

# STATE OF NEW YORK

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7286

2021-2022 Regular Sessions

## IN ASSEMBLY

May 3, 2021

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Introduced by M. of A. RODRIGUEZ -- (at request of the State Comptroller) -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to eliminating unconstitutional language relating to the pre-audit of expenditures from the state insurance fund by the state comptroller

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

1 Section 1. Section 88 of the workers' compensation law, as amended by  
2 chapter 635 of the laws of 1996, is amended to read as follows:

3 § 88. Administration expenses. The entire expense of administering the  
4 state insurance fund shall be paid out of such fund which shall not be  
5 considered an agency or a fund of the state for the purposes of section  
6 four of the state finance law. The portion of such expenses applicable  
7 and chargeable to the disability benefits fund shall be determined on an  
8 equitable basis with due allowance for the division of overhead  
9 expenses. There shall be submitted to the director of the budget quar-  
10 terly financial statements on a calendar year basis. In no case shall  
11 the amount of administrative expenditures so authorized for an entire  
12 year from the workers' compensation fund exceed twenty-five per centum  
13 of the earned premiums for such insurance for that year. In no case  
14 shall the amount of administrative expenditures authorized for the disa-  
15 bility benefits fund for an entire year exceed twenty-five per centum of  
16 the premiums earned by that fund for such insurance for that year. [~~No  
17 payment, expenditure or refund out of the state insurance fund shall be  
18 subject to pre-audit by the department of audit and control as provided  
19 by section one hundred eleven of the state finance law.~~] All appoint-  
20 ments to positions in the state insurance fund shall be made subject to  
21 civil service requirements.

22 § 2. This act shall take effect immediately.

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

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