determined by a member in good standing of the New York homeopathic society appointed by the chair. Where the value of physical therapy services or occupational therapy services is at issue, such value shall be determined by a member in good standing of a recognized professional association representing its respective profession in the state of New York appointed by the chair.] Decisions rendered under the single arbitrator process shall be conclusive upon the parties as to the value of the services in dispute.</p> <p>(b) If the parties fail to agree as to the value of medical aid rendered under this chapter and the amount of the disputed bill exceeds one thousand dollars, such value shall be decided by an arbitration committee unless the health care provider expressly requests a single arbitrator process in accordance with paragraph (a) of this subdivision. [The arbitration committee shall consist of one physician designated by the president of the medical society of the county in which the medical services were rendered, one physician who is a member of the medical society of the state of New York, appointed by the employer or carrier, and one physician, also a member of the medical society of the state of New York, appointed by the chair of the workers' compensation board. If the physician whose charges are being arbitrated is a member in good standing of the New York osteopathic society or the New York homeopathic society, the members of such arbitration committee shall be physicians of such organization, one to be appointed by the president of that organization, one by the employer or carrier and the third by the chair of the workers' compensation board. Where the value of physical therapy services is at issue and the amount of the disputed bill exceeds one thousand dollars, the arbitration committee shall consist of a member in good standing of a recognized professional association representing physical therapists in the state of New York appointed by the president of such organization, a physician designated by the employer or carrier and a physician designated by the chair of the workers' compensation board provided however, that the chair finds that there are a sufficient number of physical therapy arbitrations in a geographical area comprised of</p>
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		<p>one or more counties to warrant a committee so comprised. In all other cases where the value of physical therapy services is at issue and the amount of the disputed bill exceeds one thousand dollars, the arbitration committee shall be similarly selected and identical in composition, provided that the physical therapist member shall serve without remuneration, and provided further that in the event a physical therapist is not available, the committee shall be comprised of three physicians designated in the same manner as in cases where the value of medical aid is at issue.</p> <p>(c) Where the value of occupational therapy services is at issue the arbitration committee shall consist of a member in good standing of a recognized professional association representing occupational therapists in the state of New York appointed by the president of such organization; a physician designated by the employer or carrier and a physician designated by the chair of the workers' compensation board provided, however, that the chair finds that there are a sufficient number of occupational therapy arbitrations in a geographical area comprised of one or more counties to warrant a committee so comprised. In all other cases where the value of occupational therapy services is at issue and the amount of the disputed bill exceeds one thousand dollars, the arbitration committee shall be similarly selected and identical in composition, provided that the occupational therapist member shall serve without remuneration, and provided further that in the event an occupational therapist is not available, the committee shall be comprised of three physicians designated in the same manner as in cases where the value of medical aid is at issue.] <u>The arbitration committee shall have three members designated by the chair in consultation with the medical directors office of the workers' compensation board.</u> The majority decision of any such arbitration committee shall be conclusive upon the parties as to the value of the services in dispute.</p> <p>(3)[(a) If an employer shall have notified the hospital in writing, as provided in subdivision one of this section, why the bill has not been paid, in part or in full, and the amount of the disputed bill is one thousand dollars or less, or where the amount of the disputed medical bill exceeds one thousand dollars and the hospital expressly so requests, such value shall be decided by a single arbitrator process, pursuant to rules promulgated by the chair. The chair shall appoint a physician in good standing licensed to practice in New York state to determine the value of such disputed bill. Decisions rendered under the administrative resolution procedure shall be conclusive upon the parties as to the</p>
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		<p>value of the services in dispute.</p> <p>(b) If an employer shall have notified the hospital in writing, as provided in subdivision one of this section, why the bill has not been paid, in part or in full, and the amount of the disputed bill exceeds one thousand dollars, the value of such bill shall be determined by an arbitration committee appointed by the chair for that purpose, which committee shall consider all of the charges of the hospital, unless the hospital expressly requests a single arbitrator process pursuant to paragraph (a) of this subdivision. The committee shall consist of three physicians. One member of the committee may be nominated by the chair upon recommendation of the president of the hospital association of New York state and one member may be nominated by the employer or insurance carrier. The majority decision of any such committee shall be conclusive upon the parties as to the value of the services rendered. The chair may make reasonable rules and regulations consistent with the provisions of this section.</p> <p>(4)] A provider initiating an arbitration, including a single arbitrator process, pursuant to this section shall not pay a fee to cover the costs related to the conduct of such arbitration. Each member of an arbitration committee for medical bills, and each member of an arbitration committee for hospital bills shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in any one count in an amount fixed by the chair of the workers' compensation board.</p> <p>[(5)](4) In claims where the employer has failed to secure compensation to his employees as required by section fifty of this chapter, the board may make an award <u>to a medical care provider or supplier</u> for the value of medical [and podiatry] services or <u>supplies, or</u> treatment rendered to such employees, in accordance with the schedules of fees and charges prepared and established under the provisions of [section thirteen, subdivision a, and section thirteen-k, subdivision two, of] this chapter[, and for the reasonable value of hospital care in accordance with the charges currently in force in hospitals in the same community for cases coming within the provisions of this chapter]. Such award shall be made to the [physician, podiatrist, or hospital] <u>medical care provider or supplier entitled thereto</u>. A default in the payment of such award may be enforced in the manner provided for the enforcement of compensation awards as set forth in section twenty-six of this chapter.</p> <p>In all cases coming under this subdivision the payment of the claim of the physician, podiatrist, or hospital for medical, podiatry, or surgical services or treatment shall be subordinate to that of the claimant or his</p>
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		<p>beneficiaries.</p> <p>[(6)](5) Notwithstanding any inconsistent provision of law, arbitration regarding payments for inpatient hospital services for any patient discharged on or after January first, nineteen hundred ninety-one and prior to December thirty-first, nineteen hundred ninety-six shall be resolved in accordance with paragraph (d) of subdivision three of section twenty-eight hundred seven-c of the public health law."</p>
Page 19,	Line 16,	After "\$" strike out "4." and insert "5."
Page 20,	Line 14,	After "\$" strike out "5." and insert "6."
Page 21,	Line 26,	After "\$" strike out "6." and insert "7."
Page 23,	Line 9,	Before "Any" strike out "["
Page 23,	Line 11,	Before "in the" insert "[" and after "instance" insert "]"
Page 23,	Line 12,	After "injured" insert ". ["
Page 23,	Line 23,	After "\$" strike out "7." and insert "8."
Page 24,	Line 1,	After "\$" strike out "8." and insert "9."
Page 25,	Line 51,	After "\$" strike out "9." and insert "10."
Page 26,	Line 16,	After "\$" strike out "10." and insert "11."
Page 26,	Line 27,	After "\$" strike out "11." and insert "12."
Page 27,	Line 37,	After " <u>chapter</u> " strike out " <u>to enable the</u> " and insert " <u>. Such funds shall be transferred to the</u> "
Page 27,	Line 38,	After " <u>fund</u> " insert " <u>to enable the aggregate trust fund</u> "
Page 27,	Lines 38 through 45,	After " <u>section</u> " strike out " <u>for a period of time not to extend ten years from the effective date of the chapter of the laws of two thousand sixteen which amended this subdivision. In the event that the aggregate trust fund does not have the assets sufficient to meet its obligations after such ten year period, the financial shortfall shall become the liability of the workers' compensation security fund pursuant to the provisions of section one hundred nine-c of this chapter</u> "
Page 27,	Line 46,	After "\$" strike out "12." and insert "13."
Page 31,	Line 20,	After "\$" strike out "13." and insert "14."
Page 33,	Line 36,	After "\$" strike out "14." and insert "15."
Page 34,	Line 11,	After " <u>fifteen</u> " strike out " <u>and</u> " and insert ".,"

Page 34,	Line 12,	After " <u>chapter</u> " strike out " ,"
Page 35,	Line 10,	After "\$" strike out "15." and insert "16."
Page 35,	Line 46,	After "\$" strike out "16." and insert "17."
Page 36,	Line 1,	After "chair" insert "[" and before "custodians" insert "]" and any such assumption of workers' <u>compensation liability insurance policy shall be deemed owned and enforceable by the chair from all</u> "
Page 36,	Line 3,	After "\$" strike out "17." and insert "18."
Page 37,	Line 17,	After " <u>fee.</u> " Strike out " <u>To the extent that in any one year the pool deposit fee or pool participation fee paid by all participating individual self-insurers is not exhausted in the purchase of investment securities obtained by the chair as part of the aggregate pooled security amount, the surplus shall remain with the chair and the principal and interest earned on that surplus shall be used to reduce any future pool fees in subsequent years.</u> "
Page 37,	Line 49,	After " <u>be</u> " strike out " <u>held</u> " and insert " <u>paid over to the commissioner of tax and finance, as custodian of the fund</u> "
Page 37,	Line 51,	After "chair" strike out " <u>orders</u> " and insert " <u>directs the commissioner of tax and finance to commence payment of such unmet self-insurance obligations</u> "
Page 37,	Lines 52 and 53,	After " <u>fund</u> " strike out " <u>to commence payment of such unmet self-insurance obligations</u> " and insert " <u>consistent with the provisions of paragraph (e) of this subdivision</u> "
Page 37,	Line 54,	After "the" strike out " <u>chair</u> " and insert " <u>commissioner of tax and finance</u> "
Page 38,	Line 6,	After " <u>shall</u> " insert " <u>direct the commissioner of tax and finance to</u> "
Page 38,	Line 11,	After " <u>may</u> " insert " <u>request that the dormitory authority of the state of New York</u> "
Page 38,	Line 13,	After " <u>law,</u> " insert " <u>and pursuant to self-insured bond finance agreement described in section fifty-c of this article</u> "
Page 38,	Line 15,	After " <u>held</u> " strike out " <u>by the chair</u> " and insert " <u>under the workers' compensation law</u> "
Page 38,	Line 16,	Before " <u>for</u> " strike out " <u>by the chair</u> " and insert " <u>as herein provided</u> "
Page 38,	Line 19,	After " <u>fund</u> " insert " <u>and all disbursements from said fund shall be made by the commissioner of</u> "

		<u>tax and finance upon vouchers signed by the chair of the workers' compensation board or his or her designee. Monies not required for immediate use or disbursement may be invested by the commissioner of tax and finance in obligations of the state or the United States government or obligations the principal and interest of which are guaranteed by the state or the United States or in any other obligations in which the comptroller of the state is authorized to invest pursuant to section ninety-eight of the state finance law. The commissioner of tax and finance may sell any of the securities or certificates of deposit in which said fund is invested, if advisable for its proper administration or in the best interest of such fund, and all earnings from the investments of such fund shall be credited to such fund"</u>
Page 38,	Line 31,	After " <u>therein,</u> " insert " <u>and for those employers who self-insure for Article 9 benefits,</u> "
Page 39,	Line 45,	After " <u>pooled</u> " insert " <u>individual self-insured</u> "
Page 39,	Line 50,	After " <u>nomination of the</u> " insert " <u>temporary</u> "
Page 40,	Line 5,	After "\$" strike out "18." and insert "19."
Page 41,	Line 21,	After "\$" strike out "19." and insert "20."
Page 41,	Line 38,	After "\$" strike out "20." and insert "21."
Page 42,	Line 7,	After "\$" strike out "21." and insert "22."
Page 44,	Line 52,	After "\$" strike out "22." and insert "23."
Page 46,	Line 1,	After "\$" strike out "23." and insert "24."
Page 46,	Line 12,	After " <u>fund</u> " strike out " <u>shall not</u> " and insert " <u>may</u> "
Page 46,	Line 13,	After " <u>treatment</u> " strike out " <u>unless</u> " and insert " <u>notwithstanding</u> "
Page 46,	Line 13,	After " <u>expenses</u> " strike out " <u>have</u> " and insert " <u>having</u> "
Page 46,	Line 15,	After "\$" strike out "24." and insert "25."
Page 46,	Line 15,	After "24." Strike out "Subdivision 2" and insert "Subdivisions 1 and 2" and after "law," insert "subdivision 1 as amended by chapter 6 of the laws of 2007, and subdivision 2"
Page 46,	Line 16,	After "1996," strike out "is" and insert "are"
Page 46,	Between lines 17 and 18,	Insert "1. Each preferred provider organization shall provide at least two <u>health</u> providers in every medical specialty <u>consistent with section 13-b</u> of this chapter from which the employee may

		choose and at least two hospitals from which the employee may choose in the event that hospitalization is necessary. The commissioner of health may waive such numerical requirements upon a finding that the geographical area in which the preferred provider organization is located cannot meet the requirements."
Page 46,	Line 30,	After "\$" strike out "25." and insert "26."
Page 46,	Line 33,	After "2" insert "and subsection (d)(1)(e) of paragraph 5 and subsection (a) of paragraph 6 of subdivision (3-a)"
Page 48,	Between lines 38 and 39	Insert "(5)(d)(1)e. the number and amount of rate deviations provided to members during the prior year and whether the recipient of any such deviation was a trustee, <u>provided that the application of rating factors in a manner consistent with the filed rating plan is not a deviation which must be reported under this subsection;</u> and (6)(a) Group self-insurers must file with the board, as soon as practicable but no later than sixty days prior to the start of the fund year a rating plan which is supported by an actuarial rate study prepared by an independent, qualified actuary that is a fellow or associate of the casualty actuarial society, that clearly identifies the actuary's indicated rate assumptions therein. The rating plan must apply consistently to all members, and must provide for a common renewal date for all <u>private</u> group self-insurer members. The rates filed can be adjusted based on an experience modification calculated for every member in accordance with the experience rating plan promulgated by the workers' compensation rating board. Experience modification formulas must be applied identically to all members. Other rate deviations may be permissible provided a plan has been approved by the board. Such deviations shall not be in excess of ten percent of the actuary's indicated rate unless otherwise approved by the board for a fully funded group self-insurer, and shall in no event result in amounts less than the actuary's overall indicated rate. The chair by regulation may set further rate plan and actuarial reporting standards."
Page 48,	Line 39,	After "\$" strike out "26." and insert "27."
Page 48,	Line 39,	Before "Section" insert "Paragraph (g) of subdivision 3-e of" and after "amended" strike out "by adding" and insert "as follows and"
Page 48,	Line 40,	After "3-f" insert "is added"
Page 48	Between lines 40 and 41,	Insert "(g) The state insurance fund, any other insurer or any group self-insurer for municipal

		corporations as defined in subdivision [three-a] <u>three-f</u> of this section may, at its option, offer a deductible in an amount specified in paragraph (c) of this subdivision to any policyholder who is not otherwise eligible for a deductible under this subdivision."
Page 48,	Line 41,	After " <u>corporations</u> " strike out " <u>,</u> " and insert " <u>and</u> "
Page 48,	Line 42,	After " <u>as</u> " strike out " <u>that term is</u> " and insert " <u>those terms are</u> "
Page 48,	Line 49,	After " <u>county</u> " strike out " <u>of</u> "
Page 48,	Lines 55 and 56	After " <u>section</u> " strikeout " <u>two of the general municipal law, other than</u> " and insert " <u>sixty-six of the general construction law,</u> "
Page 49,	Line 1,	After " <u>chapter</u> " strike out " <u>and</u> " and insert " <u>,or</u> "
Page 49,	Line 3,	After " <u>taxes</u> " insert " <u>or is otherwise directly capable of generating revenue in the event of a funding deficiency within the public group self-insurer,</u> "
Page 49,	Line 7,	After " <u>chapter</u> " insert " <u>or deposit of securities</u> "
Page 49,	Line 9,	Before " <u>shall</u> " strike out " <u>participants</u> " and insert " <u>members</u> "
Page 49,	Line 15,	After " <u>of the</u> " strike out " <u>policy</u> " and insert " <u>agreement</u> "
Page 49,	Lines 15 and 16,	After " <u>to the</u> " strike out " <u>policyholder</u> " and insert " <u>member</u> "
Page 49,	Lines 16 and 17,	After " <u>under the</u> " strike out " <u>policy, subject to approval by the chairman</u> " and insert " <u>agreement, upon a determination by the chair that the plan is supported by an actuarial analysis prepared by an independent, qualified actuary who is a member of the casualty actuarial society that clearly identifies the actuary's indicated deductible credit and rate assumptions,</u> "
Page 49,	Lines 33 and 34,	After " <u>and</u> " strike out " <u>then seeks reimbursement from the member for the applicable deductible amount</u> " and insert " <u>requires the member to pay to it in advance an amount actuarially determined to be sufficient to pay the portion of the compensation claim that is within the deductible amount as those payments become due; provided that such periodic payments shall be paid to the public group self-insurer in intervals of no greater of six months</u> "
Page 49,	Line 44,	After " <u>experience</u> " insert " <u>; provided however, nothing herein shall preclude the chair from</u> "

		<u>directing that an underfunded public group self-insurer levy an assessment on its members as part of a plan implemented pursuant to subparagraph two (b) of section 3-a of this section fifty. As used in this provision, insolvent means the sum of the public group self-insurer's assets being less than the total cost of all of the public group self-insurer's anticipated workers' compensation liabilities that will accrue within the succeeding six months"</u>
Page 50,	Line 1,	After "\$" strike out "27." and insert "28."
Page 52,	Line 32,	After "the" insert "[" and after "authority" insert "]" <u>public authorities law</u> "
Page 52,	Line 33,	After "notes" insert " <u>of the dormitory authority generally</u> "
Page 53,	Line 24,	Before " <u>special</u> " insert " <u>the</u> "
Page 53,	Line 25,	After " <u>cases</u> " insert " <u>claims</u> "
Page 53,	Line 26,	After " <u>cases</u> " insert " <u>claims</u> "
Page 54,	Line 25,	After "\$" strike out "28." and insert "29."
Page 56,	Line 5,	After "\$" strike out "29." and insert "30."
Page 56,	Line 34,	After "\$" strike out "30." and insert "31."
Page 58,	Line 1,	After "\$" strike out "31." and insert "32."
Page 58,	Line 8,	After "\$" strike out "32." and insert "33."
Page 58,	Line 13,	After " <u>executed</u> " insert " <u>or deemed owned</u> "
Page 58,	Line 13,	After "(a)" insert " <u>or (c)</u> "
Page 58,	Line 31,	After "\$" strike out "33." and insert "34."
Page 58,	Line 38,	After "fifty-c" insert " <u>and, to the extent applicable, section 50(3)(c),</u> "
Page 58,	Line 40,	After " <u>authority</u> " insert " <u>generally</u> "
Page 58,	Line 45,	After "\$" strike out "34." and insert "35."
Page 59,	Line 1,	After "\$" strike out "35." and insert "36."
Page 59,	Line 35,	After "\$" strike out "36." and insert "37."
Page 60,	Line 8,	After "\$" strike out "37." and insert "38."
Page 60,	Line 20,	After " <u>under</u> " strike out " <u>subdivision three of</u> "
Page 60,	Line 22,	After "\$" strike out "38." and insert "39."

Page 60,	Line 32,	After "\$" strike out "39." and insert "40."
Page 60,	Line 33,	After "sections" strike out "seventeen" and insert "eighteen" and after "and" strike out "eighteen" and insert "nineteen"
Page 61,	Line 28,	After " <u>law</u> " insert " <u>,article one hundred forty of the education law or article one hundred sixty-three of the education law</u> "
Page 62,	Line 29,	After "adding" strike out "two" and insert "three"
Page 62,	Line 30,	After "203-a" strike out "and" and insert "," and after "203-b" insert "and 203-c"
Page 62,	Between lines 48 and 49,	Insert " <u>§ 203-c. Health insurance during family leave. In accordance with the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any period of family leave the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date he or she commenced family leave until the date he or she returns to employment.</u> "
Page 63,	Line 9,	Before "caused" insert " <u>or family leave</u> "
Page 63,	Line 13,	After " <u>be</u> " strike out " <u>thirty-five</u> " and insert " <u>fifty</u> "
Page 63,	Line 14,	After "exceed" strike out " <u>thirty-five</u> " and insert " <u>fifty</u> "
Page 63,	Line 16,	After " <u>be</u> " strike out " <u>forty</u> " and insert " <u>fifty-five</u> "
Page 63,	Line 17,	After " <u>exceed</u> " strike out " <u>forty</u> " and insert " <u>fifty-five</u> "
Page 63,	Line 19,	Before " <u>percent</u> " strike out " <u>forty-five</u> " and insert " <u>sixty</u> "
Page 63,	Line 20,	After "exceed" strike out " <u>forty-five</u> " and insert " <u>sixty</u> "
Page 63,	Line 21,	After " <u>be</u> " strike out " <u>fifty</u> " and insert " <u>sixty-seven</u> "
Page 63,	Line 22,	After " <u>exceed</u> " strike out " <u>fifty</u> " and insert " <u>sixty-seven</u> "
Page 63,	Line 26,	After " <u>time of</u> " strike out " <u>injury</u> " and insert " <u>family leave</u> "
Page 63,	Line 28,	After "wages." insert " <u>Benefits may be payable to employees for paid family leave taken intermittently or for less than a full work week in increments of one full day or one fifth of the weekly benefit.</u> "
Page 64,	Line 24,	After "weeks" insert " <u>minus any days taken for</u> "

		<u>family leave during any fifty-two consecutive calendar weeks"</u>
Page 64,	Lines 26 and 27,	After " <u>weeks</u> " strike out " <u>minus any days taken for family leave during any fifty-two consecutive calendar weeks</u> "
Page 64,	Lines 54 and 55,	After " <u>weeks,</u> " strike out " <u>or when an employee has already received twenty-six weeks of disability benefits,</u> "
Page 65,	Line 10,	After " <u>any</u> " strike out " <u>twelve month period</u> " and insert " <u>fifty-two consecutive calendar weeks</u> "
Page 65,	Line 11,	After " <u>may</u> " strike out " <u>require</u> " and insert " <u>offer</u> "
Page 65,	Line 13,	After " <u>charge</u> " insert " <u>all or part of the family leave</u> "
Page 65,	Line 17,	After " <u>article.</u> " insert " <u>An employer that pays full salary during a period of family leave may request reimbursement in accordance with section two hundred thirty-seven of this article.</u> "
Page 66,	Lines 1 through 4,	After " <u>4.</u> " Strike out " <u>An employee who has given birth shall select whether she will seek benefits pursuant to subdivision one or two of this section. An employee may not seek benefits concurrently under both subdivisions one and two of this section following childbirth.</u> " and insert " <u>An employee who has given birth may use no more than a combined twelve weeks pursuant to subdivision one for recovery from childbirth and subdivision two for bonding with the child as permitted under subdivision fifteen of section 201, during any fifty-two consecutive calendar weeks. An employee may not seek benefits concurrently under both subdivisions one and two of this section.</u> "
Page 67,	Line 15,	After " <u>benefits,</u> " insert " <u>or</u> "
Page 67,	Line 29,	After " <u>5.</u> " strike out " <u>Only one employee may use family leave for the same family member for the same period of leave.</u> " and insert " <u>A covered employer is not required to permit more than one employee to use the same period of family leave to care for the same family member.</u> "
Page 67,	Line 43,	After " <u>or</u> " strike out " <u>board</u> "
Page 67,	Line 44,	After " <u>disability</u> " insert " <u>or family leave</u> "
Page 69,	Line 48,	After " <u>and</u> " strike out " <u>a</u> ", after " <u>new</u> " strike out " <u>subdivision</u> " and insert " <u>subdivisions</u> " and after " <u>7</u> " strike out " <u>is</u> " and insert " <u>and 8 are</u> "
Page 70,	Line 44,	After " <u>by the</u> " insert " <u>[</u> " after " <u>chairman</u> " insert " <u>]</u> <u>chair</u> "

Page 71,	Line 8,	After "by the" insert "[" after "chairman" insert "]" <u>chair</u> and after "The" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Line 9,	After "with the" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Line 10,	After "he" insert " <u>or she</u> "
Page 71,	Line 11,	After "he" insert " <u>or she</u> "
Page 71,	Line 12,	After "the" insert "[" after "chairman" insert "]" <u>chair</u> and after "his" insert " <u>or her</u> "
Page 71,	Line 14,	After "he" insert " <u>or she</u> "
Page 71,	Line 26,	After "the" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Line 30,	Before "chairman" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Line 37,	After "by the" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Line 39,	Before "chairman" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Line 41,	After "the" insert "[" after "chairman" insert "]" <u>chair</u>
Page 71,	Between lines 53 and 54,	Insert " <u>8. An employer providing disability benefits coverage pursuant to subdivision three of this section may obtain coverage for family leave benefits separately pursuant to subdivision one or subdivision two of this section.</u> "
Page 71,	Line 54,	After "1," insert "2,"
Page 71,	Line 55,	After "1960," insert "subdivision 2 as amended by chapter 120 of the laws of 1969,"
Page 72,	Lines 3 through 23,	Strike out lines 3 through 23 in their entirety and insert "1. Any employer not required by this article to provide for the payment of disability <u>or family leave</u> benefits to his employees, or to any class or classes thereof, may become a covered employer or bring within the provisions of this article such employees or class or classes thereof by voluntarily electing to provide for payment of such benefits in one or more of the ways set forth in section two hundred eleven of this article; but such election shall be subject to the approval of the [chairman] <u>chair</u> , and if the employees are required to contribute to the cost of such benefits the assent within thirty days before such approval is granted, of more than one-half of such employees shall be evidenced to the

		satisfaction of the [chairman] <u>chair</u> . On approval by the [chairman] <u>chair</u> of such election to provide benefits, all the provisions of this article shall become and continue applicable as if the employer were a covered employer as defined in this article. The obligation to continue as a covered employer with respect to employees for whom provision of benefits is not required under this article, may be discontinued by such employer on ninety days notice to the [chairman] <u>chair</u> in writing and to his <u>or her</u> employees, after he <u>or she</u> has provided for payment of benefits for not less than one year and with such provision for payment of obligations incurred on and prior to the termination date as the [chairman] <u>chair</u> may approve."
Page 72,	Between lines 23 and 24,	Insert "2. Notwithstanding the definition of "employer" and "employment" in section two hundred one of this article, a public authority, a municipal corporation or a fire district or other political subdivision may become a covered employer <u>for the purpose of providing disability benefits</u> under this article by complying with the provisions of subdivision one of this section and may discontinue such status only as provided in that subdivision."
Page 72,	Line 24,	After "4." insert " <u>(a)</u> "
Page 72,	Between lines 48 and 49,	Insert " <u>(b)</u> Notwithstanding the definition of "employer" in section two hundred one of this article, a sole proprietor, member of a limited liability company or limited liability partnership, or other self-employed person may become a covered employer under this article by complying with the provisions of subdivision one of this section."
Page 73,	Between lines 6 and 7,	Insert "\$14. The workers' compensation law is amended by adding new sections 212-a and 212-b to read as follows: <u>§212-a Notwithstanding the definition of "employer" and "employment" set forth in section two hundred one of this article and the requirement for insurance policies to offer both disability and family leave coverage set forth in two hundred twenty six of this article, the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality, may elect to become a covered employer solely for the purpose of family leave benefits. Coverage for family leave benefits may be secured by a public employer, as that term is defined in subdivision one of section two hundred twelve-b of this article, as permitted by this article, including as applicable section two hundred eleven, subdivision four of section fifty, or section eighty-eight-c. The provider of family leave</u>

		<p>coverage for such public employees shall be exempt from the requirement that insurance policies offer both disability and family leave benefits in section two hundred twenty-six of this article.</p> <p><u>§ 212-b. Public employees; public employees represented by an employee organization; employee opt in.</u></p> <p><u>1. For purposes of this section, "public employee" means any employee of the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality. "Public employer" means the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality thereof. "Employee organization" shall have the meaning set forth in section two hundred one of the civil service law.</u></p> <p><u>2. Public employers shall provide benefits for family leave to public employees in accordance with the procedures and terms set forth in subdivision three of this section.</u></p> <p><u>3. (a) An employee organization may, pursuant to collective bargaining, opt in to paid family leave benefits on behalf of those public employees it is either certified or recognized, within the meaning of article 14 of the civil service law, to represent at any time as is mutually agreed upon between the employee organization and any public employer. An employee organization that has opted in to paid family leave benefits may, pursuant to collective bargaining, opt out of it as is mutually agreed upon between the employee organization and any public employer.</u></p> <p><u>(b) For public employees who are not represented by an employee organization, the public employer may opt-in to paid family leave benefits with ninety days notice to such public employees. Following opt-in by a public employer for public employees not represented by an employee organization, the public employer may opt-out of paid family leave benefits with twelve months notice to those public employees.</u></p> <p><u>4. In the absence of any contrary statement in a collectively negotiated agreement under article fourteen of the civil service law, a public employer may require public employees who opt in under this section to provide the maximum employee contribution, as defined in paragraph (b) of subdivision three of section two hundred nine of this article."</u></p>
Page 73,	Line 7,	After "\$" strike out "14." and insert "15."
Page 73,	Line 50,	After "\$" strike out "15." and insert "16."
Page 75,	Line 12,	After "\$" strike out "16." and insert "17."
Page 75,	Line 30,	After "\$" strike out "17." and insert "18."

Page 77,	Line 22,	After "\$" strike out "18." and insert "19."
Page 77,	Line 27,	After " <u>within</u> " strike out " <u>sixty days</u> " and insert " <u>twenty-six weeks</u> "
Page 78,	Line 11,	After "\$" strike out "19." and insert "20."
Page 78,	Line 20,	After "\$" strike out "20." and insert "21."
Page 78,	Line 22,	After "\$" strike out "21." and insert "22."
Page 78,	Line 42,	After "\$" strike out "22." and insert "23."
Page 79,	Line 23,	After "9." Strike out " <u>Every</u> " and insert " <u>Except as set forth in subdivision eight of section two hundred eleven of this article, every</u> "
Page 79,	Line 25,	After "\$" strike out "23." and insert "24."
Page 79,	Line 29,	After "\$" strike out "24." and insert "25."
Page 79,	Line 38,	After "\$" strike out "25." and insert "26."
Page 80,	Line 9,	After "\$" strike out "26." and insert "27."
Page 80,	Line 29,	After "\$" strike out "27." and insert "28."
Page 80,	Line 39,	After "\$" strike out "28." and insert "29."
Page 80,	Line 43,	After "\$" strike out "29." and insert "30."
Page 80,	Line 51,	After "\$" strike out "30." and insert "31."
Page 80,	Line 56,	After "discharge" insert " <u>or fail to reinstate pursuant to section two hundred three-b of this chapter,</u> "
Page 81,	Line 6,	After "\$" strike out "31." and insert "32."
Page 81,	Between lines 25 and 26,	<p>Insert "\$ 33. Section 88-c of the workers' compensation law, as added by chapter 103 of the laws of 1981, is amended to read as follows:</p> <p>§ 88-c. Coverage of state employees. Notwithstanding any other provisions of law to the contrary and except as set forth in section two hundred and twelve-a of this chapter, the liability of the state for the payment of compensation under this chapter heretofore existing or hereinafter arising shall be secured by an insuring agreement to be entered into between the department of civil service and the state insurance fund wherein the state, from moneys appropriated therefor, shall pay in advance to the fund on a periodic basis the actual costs to the fund for the meeting and paying, as the same become due and payable, all obligations incurred under this chapter by the state as an employer. Notwithstanding any law to</p>

		<p>the contrary, the fund may on an actuarially sound basis provide to the state insurance for any portion of the obligations of the state as employer under this chapter with respect to injuries or deaths resulting from accidents arising out of and in the course of employment on or after April first, nineteen hundred eighty-one. All such payments made by the state and paid into the state fund shall constitute a separate account in the fund to be used solely for the purpose of discharging all compensation obligations of the state pursuant to the provisions of this chapter and in accordance with the insuring agreement as provided in this section. Any portion of the account may be invested in the same manner as the assets of the fund as provided in section eighty-seven of this article. The liability of the fund for the payment of any claims or the meeting of any obligations of the state as an employer as provided in this chapter shall not exceed the moneys paid into such separate account and any increments or diminutions thereof. The agreement shall further provide that the fund shall render all services and make all reasonable expenditures necessary or required for the processing, defense and payment of all claims under this chapter, including the protection of liens, subrogation, credit and other rights of the state as an employer or the fund as an insurer, in situations where the employees' injuries or deaths were caused by culpability of third parties. Except to the extent that the state obtains insurance on an actuarially sound basis pursuant to the provisions of this section, the provisions of section eighty-six of this chapter with respect to the maintenance of reserves for the purpose of meeting anticipated compensation losses, shall not in any manner be applicable to claims of employees of the state with respect to injuries or deaths resulting from accidents arising out of and in the course of employment prior to April first, nineteen hundred eighty-one, or to an insuring agreement entered into between the state insurance fund and the department of civil service in accordance with the provisions of this section."</p>
Page 81,	Line 26,	After "\$" strike out "32." and insert "34."
Page 81,	Line 43,	After "\$" strike out "32-a." and insert "35."
Page 81,	Line 49,	After "\$" strike out "33." and insert "36."
Page 82,	Line 6,	After "\$" strike out "34." and insert "37."
Page 82,	Line 31,	After "policy" insert " <u>providing disability or family leave benefits pursuant to article nine of the workers' compensation law</u> "
Page 82,	Lines 32 through 34,	After " <u>fund,</u> " strike out " <u>providing disability and family leave benefits pursuant to article 9</u> "

		<u>of the workers' compensation law, requires the policy to</u> and insert " <u>shall</u> "
Page 82,	Line 49,	After "\$" strike out "35." and insert "38."
Page 83,	Between lines 6 and 7,	<p>Insert "§39. Section 242 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:</p> <p>§ 242. Separability of provisions; <u>federal law; regulations.</u> 1. If any provision of this [act] <u>article</u> or the application thereof to any person or circumstances is held invalid, the remainder of this [act] <u>article</u> and the application of such provision to other persons or circumstances shall not be affected thereby. 2. <u>Nothing in this article shall be interpreted or applied so as to create a conflict with federal law.</u> 3. <u>The chair shall have authority to adopt regulations to effectuate any of the provisions of this article.</u>"</p>
Page 83,	Line 7,	After "\$" strike out "36." and insert "40."
Page 91,	Between lines 9 and 10,	Insert "64. Highway use tax administration account."
Page 91,	Line 10,	Before "State" strike out "64." and insert "65."
Page 91,	Line 11,	Before "Lake" strike out "65." and insert "66."
Page 91,	Line 12,	Before "State" strike out "66." and insert "67."
Page 91,	Line 13,	Before "Highway" strike out "67." and insert "68."
Page 91,	Line 14,	Before "EFC" strike out "68." and insert "69."
Page 91,	Line 15,	Before "DOH" strike out "69." and insert "70."
Page 91,	Line 16,	Before "NYCCC" strike out "70." and insert "71."
Page 91,	Line 17,	Before "Commercial" strike out "71." and insert "72."
Page 91,	Line 18,	Before "Commercial" strike out "72." and insert "73."
Page 91,	Line 19,	Before "Highway" strike out "73." and insert "74."
Page 91,	Line 20,	Before "State" strike out "74." and insert "75."
Page 91,	Line 21,	Before "State" strike out "75." and insert "76."
Page 91,	Line 22,	Before "Clean" strike out "76." and insert "77."
Page 91,	Line 23,	Before "Hazardous" strike out "77." and insert "78."

Page 91,	Line 24,	Before "Youth" strike out "78." and insert "79."
Page 91,	Line 25,	Before "Housing" strike out "79." and insert "80."
Page 91,	Line 26,	Before "Housing" strike out "80." and insert "81."
Page 91,	Line 27,	Before "Highway" strike out "81." and insert "82."
Page 91,	Line 28,	Before "Information" strike out "82." and insert "83."
Page 91,	Line 29,	Before "New" strike out "83." and insert "84."
Page 91,	Line 30,	Before "Mental" strike out "84." and insert "85."
Page 91,	Line 31,	Before "Correctional" strike out "85." and insert "86."
Page 91,	Line 32,	Before "New" strike out "86." and insert "87."
Page 91,	Line 33,	Before "OGS" strike out "87." and insert "88."
Page 91,	Line 34,	Before "Empire" strike out "88." and insert "89."
Page 91,	Line 35,	Before "Centralized" strike out "89." and insert "90."
Page 91,	Line 36,	Before "Archives" strike out "90." and insert "91."
Page 91,	Line 37,	Before "Federal" strike out "91." and insert "92."
Page 91,	Line 38,	Before "Civil" strike out "92." and insert "93."
Page 91,	Line 39,	Before "Banking" strike out "93." and insert "94."
Page 91,	Line 40,	Before "Cultural" strike out "94." and insert "95."
Page 91,	Line 41,	Before "Automation" strike out "95." and insert "96."
Page 91,	Line 42,	Before "OFT" strike out "96." and insert "97."
Page 91,	Line 43,	Before "Data" strike out "97." and insert "98."
Page 91,	Line 44,	Before "Intrusion" strike out "98." and insert "99."
Page 91,	Line 45,	Before "Domestic" strike out "99." and insert "100."
Page 91,	Line 46,	Before "Centralized" strike out "100." and

		insert "101."
Page 91,	Line 47,	Before "Labor" strike out "101." and insert "102."
Page 91,	Line 48,	Before "Human" strike out "102." and insert "103."
Page 91,	Between lines 48 and 49,	Insert "104. Tax contact center account (55073)."
Page 91,	Line 49,	Before "Policing" strike out "103." and insert "105."
Page 91,	Line 50,	Before "Executive" strike out "104." and insert "106."
Page 91,	Line 51,	Before "CIO" strike out "105." and insert "107."
Page 91,	Line 52,	Before "Health" strike out "106." and insert "108."
Page 91,	Line 53,	Before "Civil" strike out "107." and insert "109."
Page 91,	Line 55,	Before "Correctional" strike out "108." and insert "110."
Page 91,	Line 56,	Before "Employees" strike out "109." and insert "111."
Page 92,	Line 1,	Before "Medicaid" strike out "110." and insert "112."
Page 96,	Line 1,	After "chemical" strike out "dependance" and insert "dependence"
Page 96,	Line 3,	After "chemical" strike out "dependance" and insert "dependence"
Page 96,	Line 48,	After "4." strike out "\$14,878,096" and insert "\$15,046,384"
Page 96,	Line 52,	After "5." strike out "\$750,000,000" and insert "\$810,000,000"
Page 114,	Between lines 41 and 42,	Insert Part O (LBD #70046-01-6) and Part P (LBD #70047-03-6)
Page 114,	Line 52,	After "through" strike out "N" and insert "P"