2016-17 NEW YORK STATE EXECUTIVE BUDGET

PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION
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IN SENATE--Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

* * * * * A. Assembly * * * * *

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the Committee on

* * * * * BUDGBI *

(Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2016-2017 state fiscal year)

* * * * *

Exec. PPGG Art. VII

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

IN SENATE

The senators whose names are circled below wish to join me in the sponsorship of this proposal:
s15 Addabbo s31 Espaillat s27 Hoylman s40 Murphy s10 Sanders
s52 Akshar s49 Farley s63 Kennedy s54 Nozzolio s23 Savino
s46 Amedore s17 Felder s34 Klein s58 O'Mara s41 Serino
s11 Avella s02 Flanagan s28 Krueger s62 Ort s29 Serrano
s42 Bonacic s55 Funke s24 Lanza s60 Panepinto s51 Seward
s04 Boyle s59 Gallivan s39 Larkin s21 Parker s26 Squadron
s44 Breslin s12 Gianaris s37 Latimer s13 Peralta s16 Stavisky
s38 Carlutti s22 Golden s01 LaValle s30 Perkins s35 Stewart-
s14 Comrie s47 Griffio s45 Little s19 Persaud Cousins
s03 Croci s20 Hamilton s05 Marcellino s61 Ranzenhofer s53 Valesky
s50 DeFrancisco s06 Hannon s43 Marchione s48 Ritchie s08 Venditto
s32 Diaz s36 Hassell- s07 Martins s33 Rivera s57 Young
s18 Dilan Thompson s25 Montgomery s56 Robach s09

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:
a049 Abbate a054 Dilan a135 Johns a003 Murray a076 Seawright
a092 Abinanti a081 Dinowitz a077 Joyner a133 Nigony a087 Sepulveda
a084 Arroyo a147 DiPietro a060 Kaminsky a037 Nolan a027 Simanowitz
a035 Aubry a115 Duprey a094 Katz a130 Oaks a052 Simon
a120 Barclay a004 Engelbright a074 Kavanagh a069 O'Donnell a036 Simotas
a106 Barrett a109 Fahy a142 Kearns a051 Ortiz a104 Skartados
a060 Barron a071 Farrell a040 Kim a091 Otis a099 Skoufis
a082 Benedetto a126 Finch a131 Kolb a131 Palermo a022 Solages
a042 Bichotte a068 Fitzpatrick a105 Lalor a002 Palumbo a114 Steck
a079 Blake a124 Friend a013 Lavine a088 Paulin a110 Steck
a117 Blankenbush a095 Galef a134 Lawrence a141 Peoples- a127 Stirpe
a098 Brabenec a137 Gardin a050 Lentol a052 Stokes a112 Tedisco
a026 Braunstein a007 Garbarino a125 Lifton a058 Perry a101 Tenney
a044 Brennan a148 Giglio a072 Linares a086 Pichardo a001 Thiele
a119 Brindisi a080 Gjonaj a102 Lopez a089 Pretlow a061 Titone
a138 Bronson a066 Glick a123 Lupardo a073 Quat a033 Tita
a093 Buchwald a023 Goldfeder a010 Lupinacci a019 Ra a055 Walker
a118 Butler a130 Goodell a121 Magee a012 Raia a146 Walter
a103 Cahill a075 Gottfried a129 Magnarelli a006 Ramos a041 Weinstein
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1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single bill); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).
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 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 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 work-
ers' 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); and 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)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2016-2017 state fiscal year. Each component is wholly contained within a Part identified as Parts A through N. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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

§ 6-a. Independent special counsel. 1. The governor may appoint an independent special counsel to review any matter involving credible allegations of the use of deadly physical force by a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law or a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law, acting within his or her official powers, duties, functions, or capacity, and where such deadly physical force resulted in the death of an unarmed person, and

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

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

3. If the independent special counsel, after a review of all evidentiary and grand jury materials as described in this section, determines
that there were: (a) substantial errors of such magnitude that there
exists a reasonable probability that an indictment would have resulted
but for these errors, and that the presumption of regularity afforded to
such proceedings can no longer apply; or (b) there exists newly discovered evidence of such magnitude that there exists a reasonable probability that had such evidence been presented to the grand jury, an indictment
would have resulted, then he or she shall refer the matter for
consideration of appointment of a special district attorney as provided in section seven hundred-one-a of the county law.

4. The evidentiary and grand jury materials provided to the independent special counsel as described in this section shall remain confidential and shall not be subject to disclosure under article six of the public officers law and, for purposes of this article, the release of evidentiary materials and grand jury materials by the district attorney to the independent special counsel shall be considered acting within the scope of the lawful discharge of the district attorney's duties pursuant to paragraph (a) of subdivision four of section 190.25 of the criminal procedure law, and therefore not unlawful disclosure under section 215.70 of the penal law.

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

6. Except as otherwise provided in this section, the independent special counsel, the governor, and members of the governor's staff may not further disclose any of the grand jury materials as described in this section with the exception of the grand jury instructions provided to the grand jury, unless authorized by court order issued upon application, pursuant to subdivision four of section 190.25 of the criminal procedure law. For the limited and exclusive purpose of making such
application to disclose grand jury material, the independent special
counsel shall be deemed a "district attorney."

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

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

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

§ 190.86 District attorney letter.

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

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

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

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

(c) After presentation of evidence to a grand jury involving the use of deadly physical force by a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law or a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law, acting within his or her official powers, duties, functions, or capacity, and where such deadly physical force resulted in the death of an unarmed person, and such grand jury declines to return an indictment to any charges against such on-duty police or
peace officer with respect to such death, a district attorney is authorized to provide grand jury testimony, evidence, exhibits and the legal instructions to the independent special counsel, as defined in section six-a of the executive law, within sixty days of the completion of all grand jury action in such matter, including the issuance of a grand jury report pursuant to paragraph (d) of subdivision one of section 190.85 of this article.

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

§ 5. The county law is amended by adding a new section 701-a to read as follows:
§ 701-a. Special district attorney. Notwithstanding any other law to the contrary, whenever credible allegations of the use of deadly physical force by a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law or a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law, acting within his or her official powers, duties, functions, or capacity, and where such deadly physical force resulted in the death of an unarmed person, are received by the governor, or his designee pursuant to section six-a of the executive law, the governor shall have the authority to appoint a special district attorney to investigate the allegations and, where appropriate, prosecute the case. Such special district attorney shall be an attorney at law residing within the state.

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

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

5. Any party aggrieved by an order of the appellate division concerning a motion made pursuant to subdivision two of this section may seek leave to appeal from such order to the court of appeals, pursuant to subdivision three of section 450.90 of this chapter.

§ 7. Section 450.90 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:
3. Provided that a certificate granting leave to appeal is issued pursuant to section 460.20 of this title, an appeal may be taken to the court of appeals by any party aggrieved by an order of the appellate division concerning a motion made pursuant to subdivision two of section 230.20 of this chapter. Upon the request of either party, the hearing and determination of an appeal granted pursuant to this subdivision shall be conducted in an expeditious manner. The chief administrator of the courts, with the advice and consent of the administrative board of the courts, shall adopt rules for the expeditious briefing, hearing and determination of such appeals.

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

§ 215.70 Unlawful grand jury disclosure.

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

Unlawful grand jury disclosure is a class E felony.

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

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

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

§ 837-s. Reporting duties of law enforcement departments with respect to enforcement of certain violations and misdemeanors. 1. The chief of every police department, each county sheriff, and the superintendent of state police shall report, annually, to the division the total number of arrests made or appearance tickets or summonses issued by a law enforcement officer for offenses which do not require the taking of finger-prints pursuant to subdivision one of section 160.10 of the criminal procedure law. Such reports shall be in the form and manner prescribed
by the division and shall contain such information as the division deems necessary including, but not limited to, the age, sex, race and ethnicity of the person arrested or to whom an appearance ticket was issued.

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

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

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

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

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

PART B

Section 1. Section 2 of 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, as amended by
section 25 of part B of chapter 55 of the laws of 2015, is amended to
read as follows:

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

PART C

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

(b) The sum of one million five hundred thousand dollars must be
deposited into the New York state emergency services revolving loan fund
annually; provided, however, that such sums shall not be deposited for
state fiscal years two thousand eleven--two thousand twelve, two thou-
sand twelve--two thousand thirteen, two thousand fourteen--two thousand
fifteen [and], two thousand fifteen--two thousand sixteen, two thousand
twenty thousand seventeen--two thousand seventeen--two thousand eighteen;

§ 2. This act shall take effect immediately.

PART D

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

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

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

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

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

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

§ 4. 1. Transfer of records. Upon the transfer of functions, pursuant to section 1 of this act, the division of homeland security and emergency services shall deliver to the division of state police, all pertinent books, papers, records and property.

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

3. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the division of homeland security and emergency services relating to the function, power or duty transferred to or devolved upon the division of state police shall be affected by this act, but the same may be prosecuted or defended in the name of the division of state police and upon the application to the court, the division of state police shall be substituted as a party.

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

§ 5. This act shall take effect immediately.

PART E

Section 1. Section 5 of 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, as amended by section 24 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

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

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

§ 2. Section 16 of 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, as amended by chapter 62 of the laws of 2014, is amended to read as follows:

§ 16. This act shall take effect immediately; provided, however, that sections one, six, eight, nine, ten, eleven and fifteen of this act shall take effect January 1, 2006; and provided, however, the amendments made by section fifteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, further, that the amendments to article 1-A of the legislative law, made by this act, shall not affect the repeal of such article pursuant to chapter 2 of the laws of 1999, as amended, and shall be deemed repealed therewith; provided, further, that sections thirteen and fourteen of this act shall
take effect January 1, 2006 [and shall be deemed repealed July 31, 2016]; provided, further, that effective immediately, the advisory council on procurement lobbying created pursuant to section twelve of this act shall be constituted no later than sixty days following the effective date of this act, provided that effective sixty days following the effective date of this act, the advisory council on procurement lobbying shall be authorized to establish model guidelines and to add, amend and/or repeal any rules or regulations necessary for the implementation of its duties under sections twelve and thirteen of this act, and the advisory council authorized to make and complete such model guidelines on or before the effective date of section thirteen of this act; provided, further, that procurement contracts for which bid solicitations have been issued prior to the effective date of this act shall be awarded pursuant to the provisions of law in effect at the time of issuance.

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

PART G

Section 1. Section 13-b of the workers' compensation law, as amended by chapter 1068 of the laws of 1960, the section heading and subdivisions 1 and 2 as amended by chapter 473 of the laws of 2000, and subdivision 3 as amended by section 85 of part A of chapter 58 of the laws of 2010, is amended to read as follows:

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

No such authorization shall be made in the absence of a recommendation of the appropriate society or board or of a review and recommendation by the medical appeals unit. No person shall render medical care or conduct independent medical examinations under this chapter without such authorization by the chair, provided, that:

As used in this chapter, the following definitions shall have the following meanings unless their context requires otherwise:

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

(b) "Authorization agreement" shall mean an agreement between the chair and the provider signed by the provider desirous of rendering medical care and/or treatment to a claimant or claimants injured in the
course of their employment and/or to conduct independent medical examinations.

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

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

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

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

(g) "Physical therapist" shall mean licensed as having completed a master's degree or higher in physical therapy in accordance with the education law and the licensing requirements of the commissioner of education.

(h) "Physician" shall mean licensed with a degree of doctor of medicine, M.D., or doctor of osteopathy, D.O., or an equivalent degree in accordance with the education law and the licensing requirements of the state board of medicine and the regulations of the commissioner of education.
(i) "Physicians' assistant" shall mean a licensed provider who has
graduated from a two-to-four year state-approved physicians' assistant
program, has passed a licensing examination, and whose actions and
duties are within the scope of practice of the supervising physician, in
accordance with the education law and the regulations of the commissioner of education.

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

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

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

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

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

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

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

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

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

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

(d) Upon the prescription or referral of an authorized physician, care or treatment may be rendered to an injured employee by an authorized physical therapist, occupational therapist or acupuncturist provided the conditions and the treatment performed are among the conditions that the physical therapist, occupational therapist or acupuncturist is authorized to treat pursuant to the education law or the regulations of the commissioner of education. Where any such care or treatment is rendered, records of the patient's condition and progress, together with records of instruction for treatment, if any, shall be maintained by the physical therapist, occupational therapist, acupuncturist rendering treatment and by the referring physician. Said records shall be submitted to the chair on forms and at such times as the chair may require.

(e) A record, report or opinion of a physical therapist, occupational therapist, acupuncturist or physician's assistant shall not be considered as evidence of (1) the causal relationship of any condition to an accident or occupational disease under this chapter or (2) disability or the degree thereof, nor may any such provider perform an independent medical examination concerning a claim under this chapter.
3. A [physician licensed to practice medicine in the state of New York who is] provider properly licensed or certified pursuant to the regulations of the commissioner of education and the requirements of the education law desirous of being authorized to render medical care under this chapter and/or to conduct independent medical examinations in accordance with paragraph (b) of subdivision four of section thirteen-a and section one hundred thirty-seven of this chapter shall [file an application for authorization under this chapter with the medical society in the county in which his or her office is located, or with a board designated by such society, or with a board designated by the chair as provided in this section. In such application the applicant shall state his or her training and qualifications, and shall agree to limit his or her professional activities under this chapter to such medical care and independent medical examinations, as his or her experience and training qualify him or her to render] sign an authorization agreement. [The applicant shall further agree to refrain] The provider agrees to abide by the terms, conditions, and limitations outlined in the authorization agreement, including, but not limited to refraining from subsequently treating for remuneration, as a private patient, any person seeking medical treatment, or submitting to an independent medical examination, in connection with, or as a result of, any injury compensable under this chapter, if he or she has been removed from the list of [physicians] providers authorized to render medical care or to conduct independent medical examinations under this chapter, or if the person seeking such treatment, or submitting to an independent medical examination, has been transferred from his or her care in accordance with the provisions of this chapter. This agreement shall run to the benefit of the injured person so treated or examined, and shall be available to him or her as a
defense in any action by such [physician] provider for payment for
treatment rendered by a [physician] provider after he or she has been
removed from the list of [physicians] providers authorized to render
medical care or to conduct independent medical examinations under this
chapter, or after the injured person was transferred from his or her
care in accordance with the provisions of this chapter. [The medical
society or the board designated by it, or the board as otherwise
provided under this section, if it deems such licensed physician duly
qualified, shall recommend to the chair that such physician be author-
ized to render medical care and/or conduct independent medical examina-
tions under this chapter, and such recommendation and authorization
shall specify the character of the medical care or independent medical
eexamination which such physician is qualified and authorized to render
under this chapter. Such recommendations shall be advisory to the chair
only and shall not be binding or conclusive upon him or her. The
licensed physician may present to the medical society or board,
evidences of additional qualifications at any time subsequent to his or
her original application. If the medical society or board fails to
recommend to the chair that a physician be authorized to render medical
care and/or to conduct independent medical examinations under this chap-
ter, the physician may appeal to the medical appeals unit. The medical
society or the board designated by it, or the board as otherwise
provided under this section, may upon its own initiative, or shall upon
request of the chair, review at any time the qualifications of any
physician as to the character of the medical care or independent medical
examinations which such physician has theretofore been authorized to
render under this chapter and may recommend to the chair that such
physician be authorized to render medical care or to conduct independent
medical examinations thereafter of the character which such physician is
then qualified to render. On such advisory recommendation the chair may
review and after reasonable investigation may revise the authorization
of a physician in respect to the character of medical care and/or to
conduct independent medical examinations which he or she is authorized
to render. If the medical society or board recommends to the chair that
a physician be authorized to render medical care and/or to conduct inde-
pendent medical examinations under this chapter of a character different
from the character of medical care or independent medical examinations
he or she has been theretofore authorized to render, such physician may
appeal from such recommendation to the medical appeals unit.

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

§ 2. Section 13-d of the workers' compensation law, as amended by
chapter 459 of the laws of 1944, the section heading and subdivisions 1
and 2 as amended by chapter 473 of the laws of 2000, paragraphs (a) and
(b) of subdivision 2 as amended and subdivision 5 as added by chapter 6
§ 13-d. Removal of [physicians] providers from lists of those authorized to render medical care or to conduct independent medical examinations. 1. [The medical society of the county in which the physician's office is located at the time or a board designated by such county society or a board representing duly licensed physicians of any other school of medical practice in such county shall investigate, hear and make findings with respect to all charges as to professional or other misconduct of any authorized physician as herein provided under rules and procedure to be prescribed by the medical appeals unit, and shall report evidence of such misconduct, with their findings and recommendation with respect thereto, to the chair. Failure to commence such investigation within sixty days from the date the charges are referred to the society by the chair or submit findings and recommendations relating to the charges within one hundred eighty days from the date the charges are referred shall empower the chair to appoint, as a hearing officer, a member of the board, employee, or other qualified hearing officer to hear and report on the charges to the chair. A qualified hearing officer, who is neither a member of the board, or employee thereof shall be paid at a reasonable per diem rate to be fixed by the chair.

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

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

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

(a) has [been guilty of] committed professional, medical, or other misconduct or incompetency in connection with rendering medical services under the law or has violated any of the specified grounds for unprofessional conduct as more fully set forth in the education law, specifically the rules of the board of regents, the office of professions, or the regulations of the commissioner of education; or

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

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

(d) knowingly made a false statement or representation as to a material fact in any medical report made pursuant to this chapter or in testifying or otherwise providing information for the purposes of this chapter; or

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

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

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

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

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

3. [Any person who violates or attempts to violate, and any person who aids another to violate or attempts to induce him to violate the provisions of paragraph (g) of subdivision two of this section shall be guilty of a misdemeanor] Once suspended, revoked, or limited, a surgeon may provide only required and necessary post-surgical care and treatment to a workers' compensation patient recovering from a surgical procedure performed within a reasonable time frame prior to the effective date of the provider's authorization suspension or revocation.

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

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

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

2. An employee injured under circumstances which make such injury compensable under this article, when care is required for an injury to the foot which injury or resultant condition therefrom may lawfully be treated by a duly registered and licensed podiatrist of the state of New York, may select to treat him or her any podiatrist authorized by the chair to render podiatry care, as hereinafter provided. If the injury or condition is one which is without the limits prescribed by the education law for podiatry care and treatment, or the injuries involved affect other parts of the body in addition to the foot, the said podiatrist
must so advise the said injured employee and instruct him or her to consult a physician of said employee's choice for appropriate care and treatment. Such physician shall thenceforth have overall supervision of the treatment of said patient including the future treatment to be administered to the patient by the podiatrist. If for any reason during the period when podiatry treatment and care is required, the employee wishes to transfer his or her treatment and care to another authorized podiatrist he or she may do so, in accordance with rules prescribed by the chair, provided however that the employer shall be liable for the proper fees of the original podiatrist for the care and treatment he or she shall have rendered. [A podiatrist licensed and registered to practice podiatry in the state of New York who is desirous of being authorized to render podiatry care under this section and/or to conduct independent medical examinations in accordance with paragraph (b) of subdivision three of this section shall file an application for authorization under this section with the podiatry practice committee. In such application he or she shall agree to refrain from subsequently treating for remuneration, as a private patient, any person seeking podiatry treatment, or submitting to an independent medical examination, in connection with, or as a result of, any injury compensable under this chapter, if he or she has been removed from the list of podiatrists authorized to render podiatry care or to conduct independent medical examinations under this chapter, or if the person seeking such treatment has been transferred from his or her care in accordance with the provisions of this section. This agreement shall run to the benefit of the injured person so treated or examined, and shall be available to him or her as a defense in any action by such podiatrist for payment for treatment rendered by a podiatrist after he or she has been removed from
the list of podiatrists authorized to render podiatry care or to conduct
independent medical examinations under this section, or after the
injured person was transferred from his or her care in accordance with
the provisions of this section. The podiatry practice committee if it
deems such licensed podiatrist duly qualified shall recommend to the
chair that such podiatrist be authorized to render podiatry care and/or
to conduct independent medical examinations under this section. Such
recommendation shall be advisory to the chair only and shall not be
binding or conclusive upon him or her.] The chair shall prepare and
establish a schedule for the state, or schedules limited to defined
localities, of charges and fees for podiatry treatment and care, to be
determined in accordance with and to be subject to change pursuant to
rules promulgated by the chair. Before preparing such schedule for the
state or schedules for limited localities the chair shall request the
podiatry practice committee to submit to him or her a report on the
amount of remuneration deemed by such committee to be fair and adequate
for the types of podiatry care to be rendered under this chapter, but
consideration shall be given to the view of other interested parties.
The amounts payable by the employer for such treatment and services
shall be the fees and charges established by such schedule.
§ 4. Subdivision 2 of section 13-l of the workers' compensation law,
as amended by chapter 473 of the laws of 2000, is amended to read as
follows:
2. An employee injured under circumstances which make such injury
compensable under this article, when care is required for an injury
which consists solely of a condition which may lawfully be treated by a
chiropractor as defined in section sixty-five hundred fifty-one of the
education law may select to treat him or her, any duly registered and
1 licensed chiropractor of the state of New York, authorized by the chair
2 to render chiropractic care as hereinafter provided. If the injury or
3 condition is one which is outside the limits prescribed by the education
4 law for chiropractic care and treatment, the said chiropractor must so
5 advise the said injured employee and instruct him or her to consult a
6 physician of said employee's choice for appropriate care and treatment.
7 Such physician shall thenceforth have supervision of the treatment of
8 said condition including the future treatment to be administered to the
9 patient by the chiropractor. [A chiropractor licensed and registered to
10 practice chiropractic in the state of New York, who is desirous of being
11 authorized to render chiropractic care under this section and/or to
12 conduct independent medical examinations in accordance with paragraph
13 (b) of subdivision three of this section shall file an application for
14 authorization under this section with the chiropractic practice commit-
15 tee. In such application he or she shall agree to refrain from subse-
16 quently treating for remuneration, as a private patient, any person
17 seeking chiropractic treatment, or submitting to an independent medical
18 examination, in connection with, or as a result of, any injury compensa-
19 ble under this chapter, if he or she has been removed from the list of
20 chiropractors authorized to render chiropractic care or to conduct inde-
21 pendent medical examinations under this chapter, or if the person seek-
22 ing such treatment has been transferred from his or her care in accord-
23 ance with the provisions of this section. This agreement shall run to
24 the benefit of the injured person so treated, or examined, and shall be
25 available to him or her as a defense in any action by such chiropractor
26 for payment rendered by a chiropractor after he or she has been removed
27 from the list of chiropractors authorized to render chiropractic care or
28 to conduct independent medical examinations under this section, or after
the injured person was transferred from his or her care in accordance
with the provisions of this section. The chiropractic practice committee
if it deems such licensed chiropractor duly qualified shall recommend to
the chair that such be authorized to render chiropractic care and/or to
conduct independent medical examinations under this section. Such recom-
mandations shall be advisory to the chair only and shall not be binding
or conclusive upon him or her.] The chair shall prepare and establish a
schedule for the state, or schedules limited to defined localities of
charges and fees for chiropractic treatment and care, to be determined
in accordance with and to be subject to change pursuant to rules promul-
gated by the chair. Before preparing such schedule for the state or
schedules for limited localities the chair shall request the chiroprac-
tic practice committee to submit to him or her a report on the amount of
remuneration deemed by such committee to be fair and adequate for the
types of chiropractic care to be rendered under this chapter, but
consideration shall be given to the view of other interested parties,
the amounts payable by the employer for such treatment and services
shall be the fees and charges established by such schedule.
§ 5. Subdivisions 2 and 3 and paragraph (b) of subdivision 4 of
section 13-m of the workers' compensation law, subdivision 2 as added by
chapter 589 of the laws of 1989 and subdivision 3 and paragraph (b) of
subdivision 4 as amended by chapter 473 of the laws of 2000, are amended
to read as follows:
2. (a) An injured employee, injured under circumstances which make
such injury compensable under this article, may lawfully be treated[, un-
on the referral of an authorized physician,] by a psychologist, duly
registered and licensed by the state of New York, authorized by the
chairman to render psychological care pursuant to [this] section thir-
b of this article. Such services shall be within the scope of such
psychologist's specialized training and qualifications as defined in
article one hundred fifty-three of the education law.

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

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

3. [A psychologist, licensed and registered to practice psychology in
the state of New York, who is desirous of being authorized to render
psychological care under this section and/or to conduct independent
medical examinations in accordance with paragraph (b) of subdivision
four of this section shall file an application for authorization under
this section with the psychology practice committee. The applicant shall
agree to refrain from subsequently treating for remuneration, as a
private patient, any person seeking psychological treatment, or submit-
ting to an independent medical examination, in connection with, or as a
result of, any injury compensable under this chapter, if he or she has
been removed from the list of psychologists authorized to render psycho-
logical care under this chapter. This agreement shall run to the benefit
of the injured person so treated, and shall be available as a defense in
any action by such psychologist for payment for treatment rendered by
such psychologist after being removed from the list of psychologists authorized to render psychological care or to conduct independent medical examinations under this section. The psychology practice committee if it deems such licensed psychologist duly qualified shall recommend to the chair that such person be authorized to render psychological care and/or to conduct independent medical examinations under this section. Such recommendations shall be only advisory to the chair and shall not be binding or conclusive.] The chair shall prepare and establish a schedule for the state or schedules limited to defined localities of charges and fees for psychological treatment and care, to be determined in accordance with and be subject to change pursuant to rules promulgated by the chair. Before preparing such schedule for the state or schedules for limited localities the chair shall request the psychology practice committee to submit to such chair a report on the amount of remuneration deemed by such committee to be fair and adequate for the types of psychological care to be rendered under this chapter, but consideration shall be given to the view of other interested parties. The amounts payable by the employer for such treatment and services shall be the fees and charges established by such schedule.

(b) Upon receipt of the notice provided for by paragraph (a) of this subdivision, the employer, the carrier, and the claimant each shall be entitled to have the claimant examined by a qualified psychologist, authorized by the chair in accordance with [subdivision three of this] section thirteen-b of this article and section one hundred thirty-seven of this chapter, at a medical facility convenient to the claimant and in the presence of the claimant's psychologist, and refusal by the claimant to submit to such independent medical examination at such time or times as may reasonably be necessary in the opinion of the board shall bar the
claimant from recovering compensation, for any period during which he or she has refused to submit to such examination.

$06$. Section 14 of the workers' compensation law, as amended by chapter 925 of the laws of 1937, subdivisions 1 and 2 as amended by chapter 94 of the laws of 1946, subdivision 3 as amended by chapter 277 of the laws of 1941, subdivision 5 as amended by chapter 730 of the laws of 1978, subdivision 6 as amended by chapter 6 of the laws of 2007 and subdivision 7 as amended by chapter 169 of the laws of 2007, is amended to read as follows:

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

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

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

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

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

a. If the employee worked less than thirteen weeks in the employment
in which the employee was injured, the average weekly wage shall be
based upon the total wage earned by the employee in the employment in
which the employee was injured, divided by the total number of weeks
actually worked in that employment;
b. If the injured employee sustains a compensable injury before
completing his or her first work week, or if the injured employee is a
seasonal employee, or if the earnings are at an irregular rate, such as
piecework, or on a commission basis, or are specified to be bi-weekly,
monthly, or other period, then the average weekly wage shall be taken as
the actual weekly earnings averaged for this period of time, not exceed-
ing one year;
c. If there is insufficient evidence available to determine the earn-
ings of the employee under the foregoing methods, or if the pay has not
been designated for the work required, the average weekly wage shall be
based upon the previous earnings of the injured employee and of other
employees of the same or most similar class, working in the same or most
similar employment, or other employment as defined in this chapter, in
the same or neighboring locality, that shall reasonably represent the
annual earning capacity of the injured employee in the employment in
which he or she was working at the time of the accident for a period of
thirteen weeks prior to the injury or, if that method does not consti-
tute sufficient evidence of the average weekly wage, earnings data for a
period not exceeding one year prior to the injury;
d. Provided, further, however, that only in the event that there is
insufficient evidence ascertained under the foregoing methods of comput-
ing the average weekly wage of the employee by reason of the nature of
the employment or where for any other reason the methods will not fairly
and accurately compute the average weekly wage, computation of the aver-
age weekly wage may be determined by such other manner and by such other
method as will be based upon the facts presented to fairly determine
such employee's average weekly wage;

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

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

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

[7.] 4. The average weekly wages of a jockey, apprentice jockey or
exercise person licensed under article two or four of the racing, pari-
mutuel wagering and breeding law shall be computed based upon all of the
earnings of such jockey, apprentice jockey or exercise person, including
those derived from outside of the state.
§ 7. Subdivision 1 of section 20 of the workers' compensation law, as
amended by chapter 635 of the laws of 1996, is amended to read as
follows:

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

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

§ 23. Appeals. An award or decision of the board shall be final and conclusive upon all questions within its jurisdiction, as against the state fund or between the parties, unless reversed or modified on appeal therefrom as hereinafter provided. Any party may within thirty days after notice of the filing of an award or decision of a referee, file with the board an application in writing for a modification or rescission or review of such award or decision, as provided in this chapter. The board shall render its decision upon such application in writing and shall include in such decision a statement of the facts which formed the basis of its action on the issues raised before it on such application. Within thirty days after notice of the decision of the board upon such application has been served upon the parties, or within thirty days after notice of an administrative redetermination review decision by the chair pursuant to subdivision five of section fifty-two, section one hundred thirty-one or section one hundred forty-one-a of this chapter has been served upon any party in interest, an appeal may be taken therefrom to the appellate division of the supreme court, third department, by any party in interest, including an employer insured in the state fund; provided, however, that any party in interest may within thirty days after notice of the filing of the board [panel's] decision with the secretary of the board, make application in writing for review thereof
by the full board. If the decision or determination was that of a panel
of the board and there was a dissent from such decision or determination
other than a dissent the sole basis of which is to refer the case to an
impartial specialist, the full board shall review and affirm, modify or
rescind such decision or determination in the same manner as herein
above provided for an award or decision of a referee. If the decision
or determination was that of a unanimous panel of the board, or there
was a dissent from such decision or determination the sole basis of
which is to refer the case to an impartial specialist, the board may in
its sole discretion review and affirm, modify or rescind such decision
or determination in the same manner as herein above provided for an
award or decision of a referee. Failure to apply for review by the full
board shall not bar any party in interest from taking an appeal directly
to the court as above provided. The board may also, in its discretion
certify to such appellate division of the supreme court, questions of
law involved in its decision. Such appeals and the question so certified
shall be heard in a summary manner and shall have precedence over all
other civil cases in such court. The board shall be deemed a party to
every such appeal from its decision upon such application, and the chair
shall be deemed a party to every such appeal from an administrative
redetermination review decision pursuant to subdivision five of section
fifty-two of this chapter. The attorney general shall represent the
board and the chair thereon. An appeal may also be taken to the court of
appeals in the same manner and subject to the same limitations not
inconsistent herewith as is now provided in the civil practice law and
rules. It shall not be necessary to file exceptions to the rulings of
the board. An appeal to the appellate division of the supreme court,
third department, or to the court of appeals, shall not operate as a
stay of the payment of compensation required by the terms of the award
or of the payment of the cost of such medical, dental, surgical, optome-
tric or other attendance, treatment, devices, apparatus or other neces-
sary items the employer is required to provide pursuant to section thir-
ten of this article which are found to be fair and reasonable. Where
such award is modified or rescinded upon appeal, the appellant shall be
entitled to reimbursement in a sum equal to the compensation in dispute
paid to the respondent in addition to a sum equal to the cost of such
medical, dental, surgical, optometric or other attendance, treatment,
devices, apparatus or other necessary items the employer is required to
provide pursuant to section thirteen of this article paid by the appel-
licant pending adjudication of the appeal. Such reimbursement shall be
paid from administration expenses as provided in section one hundred
fifty-one of this chapter upon audit and warrant of the comptroller upon
vouchers approved by the chair. Where such award is subject to the
provisions of section twenty-seven of this article, the appellant shall
pay directly to the claimant all compensation as it becomes due during
the pendency of the appeal, and upon affirmance shall be entitled to
credit for such payments. Neither the chair, the board, the commission-
ers of the state insurance fund nor the claimant shall be required to
file a bond upon an appeal to the court of appeals. Upon final determi-
nation of such an appeal, the board or chair, as the case may be, shall
enter an order in accordance therewith. Whenever a notice of appeal is
served or an application made to the board by the employer or insurance
carrier for a modification or rescission or review of an award or deci-
sion, and the board shall find that such notice of appeal was served or
such application was made for the purpose of delay or upon frivolous
grounds, the board shall impose a penalty in the amount of five hundred
dollars upon the employer or insurance carrier, which penalty shall be added to the compensation and paid to the claimant. Whenever an application is made to the board by the employer or insurance carrier for a modification or rescission or review of an award or decision, and the board shall find that such application was made for the purpose of delay and upon frivolous grounds, the board may impose a penalty pursuant to paragraph (f) of subdivision three of section twenty-five of this article. Upon a finding that an application has been made to the board for the purpose of delay and upon frivolous grounds, and the employer or carrier has made payment to the claimant of all compensation as it becomes due during the pendency of the application, no penalty pursuant to paragraph (f) of subdivision three of section twenty-five of this article shall be imposed. The penalties provided herein shall be collected in like manner as compensation. A party against whom an award of compensation shall be made may appeal from a part of such award. In such a case the payment of such part of the award as is not appealed from shall not prejudice any rights of such party on appeal, nor be taken as an admission against such party. Any appeal by an employer from an administrative redetermination review decision pursuant to subdivision five of section fifty-two of this chapter shall in no way serve to relieve the employer from the obligation to timely pay compensation and benefits otherwise payable in accordance with the provisions of this chapter.

Nothing contained in this section shall be construed to inhibit the continuing jurisdiction of the board as provided in section one hundred twenty-three of this chapter.
§ 9. Paragraph (f) of subdivision 3 of section 25 of the workers' compensation law, as amended by chapter 316 of the laws of 1991, is amended to read as follows:

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

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

If the insurance carrier shall fail either to file notice of controversy or begin payment of compensation within the prescribed period or within ten days after receipt of a copy of the notice required in section one hundred ten of this chapter, whichever period is the great-
er, the board may[, after a hearing,] impose a penalty in the amount of three hundred dollars, which shall be in addition to all other penalties provided for in this chapter and shall be paid to the claimant. Such penalty shall be collected in like manner as an award of compensation.

§ 11. Subdivisions 1 and 7 of section 27 of the workers' compensation law, subdivision 1 as amended by chapter 192 of the laws of 1949, subdivision 7 as amended by chapter 62 of the laws of 1989, the closing paragraph of subdivision 7 as amended by chapter 6 of the laws of 2007 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. All payments made into the fund pursuant to the provisions of this section shall constitute an indivisible and aggregate trust fund except as hereinafter provided. Notwithstanding any other provisions of this chapter, the board shall not direct a mandatory deposit on or after the effective date of the chapter of the laws of two thousand sixteen which amended this subdivision. The carrier shall make a mandatory deposit into the fund as directed in a board decision filed prior to the effective date of the chapter of the laws of two thousand sixteen which amended this subdivision, in the amount set forth in a supplemental board decision of any date. The carrier is responsible for payments to the claimant as directed until the deposit is made into the fund. If the insurance carrier shall fail to make a timely mandatory deposit into the fund the chair may impose a penalty equal to twenty percent of the unpaid mandatory deposit amount which shall be paid to the injured worker or his or her dependents, and there shall also be imposed an assessment of fifty dollars, which shall be paid into the state treasury.
7. [For the purpose of securing the solvency of the aggregate trust
fund, there shall be required, in addition to the payments hereinbefore
provided for, a payment on each award, as follows:

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

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

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

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

Such additional payments shall be required until the surplus of the
fund equals or exceeds one per centum of the total outstanding loss
reserves as shown by three successive annual reports of the fund to the
superintendent of financial services and such additional payment shall
be required as a payment upon each award based on an accident occurring
prior to July first next succeeding the third such annual report, but
not as a payment upon any award based on an accident occurring on or
after said July first; provided, however, that if and when the surplus
of the fund as shown by any annual report thereafter shall be less than
one per centum of the total outstanding loss reserves, then the additional payments as provided in paragraphs (a), (b), (c) and (d) of this subdivision shall be resumed and shall be payable upon any award based on an accident occurring on or after July first next succeeding the close of the year for which such annual report is made. Thereafter, the suspension or resumption of additional payments as required by this subdivision shall be governed by the foregoing provisions. Such loss reserves shall be computed based upon the tables specified in subdivision five of this section and interest at a standard to be determined by the superintendent of financial services by regulation.] For the purposes of insuring the solvency of the aggregate trust fund subsequent to the first day of January, two thousand sixteen, the superintendent of financial services, in accordance with subdivision two of section one hundred eight of this chapter, may direct carriers to deposit not more than two percent of written premiums into the workers' compensation guarantee fund established by article six of this chapter to enable the aggregate trust fund to meet its obligations under this section 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.

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

3. Any awards so made shall be payable out of the special fund heretofore created for such purpose, which fund is hereby continued and shall be known as the fund for reopened cases. The employer, or, if insured, his insurance carrier shall pay into such fund, or, in the case of awards made on or after July first, nineteen hundred sixty-nine, either into such fund or the uninsured employers' fund under section twenty-six-a of this article in accordance with the provisions thereof, for every case of injury causing death for which there are no persons entitled to compensation the sum of three hundred dollars where such injury occurred prior to July first, nineteen hundred forty and the sum of one thousand dollars where such injury shall occur on or after said date and prior to April first, nineteen hundred forty-five, and the sum of fifteen hundred dollars where such injury shall occur on or after April first, nineteen hundred forty-five and prior to September first, nineteen hundred seventy-eight and the sum of three thousand dollars where such injury shall occur on or after September first, nineteen hundred seventy-eight, and in each case of death resulting from injury sustained on or after July first, nineteen hundred forty and prior to September first, nineteen hundred seventy-eight, where there are persons entitled to compensation but the total amount of such compensation is less than two thousand dollars exclusive of funeral benefits, the employer, or, if insured, his insurance carrier, shall pay into such fund, or, in the case of awards made on or after July first, nineteen hundred sixty-nine and prior to September first, nineteen hundred seventy-eight, either into such fund or the uninsured employers' fund under section twenty-six-a of this article in accordance with the provisions thereof, the
difference between the sum of two thousand dollars and the compensation, exclusive of funeral benefits, and in each case of death resulting from injury sustained on or after September first, nineteen hundred seventy-eight, the employer, or if insured, his insurance carrier shall pay into such fund or the uninsured employers' fund under section twenty-six-a of this article in accordance with the provisions thereof, the difference between the sum of five thousand dollars and the compensation, exclusive of funeral benefits actually paid to or for the dependents of the deceased employee together with any expense charge required by section twenty-seven of this article; provided, however, that where death shall occur subsequent to the periods limited by subdivision one of this section no payment into such special fund nor to the special fund provided by subdivision nine of section fifteen nor to the uninsured employers' fund provided by section twenty-six-a of this article shall be required. In addition to the assessments made against all insurance carriers for the expenses of administering this chapter provided for under the provisions of section one hundred fifty-one of this chapter, and the payments above provided, the employer, or, if insured, his insurance carrier, shall pay the sum of five dollars into said fund for each case in which an award is made pursuant to the provisions of paragraphs a to s inclusive of subdivision three of section fifteen of this chapter, by reason of injury sustained between July first, nineteen hundred forty and June thirtieth, nineteen hundred forty-two, both dates inclusive, and the sum of ten dollars for each such case by reason of injury sustained between July first, nineteen hundred forty-two and June thirtieth, nineteen hundred fifty, both dates inclusive, which payment shall be in addition to any payment of compensation to the injured employee as provided in this chapter.
There shall be maintained in the special fund at all times assets at least equal in value to the sum of (1) the value of awards charged against such fund, (2) the value of all claims that have been reopened by the board as a charge against such fund but as to which awards have not yet been made, (3) effective January first, nineteen hundred seventy-one, the value of total supplemental benefits to be paid from such fund as reimbursement pursuant to subdivision nine of this section, and (4) a reserve equal to ten per cent of the sum of items (1), (2) and (3) of this paragraph. Annually, as soon as practicable after January first in each year, the chair shall ascertain the condition of the fund and [whenever the assets shall fall below the prescribed minimum as herein provided the chair] shall collect: (a) debt service amount sufficient to cover debt service and associated costs to be paid during the calendar year by the dormitory authority, as calculated in accordance with subdivision four of this section and (b) whenever the value of other assets fall below the prescribed minimum to be maintained as herein provided, an amount sufficient to restore the fund to the prescribed minimum. Such assessments shall be included in the assessment rate established pursuant to subdivision two of section one hundred fifty-one of this chapter. Such assessments shall be deposited with the commissioner of taxation and finance and transferred to the benefit of such fund following payment of debt service and associated costs, if any, pursuant to section one hundred fifty-one of this chapter. Commencing on the first of January, two thousand fourteen, the amount collected from all employers required to obtain workers' compensation coverage to maintain the financial integrity of the fund may be paid over a period of time at the discretion of the chair based upon an analysis of the financial condition of the fund. Such payment as determined by the chair
shall be included in the assessment rate established pursuant to subdivision two of section one hundred fifty-one of this chapter. The chair shall promulgate regulations to administer claims whose liability has been transferred to the fund for reopened cases. Such regulations may include exercise of the chair's authority to administer existing claims, to procure management for those claims, or to sell such liability including, without limitation, by obtaining an "assumption of workers' compensation liability insurance policy" as defined in section sixteen hundred eighty-one of the public authorities law. The chair may examine into the condition of the fund at any time on his or her own initiative or on request of the attorney of the fund.

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

4. The chair and the commissioner of taxation and finance are authorized and directed to enter into a financing agreement with the dormitory authority, to be known as the "fund for reopened cases financing agreement". Such agreement shall set forth the process for calculating the annual debt service of the bonds issued by the dormitory authority and any other associated costs in connection with the fund for reopened cases, as set forth in section sixteen hundred eighty-one of the public authorities law. For purposes of this section, "associated costs" may include a coverage factor, reserve fund requirements, all costs of any nature incurred by the dormitory authority in connection with the fund for reopened cases financing agreement or pursuant thereto, the costs of any independent audits undertaken under this section, and any other
costs for the implementation of this subdivision and the issuance of
bonds by the dormitory authority, including interest rate exchange
payments, rebate payments, liquidity fees, credit provider fees, fiduciary fees, remarketing, dealer, auction agent and related fees and other
similar bond-related expenses, unless otherwise funded. By September
first of each year, the dormitory authority shall provide to the chair
the calculation of the amount expected to be paid by the dormitory
authority in debt service and associated costs for purposes of calculating the debt service assessment as set forth in subdivision three of
this section. All monies received on account of any assessment under
subdivision three of this section and this subdivision shall be applied
in accordance with this subdivision and in accordance with the fund for
reopened cases financing agreement until the financial obligations of
the dormitory authority in respect to its contract with its bondholders
are met and all associated costs payable to or by the dormitory author-
ity have been paid, notwithstanding any other provision of law respecting
secured transactions. This provision may be included by the dormitory
authority in any contract of the dormitory authority with its bondhold-
ers.

The fund for reopened cases financing agreement may restrict disburse-
ments, investments, or rebates, and may prescribe a system of accounts
applicable to the fund for reopened cases as consistent with the
provisions of this section governing such fund, including custody of
funds and accounts with a trustee that may be prescribed by the dormito-
ry authority as part of its contract with the bondholders. For purposes
of this subdivision, the term "bonds" shall include notes issued in
anticipation of the issuance of bonds, or notes issued pursuant to a
commercial paper program.
(a) The commissioner of taxation and finance shall be the custodian of such [special] fund for reopened cases and, unless otherwise provided for in the fund for reopened cases financing agreement, shall invest any surplus or reserve monies thereof in securities which constitute legal investments for savings banks under the laws of this state and in interest bearing certificates of deposit of a bank or trust company located and authorized to do business in this state or of a national bank located in this state secured by a pledge of direct obligations of the United States or of the state of New York in an amount equal to the amount of such certificates of deposit, and may sell any of the securities or certificates of deposit in which such fund is invested, if necessary for the proper administration or in the best interest of such fund. Disbursements from such fund for compensation provided by this section shall be paid by the commissioner of taxation and finance upon vouchers signed by the [chairman] chair of the board unless the financing agreement provides for some other means of authorizing such disbursements that is no less protective of the fund.

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

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

§ 13. Subdivision (i) of section 32 of the workers' compensation law,
amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

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

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

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

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

(3) Any such contract shall expressly provide that the special disability fund is no longer liable for the claims covered by the contract, and require security of either cash, an indemnity policy, or such security as is otherwise sufficient to cover any losses incurred as a result of the failure or default of the entity or entities awarded any such contract, including as a result of the insolvency of any such entity. The chair may waive all or part of such security, and may impose other reasonable methods of insuring payment, upon approval of the special disability fund advisory committee. Any policy executed by the chair pursuant to this section shall be in the form of an assumption of work-
ers' compensation liability insurance policy securing such further and
future contingent liability as may arise from any claim covered by such
policy, including prior injuries to workers and be incurred by reason of
any change in the condition of such workers warranting the board making
subsequent awards for payment of additional compensation. Such policy
shall be in a form approved by the superintendent of financial services
and issued by the state insurance fund or any insurance company licensed
to issue this class of insurance in this state. In the event that such
policy is issued by an insurance company other than the state insurance
fund, then said policy shall be deemed of the kind specified in para-
graph fifteen of subsection (a) of section one thousand one hundred
thirteen of the insurance law and covered by the workers' compensation
security fund as created and governed by article six-A of this chapter.
Such policy shall only be issued for a single complete premium paid in
advance and in an amount deemed acceptable by the chair and the super-
intendent of financial services. When issued such policy shall be non-
cancellable without recourse for any cause during the continuance of the
liability secured and so covered.

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

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

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

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

1. The annual expenses necessary for the board to administer the
provisions of this chapter, the volunteer ambulance workers' benefit
law, the volunteer firefighters' benefit law, the disability benefits
law, and the workmen's compensation act for civil defense volunteers
shall be borne by affected employers securing compensation for their
employees pursuant to section fifty of this chapter. The board shall
collect such annual expenses from affected employers through assessments
as provided by the provisions of this section, including for purposes of
this subdivision: (a) the aggregate assessment amount described in
subparagraph four of paragraph (h) of subdivision eight of section
fifteen of this chapter for the special disability fund in accordance
with each financing agreement described in such subparagraph, (b) the
aggregate assessment amount described in section fifty-c of this chapter
for the self-insurer offset fund in accordance with each financing
agreement described in such section, (c) the aggregate assessment amount
described in subdivision three of section twenty-five-a of this chapter
for the fund for reopened cases in accordance with each financing agree-
ment described in such section, and (d) the assessment amount described
in section two hundred fourteen of this chapter for the special fund for
disability benefits; provided, that the foregoing and any other
 provision of this chapter to the contrary notwithstanding, assessment
receipts shall be applied first to fully fund the aggregate amount
described in subparagraph four of paragraph (h) of subdivision eight of
section fifteen of this chapter pursuant to a special disability fund
financing agreement entered into by the dormitory authority prior to
March thirty-first, two thousand thirteen pursuant to section sixteen
hundred eighty-1 of the public authorities law, and then to fully fund
the aggregate amount described in subparagraph four of paragraph (h) of
subdivision eight of section fifteen and in subdivision three of section
twenty-five-a of this chapter, and in section fifty-c of this chapter in
accordance with each such then applicable special disability fund
financing agreement entered into by the dormitory authority on or subse-
quent to March thirty-first, two thousand thirteen, pursuant to section
sixteen hundred eighty-1 of the public authorities law, with each such
then applicable fund for reopened cases financing agreement entered into
by the dormitory authority pursuant to such provision or with each then
applicable self-insured bond financing agreement [pursuant to such
provisions] entered into by the dormitory authority pursuant to section
sixteen hundred eighty-1 of the public authorities law, respectively,
prior to application to any other purpose other than to pay any actual
costs of collecting such assessment that are not otherwise funded. For purposes of this section, affected employer means all employers required to obtain workers' compensation coverage pursuant to this chapter.

8. The foregoing and every other provision of law to the contrary notwithstanding, all moneys received on account of the assessment authorized by this section shall be deposited upon receipt into the administrative clearing account held by the commissioner of taxation and finance and applied, as pledged assessments for purposes of sections sixteen hundred eighty-l and sixteen hundred eighty-q of the public authorities law and prior to any other application: first, in accordance with any other provision of any special disability fund financing agreement entered into prior to March thirty-first, two thousand thirteen, to the extent required to fully fund the then current payment and reserve requirements under such financing agreement with respect to the bonds issued by the dormitory authority pursuant to section sixteen hundred eighty-l of the public authorities law prior to such date; and second, in accordance with each special disability fund financing agreement entered into on or subsequent to March thirty-first, two thousand thirteen, each fund for reopened cases financing agreement and each self-insured bond financing agreement, to the extent required to fully fund the then current payment and reserve requirements under each such financing agreement [entered into after March thirty-first, two thousand thirteen] with respect to bonds issued by the dormitory authority pursuant to either section sixteen hundred eighty-l or section sixteen hundred eighty-q of the public authorities law, on a pari passu basis without preference or priority among all such other bonds. Such monies shall not be commingled with any other monies in the commissioner's custody prior to the completion of such application and shall not be deemed to be part
of the state treasury or of any funds under management of the state or
be deemed money of the state or money under control of the state. This
section shall not be deemed to authorize any infringement upon the
rights of holders of such bonds issued or to be issued under such
sections of the public authorities law. The provisions of this section
may be included by the dormitory authority in any contract with the
holders of any such bonds. The operation of this section and the appli-
cation of the receipts of the assessment authorized by this section
shall be subject to the provisions of each financing agreement author-
ized pursuant to subparagraph four of paragraph (h) of subdivision eight
of section fifteen [or to] of this chapter, section fifty-c of this
chapter, or subdivision three of section twenty-five-a of this chapter
and this section shall not be deemed to authorize any infringement upon
the rights of holders of bonds issued or to be issued pursuant to either
such provision.

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

(g) Notwithstanding any other provision in this chapter, the chair may
by regulation elect to establish a performance standard concerning the
subject of any penalty or assessment provision applicable to an insur-
ance carrier or self-insured employer, where such penalty or assessment
is remittable to the New York state treasury, or chair, but not to
claimants or any other payee or fund, and impose a single penalty or
assessment upon the failure to meet that promulgated standard, with
notice to the carrier or self-insured employer. The penalty or assess-
ment imposed in the aggregate shall be payable to the chair. Such aggre-
gate penalty or assessment imposed in the aggregate shall be payable to
the chair. Such aggregate penalty or assessment shall be based upon the
number of violations as multiplied against the applicable penalty or assessment, but may be negotiated by the chair's designee in full satisfaction of the penalty or assessment. A final agreement between the chair's designee and the carrier or self-insured employer may be submitted and approved subject to section thirty-two of this article, without notice to any claimant. Any aggregate penalty or assessment issued in this section shall be issued administratively, and the chair may, by regulation, specify the method of review or redetermination, and the presentation of evidence and objections shall occur solely upon the documentation. The carrier or self-insured employer shall receive credit for any instances in which the aggregate penalty or assessment is inclusive of a penalty or assessment previously issued and paid in an individual claim or proceeding. A final determination is subject to review under section twenty-three of this article, except that no stay in payment of the penalty or assessment shall apply pending the outcome of the application for administrative review. Failure to pay the finally determined penalty or assessment, or the penalty or assessment agreed upon pursuant to section thirty-two of this article, within ten days of filing, shall result in the imposition of a twenty percent penalty, payable to the chair. In the event of the carrier or self-insured employer instituting or continuing an issue without reasonable grounds, the provisions of subdivision three of section one hundred fourteen-a of this chapter shall be applicable.

§ 16. Subparagraph (c) of paragraph 7 of subdivision 3-a of section 50 of the workers' compensation law, as amended by section 4 of part R of chapter 56 of the laws of 2010, is amended to read as follows: (c) Upon the assumption of the assets and liabilities of a group self-insurer by the chair or his or her designee pursuant to regulation of
the chair, all records, documents and files of whatever nature, pertaining to the group self-insurer, including but not limited to any procurement records of the group self-insurer with respect to an assumption of workers' compensation liability insurance policy, be they in the possession of the group self-insurer or a third party, and all remaining assets of the group self-insurer, shall become the property of the chair. All custodians of such records and/or funds shall turn over to the chair or his designee all such original records upon demand.

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

3. By furnishing satisfactory proof to the chair of his financial ability to pay such compensation for himself, [or to pay such compensation on behalf of a group of employers in accordance with subdivision ten of this section, in which case the chair shall require the] in which case all eligible individual self-insured employers shall collectively secure their liability for the payment of workers' compensation obligations through participation in the pooled individual self-insured employer fund. Notwithstanding any other provision of this section, the chair shall, by regulation, set minimum credit, financial, or other conditions that an individual self-insured employer must meet in order to participate in the pooled security system. In the event any existing individual self-insured employer is unable to meet the conditions set by the chair, the existing individual self-insured employer shall be excluded from participation in the pooled individual self-insured employer fund and the existing individual self-insured employer shall post a separate security deposit in the manner provided by paragraph (h)
of this subdivision. The chair shall promulgate regulations requiring
the chair to set an aggregate security requirement for all individual
self-insured employers participating in the pooled individual self-in-
sured employer fund based on a review of all participating individual
self-insured employers annual reports and any other information as may
be specified by the chair. The chair shall procure and maintain in the
pooled individual self-insured employer fund a combination of cash and
investment securities satisfactory to provide adequate security to
secure the payment of the aggregate workers' compensation obligations of
all individual self-insured employers participating in the fund as well
as any amounts as may be reasonably necessary to pay for the administra-
tive and other activities of the fund. This amount shall be known as the
aggregate pooled security amount. Each participating individual self-in-
sured employer shall pay the initial entry fee required herein during
their first year of participation in the fund. This amount shall be
known as the pool deposit fee. Thereafter, on an annual basis, the chair
shall evaluate the condition and sufficiency of the aggregate pooled
security amount. Where necessary, the chair shall require each partic-
ipating individual self-insured employer to pay a participation fee, on
a pro rata basis, sufficient to bring the pooled individual self-insured
employer fund up to the aggregate pooled security amount. This amount
shall be known as the pool participation fee. A participating individual
self-insured employer's obligation to pay either the pool deposit fee or
subsequent pool participation fees shall continue, regardless of the
individual self-insured employer's cessation of participation in the
pooled individual self-insured employer fund, for so long as the former
self-insured employer shall continue to have workers' compensation obli-
gations attributable to its period of participation in the pooled individual self-insured employer fund.

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

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

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

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

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

(b) Within thirty (30) business days of the participating individual self-insured employer paying its pool deposit fee, the chair shall release the security deposit posted by the self-insured employer and held by the chair pursuant to paragraph (h) of this section. Upon payment of the pool deposit fee and any subsequent pool participation fees, and except as provided herein, the individual self-insured employer loses all right, title, and interest in the pool deposit fee and pool participation fee. 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.

(c) If any participating individual self-insured employer objects to the calculation, posting, or any other aspect of its pool fees, upon payment of the pool fee in the time provided, the employer shall have the right to appeal the pool fee to the chair, who shall have exclusive jurisdiction over this dispute. If any participating individual self-insured employer fails to pay either its pool deposit fee or pool participation fee in the time provided, the employer shall: (i) be removed from the pooled individual self-insured employer fund; and (ii) pay a penalty of not less than ten (10) percent nor more than thirty (30) percent of its pool fee. The penalty shall be paid directly to the pooled individual self-insured employer fund. In the event that the self-insured employer fails or neglects to pay the penalty within thirty days, the employer shall be deemed in default in the payment of compensation to its employees and the chair may file a judgment against the self-insured employer, pursuant to the provisions of section twenty-six of this chapter, in the amount of the unpaid penalty. The chair may also revoke the authorization to self-insure of any individual self-insured employer who fails to pay a pool fee in the time provided in which case the employer must insure the payment of such compensation in the state fund or with any stock corporation, mutual corporation or reciprocal insurer authorized to transact the business of workers' compensation insurance in this state through a policy issued under the law of this state within thirty days.

(d) Upon the chair's posting of the aggregate pooled security amount in the pooled individual self-insured employer fund, said security shall be held until the chair determines that a participating individual self-
insured employer has failed or neglected to meet its workers' compensation obligations as required by this chapter, and the chair orders the pooled individual self-insured employer fund to commence payment of such unmet self-insurance obligations. Upon ordering the pooled individual self-insured employer fund to commence payment, the chair shall utilize the aggregate pooled security amount necessary to meet the workers' compensation obligations of the defaulting participating individual self-insured employer. In the event additional funds are needed in future years to meet the workers' compensation obligations of any former participating individual self-insured employer, who thereafter defaults with respect to its obligations incurred during its period of participation in the pooled individual self-insured employer fund, the chair shall make available to the pooled individual self-insured employer fund any portions of the aggregate pooled security amount as may be needed to pay those benefits. In the discretion of the chair, in the event that the obligations associated with the default of participating individual self-insured employers are such that they jeopardize the solvency of the pooled individual self-insured employer fund, the chair may issue bonds, consistent with section sixteen hundred eighty-q of the public authorities law, to meet such unmet obligations of self-insured employers.

(e) The cash portion of the aggregate pooled security amount shall be segregated from all other funds held by the chair, and shall be invested by the chair for the sole benefit of the pooled individual self-insured employer fund, and may not be used for any other purpose by the state. The commissioner of tax and finance shall be the custodian of the pooled individual self-insured employer fund.

(f) The chair shall implement the provisions of this subdivision by promulgating rules and regulations but no such rules or regulations
shall be necessary for any provision of this subdivision to be effective.

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

(h) For those employers who self-insured individually as of the effective date of the pooled individual self-insured employer fund but which do not meet the qualifications for participation therein, such individual self-insured employer shall deposit with the chair of such securities as the chair may deem necessary of the kind prescribed in subdivisions one, two, three, four and five, and subparagraph (a) of paragraph three of subdivision seven of section two hundred thirty-five of the banking law, or the deposit of cash, or the filing of irrevocable letters of credit issued by a qualified banking institution as defined by rules promulgated by the chair or the filing of a bond of a surety company authorized to transact business in this state, in an amount to be determined by the chair, or the posting and filing as aforesaid of a combination of such securities, cash, irrevocable letters of credit and surety bond in an amount to be determined by the chair, to secure his liability to pay the compensation provided in this chapter. Any such surety bond must be approved as to form by the chair. If an employer [or group of employers] posts and files a combination of securities, cash, irrevocable letters of credit and surety bond as aforesaid, and if it becomes necessary to use the same to pay the compensation provided in this chapter, the chair shall first use such securities or cash or irrevocable letters of credit and, when the full amount thereof has been
exhausted, he shall then require the surety to pay forthwith to the 
chair all or any part of the penal sum of the bond for that purpose. The 
chair may also require an agreement on the part of the employer [or 
group of employers] to pay any awards commuted under section twenty-sev-
en of this chapter, into the special fund of the state fund, as a condi-
tion of his being allowed to remain [uninsured] self-insured pursuant to 
this section. The chair shall have the authority to deny the application 
of an employer [or group of employers] to pay such compensation for 
himself or to revoke his consent furnished, under this section at any 
time, for good cause shown. [The] An individual employer [or group of 
employers] qualifying under this subdivision shall be known as [a] an 
individual self-insurer.

If for any reason the status of an employer [or group of employers] 
under this subdivision is terminated, the securities or the surety bond, 
or the securities, cash, or irrevocable letters of credit and surety 
bond, on deposit referred to herein shall remain in the custody of the 
chair for such time as the chair may deem proper and warranted under the 
circumstances. In lieu thereof, and at the discretion of the chair, the 
employer, his or her heirs or assigns or others carrying on or liquidat-
ing such business, may execute an assumption of workers' compensation 
liability insurance policy securing such further and future contingent 
liability as may arise from prior injuries to workers and be incurred by 
reason of any change in condition of such workers warranting the board 
making subsequent awards for payment of additional compensation. Such 
policy shall be in a form approved by the superintendent of financial 
services and issued by the state fund or any insurance company licensed 
to issue this class of insurance in this state. In the event that such 
policy is issued by an insurance company other than the state fund, then
said policy shall be deemed of the kind specified in paragraph fifteen of subsection (a) of section one thousand one hundred thirteen of the insurance law and covered by the workers' compensation security fund as created and governed by article six-A of this chapter. It shall only be issued for a single complete premium payment in advance by the employer [or group of employers] and in an amount deemed acceptable by the chair and the superintendent of financial services. In lieu of the applicable premium charge ordinarily required to be imposed by a carrier, said premium shall include a surcharge in an amount to be determined by the chair to: (i) satisfy all assessment liability due and owing to the board and/or the chair under this chapter; and (ii) satisfy all future assessment liability under this section[, and which surcharge shall be adjusted from time to time to reflect any changes to the assessment of group self-insured employers, including any changes enacted by the chapter of the laws of two thousand eleven amending sections fifteen and one hundred fifty-one of this chapter]. Said surcharge shall be payable to the board simultaneous to the execution of the assumption of workers' compensation liability insurance policy. However, the payment of said surcharge does not relieve the carrier from any other liability, including liability owed to the superintendent of financial services pursuant to article six-A of this chapter. When issued such policy shall be non-cancellable without recourse for any cause during the continuance of the liability secured and so covered.

(i) There is established an advisory committee for the pooled employer fund whose membership shall consist of the chair or his or her designee, four representatives of individual self-insurers nominated by the New York state self-insurance association and approved by the chair, and four members to be appointed by the governor as follows: one upon nomi-
nation of the speaker of the assembly, one upon nomination of the presi-
dent of the senate, and two others without limitation. The advisory
committee shall meet no less than annually and shall prepare a report
available to the public for inspection on or before February first, of
each year making recommendations concerning:

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

§ 18. Paragraphs c, f, and g of subdivision 5 of section 50 of the
workers' compensation law, as amended by chapter 139 of the laws of
2008, are amended to read as follows:
c. (1) The chair and the department of audit and control as soon as
practicable after May first, nineteen hundred sixty, and annually there-
after, as soon as practicable after April first in each succeeding year,
shall ascertain the total amount of net expenses, including (a) adminis-
trative expenses, which shall include the direct costs of personal
services, the cost of maintenance and operation, the cost of retirement
contributions made and workers' compensation premiums paid by the State
for or on account of personnel, rentals for space occupied in state
owned or state leased buildings, and (b) all direct or indirect costs
incurred by the board during the preceding fiscal year in carrying out
the provisions of subdivision three and three-a of this section except
those expenses associated with the pooled individual self-insured
employers fund. Such expenses shall be adjusted quarterly to reflect
any change in circumstances, and shall be assessed against all private
self-insured employers, including for this purpose active and terminated
group self-insurers, active individual self-insured employers, and indi-
vidual self-insured employers who have ceased to exercise the privilege
of self-insurance including those individual self-insured employers
participating in the pooled individual self-insured employers fund.

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

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

f. Whenever the chair shall determine that the compensation and bene-
fits provided by this chapter may be unpaid by reason of the default of
an insolvent private self-insured employer, including a private group
self-insurer, except an individual self-insured employer participating
in the pooled individual self-insured employers fund, the chair shall
pay such compensation and benefits from administration expenses as
provided in section one hundred fifty-one of this chapter upon audit and
warrant of the comptroller upon vouchers approved by the chair. Such payments shall be considered expenses of administration. The chair shall be reimbursed therefor from the surety bond, cash or securities held or, if such surety bond, securities or cash is insufficient, by the employer, its receiver, liquidator, rehabilitator or trustee in bankruptcy.

All moneys reimbursed to the chair or recovered by the chair in an action or proceeding to secure such reimbursement shall forthwith be applied as a credit against the expenses on which the assessment levied upon all private self-insured employers, in accordance with paragraphs c and e of this subdivision, is calculated.

Whenever the chair shall determine that the compensation and benefits provided by this chapter may be unpaid by reason of the default of an insolvent private self-insured employer, including a private group self-insurer, except an individual self-insured employer participating in the pooled individual self-insured employers fund, the chair shall levy an assessment against all private self-insured employers, including private group self-insurers, in accordance with paragraphs c and e of this subdivision to assure prompt payment of such compensation and benefits. Whenever compensation and benefits are unpaid by reason of such default, the chair shall promptly pay such compensation and benefits from administration expenses as provided in section one hundred fifty-one of this chapter upon audit and warrant of the comptroller upon vouchers approved by the chair. Nothing in this paragraph shall preclude the chair from recovering the moneys it expends from its administrative expenses against the defaulted individual self-insurer, or the members of the defaulted group self-insurer, as otherwise permitted by this chapter.
§ 19. Section 134 of the workers' compensation law is amended by adding a new subdivision 5 to read as follows:

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

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

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

§ 21. Section 142 of the workers' compensation law, as added by chap-
ter 74 of the laws of 1945, subdivision 2 as amended by chapter 608 of
the laws of 1989, the opening paragraph of subdivision 2 as amended by
section 12 of part GG of chapter 57 of the laws of 2013, section 5 as
amended by chapter 924 of the laws of 1990, subdivision 6 as added by
chapter 635 of the laws of 1996 and subdivision 7 as added by chapter
452 of the laws of 2005, is amended to read as follows:

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

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

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

2. [Any] Except as set forth in subdivision three of this section, any 
review, hearing, rehearing, inquiry or investigation required or author-
ized to be conducted or made by the workers' compensation board may be 
conducted or made by any panel of the board consisting of not less than 
three members thereof, and the order, decision or determination of a 
majority of the members of a panel shall be deemed the order, decision 
or determination of the board from the date of filing thereof with the 
secretary of the board, unless the board on its own motion, or on appli-
cation by a party in interest for a full board review made in accordance 
with section twenty-three of this chapter, shall modify or rescind such 
order, decision or determination. [Four panels shall be constituted at 
all times, and the chair shall assign the members to the panels upon 
which they shall serve.] At least one member on each panel shall be an 
attorney and counsellor-at-law, but the absence of an attorney on any 
panel shall not invalidate the order, decision or determination of a 
majority of the members of the panel if at least two affirmative votes
are cast in favor of such action. The panels shall be constituted so
that the members of the board shall alternate in their periods of
service together thereon. Whenever a number of proceedings remains pend-
ing before the board for a period in excess of thirty days, members of
the board shall hold hearings and otherwise act in the discharge of
their duties evenings and at other convenient times on all days of the
week except Sundays, in addition to the times when they would perform
such duties in the ordinary conduct of the business of the board, in
order to expedite the disposal thereof. The chair may and shall, when
directed by the governor, prescribe the hours and the times for such
additional performance of duty by the members of the board and the peri-
od or periods for the continuance thereof.

3. The chair of the board, or chair's designee, may designate any
board employee who is licensed to practice law in the state of New York
or a single board member to conduct an appellate rehearing or review of
any order, decision or determination which resolves any issues, other
than the determination of compensability in a controverted claim and
reverse, modify or affirm such order, decision or determination. In the
absence of a designation, and in the case of the determinations
mentioned above, the rehearing or review shall be conducted by a three-
member panel of board members. Discretion as to designations is solely
with the chair or the chair's designee, and shall not be based upon the
request of any party, nor shall any designation be subject to review
under section twenty-three of this chapter. The order, decision, or
determination issued by any such designated board employee or board
member on such a claim shall be deemed the order, decision, or determi-
nation of the board from the date of the filing thereof in the office of
the secretary of the board unless the board, on its own motion or on
application duly made to it, modify or rescind such decision. The chair
may promulgate rules, or the board may promulgate a subject number,
regarding rehearing and review designations under this subdivision.
Notwithstanding any provision in this section to the contrary, a
member of the board may be designated by the chair to act individually
in the hearing and determination of any claim under this chapter, or
conduct any investigation, hearing or inquiry hereunder, or review and
rescind any order, decision or determination upon any claim and restore
such claim for further trial hearing and evidence or consideration
except that such member may not conduct any appellate rehearing of any
case or otherwise review any order, decision or determination upon any
claim and reverse, modify or affirm such order, decision or determin-
ation which by the provisions of this section shall be reheard or
reviewed by the board or a panel thereof.
[3.] 4. The members of the (workmen's) workers' compensation board, a
referee or any other officer or employee of the board if duly authorized
by the chairman, may administer oaths and take affidavits in matters
relating to the provisions of this chapter.
The members of the (workmen's) workers' compensation board, the refer-
ees and any other officer of the board designated by the chairman, shall
have power:
a. To issue subpoenas for and compel the attendance of witnesses and
the production of books, contracts, papers, documents and other
evidence;
b. To hear testimony and take or cause to be taken depositions of
witnesses residing within or without this state in the manner prescribed
by law for like depositions in civil actions in the supreme court.
Subpoenas and commissions to take testimony shall be issued under the
seal of the board.

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

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

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

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

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

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

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

(ii) Effective immediately, the chair of the workers' compensation
board shall authorize the board to expend up to fifty million dollars
for: (A) transfer into the training and educational program on occupa-
tional safety and health fund created pursuant to chapter eight hundred
eighty-six of the laws of nineteen hundred eighty-five and section nine-
ty-seven-c of the state finance law; (B) the department of labor occupa-
tional safety and health program; (C) transfer into the uninsured
employers' fund pursuant to subdivision two of section twenty-six-a of
this chapter in connection with payment of claims made pursuant to arti-
cle eight-A of this chapter; (D) a reduction in liabilities of the
special disability fund pursuant to subdivision eight of section fifteen
of this chapter and/or the fund for reopened cases pursuant to section
twenty-five-a of this chapter; and/or (E) transfer to or payment on
behalf of the superintendent of financial services for costs associated
with the implementation of the paid family leave act of article nine of
this chapter.

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

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

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

(vi) As soon as practicable on or after April first, two thousand
nineteen, the chair of the workers' compensation board shall transfer
thirty-five million dollars to the state insurance fund, for partial
payment and partial satisfaction of the state's obligations to the state
insurance fund under workers' compensation law section eighty-eight-c
for two thousand nineteen.
Any and all funds remaining after accounting for the transfers and expenditures set forth above may, at the discretion of the director of the budget, either remain with the workers' compensation board or be transferred to the general fund for the purpose of reducing budget gaps. Annually, the workers' compensation board will provide to the director of the budget, the chair of the senate finance committee, and the chair of the assembly ways and means committee, an accounting of such funds and all associated income received. Such accounting will continue until March thirty-first, two thousand twenty.

§ 23. Section 167 of the workers' compensation law, as added by chapter 446 of the laws of 2006, is amended to read as follows:

§ 167. Claims of volunteers. For persons who participated in World Trade Center rescue, recovery and clean-up operations as volunteers, the uninsured employers' fund shall be deemed to be the employer [only] for the purposes of administering and paying claims pursuant to this article. Benefits under this chapter shall be payable to such volunteers [only] in the first instance and to the extent that funds are available out of funds appropriated to the United States Department of Labor under Public Law 109-148 to reimburse the uninsured employer's fund for the payment of such benefits and thereafter from the uninsured employers' fund. The uninsured employers' fund shall not pay for volunteers' medical treatment unless such medical expenses have been denied by the World Trade Center Health Organization.

§ 24. Subdivision 2 of section 354 of the workers' compensation law, as added by chapter 635 of the laws of 1996, is amended to read as follows:

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

§ 25. Paragraphs 1 and 2 and subparagraph (a) of paragraph 5 of subdi-
vision 3-a of section 50 of the workers' compensation law, paragraph 1
and subparagraph (a) of paragraph 5 as amended by chapter 139 of the
laws of 2008 and paragraph 2 as amended by section 4 of part G of chap-
ter 57 of the laws of 2011, are amended to read as follows:

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

(2) (a) Any group consisting exclusively of such employers may adopt a
plan for self-insurance, as a group, for the payment of compensation
under this chapter to their employees, except that no new groups may
adopt such a plan, and no group not composed solely of public entities
set forth in [paragraph a of] subdivision [four] three-f of this section
may insure any liabilities for any employers on and after January first,
two thousand twelve, except as provided for in paragraph ten of this
subdivision. Under such plan the group shall assume the liability of all
the employers within the group and pay all compensation for which the
said employers are liable under this chapter[, except that in the case
of municipal corporations as herein defined no proof of financial abili-
ty or deposit of securities or cash need be made in compliance with this
subdivision]. The group qualifying under this subdivision shall be known
as a group self-insurer and the employers participating therein and
covered thereby shall be known as members.

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

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

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

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

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

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

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

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

§ 26. Section 50 of the workers' compensation law is amended by adding a new subdivision 3-f to read as follows:

3-f. (1) Any group consisting exclusively of municipal corporations, public corporations as that term is defined in section sixty-six of the general construction law, county self-insurance plans established under article five of this chapter, boards of cooperative educational services and consortia established by boards of cooperative educational services may adopt a plan for self-insurance, as a group, for the payment of compensation under this chapter to their employees. Such group shall be
known as a "public group self-insurer". All other groups established under this section fifty are "private group self-insurers". A county of self-insurance plan established under article five of this chapter is not itself a public group self-insurer, and is not itself subject to the requirements of this section, but may join a public group self-insurer and, if it does so, shall assume all of the obligations of its participants to the public group self-insurer. No entity which is not a municipal corporation as defined in section two of the general municipal law, other than a county self-insurance plan established under article five of this chapter and a consortium established by a board of cooperative educational services, may join a public group self-insurer unless it may levy taxes or its obligations are guaranteed by another member which is such a municipal corporation. A public group self-insurer shall comply with all of the requirements of subdivision three-a of this section; provided however that no proof of financial ability to pay the compensation provided for by this chapter shall be required and, in lieu thereof, the joint and several liability of the public group self-insurer's participants shall serve as the security required under paragraph two of subdivision three-a of this section. The chair shall implement the provisions of this subdivision by promulgating rules and regulations but no such rules and regulations shall be necessary for any provisions of this subdivision to be effective.

(2) A public group self-insurer as defined herein may offer, as part of the policy or by endorsement, deductibles optional to the policyholder for benefits payable under the policy, subject to approval by the chairman and subject to underwriting by the public group self-insurer, consistent with the following standards or factors:
(a) claimants' rights are properly protected and claimants' benefits are paid without regard to any such deductible;

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

(c) premium reductions for deductibles are determined before application of any experience modification, premium surcharge, or premium discount;

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

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

(f) the public group self-insurer pays all of the deductible amount, applicable to a compensable claim, to the person or provider entitled to benefits and then seeks reimbursement from the member for the applicable deductible amount; and

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

(3) If, in the determination of the chair, a public group self-insurer becomes insolvent or otherwise defaults on its obligations, the insolvent group will require each member and each former member to pay a supplemental assessment in an amount sufficient to make the public group self-insurer solvent based upon a formula to be established by the chair in regulations which considers the members' annual contributions and loss experience. If an assessment is not sufficient to cure the insolvency or default, (i) each member and any former member will be jointly and severally liable for the remaining deficit; and (ii) whenever the
chair shall determine that the compensation and benefits provided by
this chapter may be unpaid by reason of the default of a public group
self-insurer, the chair shall pay such compensation and benefits from
administration expenses as provided in section one hundred fifty-one of
this chapter upon audit and warrant of the comptroller upon vouchers
approved by the chair. Such payments shall be considered expenses of
administration. The chair shall be reimbursed therefor from any member
of the public group self-insurer, first pursuant to the supplemental
assessment formula referenced herein, but in any event where necessary,
on a joint and several basis.

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

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

(a) "Ancillary bond facility" means any interest rate exchange or
similar agreement or any bond insurance policy, letter of credit or
other credit enhancement facility, liquidity facility, guaranteed
investment or reinvestment agreement, or other similar agreement,
arrangement or contract.

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

(c) "Bonds" means any bonds, notes, certificates of participation and
other evidence of indebtedness issued by the authority pursuant to
subdivision five of this section.
(d) "Bond owners or owners of bonds" means any registered owners of bonds.

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

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

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

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

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

(j) "Financing agreement" means [any agreement authorized pursuant to subdivision four of this section between the chair and the commissioner of taxation and finance, and the authority] each or any special disability fund financing agreement or fund for reopened cases financing agreement, as applicable.

(k) "Financing costs" means all costs of issuance, capitalized interest, capitalized operating expenses of the authority and, pursuant to the financing agreement, the initial capitalized operating expenses of the waiver agreement management office and debt service reserves, fees, cost of any ancillary bond facility, and any other fees, discounts, expenses and costs related to issuing, securing and marketing the bonds including, without limitation, any net original issue discount.
(l) "Fund for reopened cases financing agreement" means an agreement authorized and created pursuant to subdivision four of this section and to subdivision four of section twenty-five-a of the workers' compensation law, as such agreement may be amended.

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

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

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

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

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

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

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

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

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

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

(w) "Workers' compensation liability insurance policy" or "assumption
of workers' compensation liability insurance policy" means any policy
executed by the chair pursuant to subdivision (i) of section thirty-two
or subdivision three of section twenty-five-a of the workers' compen-
sation law providing for the assumption of all or part of such further
and future contingent workers' compensation liability as may arise from
prior injuries to workers. Such policy shall be in a form approved by
the superintendent of financial services and issued by the state insur-
ance fund or any insurance company licensed to issue this class of
insurance in this state. In the event that such policy is issued by an
insurance company other than the state insurance fund, then such policy
shall be deemed of the kind specified in paragraph fifteen of subsection
(a) of section one thousand one hundred thirteen of the insurance law
and covered by the workers' compensation security fund as created and
governed by article six-A of the workers' compensation law. Such a poli-
1 cy shall only be issued for a single complete premium payment that is
2 payable in advance and in an amount deemed acceptable by the chair and
3 the superintendent of financial services. When issued such policy shall
4 be noncancellable without recourse for any cause during the continuance
5 of the liability secured and so covered.
6
7 2. The authority is hereby authorized to issue bonds to finance the
8 special disability fund established by paragraph (h) of subdivision
9 eight of section fifteen of the workers' compensation law and to enter
10 into one or more special disability fund financing agreements described
11 in such subdivision and authorized to issue bonds to finance the fund
12 for reopened cases established by subdivision three of section twenty-
13 five-a of the workers' compensation law and to enter into one or more
14 fund for reopened cases financing agreements described in subdivision
15 four of such section. All of the provisions of the authority relating
16 to bonds and notes which are not inconsistent with the provisions of
17 this section shall apply to obligations authorized by this section,
18 including but not limited to the power to establish adequate reserves
19 therefor and to issue renewal notes or refunding bonds thereof. [The
20 provisions of this section shall apply solely to obligations authorized
21 by this section and shall not include liabilities, assets or revenues
22 other than liabilities, assets or revenues derived from the authority
23 solely from the special disability fund.]
24
25 3. It is found and declared that the special disability fund and the
26 fund for reopened cases no longer [serves] serve the purposes for which
27 [it was] they were created, [adds] add to the time and expense of
28 proceedings before the workers' compensation board and to employers'
29 costs for workers' compensation insurance; that the creation and opera-
30 tion of a waiver agreement management office of the workers' compen-
sation board, to manage, maintain and negotiate waiver agreements on behalf of the special disability fund and fund for reopened cases can reduce the special disability fund's and fund for reopened cases unfunded liability; that the reduction of such liability and the closing of the fund to new claims will over the long term reduce assessments paid to the [fund] funds by insurance carriers, self-insurers and the state insurance fund, as well as the employers to whom these costs are passed on; that in the absence of this section the annual cost of [such] assessments to employers is expected to rise; that the settlement of claims and other actions undertaken by the waiver agreement management office will lower the administrative costs of insurance carriers, self-insurers and the state insurance fund; [that revenue obligations issued by the authority and secured by a special assessment annually levied, imposed and collected on and from insurance carriers, self-insurers and the state insurance fund for the governmental purpose of funding waiver agreements] that unfunded special disability fund liabilities and unfunded claims payable from the fund for reopened cases will, absent provision for long-term financing, result in imposition of costs on employers through assessments; that such unfunded liabilities, claims and assessments may have detrimental impact on businesses and not-for-profit corporations in New York state and on the provision of services to New York residents; that without financing the board may be required to impose higher assessments to pay such unfunded liabilities and claims; that financing will allow the workers' compensation board to fund waiver agreements and contract awards and to purchase one or more assumption of workers' compensation liability insurance policies that will limit the long term losses from these unfunded liabilities and claims; that bonds issued by the authority and secured by assessments
levied, for the governmental purpose of funding waiver agreements with
respect to the special disability fund and funding contract awards,
amount of workers' compensation liability insurance policies and
anticipated liabilities with respect to the special disability fund and
the fund for reopened cases amortized over a substantial period would
allow the state to settle and otherwise manage [claims] special disabil-
ity fund and fund for reopened cases and to reduce special disability
fund and fund for reopened cases as a means for reducing the fund's
liabilities and the assessments needed to pay them, thereby furthering
the policy of the state to reduce the costs of workers' compensation and
to improve the business climate in the state while compensating injured
workers and honoring the obligations of the special disability fund and
fund for reopened cases; that all costs of the authority in relation to
this section shall be paid from assessments set forth in paragraph (h)
of subdivision eight of section fifteen and in section one hundred
fifty-one of the workers' compensation law; and that, therefore, the
provisions of this section are for the public benefit and good and the
authorization as provided in this section of the issuance of revenue
obligations of the authority is declared to be for a public purpose and
the exercise of an essential governmental function.

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

(b) The net proceeds of the bonds shall be deposited in accordance with the applicable financing agreement and this section. [The] Each special disability fund financing agreement shall provide for the application of the net bond proceeds, and such bond proceeds shall be used, for any of the following corporate purposes: (i) funding of waiver agreements, (ii) payment of financing costs, (iii) funding anticipated liabilities of the special disability fund, (iv) funding contract awards pursuant to [subparagraph two of] paragraph [(h) (i) of section thirty-two of the workers' compensation law [and (v)], (v) funding the purchase of one or more assumption of workers' compensation liability insurance policies to discharge the liabilities incurred under subpara- graph one of paragraph (h) of subdivision eight of section fifteen of the workers' compensation law and (vi) such other purposes as are set forth in the financing agreement. Each fund for reopened cases financing agreement shall provide for the application of the net bond proceeds, and such bond proceeds shall be used, for any of the following corporate purposes: (i) payment of financing costs, (ii) funding anticipated liabilities of the fund for reopened cases, (iii) funding contract awards pursuant to subdivision three of section twenty-five-a of the workers' compensation law, (iv) funding the purchase of one or more assumption of workers' compensation liability insurance policies to discharge the liabilities incurred or to be incurred under subdivision three of section twenty-five-a of the workers' compensation law and (v)
such other purposes as are set forth in the financing agreement. Not inconsistent with this section, the authority may provide restrictions on the use and investment of net proceeds of the bonds and other amounts in [the] any financing agreement or otherwise in a tax regulatory agreement as necessary or desirable to assure that they are exempt from taxation.

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

(a) (i) The authority shall have power and is hereby authorized to issue its bonds at such times and in an aggregate principal amount not to exceed an amount to be determined by the superintendent of financial services as necessary to address all or a portion of the incurred unfunded liabilities of the special disability fund, but in no case exceeding twenty-five percent of the unfunded liability of the special disability fund as of a date no later than July first, two thousand seven, as certified to the authority by a qualified third party. The bonds shall be issued for the [following] corporate purposes[:(A) funding of waiver agreements, (B) payment of financing costs, (C) funding anticipated liabilities of the special disability fund, (D) funding contract awards pursuant to paragraph two of subdivision (h) of section thirty-two of the workers' compensation law and (E) such other purposes as are set forth in the financing agreement] identified in subdivision four-b of this section and in the applicable financial agreement. The foregoing limitation on outstanding aggregate principal shall not apply to prevent the issuance of bonds to refund bonds.
(ii) Each issuance of bonds shall be authorized by a resolution of the authority, provided, however, that any such resolution authorizing the issuance of bonds may delegate to an officer of the authority the power to issue such bonds from time to time and to fix the details of any such issues of bonds by an appropriate certificate of such authorized officer. Every issue of the bonds of the authority [for the special disability fund] pursuant to this section shall be special revenue obligations payable from and secured by a pledge of revenues and other assets, including those proceeds of such bonds deposited in a reserve fund for the benefit of bondholders, earnings on funds of the authority and such other funds and assets as may become available, upon such terms and conditions as specified by the authority in the resolution under which the bonds are issued or in a related trust indenture.

(iii) The authority shall have the power and is hereby authorized from time to time to issue bonds, [in] after consultation with the director of budget and special disability fund advisory committee to refund any bonds issued under this section by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any of its other corporate purposes under this section. The refunding bonds may be exchanged for the bonds to be refunded or sold and the proceeds applied to the purchase, redemption or payment of such bonds.

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

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

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

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

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

(a) The state, solely with respect to the resources of the special
disability fund and of the fund for reopened cases, as applicable and as
set forth in [the special disability fund] each applicable financing
agreement, covenants with the purchasers and all subsequent owners and
transferees of bonds issued by the authority pursuant to this section in
consideration of the acceptance of the payment of the bonds, until the
bonds, together with the interest thereon, with interest on any unpaid
installment of interest and all costs and expenses in connection with
any action or proceeding on behalf of the owners, are fully met and
discharged or unless expressly permitted or otherwise authorized by the
terms of each [special disability fund] applicable financing agreement and any contract made or entered into by the authority with or for the benefit of such owners, (i) that in the event bonds of the authority are sold as federally tax-exempt bonds, the state shall not take any action or fail to take action that would result in the loss of such federal tax exemption on said bonds, (ii) that the state will cause the workers' compensation board to impose, charge, raise, levy, collect and apply the pledged assessments and other revenues, receipts, funds or moneys pledged for the payment of debt service requirements in each year in which bonds are outstanding, and (iii) further, that the state (A) will not materially limit or alter the duties imposed on the workers' compensation board, the authority and other officers of the state by [the special disability fund] each applicable financing agreement and the bond proceedings authorizing the issuance of bonds with respect to application of pledged assessments or other revenues, receipts, funds or moneys pledged for the payment of debt service requirements, (B) will not issue any bonds, notes or other evidences of indebtedness, other than the bonds authorized by this section, having any rights arising out of paragraph (h) of subdivision eight of section fifteen of the workers' compensation law, subdivision three of section twenty-five-a of the workers' compensation law, section one hundred fifty-one of the workers' compensation law or this section or secured by any pledge of or other lien or charge on the pledged revenues or other receipts, funds or moneys pledged for the payment of debt service requirements; except for bonds authorized under section fifty-c of the workers' compensation law, (C) will not create or cause to be created any lien or charge on the pledged revenues, other than a lien or pledge created thereon pursuant to said sections, (D) will carry out and perform, or cause to be carried
out and performed, each and every promise, covenant, agreement or contract made or entered into by [the special disability fund] each applicable financing agreement, by the authority or on its behalf with the bond owners of any bonds, (E) will not in any way impair the rights, exemptions or remedies of the bond owners, and (F) will not limit, modify, rescind, repeal or otherwise alter the rights or obligations of the appropriate officers of the state to impose, maintain, charge or collect the assessments and other revenues or receipts constituting the pledged revenues as may be necessary to produce sufficient revenues to fulfill the terms of the proceedings authorizing the issuance of the bonds, including pledged revenue coverage requirements, provided, however, (i) the remedies available to the authority and the bondholders for any breach of the pledges and agreements of the state set forth in this subclause shall be limited to injunctive relief, (ii) nothing in this subdivision shall prevent the authority from issuing evidences of indebtedness (A) which are secured by a pledge or lien which is, and shall on the face thereof, be expressly subordinate and junior in all respects to every lien and pledge created by or pursuant to said sections, or (B) which are secured by a pledge of or lien on moneys or funds derived on or after the date every pledge or lien thereon created by or pursuant to said sections shall be discharged and satisfied, and (iii) nothing in this subdivision shall preclude the state from exercising its power, through a change in law, to limit, modify, rescind, repeal or otherwise alter the character of the pledged assessments or revenues or to substitute like or different sources of assessments, taxes, fees, charges or other receipts as pledged revenues if and when adequate provision shall be made by law for the protection of the holders of outstanding bonds pursuant to the proceedings under which the
bonds are issued, including changing or altering the method of establishing the special assessments.

The authority is authorized to include this covenant of the state, as a contract of the state, in any agreement with the owner of any bonds issued pursuant to this section and in any credit facility or reimbursement agreement with respect to such bonds. Notwithstanding these pledges and agreements by the state, the attorney general may in his or her discretion enforce any and all provisions related to the special disability fund, without limitation.

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

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

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

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

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

2. The authority is hereby authorized to issue bonds to reduce assess-
ments imposed on self-insured employers under section fifty of the work-
ers' compensation law as a result of the unfunded claims of individual
and group self-insurers. The authority may enter into one or more self-
insured bond financing agreements described in section fifty-c of the
workers' compensation law. All of the provisions of the public authori-
ties law relating to bonds and notes of the dormitory authority which
are not inconsistent with the provisions of this section shall apply to
obligations authorized by this section, including but not limited to the
power to establish adequate reserves therefor and to issue renewal notes
or refunding bonds thereof.

§ 34. Subparagraph (iii) of paragraph (a) of subdivision 5 of section
1680-q of the public authorities law, as added by section 35 of part GG
of chapter 57 of the laws of 2013, is amended to read as follows:
(iii) The authority shall have the power and is hereby authorized from
time to time to issue bonds, [in] after consultation with the chair, the
commissioner of taxation and finance and the director of the budget, to
refund any bonds issued under this section by the issuance of new bonds,
whether the bonds to be refunded have or have not matured, and to issue
bonds partly to refund bonds then outstanding and partly for any of its
other corporate purposes under this section. The refunding bonds may be
exchanged for the bonds to be refunded or sold and the proceeds applied
to the purchase, redemption or payment of such bonds.

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

(g) The authority may enter into, amend or terminate, as it determines
to be necessary or appropriate, any ancillary bond facility [in] after
consultation with the chair and director of the budget (i) to facilitate
the issuance, sale, resale, purchase, repurchase or payment of bonds,
interest rate savings or market diversification or the making or
performance of interest rate exchange or similar agreements, including
without limitation bond insurance, letters of credit and liquidity
facilities, (ii) to attempt to manage or hedge risk or achieve a desira-
ble effective interest rate or cash flow, or (iii) to place the obli-
gations or investments of the authority, as represented by the bonds or
the investment of reserved bond proceeds or other pledged revenues or
other assets, in whole or in part, on the interest rate, cash flow or
other basis decided [in] after consultation with the chair and director
of the budget, which facility may include without limitation contracts
commonly known as interest rate exchange or similar agreements, forward
purchase contracts or guaranteed investment contracts and futures or
contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the authority in connection with, or incidental to, entering into, or maintaining any agreement which secures bonds of the authority or investment, or contract providing for investment of reserves or similar facility guaranteeing an investment rate for a period of years not to exceed the underlying term of the bonds. The determination by the authority that an ancillary bond facility or the amendment or termination thereof is necessary or appropriate as aforesaid shall be conclusive. Any ancillary bond facility may contain such payment, security, default, remedy, and termination provisions and payments and other terms and conditions as determined by the authority, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate.

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

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

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

(B) will not issue any bonds, notes or other evidences of indebtedness, other than the bonds authorized by this section, having any rights arising out of subparagraph two of paragraph c of subdivision five of section fifty of the workers' compensation law, section one hundred fifty-one of the workers' compensation law, or this section or secured by any pledge of or other lien or charge on the revenues pledged for the payment of debt service requirements; except for bonds authorized under subdivision eight of section fifteen of the workers' compen-
sation law, or under subdivision three of section twenty-five-a of the workers' compensation law.

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

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

§ 39. This act shall take effect immediately; provided, however, that sections seventeen and eighteen of this act shall take effect January 1, 2017.

PART H

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

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

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

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

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

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

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

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

19. "Parent" means a biological, foster, or adoptive parent, a
parent-in-law, a stepparent, a legal guardian, or other person who stood
in loco parentis to the employee when the employee was a child.
20. "Family member" means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner as defined in this section.


22. "Health care provider" shall mean a person licensed under article one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred thirty-three, one hundred thirty-six, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-three, one hundred fifty-four, one hundred fifty-six or one hundred fifty-nine of the education law or a person licensed under the public health law.

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

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

25. "Family care" shall mean any leave taken by an employee from work:
   (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or
   (b) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or
   (c) because of any qualifying exigency as interpreted under the Family and Medical Leave Act, 29 U.S.C. § 2612(a)(1)(E) and 29 C.F.R. § 825.126(a)(1)-(8), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the armed forces of the United States.

§ 3. Section 203 of the workers' compensation law, as amended by chapter 436 of the laws of 1986, is amended to read as follows:
§ 203. Employees eligible for benefits under section two hundred four of this article. Employees in employment of a covered employer for four or more consecutive weeks and employees in employment during the work period usual to and available during such four or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for disability and family leave benefits as provided in section two hundred four of this article. Every such employee shall continue to be eligible for family leave benefits only during employment with a covered employer. Every such employee shall continue to be eligible for disability benefits during such employment and for a period of four weeks after such employment terminates regardless of whether the employee performs any work for remuneration or profit in non-covered employment. If during such four week period the employee performs any work for remuneration or profit for another covered employer the employee shall become eligible for disability benefits immediately with respect to that employment. In addition every such employee who has previously completed four or more consecutive weeks in employment with the covered employer and returns to work with the same employer after an agreed and specified unpaid leave of absence or vacation without pay shall become eligible for disability and family leave benefits immediately with respect to such employment. An employee who during a period in which he or she is eligible to receive benefits under subdivision two of section two hundred seven of this article returns to employment with a covered employer and an employee who is currently receiving unemployment insurance benefits or benefits under section two hundred seven of this article and who returns to employment with a covered employer shall become eligible for disability benefits imme-
diately with respect to such employment. An employee regularly in the
employment of a single employer on a work schedule less than the employ-
er's normal work week shall become eligible for disability and family
leave benefits on the twenty-fifth day of such regular employment. An
employee who [becomes disabled while] is eligible for disability and
family leave benefits in the employment of a covered employer shall not
be deemed, for the purposes of this article, to have such employment
terminated during any period he or she is eligible to receive benefits
under section two hundred four of this article with respect to such
employment.

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

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

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

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

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

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

2. (a) The weekly benefit for family leave that occurs (i) on or after
January first, two thousand eighteen shall be thirty-five percent of the
employee's average weekly wage but shall not exceed thirty-five percent
of the state average weekly wage, (ii) on or after January first, two
thousand nineteen shall be forty percent of the employee's average week-
ly wage but shall not exceed forty percent of the state average weekly
wage, (iii) on or after January first, two thousand twenty shall be
forty-five percent of the employee's average weekly wage but shall not exceed forty-five percent of the state average weekly wage, and (iv) on or after January first of each succeeding year, shall be fifty percent of the employee's average weekly wage but shall not exceed fifty percent of the New York state average weekly wage in effect. The weekly benefits for family leave that occurs on or after January first, two thousand eighteen shall not be less than one hundred dollars per week except that if the employee's wages at the time of injury are less than one hundred dollars per week, the employee shall receive his or her full wages.

(b) The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after May first, nineteen hundred eighty-nine shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred seventy dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed one hundred forty-five dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-three and prior to July first, nineteen hundred eighty-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed one hundred thirty-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage.
weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy-four, and prior to July first, nineteen hundred eighty-three, shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed ninety-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy and prior to July first, nineteen hundred seventy-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed seventy-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. For any period of disability less than a full week, the benefits payable shall be calculated by dividing the weekly benefit by the number of the employee's normal work days per week and multiplying the quotient by the number of normal work days in such period of disability. The weekly benefit for a disabled employee who is concurrently eligible for benefits in the employment of more than one covered employer shall, within the maximum and minimum herein provided, be one-half of the total of the employee's average weekly wages received from all such covered employers, and shall be allocated in the proportion of their respective average weekly wage payments.

§ 6. Section 205 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 1 as amended by chapter 651 of the laws of 1958, subdivision 2 as amended by chapter 270 of the laws of 1990, subdivision 5 as amended by chapter 288 of the laws of 1970, and
§ 205. Disabilities, family leave and [disability] periods for which benefits are not payable. 1. No employee shall be entitled to disability benefits under this article:

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

[2.] (b) For any period of disability during which an employee is not under the care of a duly licensed [physician or with respect to disability resulting from a condition of the foot which may lawfully be treated by a duly registered and licensed podiatrist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed chiropractor of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly licensed dentist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed psychologist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly certified nurse midwife, for any period of such disability during which an employee is neither under the care of a physician nor a podiatrist, nor a chiropractor, nor a dentist, nor a psychologist, nor a certified nurse midwife] health care provider; and for any period of disability during which an employee who adheres to the faith or teachings of any church or denomination and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual
means alone in the practice of religion, is not under the care of a practitioner duly accredited by the church or denomination, and provided such employee shall submit to all physical examinations as required by this chapter.

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

(a) For more than twelve weeks during a period of fifty-two consecutive calendar weeks, or when an employee has already received twenty-six weeks of disability benefits, or for any period in which the family leave combined with the disability benefits previously paid exceeds twenty-six weeks during the same fifty-two consecutive calendar weeks;

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

(c) As a condition of an employee's initial receipt of family leave benefits during any twelve-month period in which an employee is eligible for these benefits, an employer may require an employee who has accrued but unused vacation time or personal leave available at the time of use of available family leave to choose whether to charge time to accrued but unused vacation or personal leave, and receive full salary, or to not charge time to accrued but unused vacation or personal leave, and receive the benefit as set forth in section two hundred four of this article. With the election of either option, the employee shall receive the full protection of the reinstatement provision set forth in section two hundred three-b of this article, and shall concurrently use avail-
able family medical leave act and paid family leave credits. In no event can an employee utilize family leave beyond the twelve weeks per any fifty-two week period set forth in this article. This paragraph may not be construed in a manner that relieves an employer of any duty of collective bargaining the employer may have with respect to the subject matter of this paragraph.

3. No employee shall be entitled to disability or family leave benefits under this article:

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

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

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

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

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

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

4. 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.

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

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

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

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

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

2. If an employee who is eligible for disability benefits under section two hundred three or two hundred seven of this article is disabled and has claimed or subsequently claims workers' compensation benefits under this chapter or benefits under the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law, and such claim is controverted on the ground that the employee's disability was not caused by an accident that arose out of and in the course of his
employment or by an occupational disease, or by an injury in line of
duty as a volunteer firefighter or volunteer ambulance worker, the
employee shall be entitled in the first instance to receive benefits
under this article for his or her disability. If benefits have been paid
under this article in respect to a disability alleged to have arisen out
of and in the course of the employment or by reason of an occupational
disease, or in line of duty as a volunteer firefighter or a volunteer
ambulance worker, the employer or carrier or the chairman making such
payment may, at any time before award of workers' compensation benefits,
or volunteer firefighters' benefits or volunteer ambulance workers'
benefits, is made, file with the board a claim for reimbursement out of
the proceeds of such award to the employee for the period for which
disability benefits were paid to the employee under this article, and
shall have a lien against the award for reimbursement, notwithstanding
the provisions of section thirty-three of this chapter or section twenty-
three of the volunteer firefighters' benefit law or section twenty-
three of the volunteer ambulance workers' benefit law provided the
insurance carrier liable for payment of the award receives, before such
award is made, a copy of the claim for reimbursement from the employer,
carrier or [chairman] chair who paid disability benefits, or provided
the board's decision and award directs such reimbursement therefrom.

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

(a) During periods when the employee is receiving workers' compen-
sation lost wage benefits, benefits under the volunteer firefighters'
benefit law or the volunteer ambulance workers' benefit law or under any
state's law;
(b) To an employee who is not employed or is on administrative leave from his or her employment;

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

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

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

5. Only one employee may use family leave for the same family member for the same period of leave.

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

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

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

§ 208. Payment of disability and family leave benefits. 1. Benefits provided under this article shall be paid periodically and promptly and, except as to a contested period of disability or family leave, without any decision by the board, or board designee of the chair. The first payment of benefits shall be due on the fourteenth day of disability and benefits for that period shall be paid directly to the employee within
four business days thereafter or within four business days after the filing of required proof of claim, whichever is the later. Thereafter benefits shall be due and payable bi-weekly in like manner. The chair or chair's designee may determine that benefits may be paid monthly or semi-monthly if wages were so paid, and may authorize deviation from the foregoing requirements to facilitate prompt payment of benefits. Any inquiry which requires the employee's response in order to continue benefits uninterrupted or unmodified shall provide a reasonable time period in which to respond and include a clear and prominent statement of the deadline for responding and consequences of failing to respond.

2. The chair and superintendent of financial services may, whenever such information is deemed necessary, require any carrier to file in form prescribed by the chair a report or reports as to any claim or claims, including (but without limitation) dates of commencement and termination of benefit payments and amount of benefits paid under this article. The chair and superintendent of financial services may also require annually information in respect to the aggregate of benefits paid, the number of claims allowed and disallowed, the average benefits and duration of benefit periods, the amount of payrolls covered and such other information as the chair may deem necessary for the purposes of administering this article. If the carrier is providing benefits in respect to more than one employer, the chair and superintendent of financial services may require that such information be shown separately as to those employers who are providing only benefits that are substantially the same as the benefits required in this article. The chair and superintendent of
financial services may prescribe the format of such report and may
promulgate regulations to effectuate this article.

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

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

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

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

(b) Family leave benefits. On September first, two thousand seventeen
and annually thereafter the superintendent of financial services shall
set the maximum employee contribution, using the reports provided in
section two hundred eight of this article, and consistent with the prin-
ciple that the costs of family leave should be funded one hundred
percent by employee payroll contribution.
4. Notwithstanding any other provision of law, the employer is authorized to collect from his or her employees, except as otherwise provided in any plan or agreement under the provisions of subdivisions four or five of section two hundred eleven of this article, the contribution provided under subdivisions two and three of this section, through payroll deductions. If the employer shall not make deduction for any payroll period he or she may thereafter, but not later than one month after payment of wages, collect such contribution through payroll deduction.

5. In collecting employee contributions through payroll deductions, the employer shall act as the agent of his or her employees and shall use the contributions only to provide disability and family leave benefits as required by this article. In no event may the employee's annual contribution for family leave exceed his or her pro rata share of the actual annual premium charged for the same year and must be determined consistent with the principle that employees should pay the total costs of family leave premium. In no event may the employee's weekly contribution for disability premium exceed one-half of one per centum of the employee's wages paid to him or her, but not in excess of sixty cents per week. After June thirtieth, nineteen hundred fifty, if the employer is not providing, or to the extent that he or she is not then providing, for the payment of disability benefits to his or her employees by insuring with the state fund or with another insurance carrier, he or she shall keep the contributions of his or her employees as trust funds separate and apart from all other funds of the employer. The payment of such contributions by the employer to a carrier providing for the payment of such benefits shall discharge the employer from responsibility with respect to such contributions.
§ 11. Section 210 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

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

2. The special contribution of each covered employer to the accumulation of funds to provide benefits for disabled unemployed shall be as provided in subdivision one of section two hundred fourteen of this article.

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

4. No profit shall be derived by any employer or association of employers or of employees from providing payment of disability and family leave benefits under this article. All funds representing contributions of employers and employees, and increments thereon, held by employers or associations of employers or of employees authorized or permitted to pay benefits under the provisions of this article, and by trustees paying benefits under plans or agreements meeting the requirements of section two hundred eleven of this article, shall be trust funds and shall be expended only to provide for the payment of benefits to employees and for the costs of administering this article and for the support of the fund established under section two hundred fourteen of this article.
§ 12. The opening paragraph and subdivisions 3, 4 and 5 of section 211 of the workers' compensation law, the opening paragraph as added by chapter 600 of the laws of 1949, subdivision 3 as amended by chapter 207 of the laws of 1992, and subdivisions 4 and 5 as amended by chapter 197 of the laws of 1960, are amended, and a new subdivision 7 is added to read as follows:

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

3. by furnishing satisfactory proof to the chair of the employers financial ability to pay such benefits, in which case the chair shall require the deposit of such securities as the chair may deem necessary [of the kind prescribed in subdivisions one, two, three, four and five and paragraph a of subdivision seven of section two hundred thirty-five of the banking law or the deposit of cash or the filing of irrevocable letters of credit issued by a qualified banking institution as defined by rules promulgated by the chair or the filing of the bond of a surety company authorized to do business in this state, conditioned on the payment by the employer of its obligations under this article and in form approved by the chair, or the posting and filing of a combination of such securities, cash, irrevocable letters of credit and surety bonds in an amount to be determined by the chair, to secure his or her liability to pay the compensation provided in this chapter. The amount of deposit or of the penal sum of the bond shall be determined by the chair and shall not be less than one-half the estimated contributions of the employees of the employer for the ensuing year or one-half of the contributions of the employees which would have been paid by the employ-
ees during the preceding year, whichever is the greater, or if such amount is more than fifty thousand dollars an amount not less than fifty thousand dollars. The chair shall have authority to deny an application to provide benefits pursuant to this subdivision or to revoke approval at any time for good cause shown. In the case of an employer who maintains a deposit of securities, irrevocable letters of credit or cash in accordance with subdivision three of section fifty of this chapter, the chair may reduce the amount of the deposit or of the penal sum of the bond, provided the securities, irrevocable letters of credit or cash deposited by or for such employer under subdivision three of section fifty of this chapter are, by agreement satisfactory to the chair, made available for the payment of unpaid benefits under this article with respect to obligations incurred for disabilities commencing prior to the effective date of such revocation] consistent with the provisions of subdivision three of section fifty of this chapter. An association of employers or employees authorized to pay benefits under this article or the trustee or trustees paying benefits under a plan or agreement authorized under subdivisions four and five of this section, may with the approval of the chair furnish such proof and otherwise comply with the provisions of this section to provide disability and family leave benefits to employees under such plan or agreement.

4. by a plan in existence on the effective date of this article. If on the effective date of this article the employees of a covered employer or any class or classes of such employees are entitled to receive disability and family leave benefits under a plan or agreement which remains in effect on July first, nineteen hundred fifty, the employer, subject to the requirements of this section, shall be relieved of responsibility for making provision for benefit payments required under
this article until the earliest date, determined by the chairman for the purposes of this article, upon which the employer shall have the right to discontinue the provisions thereof or to discontinue his contributions towards the cost. Any such plan or agreement may be extended, with or without modification, by agreement or collective bargaining between an employer or employers or association of employers and an association of employees, in which event the period for which the employer is relieved of such responsibility shall include such period of extension. Any other plan or agreement in existence on the effective date of this article which the employer may, by his or her sole act, terminate at any time, or with respect to which he or she is not obligated to continue for any period to make contributions, may be accepted by the chairman as satisfying the obligation to provide for the payment of benefits under this article if such plan or agreement provides benefits at least as favorable as the disability and family leave benefits provided by this article and does not require contributions of any employee or of any class or classes of employees in excess of the statutory amount provided in subdivision three of section two hundred nine of this article, subdivision three, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the chairman. The chairman may require that the employer shall enter into an agreement in writing with the chairman that he will pay the assessments set forth in sections two hundred fourteen and two hundred twenty-eight and that until he shall have filed written notice with the chairman of his election to terminate such plan or agreement or to discontinue making necessary contributions to its cost, he will continue to provide for the payment of the disability and family leave benefits under such plan or agreement.
During any period in which any plan or agreement or extension thereof authorized under this subdivision provides for payment of benefits under this article, the responsibility of the employer and the obligations and benefits of the employees shall be as provided in said plan or agreement rather than as provided under this article, other than the benefits provided in section two hundred seven, and provided the employer or carrier has agreed to pay the assessments described in sections two hundred fourteen and two hundred twenty-eight.

Any such plan or agreement may be extended with or without modification, provided the benefits under such plan or agreement, as extended or modified, shall be found by the chairman to be at least as favorable as the benefits provided by this article.

5. by a new plan or agreement. After the effective date of this article, a new plan or agreement with a carrier may be accepted by the chairman as satisfying the obligation to provide for the payment of benefits under this article if such plan or agreement shall provide benefits at least as favorable as the disability and family leave benefits provided by this article and does not require contributions of any employee or of any class or classes of employees in excess of the statutory amount provided in section two hundred nine, subdivision three, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the chairman. Any such plan or agreement shall continue until written notice filed with the chairman of intention to terminate such plan or agreement, and any modification of such plan or agreement shall be subject to the written approval of the chairman.

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

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

§ 13. Subdivisions 1, 4 and 5 of section 212 of the workers' compen-
sation law, subdivision 1 as amended by chapter 740 of the laws of 1960,
subdivision 4 as amended by chapter 205 of the laws of 1993, and subdi-
vision 5 as added by chapter 593 of the laws of 1992, are amended to
read as follows:

1. Any employer not required by this article to provide for the
payment of disability or family leave 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] chair, 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] chair. On approval by the [chair-
man] chair 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 discon-
tinued by such employer on ninety days notice to the [chairman] chair in
writing and to his or her employees, after he or she [chairman] 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 chair may approve.

4. An executive officer of a corporation who at all times during the
period involved owns all of the issued and outstanding stock of the
corporation and holds all of the offices pursuant to paragraph (e) of
section seven hundred fifteen of the business corporation law or two
executive officers of a corporation who at all times during the period
involved between them own all of the issued and outstanding stock of
such corporation and hold all such offices provided, however, that each
officer must own at least one share of stock and who is the executive
officer or who are the executive officers of a corporation having other
persons who are employees required to be covered under this article,
shall be deemed to be included in the corporation's disability and fami-
ly leave benefits insurance contract or covered by a certificate of
self-insurance or a plan under section two hundred eleven of this arti-
cle, unless the officer or officers elect to be excluded from the cover-
age of this article. Such election shall be made by any such corporation
filing with the insurance carrier, or the chair of the workers' compens-
ation board in the case of self-insurance, upon a form prescribed by
the [chairman] chair, a notice that the corporation elects to exclude
the executive officer or officers of such corporation named in the
notice from the coverage of this article. Such election shall be effec-
tive with respect to all policies issued to such corporation by such
insurance carrier as long as it shall continuously insure the corpo-
ration. Such election shall be final and binding upon the executive
officer or officers named in the notice until revoked by the corpo-
ration.

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

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

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

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

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

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

2. An employee claiming disability benefits shall, as requested by the
employer or carrier, submit himself or herself at intervals, but not
more than once a week, for examination by [a physician or podiatrist or
chiropractor or dentist or psychologist or certified nurse midwife] an
accredited health care provider designated by the employer or carrier.
All such examinations shall be without cost to the employee and shall be
held at a reasonable time and place.

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

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

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

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

§ 16. Section 219 of the workers' compensation law, as amended by
chapter 688 of the laws of 1953, is amended to read as follows:
$ 219. Enforcement of payment in default. In case of a default in the payment of any benefits, assessments or penalties payable under this article by an employer who has failed to comply with the provisions of section two hundred eleven of this [chapter] article or refusal of such employer to reimburse the fund under section two hundred fourteen of this article for the expenditures made therefrom pursuant to section two hundred thirteen of this article or to deposit within ten days after demand the estimated value of benefits not presently payable, the [chairman] chair may file with the county clerk for the county in which the employer has his principal place of business (1) a certified copy of the decision of the board, or alternative dispute resolution association designated by the chair pursuant to section two hundred twenty-one of this article, or order of the [chairman] chair, or (2) a certified copy of the demand for deposit of security, and thereupon judgment must be entered in the supreme court by the clerk of such county in conformity therewith immediately upon such filing.

§ 17. Section 220 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 1 as amended by chapter 387 of the laws of 1984, subdivision 2 as amended by chapter 626 of the laws of 1979, subdivision 3 as amended by chapter 415 of the laws of 1983, subdivision 4 as amended by chapter 645 of the laws of 1981, subdivision 5 as amended by chapter 940 of the laws of 1973, subdivision 7 as amended by chapter 61 of the laws of 1989 and subdivision 8 as amended by chapter 213 of the laws of 1993, is amended to read as follows:

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

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

3. If for the purpose of obtaining any benefit or payment under the
provisions of this article, or for the purpose of influencing any deter-
mination regarding any benefit payment, either for himself or herself or
any other person, any person, employee, employer or carrier wilfully
makes a false statement or representation or fails to disclose a materi-
al fact, he or she shall be guilty of a misdemeanor.
4. Whenever a carrier shall fail to make prompt payment of disability or family leave benefits payable under this article and after hearing before an officer designated by the chairman a determination by the chair's designee for that purpose, the [chairman] chair or designee shall determine that failure to make such prompt payment was without just cause, the [chairman] chair or designee shall collect from the carrier a sum not in excess of twenty-five per centum of the amount of the benefits as to which the carrier failed to make payment, which sum shall be credited to the special fund for disability benefits. In addition, the [chairman] chair or designee may collect and pay over to the employee the sum of ten dollars in respect to each week, or fraction thereof, for which benefits have not been promptly paid.

5. In addition to other penalties herein provided, the [chairman] chair or designee shall remove from the list of [physicians] health care providers authorized to render medical care under the provisions [of articles one to eight, inclusive,] of this chapter [and from the list of podiatrists authorized to render podiatric care under section thirteen-k of this chapter, and from the list of chiropractors authorized to render chiropractic care under section thirteen-l of this chapter the name of any physician or podiatrist or chiropractor] whom [he] the chair or designee shall find, after reasonable investigation, has submitted to the employer or carrier or [chairman] chair in connection with any claim for disability benefits under this article, a statement of disability that is not truthful and complete.

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

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

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

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

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

§ 221. Determination of contested claims for disability and family
leave benefits. [Within twenty-six weeks] In accordance with regu-
lations adopted by the chair, within sixty days of written notice of
rejection of claim, the employee may file with the [chairman] chair a
notice that his or her claim for disability or family leave benefits has
not been paid, and the employee shall submit proof of disability or
entitlement to family leave and of his or her employment, wages and
other facts reasonably necessary for determination of the employee's
right to such benefits. Failure to file such notice within the time
provided, may be excused [by the chairman] if it can be shown [to the
satisfaction of the chairman] not to have been reasonably possible to
furnish such notice and that such notice was furnished as soon as possi-
ble. On demand [of the chairman] the employer or carrier shall forth-
with deliver to the [chairman] board the original or a true copy of the
[attending physician's or attending podiatrist's or accredited practi-
tioner's statement] health care provider's report, wage and employment
data and all other papers in the possession of the employer or carrier
with respect to such claim.
The [board] chair or designee shall have full power and authority to determine all issues in relation to every such claim for disability or family leave benefits required or provided under this article[, and shall file its decision in the office of the chairman. Upon such filing, the chairman shall send to the parties a copy of the decision. Either party may present evidence and be represented by counsel at any hearing on such claim. The decision of the board shall be final as to all questions of fact and, except as provided in section twenty-three of this chapter, as to all questions of law]. Every decision [of the board] shall be complied with in accordance with its terms within ten days thereafter except [in case of appeal] as permitted by law upon the filing of a request for review, and any payments due under such decision shall draw simple interest from thirty days after the making thereof at the rate provided in section five thousand four of the civil practice law and rules. The chair shall adopt rules and regulations to carry out the provisions of this article including but not limited to resolution of contested claims and requests for review thereof, and payment of costs for resolution of disputed claims by carriers. The chair shall have authority to provide for alternative dispute resolution procedures for claims arising under this article including but not limited to referral and submission of disputed claims to mandatory arbitration with private arbitration associations, and any determination made by alternative dispute resolution shall not be reviewable by the board and the venue for any appeal shall be to a court of competent jurisdiction.

§ 19. Section 222 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

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

§ 20. Sections 223 and 224 of the workers' compensation law are REPEALED.

§ 21. Section 225 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

§ 225. Fees for representing employees. Claims of attorneys and counsellors-at-law for services in connection with any contested claim arising under this article shall not be enforceable unless approved by the board. If so approved, such fee or fees shall become a lien upon the benefits ordered, but shall be paid therefrom only in the manner fixed by the board or the alternative dispute resolution association. Any other person, firm, corporation, organization, or other association who shall exact or receive any fee or gratuity for any services rendered on behalf of an employee except in an amount so determined [by the board] shall be guilty of a misdemeanor. Any person, firm, corporation, organization, or association who shall solicit the business [of appearing before the board on behalf] of an employee claiming benefits under this article, or who shall make it a business to solicit employment for a lawyer in connection with any claim for disability or family leave benefits under this article, or who shall exact or receive any fee or gratuity or other charge with respect to the collection of any uncontested claim for disability or family leave benefits, shall be guilty of a misdemeanor.
§ 22. Subdivision 5 of section 226 of the workers' compensation law, as amended by chapter 211 of the laws of 1983, is amended and three new subdivisions 7, 8 and 9 are added to read as follows:

5. No contract of insurance issued by an insurance carrier providing the benefits to be paid under this article shall be cancelled within the time limited in such contract for its expiration unless notice is given as required by this section. When cancellation is due to non-payment of premiums such cancellation shall not be effective until at least ten days after a notice of cancellation of such contract, on a date specified in such notice, shall be filed in the office of the [chairman] chair and also served on the employer. When cancellation is due to any reason other than non-payment of premiums such cancellation shall not be effective until at least thirty days after a notice of cancellation of such contract, on a date specified in such notice, shall be filed in the office of the [chairman] chair and also served on the employer; provided, however, in either case that if insurance with another insurance carrier has been obtained which becomes effective prior to the expiration of the time stated in such notice, the cancellation shall be effective as of the date of such other coverage. Such notice shall be served on the employer [by] as prescribed by the chair, including delivering it to him [or by sending it by certified or registered mail, return receipt requested, addressed to the employer at his or its last known place of business] or her by electronic means; provided that, if the employer be a partnership, then such notice may be given to any one of the partners, and if the employer be a corporation then the notice may be given to any agent or officer of the corporation upon whom legal process may be served, provided, however, the right to cancellation of a policy of insurance in the state fund shall be exercised only for
nonpayment of premiums or as provided in section ninety-four of this chapter.

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

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

9. Every policy of insurance issued pursuant to this article must offer coverage for both disability and family leave benefits.

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

Actionable injuries in claims for disability benefits; subrogation.

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

1. The estimated annual expenses necessary for the workers' compensation board or department of financial services to administer the provisions of the disability and family leave benefits law shall be borne by all affected employers and included as part of the assessment rate generated pursuant to subdivision two of section one hundred fifty-one of this chapter.

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

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

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

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

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

§ 27. Section 237 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

§ 237. Reimbursement for advance payments by employers. If an employer has made advance payments of benefits or has made payments to an employee in like manner as wages during any period of disability or family leave for which such employee is entitled to the benefits provided by this article, he or she shall be entitled to be reimbursed by the carrier out of any benefits due or to become due for the existing disability or family leave, if the claim for reimbursement is filed with the carrier prior to payment of the benefits by the carrier.

§ 28. Section 238 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:
§ 238. Payments to minors. Minors shall be deemed to be sui juris for
the purpose of [receiving] payment of benefits under this article.

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

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

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

Discrimination against employees [who bring proceedings]. It shall be
unlawful for any employer or his or her duly authorized agent to
discharge or in any other manner discriminate against an employee as to
his or her employment because such employee has claimed or attempted to
claim compensation from such employer, or claimed or attempted to claim
any benefits provided under this chapter or because he or she has testi-
fied or is about to testify in a proceeding under this chapter and no
other valid reason is shown to exist for such action by the employer.

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

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

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

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

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

(b) Examine and copy business records.

(c) Administer oaths and affirmations.

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

§ 32-a. Section 318 of the workers' compensation law, as added by chapter 788 of the laws of 1951, is amended to read as follows:

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

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

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

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

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

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

(n)(1) On or before June first, two thousand seventeen, the super-
intendent of financial services by regulation, in consultation with the
chair of the workers' compensation board of this state, shall determine
whether a group accident and health insurance policy, including policies
issued by the state insurance fund, providing disability and family
leave benefits pursuant to article nine of the workers' compensation
law, requires the policy to be experience rated or community rated,
which may include subjecting the policy to a risk adjustment mechanism.

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

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

§ 35. Subdivision (c) of section 1108 of the insurance law, as amended
by chapter 838 of the laws of 1985, is amended to read as follows:
(c) The state insurance fund of this state, except as to the
provisions of subsection (d) of section two thousand three hundred thir-
ty-nine, section three thousand one hundred ten, subsection (a), para-
graph one of subsection (b), paragraph three of subsection (c) and
subsection (d) of section three thousand two hundred one, sections three
thousand two hundred two, three thousand two hundred four, subsections
(a) through (d) of section three thousand two hundred twenty-one,
subsections (b) and (c) of section four thousand two hundred twenty-
four, section four thousand two hundred twenty-six and subsections (a)
and (b) [and] (g) through (j), (n) of section four thousand two
hundred thirty-five of this chapter and except as otherwise specifically
provided by the laws of this state.

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

PART I

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

§ 1678-a. New York state design and construction corporation act. 1. Purposes of act. The purposes of the New York state design and construction corporation act are to: (a) establish the New York state design and construction corporation in order to provide additional project management expertise and oversight on significant public works projects undertaken by state agencies, departments, public authorities and public benefit corporations; (b) set forth the responsibility and obligation of all state agencies, departments, public authorities and public benefit corporations to cooperate with the corporation and accomplish the purposes of this section; (c) make provisions for contractual requirements concerning the incorporation of this section for public works projects having a total or aggregate construction value in excess of fifty million dollars and for any and all contracts relating to such projects which are advertised for bid or proposal or otherwise procured and/or entered into on or after January first, two thousand sixteen; and (d) provide a means to implement improvements and other project changes on all proposed public works projects in excess of fifty million dollars in total or aggregate value, in a more timely fashion, so that such projects can be accomplished, to the extent practicable, on time, within budget and at an acceptable overall quality and cost to the state of New York.
2. New York state design and construction corporation. (a) There is hereby established the New York state design and construction corporation as a subsidiary corporation of the dormitory authority.

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

(c) Such corporation shall be a body corporate and politic constituting a public benefit corporation, and shall have all of the privileges, immunities, tax exemptions and other exemptions of the dormitory authority to the extent the same are not inconsistent with this section.

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

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

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

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

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

(i) The corporation created pursuant to this section shall be subject to any other provisions of this chapter pertaining to subsidiaries of public authorities to the extent that such provisions are not inconsistent with the provisions of this section.

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

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

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

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

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

(e) In the event the corporation determines that corrective or other
action is necessary for such a project, then the corporation shall have
the authority to direct that the state agency, department, public
authority or public benefit corporation undertaking the project shall
implement all corrective or other action as shall be required to accom-
plish the project, to the extent practicable, on time, within budget and
at an acceptable overall cost to the state of New York. Such corrective
or other action shall include, but not be limited to:
Modification of such plans, specifications, designs and estimates of costs for the construction of the project and equipment of facilities;

(ii) Detailed analysis of the project schedule;

(iii) Detailed analysis of project budget;

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

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

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

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

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

(ix) Active project management review and oversight utilizing additional resources provided by the corporation; and

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

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

All contract documents shall expressly incorporate the provisions of this section and include compliance with the provisions hereof as a condition of performance.
4. General powers and duties of the corporation. (a) The corporation shall have the power to:

(i) Sue and be sued;

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

(iii) Make and alter by-laws for its organization and internal management and make rules and regulations governing same;

(iv) Appoint such officers and employees from the officers and employees of the authority, as it may require for the performance of its duties and fix and determine their qualifications, duties, and compensation, and retain or employ counsel, auditors, private financial consultants, professional engineers or other technical consultants and other services on a contract basis or otherwise, for the rendering of professional, business or technical services and advice, and be reimbursed for such services as a cost of the project;

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

(vi) To fix and collect fees and other charges for services the corporation renders in connection with this section;

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

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

(ix) Procure insurance against any loss in connection with its activities, properties and other assets, in such amount and from such insurance as it deems desirable; and
Invest any funds of the corporation, or any other monies under its custody and control not required for immediate use or disbursement, at the discretion of the corporation, in obligations of the state or the United States government or obligations the principal and interest of which are obligations in which the comptroller of the state is authorized to invest pursuant to section ninety-eight of the state finance law.

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

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

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

§ 2. This act shall take effect immediately.

PART J

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

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

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

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

(c) For state employees who retire from a position at or equated to
grade ten or higher with at least ten but less than twenty years of
service, the state shall pay thirty-five percent of the cost of premium
or subscription charges for the coverage of dependents of such retired
state employees; such contribution shall increase by two percent of the
cost of premium or subscription charges for each year of service in
excess of ten years, to a maximum of fifty-three percent of the cost of
premium or subscription charges for such dependents. For state employees
who retire from a position at or equated to grade ten or higher with
twenty or more years of service, the state shall pay fifty-nine percent
of the cost of premium or subscription charges for the coverage of
dependents of such retired state employees; such contribution shall
increase by one percent of the cost of premium or subscription charges
for each year of service in excess of twenty years, to a maximum of
sixty-nine percent of the cost of premium or subscription charges for
such dependents.

(d) For state employees who retire from a position at or equated to
grade nine or lower with at least ten but less than twenty years of
service, the state shall pay thirty-nine percent of the cost of premium
or subscription charges for the coverage of dependents of such retired
state employees; such contribution shall increase by two percent of the
cost of premium or subscription charges for each year of service in
excess of ten years, to a maximum of fifty-seven percent of the cost of premium or subscription charges for such dependents. For state employees who retire from a position at or equated to grade nine or lower with twenty or more years of service, the state shall pay sixty-three percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by one percent of the cost of premium or subscription charges for each year of service in excess of twenty years, to a maximum of seventy-three percent of the cost of premium or subscription charges for such dependents.

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

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

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

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

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

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

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

PART K

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

§ 167-a. Reimbursement for medicare premium charges. Upon exclusion
from the coverage of the health benefit plan of supplementary medical
insurance benefits for which an active or retired employee or a dependent
covered by the health benefit plan is or would be eligible under the
federal old-age, survivors and disability insurance program, effective
October first, two thousand sixteen, an amount [equal to] not to exceed
one hundred four dollars and ninety cents per month for the standard
medicare premium charge for such supplementary medical insurance ben-
fits for such active or retired employee and his or her dependents, if
any, shall be paid monthly or at other intervals to such active or
retired employee from the health insurance fund; provided, however,
effective January first, two thousand sixteen, there shall be no payment
whatsoever for the income related monthly adjustment amount for any
amounts or premiums incurred on or after January first, two thousand
sixteen, to any active or retired employee and his or her dependents, if any. Where appropriate, such standard medicare premium amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such standard medicare premium amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

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

PART L

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

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

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

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

§ 3. This act shall take effect immediately.

PART M

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

Notwithstanding any other provisions of law to the contrary, for the state fiscal year commencing on April first, two thousand fifteen, and each state fiscal year thereafter, the comptroller is hereby authorized to transfer monies from the dedicated infrastructure investment fund to the general fund, and from the general fund to the dedicated infrastruc-
ture investment fund, in an amount determined by the director of the
budget to the extent moneys are available in the fund; provided, howev-
er, that the comptroller is only authorized to transfer monies from the
dedicated infrastructure investment fund to the general fund in the
event of an economic downturn as described in paragraph (a) of this
subdivision; and/or to fulfill disallowances and/or settlements related
to over-payments of federal medicare and medicaid revenues in excess of
one hundred million dollars from anticipated levels, as determined by
the director of the budget and described in paragraph (b) of this subdi-
vision.

§ 2. This act shall take effect immediately.

PART N

Section 1. The state comptroller is hereby authorized and directed to
loan money in accordance with the provisions set forth in subdivision 5
of section 4 of the state finance law to the following funds and/or
accounts:
1. Proprietary vocational school supervision account (20452).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund
   (21000).
8. Hazardous bulk storage account (21061).
10. Low level radioactive waste account (21066).
11. Recreation account (21067).
12. Public safety recovery account (21077).
13. Environmental regulatory account (21081).
14. Natural resource account (21082).
15. Mined land reclamation program account (21084).
17. Environmental protection and oil spill compensation fund (21200).
18. Public transportation systems account (21401).
19. Metropolitan mass transportation (21402).
20. Operating permit program account (21451).
22. Statewide planning and research cooperative system account (21902).
23. Mental hygiene program fund account (21907).
24. Mental hygiene patient income account (21909).
25. Financial control board account (21911).
26. Regulation of racing account (21912).
27. New York Metropolitan Transportation Council account (21913).
28. State university dormitory income reimbursable account (21937).
29. Criminal justice improvement account (21945).
30. Environmental laboratory reference fee account (21959).
32. Indirect cost recovery account (21978).
33. High school equivalency program account (21979).
34. Multi-agency training account (21989).
35. Interstate reciprocity for post-secondary distance education account.
1  36. Bell jar collection account (22003).
2  37. Industry and utility service account (22004).
3  38. Real property disposition account (22006).
5  40. Asbestos safety training program account (22009).
6  41. Batavia school for the blind account (22032).
7  42. Investment services account (22034).
8  43. Surplus property account (22036).
9  44. Financial oversight account (22039).
10  45. Regulation of Indian gaming account (22046).
11  46. Rome school for the deaf account (22053).
12  47. Seized assets account (22054).
13  48. Administrative adjudication account (22055).
14  49. Federal salary sharing account (22056).
15  50. New York City assessment account (22062).
16  51. Cultural education account (22063).
17  52. Local services account (22078).
18  53. DHCR mortgage servicing account (22085).
19  54. Department of motor vehicles compulsory insurance account (22087).
20  55. Housing indirect cost recovery account (22090).
21  56. DHCR-HCA application fee account (22100).
22  57. Low income housing monitoring account (22130).
23  58. Corporation administration account (22135).
24  59. Montrose veteran's home account (22144).
25  60. Deferred compensation administration account (22151).
26  61. Rent revenue other New York City account (22156).
27  62. Rent revenue account (22158).
28  63. Tax revenue arrearage account (22168).
64. State university general income offset account (22654).
65. Lake George park trust fund account (22751).
66. State police motor vehicle law enforcement account (22802).
67. Highway safety program account (23001).
68. EFC drinking water program account (23101).
69. DOH drinking water program account (23102).
70. NYCCC operating offset account (23151).
71. Commercial gaming revenue account (23701).
72. Commercial gaming regulation account (23702).
73. Highway and bridge capital account (30051).
74. State university residence hall rehabilitation fund (30100).
75. State parks infrastructure account (30351).
76. Clean water/clean air implementation fund (30500).
77. Hazardous waste remedial cleanup account (31506).
78. Youth facilities improvement account (31701).
79. Housing assistance fund (31800).
80. Housing program fund (31850).
81. Highway facility purpose account (31951).
82. Information technology capital financing account (32215).
83. New York racing account (32213).
84. Mental hygiene facilities capital improvement fund (32300).
85. Correctional facilities capital improvement fund (32350).
86. New York State Storm Recovery Capital Fund (33000).
87. OGS convention center account (50318).
88. Empire Plaza Gift Shop (50327)
89. Centralized services fund (55000).
90. Archives records management account (55052).
91. Federal single audit account (55053).
92. Civil service EHS occupational health program account (55056).
93. Banking services account (55057).
94. Cultural resources survey account (55058).
95. Automation & printing chargeback account (55060).
96. OFT NYT account (55061).
97. Data center account (55062).
98. Intrusion detection account (55066).
99. Domestic violence grant account (55067).
100. Centralized technology services account (55069).
101. Labor contact center account (55071).
102. Human services contact center account (55072).
103. Policing the NYS thruway account.
104. Executive direction internal audit account (55251).
105. CIO Information technology centralized services account (55252).
106. Health insurance internal service account (55300).
107. Civil service employee benefits division administrative account (55301).
108. Correctional industries revolving fund (55350).
109. Employees health insurance account (60201).
110. Medicaid management information system escrow fund (60900).
§ 1-a. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:
1. Federal USDA-food and nutrition services fund (25000).
2. Federal health and human services fund (25100).

4. Federal block grant fund (25250).

5. Federal miscellaneous operating grants fund (25300).

6. Federal unemployment insurance administration fund (25900).

7. Federal unemployment insurance occupational training fund (25950).


§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2017, and with respect to item 5 under the miscellaneous category set forth in this section, up to and after March 31, 2017, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.

2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

3. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,260,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of
1 the state finance law that are in excess of the amounts deposited in
2 such fund for such purposes pursuant to section 1612 of the tax law.
3 2. $986,000,000 from the general fund to the state lottery fund, VLT
4 education account (20904), as reimbursement for disbursements made from
5 such fund for supplemental aid to education pursuant to section 92-c of
6 the state finance law that are in excess of the amounts deposited in
7 such fund for such purposes pursuant to section 1612 of the tax law.
8 3. Moneys from the state lottery fund up to an amount deposited in
9 such fund pursuant to section 1612 of the tax law in excess of the
10 current year appropriation for supplemental aid to education pursuant to
11 section 92-c of the state finance law.
12 4. Up to $137,700,000 from the moneys deposited in commercial gaming
13 revenue account (23701) to the general fund as reimbursement for
14 disbursements made from the general fund for supplemental aid to educa-
15 tion during the prior fiscal year due to the unencumbered balance of the
16 commercial gaming revenue account during the prior fiscal year being
17 less than required to fully fund payments of general support for public
18 schools, pursuant to Chapter 61 of the laws of 2015.
19 5. $300,000 from the local government records management improvement
20 fund (20500) to the archives partnership trust fund (20350).
21 6. $900,000 from the general fund to the miscellaneous special revenue
22 fund, Batavia school for the blind account (22032).
23 7. $900,000 from the general fund to the miscellaneous special revenue
24 fund, Rome school for the deaf account (22053).
25 8. $343,400,000 from the state university dormitory income fund
26 (40350) to the miscellaneous special revenue fund, state university
27 dormitory income reimbursable account (21937).
9. $24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

10. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

11. $40,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2015 through March 31, 2016.

12. An amount up to $14,251,000 from the general fund to the state university income fund, state university general revenue account (22653).

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the environmental conservation special revenue fund, federal indirect recovery account (21065).

2. $2,000,000 from any of the department of environmental conservation's special revenue federal funds to the conservation fund as necessary to avoid diversion of conservation funds.

3. $3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal funds to the miscellaneous special revenue fund, federal grant indirect cost recovery account (22188).

4. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the miscellaneous special revenue fund, I love NY water account (21930).
5. $146,000,000 from the general fund to the environmental protection fund, environmental protection fund transfer account (30451).

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

Family Assistance:

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

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

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

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

5. $2,500,000 from any of the office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund, office of temporary and disability assistance program account (21980).
6. $21,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

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

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

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

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

General Government:

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

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

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

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

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

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

7. $19,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.
8. $1,826,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

9. $1,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

10. $21,789,000 from the general fund to the centralized services fund, COPS account (55013).

11. $2,360,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

12. $15,000,000 from the miscellaneous special revenue fund, workers' compensation account (21995), to the miscellaneous capital projects fund, workers' compensation board IT business process design fund.

Health:

1. $33,710,000 from the miscellaneous special revenue fund, quality of care account (21915), to the general fund.

2. A transfer from the general fund to the combined gifts, grants and bequests fund, breast cancer research and education account (20155), up to an amount equal to the monies collected and deposited into that account in the previous fiscal year.

3. A transfer from the general fund to the combined gifts, grants and bequests fund, prostate cancer research, detection, and education account (20183), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

4. A transfer from the general fund to the combined gifts, grants and bequests fund, Alzheimer's disease research and assistance account
(20143), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

5. $30,295,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

6. $7,000,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

7. $1,000,000 from the miscellaneous special revenue fund, administration program account (21982), to the miscellaneous capital projects fund, healthcare IT capital account (32216).

8. $1,000,000 from the miscellaneous special revenue fund, vital records account (22103), to the miscellaneous capital projects fund, healthcare IT capital account (32216).

9. $55,500,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

10. $3,700,000 from the miscellaneous New York state agency fund, medical assistance account to the general fund.

11. $4,886,000 from the general fund to the medical marihuana trust fund, health operation and oversight account (23755).

12. $1,086,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the general fund.

13. $1,000,000 from the miscellaneous special revenue fund, professional medical conduct account (22088), to the miscellaneous capital projects fund, healthcare IT capital account (32216).

Labor:
1. $400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the child performer's protection fund, child performer protection account (20401).

2. $8,400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the general fund.

3. $3,300,000 from the unemployment insurance interest and penalty fund, unemployment insurance special interest and penalty account (23601), to the general fund.

Mental Hygiene:

1. $10,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the miscellaneous special revenue fund, federal salary sharing account (22056).

2. $1,950,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).

3. $1,550,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).

4. $100,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907), to the general fund.

5. $100,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the general fund.

6. $3,800,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the agencies internal service fund, civil service EHS occupational health program account (55056).

7. $5,000,000 from the chemical dependance service fund, substance abuse services fund account (22700), to the miscellaneous capital projects fund, chemical dependance service capital account.

Public Protection:
1. $1,350,000 from the miscellaneous special revenue fund, emergency management account (21944), to the general fund.

2. $3,300,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

3. $10,500,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $3,000,000 from the federal miscellaneous operating grants fund, DMNA damage account (25324), to the general fund.

5. $6,300,000 from the general fund to the miscellaneous special revenue fund, crimes against revenue program account (22015).

6. $8,600,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

7. $106,000,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, state police motor vehicle enforcement account (22802), to the general fund for state operation expenses of the division of state police.

8. $53,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

9. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

10. $10,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

11. $2,900,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.
12. $300,000 from the state police motor vehicle law enforcement and
motor vehicle theft and insurance fraud prevention fund, motor vehicle
theft and insurance fraud account (22801), to the general fund.

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

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund to
the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. $20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

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

4. $14,878,096 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

5. $750,000,000 from the general fund to the dedicated highway and bridge trust fund (30050).

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

7. $1,234,000 from the miscellaneous special revenue fund, motorcycle safety account (21976), to the dedicated highway and bridge trust fund (30050).
8. $309,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

9. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

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

Miscellaneous:

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

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

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

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

5. $1,840,000,000 from the general fund to the dedicated infrastructure investment fund.

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

1. Upon request of the commissioner of environmental conservation, up to $11,410,000 from revenues credited to any of the department of environmental conservation special revenue funds, including $3,293,400 from the environmental protection and oil spill compensation fund (21200),
and $1,783,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to $3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

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

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

5. Upon request of the commissioner of the division of housing and community renewal, up to $5,500,000 may be transferred from any miscellaneous special revenue fund account, to any miscellaneous special revenue fund.

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

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

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

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

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2017, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.
§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2017.

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

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

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

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2017.

§ 13. Notwithstanding any law to the contrary, upon the direction of the director of the budget and the chancellor of the state university of New York or his or her designee, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to
transfer monies from the state university dormitory income fund (40350)
to the state university residence hall rehabilitation fund (30100), and
from the state university residence hall rehabilitation fund (30100) to
the state university dormitory income fund (40350), in a net amount not
to exceed $80 million.

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

§ 15. Notwithstanding any law to the contrary, and in accordance with
section 4 of the state finance law, the comptroller is hereby authorized
and directed to transfer, at the request of the director of the budget,
up to $750 million from the unencumbered balance of any special revenue
fund or account, agency fund or account, internal service fund or
account, enterprise fund or account, or any combination of such funds
and accounts, to the general fund. The amounts transferred pursuant to
this authorization shall be in addition to any other transfers expressly
authorized in the 2016-17 budget. Transfers from federal funds, debt
service funds, capital projects funds, the community projects fund, or
funds that would result in the loss of eligibility for federal benefits
or federal funds pursuant to federal law, rule, or regulation as assent-
ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
1951 are not permitted pursuant to this authorization.
§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207) or the miscellaneous capital projects fund, information technology capital financing account (32215), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $350 million from any non-general fund or account, or combination of funds and accounts, to the general fund for the purpose of consolidating technology procurement and services. The amounts transferred
pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the general fund shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

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

§ 20. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to transfer to the state university income fund general revenue account (22653), in an amount not to exceed $15,000,000 for the state fiscal year commencing April 1, 2016 from the
proceeds collected by the authority from the auction or sale of carbon
dioxide emission allowances allocated by the department of environmental
conservation, which amount shall be utilized to support the Clean Energy
Workforce Opportunity Program, to expand and develop clean energy educa-
tion and workforce training programs; provided further, that up to
$5,000,000 of such amount shall be available to support Clean Energy
Workforce Opportunity Program initiatives at state university of New
York community colleges.
§ 21. Subdivision 5 of section 97-rrr of the state finance law, as
amended by section 21 of part I of chapter 60 of the laws of 2015, is
amended to read as follows:
5. Notwithstanding the provisions of section one hundred seventy-one-a
of the tax law, as separately amended by chapters four hundred eighty-
one and four hundred eighty-four of the laws of nineteen hundred eighty-
one, and notwithstanding the provisions of chapter ninety-four of the
laws of two thousand eleven, or any other provisions of law to the
contrary, during the fiscal year beginning April first, two thousand
[fifteen] sixteen, the state comptroller is hereby authorized and
directed to deposit to the fund created pursuant to this section from
amounts collected pursuant to article twenty-two of the tax law and
pursuant to a schedule submitted by the director of the budget, up to
[$3,382,279,000] $3,227,844,000, as may be certified in such schedule as
necessary to meet the purposes of such fund for the fiscal year begin-
ing April first, two thousand [fifteen] sixteen.
§ 22. The comptroller is authorized and directed to deposit to the
general fund state purposes account reimbursements from moneys appropri-
ated or reappropriated to the correctional facilities capital improve-
ment fund by a chapter of the laws of 2016. Reimbursements shall be
available for spending from appropriations made to the department of
corrections and community supervision in the general fund-state purposes
accounts by a chapter of the laws of 2016 for costs associated with the
administration and security of capital projects and for other costs
which are attributable, according to a plan, to such capital projects.

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

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

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

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

6. Notwithstanding any law to the contrary, at the beginning of the
state fiscal year, the state comptroller is hereby authorized and
directed to receive for deposit to the credit of a fund and/or an
account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

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

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

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

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

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

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

(i) Economic downturn. The commissioner of labor shall calculate and publish, on or before the fifteenth day of each month, a composite index of business cycle indicators. Such index shall be calculated using monthly data on New York state private sector employment, [total] average weekly hours of manufacturing [hours worked] workers, and the unemployment rate prepared by the department of labor or its successor agency, and total sales tax [collected net of law changes] collections adjusted for inflation, prepared by the department of taxation and finance or its successor agency. Such index shall be [constructed in accordance with the procedures for calculating composite indexes issued by the conference board or its successor organization, and] adjusted for seasonal variations in accordance with the procedures issued by the [census bureau of the] United States [department of commerce] Census Bureau or its successor agency. If the composite index declines for five consecutive months, the commissioner of labor shall notify the governor, the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Upon such notification, the director of the budget may authorize and direct the comptroller to transfer from the rainy day reserve fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial plan. The authority to transfer
funds under the provisions of this subdivision shall lapse when the
composite index shall have increased for five consecutive months or
twelve months from the original notification of the commissioner of
labor, whichever occurs earlier. Provided, however, that for every addi-
tional and consecutive monthly decline succeeding the five month decline
so noted by the commissioner of labor, the twelve month lapse date shall
be extended by one additional month; or
§ 27. Paragraph (a) of subdivision 3 of section 93-b of the state
finance law, as added by section 1 of part H of chapter 60 of the laws
of 2015, is amended to read as follows:
(a) Economic downturn. Notwithstanding any law to the contrary, for
the purpose of this section, the commissioner of labor shall calculate
and publish, on or before the fifteenth day of each month, a composite
index of business cycle indicators. Such index shall be calculated using
monthly data on New York state private sector employment, [total] aver-
age weekly hours of manufacturing [hours worked] workers, and the unem-
ployment rate prepared by the department of labor or its successor agen-
cy, and total sales tax [collected net of law changes] collections
adjusted for inflation, prepared by the department of taxation and
finance or its successor agency. Such index shall be [constructed in
accordance with the procedures for calculating composite indexes issued
by the conference board or its successor organization, and] adjusted for
seasonal variations in accordance with the procedures issued by the
[census bureau of the] United States [department of commerce] Census
Bureau or its successor agency. If the composite index declines for five
consecutive months, the commissioner of labor shall notify the governor,
the speaker of the assembly, the temporary president of the senate, and
the minority leaders of the assembly and the senate. Upon such notifica-
tion, the director of the budget may authorize and direct the comptroller to transfer from the dedicated infrastructure investment fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial plan. The authority to transfer funds under the provisions of this paragraph shall lapse when the composite index shall have increased for five consecutive months or twelve months from the original notification of the commissioner of labor, whichever occurs earlier. Provided, however, that for every additional and consecutive monthly decline succeeding the five month decline so noted by the commissioner of labor, the twelve month lapse date shall be extended by one additional month.

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

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

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed three hundred sixty-four million eight hundred forty thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes 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.

§ 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws
of 1997, relating to the financing of the correctional facilities
improvement fund and the youth facility improvement fund, as amended by
section 27 of part I of chapter 60 of the laws of 2015, is amended to
read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but
notwithstanding the provisions of section 18 of section 1 of chapter 174
of the laws of 1968, the New York state urban development corporation is
hereby authorized to issue bonds, notes and other obligations in an
aggregate principal amount not to exceed seven billion [one] four
hundred [sixty-three] twenty-four million [three] nine hundred [sixty-
nine] ninety-nine thousand dollars [$7,163,369,000] $7,424,999,000, and
shall include all bonds, notes and other obligations issued pursuant to
chapter 56 of the laws of 1983, as amended or supplemented. The proceeds
of such bonds, notes or other obligations shall be paid to the state,
for deposit in the correctional facilities capital improvement fund to
pay for all or any portion of the amount or amounts paid by the state
from appropriations or reappropriations made to the department of
corrections and community supervision from the correctional facilities
capital improvement fund for capital projects. The aggregate amount of
bonds, notes or other obligations authorized to be issued pursuant to
this section shall exclude bonds, notes or other obligations issued to
refund or otherwise repay bonds, notes or other obligations theretofore
issued, the proceeds of which were paid to the state for all or a
portion of the amounts expended by the state from appropriations or
reappropriations made to the department of corrections and community
supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than seven billion [one] four hundred [sixty-three] twenty-four million [three] nine hundred [sixty-nine] ninety-nine thousand dollars [$7,163,369,000] $7,424,999,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, 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, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

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

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby author-
ized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [three] four billion [one] six hundred [fifty-three] ninety-seven million [seven] four hundred [ninety-nine] seventy-four thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 32. Subdivision (b) of section 11 of 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, as amended by section 29 of part I of chapter 60 of the laws of 2015, is amended to read as follows:
(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [$8,658,881,000] $9,147,234,000 cumulatively by the end of fiscal year [2015-16] 2016-17.

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

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

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

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed
[$155,600,000] $167,600,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes 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.

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

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state
economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, a project at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, a commercialization center in Chautauqua county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [two] three billion [eight] six hundred [eighty-eight] fifty-three million two hundred fifty-seven thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes 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.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state
university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, a project at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, a commercialization center in Chautauqua county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided 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 of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged
by the dormitory authority and the corporation as security for its bonds
and notes, as authorized by this section.

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

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

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

1. Notwithstanding the provisions of any other law to the contrary,
the urban development corporation of the state of New York is hereby
authorized to issue bonds or notes in one or more series for the purpose
of funding project costs for the implementation of a NY-SUNY and NY-CUNY
2020 challenge grant program subject to the approval of a NY-SUNY and
NY-CUNY 2020 plan or plans by the governor and either the chancellor of
the state university of New York or the chancellor of the city university of New York, as applicable. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [$440,000,000] $550,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes 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.

§ 38. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 35 of part I of chapter 60 of the laws of 2015, is amended to read as follows: (a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed $197,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state
police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed $509,600,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

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

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appur-
tenant and ancillary thereto. The aggregate principal amount of bonds
authorized to be issued pursuant to this section shall not exceed [one]
two billion [six hundred ninety] seven hundred twenty-five million
dollars [$1,690,000,000] $2,725,000,000, excluding bonds issued to fund
one or more debt service reserve funds, to pay costs of issuance of such
bonds, and to refund or otherwise repay such bonds or notes previously
issued. Such bonds and notes of the authority, the dormitory authority
and the urban development corporation shall not be a debt of the state,
and the state shall not be liable thereon, nor shall they be payable out
of any funds other than those appropriated by the state to the authori-
ty, the dormitory authority and the urban development corporation for
principal, interest, and related expenses pursuant to a service contract
and such bonds and notes shall contain on the face thereof a statement
to such effect. Except for purposes 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.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two
thousand, the dormitory authority shall not issue any bonds for state
university educational facilities purposes if the principal amount of
bonds to be issued when added to the aggregate principal amount of bonds
issued by the dormitory authority on and after July first, nineteen
hundred eighty-eight for state university educational facilities will
exceed eleven billion [two] six hundred [twenty-eight] three million
dollars; provided, however, that bonds issued or to be issued shall be
excluded from such limitation if: (1) such bonds are issued to refund
state university construction bonds and state university construction
notes previously issued by the housing finance agency; or (2) such bonds
are issued to refund bonds of the authority or other obligations issued
for state university educational facilities purposes and the present
value of the aggregate debt service on the refunding bonds does not
exceed the present value of the aggregate debt service on the bonds
refund thereby; provided, further that upon certification by the
director of the budget that the issuance of refunding bonds or other
obligations issued between April first, nineteen hundred ninety-two and
March thirty-first, nineteen hundred ninety-three will generate long
term economic benefits to the state, as assessed on a present value
basis, such issuance will be deemed to have met the present value test
noted above. For purposes of this subdivision, the present value of the
aggregate debt service of the refunding bonds and the aggregate debt
service of the bonds refunded, shall be calculated by utilizing the true
interest cost of the refunding bonds, 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 bonds
from the payment dates thereof to the date of issue of the refunding
bonds to the purchase price of the refunding bonds, including interest
accrued thereon prior to the issuance thereof. The maturity of such
bonds, other than bonds issued to refund outstanding bonds, shall not
exceed the weighted average economic life, as certified by the state
university construction fund, of the facilities in connection with which
the bonds are issued, and in any case not later than the earlier of
thirty years or the expiration of the term of any lease, sublease or
other agreement relating thereto; provided that no note, including
renewals thereof, shall mature later than five years after the date of
issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanteeing or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July
first, nineteen hundred eighty-five, if the principal amount of bonds so
to be issued when added to the principal amount of bonds previously
issued pursuant to any such resolution, except bonds issued to refund or
to be substituted for or in lieu of other bonds in relation to city
university facilities, will exceed seven billion [three] five hundred
[ninety-two] forty-eight million [seven] four hundred [fifty-three]
eleven thousand dollars. The legislature reserves the right to amend or
repeal such limit, and the state of New York, the dormitory authority,
the city university, and the fund are prohibited from covenan ting or
making any other agreements with or for the benefit of bondholders which
might in any way affect such right.

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

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

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

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed six hundred [eleven] forty-seven million [two hundred fifteen] sixty-five thousand dollars [($611,215,000)] ($647,065,000), which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than six hundred [eleven] forty-seven million [two hundred fifteen] sixty-five thousand dollars.
only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, 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, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

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

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design,
construction, acquisition, reconstruction, rehabilitation or improvement
of mental health services facilities pursuant to paragraph a of this
subdivision, the payment of interest on mental health services improve-
ment bonds and mental health services improvement notes issued for such
purposes, the establishment of reserves to secure such bonds and notes,
the cost or premium of bond insurance or the costs of any financial
mechanisms which may be used to reduce the debt service that would be
payable by the agency on its mental health services facilities improve-
ment bonds and notes and all other expenditures of the agency incident
to and necessary or convenient to providing the facilities development
corporation, or any successor agency, with funds for the financing or
refinancing of or for any such design, construction, acquisition, recon-
struction, rehabilitation or improvement and for the refunding of mental
hygiene improvement bonds issued pursuant to section 47-b of the private
housing finance law; provided, however, that the agency shall not issue
mental health services facilities improvement bonds and mental health
services facilities improvement notes in an aggregate principal amount
exceeding [seven] eight billion [seven hundred twenty-two] twenty-one
million eight hundred fifteen thousand dollars, excluding mental health
services facilities improvement bonds and mental health services facili-
ties improvement notes issued to refund outstanding mental health
services facilities improvement bonds and mental health services facili-
ties improvement notes; provided, however, that upon any such refunding
or repayment of mental health services facilities improvement bonds
and/or mental health services facilities improvement notes the total
aggregate principal amount of outstanding mental health services facili-
ties improvement bonds and mental health facilities improvement notes
may be greater than [seven] eight billion [seven hundred twenty-two]
twenty-one million eight hundred fifteen thousand dollars only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, 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, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health
services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

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

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

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

§ 46. Notwithstanding any other provision of law to the contrary, from
the taxes, interest and penalties collected or received by the commis-

erioner of taxation and finance in respect of the tax imposed by the city
of New York pursuant to the authority of section 1210, 1211, 1212 or
1212-A of the tax law, the comptroller shall pay, as directed in writing
by the director of the budget, the sum of $16,666,667 on or before the
twelfth day of each month from such taxes, penalties and interest
collected or received by such commissioner during the previous month to
(i) any issuers of state-related debt for the purposes of paying princi-
pal, interest, and related expenses, or for retiring or defeasing bonds
previously issued, including any accrued interest or other expenses
related thereto, for any state-related bonding program or programs, or
to (ii) a governmental fund or funds of the state treasury. The comp-
troller shall make the first payment to issuers of state-related debt or
the government funds on the twelfth day of May, 2016 from the taxes,
penalties and interest collected or received during April 2016 and the
last payment on or before the twelfth day of April, 2019 from the taxes,
penalties and interest collected or received during March 2019.
Provided, however, that in no event shall such payments exceed
$200,000,000 in any state fiscal year; and provided further that such
payments shall not reduce the reasonable costs of such commissioner
under paragraph (b) of section 1261 of the tax law.
§ 47. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016; provided, however, with the exception of item 5 of the miscellaneous category set forth within section two of this act: (a) the provisions of sections one through eight, and sections twelve through twenty of this act shall expire March 31, 2017, when upon such date the provisions of such sections shall be deemed repealed; and (b) the provisions of section forty-six of this act shall expire upon the last payment made by the comptroller pursuant to section forty-six of this act when upon such date the provisions of such section shall be deemed repealed; provided that the state comptroller shall notify the legislative bill drafting commission upon the occurrence of the last payment provided for in section forty-six of this act in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through N of this act shall be as specifically set forth in the last section of such Parts.