S T A T E   O F   N E W   Y O R K

S. 2605   A. 3005

S E N A T E - A S S E M B L Y

January 22, 2013

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT authorizing the governor to close correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part A); authorizing the urban development corporation, the office of general services and the department of corrections and community supervision to transfer and convey certain lands in the county of Bronx, city of New York, to the Thomas Mott Osborne Memorial Fund, Inc. (Part B); to amend the vehicle and traffic law, in relation to plea limitations; in relation to extending surcharges and the crime victim assistance fee for certain violations; in relation to enhanced penalties for multiple violations of the mobile phone and texting prohibitions; to amend the state finance law, in relation to certain payments to the state treasurer; and to repeal section 1101 of the vehicle and traffic law relating thereto (Part C); to amend the executive law, in relation to adopting the national crime prevention and privacy compact (Part D); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to making the provisions of such chapter permanent; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to making the provisions of such chapter permanent; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to making the provisions of such chapter permanent; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in

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

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relation to making the provisions of such chapter permanent; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to making certain provisions of such chapter permanent; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to making certain provisions of such chapter permanent; to amend part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; and to amend section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part E); 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 F); to amend the retirement and social security law and the education law, in relation to pension contributions paid by local governments and school districts beginning in the 2013-14 fiscal year and certain fiscal years thereafter (Part G); to amend the civil service law, in relation to the reimbursement of medicare premium charges (Part H); to amend the state finance law, in relation to creating a new New York state gaming commission account (Part I); to amend the tax law, in relation to reducing purse amounts paid from the VLT program (Part J); to amend the state finance law, in relation to reforming the local government citizens re-organization empowerment grant program and the local government efficiency grant program (Part K); providing for the elimination of burdensome reporting requirements imposed on school districts and local governments (Part L); to provide for the administration of certain funds and accounts related to the 2013-14 budget; authorizing certain payments and transfers; to amend chapter 59 of the laws of 2012, relating to providing for administration of certain funds and accounts related to the 2013-2014 budget, in relation to the effectiveness thereof; to amend the state finance law, in relation to school tax relief fund; to amend chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, in relation to the availability of moneys; to amend the New York state medical care facilities finance agency act, in relation to the deposit of certain funds; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the public authorities law, in relation to the number of directors required for approval of a resolution authorizing the issuance of bonds or notes; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; 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 the Division of Military and Naval Affairs 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 courthouse improvements and training facilities, metropolitan transportation authority facilities, peace bridge projects and issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005, 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 projects for retention of professional football in western New York; to amend the public authorities law, in relation to the cleaner, greener communities program; to amend the state finance law, in relation to establishing the sales tax revenue bond tax fund and providing for the deposit of revenues therefrom, establishing the sales tax revenue bond financing program; to amend the tax law, in relation to deposit and disposition of revenue; to amend the state finance law, in relation to establishing the New York state transformative capital fund; 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 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof; 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 chapter 81 of the laws of 2002, 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 New York works transportation capital projects; and providing for the repeal of certain provisions upon expiration thereof (Part M); to amend the executive law, the state technology law and the general business law, in relation to providing for the consolidation of certain information technology staff and services within the office of information technology services; and to repeal section 715 of the executive law, relating to the office of cyber security (Part N); to amend the workers' compensation law, in relation to changing the composition of the board's practice committees and to permitting a single arbitrator process; to amend the workers' compensation law, in relation to the collection of assessments for annual expenses and the investment of surplus or reserve; in relation to the representation of funds; in relation to closing the fund for reopened cases; in relation to the termination of payments into the aggregate trust fund; in relation to administration expenses for the state insurance fund; in relation to requiring self-insured municipal groups and county treasurers to provide certain financial information to the workers' compensation board; to amend the workers' compensation law and the public authorities law, in relation to authorizing the workers' compensation board and the dormitory authority to enter into a self-insured bond financing agreement; to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to the payment of benefits and to the assessment of expenses; to amend the public officers law, in relation to indemnification of state officers and employees; and repealing certain provisions of the workers' compensation law, the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law relating to assessments for expenses, and relating to the location of the workers' compensation board (Part O); to amend the state finance law, in relation to increasing discretionary thresholds for procurement of food commodities (Part P); to amend the executive law, in relation to including school districts and boards of cooperative educational services in the intrastate mutual aid program (Part Q); to amend the public officers law, in relation to exempting certain state employees from the two-year and lifetime bars (Part R); and to amend chapter 56 of the laws of 2011 relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, in relation to the definition of authorized state entities (Part S)

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 2013-2014 state fiscal year. Each component is wholly contained within a Part identified as Parts A through S. 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 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. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close the Bayview and Beacon correctional facilities of the department of corrections and community supervision, in state fiscal year 2013-14, as he determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 60 days notice prior to any such closures to the temporary president of the senate and the speaker of the assembly.

S 2. This act shall take effect April 1, 2013 and shall expire and be deemed repealed March 31, 2014.

PART B

Section 1. Notwithstanding any inconsistent provision of law to the contrary, the urban development corporation is authorized to transfer and convey to the Thomas Mott Osborne Memorial Fund, Inc. its right, title, and interest in the lands and improvements known as the Fulton Correctional Facility and further described in section two of this act. The conveyance shall be made upon such terms and conditions, as the board of directors of the urban development corporation may, in its discretion, fix and determine. The commissioner of general services and the commissioner of the department of corrections and community supervision are hereby empowered to enter into such contractual agreements with the corporation and its subsidiaries to effect the transfer and conveyance and do all things necessary to carry out the provisions of this act.

S 2. The lands to be conveyed pursuant to section one of this act are situated in the city of New York, county of Bronx, and are generally described as follows:

Parcel I

All that piece or parcel of land lying and being in the Borough and County of the Bronx, City and State of New York, and being all of Lot No. 30, Block 2928, and being more particularly described as follows:

Beginning at the intersection of the northerly line of E. 171st Street, and the westerly line of Fulton Avenue, thence westerly along the northerly line of E. 171st Street, 115.32 feet to the easterly line of Lot 33; thence northerly along the last mentioned lot line 71.90 feet to the intersection of the southerly line of Lot 29; thence easterly along the last mentioned lot line, 106.08 feet to its intersection with the said westerly line of Fulton Ave.; thence southerly along the said westerly line of Fulton Avenue 80.00 feet to the point or place of beginning.

Parcel II

All that piece or parcel of land lying and being in the Borough and County of the Bronx, City and State of New York, and being all of Lot No. 33, Block 2928, and being more particularly described as follows:

Beginning at the intersection of the northerly line of E. 171st Street, and the westerly line of Lot 30, said point being 115.32 feet westerly from the intersection of the northerly line of E. 171st Street, and the westerly line of Fulton Avenue; thence South 88° 21' 50" West, along the northerly line of E. 171st Street, a distance of 75.86 feet to a point, said point being 175.21 feet distant easterly, measured along the northerly line of E. 171st Street from the corner formed by the intersection of the easterly line of 3rd Avenue and the northerly line of E. 171st Street; thence North 01° 11' 27" East, and parallel with 3rd Avenue 141.75 feet to a point; thence North 84° 03' 45" East, a distance of 50.38 feet to a point; thence South 01° 11' 27" West, and parallel to 3rd Avenue, 25.19 feet to a point; thence North 84° 03' 45" East, 25.99 feet to a point; thence South 01° 11' 27" West, and parallel to 3rd Avenue, 122.30 feet to the point or place of beginning.

S 3. Notwithstanding the foregoing, the authorization to convey the Fulton Correctional Facility shall be subject to the condition precedent that such conveyance shall not impair or result in any diminution of the obligations to holders of any bonds which financed, refinanced or are secured by correctional facilities (or payments in respect thereof), including the Fulton Correctional Facility, and shall not adversely affect any exemption of interest on such bonds from federal income tax.

S 4. The description in section two of this act is not intended to be a legal description but is intended to identify the parcel to be conveyed. As a condition of the purchase, the Thomas Mott Osborne Memorial Fund, Inc. may submit to the urban development corporation for approval, an accurate survey and description of the lands to be conveyed, which may be used in the conveyance thereof.

S 5. Any lands transferred pursuant to this act shall be used for the purpose of providing opportunities for individuals in conflict with the law through reform and rehabilitation programs, alternatives to incarceration and re-entry, for providing services to persons affected by crime and/or incarceration, and for related community activities, and upon termination of such use, title to the lands so transferred shall revert to the state of New York.

S 6. The board of directors of the urban development corporation shall not transfer and convey said lands unless application is made therefor by the Thomas Mott Osborne Memorial Fund, Inc. within one year after the effective date of this act.

S 7. This act shall take effect immediately.

PART C

Section 1. Section 1101 of the vehicle and traffic law is REPEALED.

S 2. Section 1180 of the vehicle and traffic law is amended by adding a new subdivision (i) to read as follows:

(I) IN ANY CASE WHEREIN THE CHARGE LAID BEFORE THE COURT ALLEGES A VIOLATION OF SUBDIVISION (B), (C), (D), (F), OR (G) OF THIS SECTION AND THE SPEED UPON WHICH THE CHARGE IS BASED EXCEEDS THE APPLICABLE SPEED LIMIT BY MORE THAN TWENTY MILES PER HOUR, ANY PLEA OF GUILTY THEREAFTER

ENTERED IN SATISFACTION OF SUCH CHARGE MUST INCLUDE, AT A MINIMUM, A PLEA OF GUILTY TO A VIOLATION OF THIS CHAPTER OR OF ANY ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER FOR WHICH POINTS ARE ASSIGNED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER; PROVIDED, HOWEVER, THAT, IF THE DISTRICT ATTORNEY, UPON REVIEWING THE AVAILABLE EVIDENCE, DETERMINES THAT THE CHARGE OF A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF THIS SECTION IS NOT WARRANTED, SUCH DISTRICT ATTORNEY MAY CONSENT TO, AND THE COURT MAY ALLOW, A DISPOSITION BY PLEA OF GUILTY TO ANOTHER CHARGE. IN ALL SUCH CASES, THE COURT SHALL SET FORTH UPON THE RECORD THE BASIS FOR SUCH DISPOSITION.

S 3. Subdivision 4 of section 1225-c of the vehicle and traffic law, as added by chapter 69 of the laws of 2001, is amended to read as follows:

4. A violation of subdivision two of this section shall be a traffic infraction and shall be punishable by a fine of not LESS THAN FIFTY DOLLARS NOR more than one hundred FIFTY dollars UPON CONVICTION OF A FIRST VIOLATION; UPON CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS NOR MORE THAN THREE HUNDRED FIFTY DOLLARS; UPON CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FOUR HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED FIFTY DOLLARS.

S 4. Subdivision 6 of section 1225-d of the vehicle and traffic law, as amended by chapter 109 of the laws of 2011, is amended to read as follows:

6. A violation of this section shall be a traffic infraction and shall be punishable by a fine of not LESS THAN FIFTY DOLLARS NOR more than one hundred fifty dollars[.]UPON CONVICTION OF A FIRST VIOLATION; UPON CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS NOR MORE THAN THREE HUNDRED FIFTY DOLLARS; UPON CONVICTION OR A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FOUR HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED FIFTY DOLLARS.

S 5. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 2 of part DD of chapter 56 of the laws of 2008, the opening paragraph and paragraph (c) as amended by section 10 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking EXCEPT THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO OF THIS CHAPTER, or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, there shall be levied a crime victim assistance

fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

(b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and a mandatory surcharge in accordance with the following schedule:

(i) a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars;

(ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars.

(c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of this chapter, or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking, EXCEPT THOSE SET FORTH IN SECTION TWELVE HUNDRED, TWELVE HUNDRED ONE OR TWELVE HUNDRED TWO OF THIS CHAPTER or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

S 6. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-a of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, parking EXCEPT THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO OF THIS CHAPTER, or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chap-

ter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

S 7. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-b of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking EXCEPT THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO OF THIS CHAPTER, or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 8. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by chapter 16 of the laws of 1983 and chapter 62 of the laws of 1989, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking EXCEPT THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO OF THIS CHAPTER, or motor vehicle equipment or violations by pedestrians or bicyclists, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 9. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 11 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking, OTHER THAN THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO, or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, and except an adjudication in accordance with section eleven hundred eleven-c of this chapter of a violation of a bus lane restriction as defined in such section, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty dollars.

S 10. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 11-a of part II of chapter 59 of the laws of 2010, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking, OTHER THAN THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO, or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication in accordance with section eleven hundred eleven-c of this chapter of a violation of a bus lane restriction as defined in such section, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty dollars.

S 11. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 1 of part EE of chapter 56 of the laws of 2008, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking, OTHER THAN THOSE SET FORTH IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO, or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty dollars.

S 12. Subdivision 3-a of section 121 of the state finance law, as added by section 16 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

3-a. [On or before the twentieth day of October in each year commencing with the twentieth of October, two thousand three, the] THE comptroller shall determine the difference between: (a) the aggregate receipts derived by the state from mandatory surcharges collected by an administrative tribunal or a town or village justice court pursuant to section eighteen hundred nine of the vehicle and traffic law during the [preceding] year ending September thirtieth, TWO THOUSAND TWELVE and (b) the aggregate receipts derived by the state from such mandatory surcharge collected by an administrative tribunal or a town or a village justice court in accordance with the provisions of section eighteen hundred nine of the vehicle and traffic law in effect immediately prior to April first, two thousand three during the preceding year ending September thirtieth. Such difference shall be thereupon transferred ANNUALLY by the comptroller to the credit of the indigent legal services fund established by section ninety-eight-b of this chapter.

S 13. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to violations committed on or after such date, provided however, that:

(a) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section five of this act shall be subject to the expiration and reversion of such subdivision, when upon such date section six of this act shall take effect; and

(b) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section six of this act shall be subject to the expiration and reversion of such subdivision, when upon such date section seven of this act shall take effect; and

(c) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section seven of this act shall be subject to the expiration and reversion of such subdivision, when upon such date section eight of this act shall take effect;

(d) the amendments to paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law made by section nine of this act shall be subject to the expiration and reversion of such paragraph, when upon such date section ten of this act shall take effect; and

(e) the amendments to paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law made by section ten of this act shall be subject to the expiration and reversion of such paragraph, when upon such date section eleven of this act shall take effect.

PART D

Section 1. The executive law is amended by adding a new article 38 to read as follows:

ARTICLE 38

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

SECTION 850. ENACTMENT OF COMPACT.

S 850. ENACTMENT OF COMPACT. THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT IS HEREBY ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER JURISDICTIONS LEGALLY JOINING THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

THE CONTRACTING PARTIES AGREE TO THE FOLLOWING:

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

ARTICLE I. DEFINITIONS.
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OVERVIEW

(A) IN GENERAL, THIS COMPACT ORGANIZES AN ELECTRONIC INFORMATION SHARING SYSTEM AMONG THE FEDERAL GOVERNMENT AND THE STATES TO EXCHANGE CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE PURPOSES AUTHORIZED BY FEDERAL OR STATE LAW, SUCH AS BACKGROUND CHECKS FOR GOVERNMENTAL LICENSING AND EMPLOYMENT.

(B) UNDER THIS COMPACT, THE FBI AND THE PARTY STATES AGREE TO MAINTAIN DETAILED DATABASES OF THEIR RESPECTIVE CRIMINAL HISTORY RECORDS, INCLUDING ARRESTS AND DISPOSITIONS, AND TO MAKE THEM AVAILABLE TO THE FEDERAL GOVERNMENT AND TO PARTY STATES FOR AUTHORIZED PURPOSES. THE FBI SHALL ALSO MANAGE THE FEDERAL DATA FACILITIES THAT PROVIDE A SIGNIFICANT PART OF THE INFRASTRUCTURE FOR THE SYSTEM.

ARTICLE I--DEFINITIONS

AS USED IN THIS COMPACT:

(A) "ATTORNEY GENERAL" MEANS THE ATTORNEY GENERAL OF THE UNITED STATES.

(B) "COMPACT OFFICER" MEANS:

1. WITH RESPECT TO THE FEDERAL GOVERNMENT, AN OFFICIAL SO DESIGNATED BY THE DIRECTOR OF THE FBI; AND

2. WITH RESPECT TO A PARTY STATE, THE CHIEF ADMINISTRATOR OF THE STATE'S CRIMINAL HISTORY RECORD REPOSITORY OR A DESIGNEE OF THE CHIEF ADMINISTRATOR WHO IS A REGULAR FULL-TIME EMPLOYEE OF THE REPOSITORY.

(C) "COUNCIL" MEANS THE COMPACT COUNCIL ESTABLISHED UNDER ARTICLE VI.

(D) "CRIMINAL HISTORY RECORDS":

1. MEANS INFORMATION COLLECTED BY CRIMINAL JUSTICE AGENCIES ON INDIVIDUALS CONSISTING OF IDENTIFIABLE DESCRIPTIONS AND NOTATIONS OF ARRESTS, DETENTIONS, INDICTMENTS, OR OTHER FORMAL CRIMINAL CHARGES, AND ANY DISPOSITION ARISING THEREFROM, INCLUDING ACQUITTAL, SENTENCING, CORRECTIONAL SUPERVISION, OR RELEASE; AND

2. DOES NOT INCLUDE IDENTIFICATION INFORMATION SUCH AS FINGERPRINT RECORDS IF SUCH INFORMATION DOES NOT INDICATE INVOLVEMENT OF THE INDIVIDUAL WITH THE CRIMINAL JUSTICE SYSTEM.

(E) "CRIMINAL HISTORY RECORD REPOSITORY" MEANS THE STATE AGENCY DESIGNATED BY THE GOVERNOR OR OTHER APPROPRIATE EXECUTIVE OFFICIAL OR THE LEGISLATURE OF A STATE TO PERFORM CENTRALIZED RECORDKEEPING FUNCTIONS FOR CRIMINAL HISTORY RECORDS AND SERVICES IN THE STATE.

(F) "CRIMINAL JUSTICE" INCLUDES ACTIVITIES RELATING TO THE DETECTION, APPREHENSION, DETENTION, PRETRIAL RELEASE, POST-TRIAL RELEASE, PROSECUTION, ADJUDICATION, CORRECTIONAL SUPERVISION, OR REHABILITATION OF ACCUSED PERSONS OR CRIMINAL OFFENDERS. THE ADMINISTRATION OF CRIMINAL JUSTICE INCLUDES CRIMINAL IDENTIFICATION ACTIVITIES AND THE COLLECTION, STORAGE, AND DISSEMINATION OF CRIMINAL HISTORY RECORDS.

(G) "CRIMINAL JUSTICE AGENCY":

1. MEANS:

A. COURTS; AND

B. A GOVERNMENTAL AGENCY OR ANY SUBUNIT THEREOF THAT:

(I) PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO A STATUTE OR EXECUTIVE ORDER; AND

(II) ALLOCATES A SUBSTANTIAL PART OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE; AND

2. INCLUDES FEDERAL AND STATE INSPECTORS GENERAL OFFICES.

(H) "CRIMINAL JUSTICE SERVICES" MEANS SERVICES PROVIDED BY THE FBI TO CRIMINAL JUSTICE AGENCIES IN RESPONSE TO A REQUEST FOR INFORMATION ABOUT A PARTICULAR INDIVIDUAL OR AS AN UPDATE TO INFORMATION PREVIOUSLY PROVIDED FOR CRIMINAL JUSTICE PURPOSES.

(I) "CRITERION OFFENSE" MEANS ANY FELONY OR MISDEMEANOR OFFENSE NOT INCLUDED ON THE LIST OF NONSERIOUS OFFENSES PUBLISHED PERIODICALLY BY THE FBI.

(J) "DIRECT ACCESS" MEANS ACCESS TO THE NATIONAL IDENTIFICATION INDEX BY COMPUTER TERMINAL OR OTHER AUTOMATED MEANS NOT REQUIRING THE ASSISTANCE OF OR INTERVENTION BY ANY OTHER PARTY OR AGENCY.

(K) "EXECUTIVE ORDER" MEANS AN ORDER OF THE PRESIDENT OF THE UNITED STATES OR THE CHIEF EXECUTIVE OFFICER OF A STATE THAT HAS THE FORCE OF LAW AND THAT IS PROMULGATED IN ACCORDANCE WITH APPLICABLE LAW.

(L) "FBI" MEANS THE FEDERAL BUREAU OF INVESTIGATION.

(M) "INTERSTATE IDENTIFICATION INDEX SYSTEM" OR "III SYSTEM":

1. MEANS THE COOPERATIVE FEDERAL-STATE SYSTEM FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS; AND

2. INCLUDES THE NATIONAL IDENTIFICATION INDEX, THE NATIONAL FINGERPRINT FILE AND, TO THE EXTENT OF THEIR PARTICIPATION IN SUCH SYSTEM, THE CRIMINAL HISTORY RECORD REPOSITORIES OF THE STATES AND THE FBI.

(N) "NATIONAL FINGERPRINT FILE" MEANS A DATABASE OF FINGERPRINTS, OR OTHER UNIQUELY PERSONAL IDENTIFYING INFORMATION, RELATING TO AN ARRESTED OR CHARGED INDIVIDUAL MAINTAINED BY THE FBI TO PROVIDE POSITIVE IDENTIFICATION OF RECORD SUBJECTS INDEXED IN THE III SYSTEM.

(O) "NATIONAL IDENTIFICATION INDEX" MEANS AN INDEX MAINTAINED BY THE FBI CONSISTING OF NAMES, IDENTIFYING NUMBERS, AND OTHER DESCRIPTIVE INFORMATION RELATING TO RECORD SUBJECTS ABOUT WHOM THERE ARE CRIMINAL HISTORY RECORDS IN THE III SYSTEM.

(P) "NATIONAL INDICES" MEANS THE NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE.

(Q) "NONPARTY STATE" MEANS A STATE THAT HAS NOT RATIFIED THIS COMPACT.

(R) "NONCRIMINAL JUSTICE PURPOSES" MEANS USES OF CRIMINAL HISTORY RECORDS FOR PURPOSES AUTHORIZED BY FEDERAL OR STATE LAW OTHER THAN PURPOSES RELATING TO CRIMINAL JUSTICE ACTIVITIES, INCLUDING EMPLOYMENT SUITABILITY, LICENSING DETERMINATIONS, IMMIGRATION AND NATURALIZATION MATTERS, AND NATIONAL SECURITY CLEARANCES.

(S) "PARTY STATE" MEANS A STATE THAT HAS RATIFIED THIS COMPACT.

(T) "POSITIVE IDENTIFICATION" MEANS A DETERMINATION, BASED UPON A COMPARISON OF FINGERPRINTS OR OTHER EQUALLY RELIABLE BIOMETRIC IDENTIFICATION TECHNIQUES, THAT THE SUBJECT OF A RECORD SEARCH IS THE SAME PERSON AS THE SUBJECT OF A CRIMINAL HISTORY RECORD OR RECORDS INDEXED IN THE III SYSTEM. IDENTIFICATIONS BASED SOLELY UPON A COMPARISON OF SUBJECTS' NAMES OR OTHER NONUNIQUE IDENTIFICATION CHARACTERISTICS OR NUMBERS, OR COMBINATIONS THEREOF, SHALL NOT CONSTITUTE POSITIVE IDENTIFICATION.

(U) "SEALED RECORD INFORMATION" MEANS:

1. WITH RESPECT TO ADULTS, THAT PORTION OF A RECORD THAT IS:

A. NOT AVAILABLE FOR CRIMINAL JUSTICE USES;

B. NOT SUPPORTED BY FINGERPRINTS OR OTHER ACCEPTED MEANS OF POSITIVE IDENTIFICATION; OR

C. SUBJECT TO RESTRICTIONS ON DISSEMINATION FOR NONCRIMINAL JUSTICE PURPOSES PURSUANT TO A COURT ORDER RELATED TO A PARTICULAR SUBJECT OR

PURSUANT TO A FEDERAL OR STATE STATUTE THAT REQUIRES ACTION ON A SEALING PETITION FILED BY A PARTICULAR RECORD SUBJECT; AND

2. WITH RESPECT TO JUVENILES, WHATEVER EACH STATE DETERMINES IS A SEALED RECORD UNDER ITS OWN LAW AND PROCEDURE.

(V) "STATE" MEANS ANY STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.

ARTICLE II--PURPOSES

THE PURPOSES OF THIS COMPACT ARE TO:

(A) PROVIDE A LEGAL FRAMEWORK FOR THE ESTABLISHMENT OF A COOPERATIVE FEDERAL-STATE SYSTEM FOR THE INTERSTATE AND FEDERAL-STATE EXCHANGE OF CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE USES;

(B) REQUIRE THE FBI TO PERMIT USE OF THE NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE BY EACH PARTY STATE, AND TO PROVIDE, IN A TIMELY FASHION, FEDERAL AND STATE CRIMINAL HISTORY RECORDS TO REQUESTING STATES, IN ACCORDANCE WITH THE TERMS OF THIS COMPACT AND WITH RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE COUNCIL UNDER ARTICLE VI;

(C) REQUIRE PARTY STATES TO PROVIDE INFORMATION AND RECORDS FOR THE NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE AND TO PROVIDE CRIMINAL HISTORY RECORDS, IN A TIMELY FASHION, TO CRIMINAL HISTORY RECORD REPOSITORIES OF OTHER STATES AND THE FEDERAL GOVERNMENT FOR NONCRIMINAL JUSTICE PURPOSES, IN ACCORDANCE WITH THE TERMS OF THIS COMPACT AND WITH RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE COUNCIL UNDER ARTICLE VI;

(D) PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO MONITOR III SYSTEM OPERATIONS AND TO PRESCRIBE SYSTEM RULES AND PROCEDURES FOR THE EFFECTIVE AND PROPER OPERATION OF THE III SYSTEM FOR NONCRIMINAL JUSTICE PURPOSES; AND

(E) REQUIRE THE FBI AND EACH PARTY STATE TO ADHERE TO III SYSTEM STANDARDS CONCERNING RECORD DISSEMINATION AND USE, RESPONSE TIMES, SYSTEM SECURITY, DATA QUALITY, AND OTHER DULY ESTABLISHED STANDARDS, INCLUDING THOSE THAT ENHANCE THE ACCURACY AND PRIVACY OF SUCH RECORDS.

ARTICLE III--RESPONSIBILITIES OF COMPACT PARTIES

(A) THE DIRECTOR OF THE FBI SHALL:

1. APPOINT AN FBI COMPACT OFFICER WHO SHALL:

A. ADMINISTER THIS COMPACT WITHIN THE DEPARTMENT OF JUSTICE AND AMONG FEDERAL AGENCIES AND OTHER AGENCIES AND ORGANIZATIONS THAT SUBMIT SEARCH REQUESTS TO THE FBI PURSUANT TO SUBDIVISION (C) OF THIS ARTICLE;

B. ENSURE THAT COMPACT PROVISIONS AND RULES, PROCEDURES, AND STANDARDS PRESCRIBED BY THE COUNCIL UNDER ARTICLE VI ARE COMPLIED WITH BY THE DEPARTMENT OF JUSTICE AND THE FEDERAL AGENCIES AND OTHER AGENCIES AND ORGANIZATIONS REFERRED TO IN SUBPARAGRAPH A OF PARAGRAPH ONE OF SUBDIVISION (A) OF THIS ARTICLE; AND

C. REGULATE THE USE OF RECORDS RECEIVED BY MEANS OF THE III SYSTEM FROM PARTY STATES WHEN SUCH RECORDS ARE SUPPLIED BY THE FBI DIRECTLY TO OTHER FEDERAL AGENCIES;

2. PROVIDE TO FEDERAL AGENCIES AND TO STATE CRIMINAL HISTORY RECORD REPOSITORIES, CRIMINAL HISTORY RECORDS MAINTAINED IN ITS DATABASE FOR THE NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV, INCLUDING:

A. INFORMATION FROM NONPARTY STATES; AND

B. INFORMATION FROM PARTY STATES THAT IS AVAILABLE FROM THE FBI THROUGH THE III SYSTEM, BUT IS NOT AVAILABLE FROM THE PARTY STATE THROUGH THE III SYSTEM;

C. PROVIDE A TELECOMMUNICATIONS NETWORK AND MAINTAIN CENTRALIZED FACILITIES FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS FOR BOTH CRIMINAL JUSTICE PURPOSES AND THE NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV, AND ENSURE THAT THE EXCHANGE OF SUCH RECORDS FOR CRIMINAL JUSTICE PURPOSES HAS PRIORITY OVER EXCHANGE FOR NONCRIMINAL JUSTICE PURPOSES; AND

D. MODIFY OR ENTER INTO USER AGREEMENTS WITH NONPARTY STATE CRIMINAL HISTORY RECORD REPOSITORIES TO REQUIRE THEM TO ESTABLISH RECORD REQUEST PROCEDURES CONFORMING TO THOSE PRESCRIBED IN ARTICLE V.

(B) EACH PARTY STATE SHALL:

1. APPOINT A COMPACT OFFICER WHO SHALL:

A. ADMINISTER THIS COMPACT WITHIN THAT STATE;

B. ENSURE THAT COMPACT PROVISIONS AND RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE COUNCIL UNDER ARTICLE VI ARE COMPLIED WITH IN THE STATE; AND

C. REGULATE THE IN-STATE USE OF RECORDS RECEIVED BY MEANS OF THE III SYSTEM FROM THE FBI OR FROM OTHER PARTY STATES;

2. ESTABLISH AND MAINTAIN A CRIMINAL HISTORY RECORD REPOSITORY, WHICH SHALL PROVIDE:

A. INFORMATION AND RECORDS FOR THE NATIONAL IDENTIFICATION INDEX AND THE NATIONAL FINGERPRINT FILE; AND

B. THE STATE'S III SYSTEM-INDEXED CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN ARTICLE IV; AND

C. PARTICIPATE IN THE NATIONAL FINGERPRINT FILE; AND

D. PROVIDE AND MAINTAIN TELECOMMUNICATIONS LINKS AND RELATED EQUIPMENT NECESSARY TO SUPPORT THE SERVICES SET FORTH IN THIS COMPACT.

(C) COMPLIANCE WITH III SYSTEM STANDARDS. IN CARRYING OUT THEIR RESPONSIBILITIES UNDER THIS COMPACT, THE FBI AND EACH PARTY STATE SHALL COMPLY WITH III SYSTEM RULES, PROCEDURES, AND STANDARDS DULY ESTABLISHED BY THE COUNCIL CONCERNING RECORD DISSEMINATION AND USE, RESPONSE TIMES, DATA QUALITY, SYSTEM SECURITY, ACCURACY, PRIVACY PROTECTION, AND OTHER ASPECTS OF III SYSTEM OPERATION.

(D) 1. USE OF THE III SYSTEM FOR NONCRIMINAL JUSTICE PURPOSES AUTHORIZED IN THIS COMPACT SHALL BE MANAGED SO AS NOT TO DIMINISH THE LEVEL OF SERVICES PROVIDED IN SUPPORT OF CRIMINAL JUSTICE PURPOSES.

2. ADMINISTRATION OF COMPACT PROVISIONS SHALL NOT REDUCE THE LEVEL OF SERVICE AVAILABLE TO AUTHORIZED NONCRIMINAL JUSTICE USERS ON THE EFFECTIVE DATE OF THIS COMPACT.

ARTICLE IV--AUTHORIZED RECORD DISCLOSURES

(A) STATE CRIMINAL HISTORY RECORD REPOSITORIES. TO THE EXTENT AUTHORIZED BY SECTION FIVE HUNDRED FIFTY-TWO-A OF TITLE FIVE OF THE UNITED STATES CODE, (COMMONLY KNOWN AS THE "PRIVACY ACT OF 1974"), THE FBI SHALL PROVIDE ON REQUEST CRIMINAL HISTORY RECORDS (EXCLUDING SEALED RECORDS) TO STATE CRIMINAL HISTORY RECORD REPOSITORIES FOR NONCRIMINAL JUSTICE PURPOSES ALLOWED BY FEDERAL STATUTE, FEDERAL EXECUTIVE ORDER, OR A STATE STATUTE THAT HAS BEEN APPROVED BY THE ATTORNEY GENERAL AND THAT AUTHORIZES NATIONAL INDICES CHECKS.

(B) THE FBI, TO THE EXTENT AUTHORIZED BY SECTION FIVE HUNDRED FIFTY-TWO-A OF TITLE FIVE OF THE UNITED STATES CODE, (COMMONLY KNOWN AS THE "PRIVACY ACT OF 1974"), AND STATE CRIMINAL HISTORY RECORD REPOSITORIES SHALL PROVIDE CRIMINAL HISTORY RECORDS (EXCLUDING SEALED RECORDS)

TO CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL AGENCIES FOR NONCRIMINAL JUSTICE PURPOSES ALLOWED BY FEDERAL STATUTE, FEDERAL EXECUTIVE ORDER, OR A STATE STATUTE THAT HAS BEEN APPROVED BY THE ATTORNEY GENERAL, THAT AUTHORIZES NATIONAL INDICES CHECKS.

(C) ANY RECORD OBTAINED UNDER THIS COMPACT MAY BE USED ONLY FOR THE OFFICIAL PURPOSES FOR WHICH THE RECORD WAS REQUESTED. EACH COMPACT OFFICER SHALL ESTABLISH PROCEDURES, CONSISTENT WITH THIS COMPACT, AND WITH RULES, PROCEDURES, AND STANDARDS ESTABLISHED BY THE COUNCIL UNDER ARTICLE VI, WHICH PROCEDURES SHALL PROTECT THE ACCURACY AND PRIVACY OF THE RECORDS, AND SHALL:

1. ENSURE THAT RECORDS OBTAINED UNDER THIS COMPACT ARE USED ONLY BY AUTHORIZED OFFICIALS FOR AUTHORIZED PURPOSES;

2. REQUIRE THAT SUBSEQUENT RECORD CHECKS ARE REQUESTED TO OBTAIN CURRENT INFORMATION WHENEVER A NEW NEED ARISES; AND

3. ENSURE THAT RECORD ENTRIES THAT MAY NOT LEGALLY BE USED FOR A PARTICULAR NONCRIMINAL JUSTICE PURPOSE ARE DELETED FROM THE RESPONSE AND, IF NO INFORMATION AUTHORIZED FOR RELEASE REMAINS, AN APPROPRIATE "NO RECORD" RESPONSE IS COMMUNICATED TO THE REQUESTING OFFICIAL.

ARTICLE V--RECORD REQUEST PROCEDURES

(A) SUBJECT FINGERPRINTS OR OTHER APPROVED FORMS OF POSITIVE IDENTIFICATION SHALL BE SUBMITTED WITH ALL REQUESTS FOR CRIMINAL HISTORY RECORD CHECKS FOR NONCRIMINAL JUSTICE PURPOSES.

(B) EACH REQUEST FOR A CRIMINAL HISTORY RECORD CHECK UTILIZING THE NATIONAL INDICES MADE UNDER ANY APPROVED STATE STATUTE SHALL BE SUBMITTED THROUGH THAT STATE'S CRIMINAL HISTORY RECORD REPOSITORY. A STATE CRIMINAL HISTORY RECORD REPOSITORY SHALL PROCESS AN INTERSTATE REQUEST FOR NONCRIMINAL JUSTICE PURPOSES THROUGH THE NATIONAL INDICES ONLY IF SUCH REQUEST IS TRANSMITTED THROUGH ANOTHER STATE CRIMINAL HISTORY RECORD REPOSITORY OR THE FBI.

(C) EACH REQUEST FOR CRIMINAL HISTORY RECORD CHECKS UTILIZING THE NATIONAL INDICES MADE UNDER FEDERAL AUTHORITY SHALL BE SUBMITTED THROUGH THE FBI OR, IF THE STATE CRIMINAL HISTORY RECORD REPOSITORY CONSENTS TO PROCESS FINGERPRINT SUBMISSIONS, THROUGH THE CRIMINAL HISTORY RECORD REPOSITORY IN THE STATE IN WHICH SUCH REQUEST ORIGINATED. DIRECT ACCESS TO THE NATIONAL IDENTIFICATION INDEX BY ENTITIES OTHER THAN THE FBI AND STATE CRIMINAL HISTORY RECORDS REPOSITORIES SHALL NOT BE PERMITTED FOR NONCRIMINAL JUSTICE PURPOSES.

(D) A STATE CRIMINAL HISTORY RECORD REPOSITORY OR THE FBI:

1. MAY CHARGE A FEE, IN ACCORDANCE WITH APPLICABLE LAW, FOR HANDLING A REQUEST INVOLVING FINGERPRINT PROCESSING FOR NONCRIMINAL JUSTICE PURPOSES; AND

2. MAY NOT CHARGE A FEE FOR PROVIDING CRIMINAL HISTORY RECORDS IN RESPONSE TO AN ELECTRONIC REQUEST FOR A RECORD THAT DOES NOT INVOLVE A REQUEST TO PROCESS FINGERPRINTS.

(E) 1. IF A STATE CRIMINAL HISTORY RECORD REPOSITORY CANNOT POSITIVELY IDENTIFY THE SUBJECT OF A RECORD REQUEST MADE FOR NONCRIMINAL JUSTICE PURPOSES, THE REQUEST, TOGETHER WITH FINGERPRINTS OR OTHER APPROVED IDENTIFYING INFORMATION, SHALL BE FORWARDED TO THE FBI FOR A SEARCH OF THE NATIONAL INDICES.

2. IF, WITH RESPECT TO A REQUEST FORWARDED BY A STATE CRIMINAL HISTORY RECORD REPOSITORY UNDER PARAGRAPH ONE OF THIS SUBDIVISION, THE FBI POSITIVELY IDENTIFIES THE SUBJECT AS HAVING A III SYSTEM-INDEXED RECORD OR RECORDS:

A. THE FBI SHALL SO ADVISE THE STATE CRIMINAL HISTORY RECORD REPOSITORY; AND

B. THE STATE CRIMINAL HISTORY RECORD REPOSITORY SHALL BE ENTITLED TO OBTAIN THE ADDITIONAL CRIMINAL HISTORY RECORD INFORMATION FROM THE FBI OR OTHER STATE CRIMINAL HISTORY RECORD REPOSITORIES.

ARTICLE VI--ESTABLISHMENT OF COMPACT COUNCIL

(A) 1. IN GENERAL, THERE IS ESTABLISHED A COUNCIL TO BE KNOWN AS THE "COMPACT COUNCIL", WHICH SHALL HAVE THE AUTHORITY TO PROMULGATE RULES AND PROCEDURES GOVERNING THE USE OF THE III SYSTEM FOR NONCRIMINAL JUSTICE PURPOSES, NOT TO CONFLICT WITH FBI ADMINISTRATION OF THE III SYSTEM FOR CRIMINAL JUSTICE PURPOSES.

2. THE COUNCIL SHALL:

A. CONTINUE IN EXISTENCE AS LONG AS THIS COMPACT REMAINS IN EFFECT;

B. BE LOCATED, FOR ADMINISTRATIVE PURPOSES, WITHIN THE FBI; AND

C. BE ORGANIZED AND HOLD ITS FIRST MEETING AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS COMPACT.

(B) THE COUNCIL SHALL BE COMPOSED OF FIFTEEN MEMBERS, EACH OF WHOM SHALL BE APPOINTED BY THE ATTORNEY GENERAL, AS FOLLOWS:

1. NINE MEMBERS, EACH OF WHOM SHALL SERVE A TWO-YEAR TERM, WHO SHALL BE SELECTED FROM AMONG THE COMPACT OFFICERS OF PARTY STATES BASED ON THE RECOMMENDATION OF THE COMPACT OFFICERS OF ALL PARTY STATES, EXCEPT THAT, IN THE ABSENCE OF THE REQUISITE NUMBER OF COMPACT OFFICERS AVAILABLE TO SERVE, THE CHIEF ADMINISTRATORS OF THE CRIMINAL HISTORY RECORD REPOSITORIES OF NONPARTY STATES SHALL BE ELIGIBLE TO SERVE ON AN INTERIM BASIS.

2. TWO AT-LARGE MEMBERS, NOMINATED BY THE DIRECTOR OF THE FBI, EACH OF WHOM SHALL SERVE A THREE-YEAR TERM, OF WHOM:

A. ONE SHALL BE A REPRESENTATIVE OF THE CRIMINAL JUSTICE AGENCIES OF THE FEDERAL GOVERNMENT AND MAY NOT BE AN EMPLOYEE OF THE FBI; AND

B. ONE SHALL BE A REPRESENTATIVE OF THE NONCRIMINAL JUSTICE AGENCIES OF THE FEDERAL GOVERNMENT.

3. TWO AT-LARGE MEMBERS, NOMINATED BY THE CHAIRMAN OF THE COUNCIL, ONCE THE CHAIRMAN IS ELECTED PURSUANT TO SUBDIVISION (C) OF THIS ARTICLE, EACH OF WHOM SHALL SERVE A THREE-YEAR TERM, OF WHOM:

A. ONE SHALL BE A REPRESENTATIVE OF STATE OR LOCAL CRIMINAL JUSTICE AGENCIES; AND

B. ONE SHALL BE A REPRESENTATIVE OF STATE OR LOCAL NONCRIMINAL JUSTICE AGENCIES.

4. ONE MEMBER, WHO SHALL SERVE A THREE-YEAR TERM, AND WHO SHALL SIMULTANEOUSLY BE A MEMBER OF THE FBI'S ADVISORY POLICY BOARD ON CRIMINAL JUSTICE INFORMATION SERVICES, NOMINATED BY THE MEMBERSHIP OF THAT POLICY BOARD.

5. ONE MEMBER, NOMINATED BY THE DIRECTOR OF THE FBI, WHO SHALL SERVE A THREE-YEAR TERM, AND WHO SHALL BE AN EMPLOYEE OF THE FBI.

(C) 1. IN GENERAL, FROM ITS MEMBERSHIP, THE COUNCIL SHALL ELECT A CHAIRMAN AND A VICE CHAIRMAN OF THE COUNCIL, RESPECTIVELY. BOTH THE CHAIRMAN AND VICE CHAIRMAN OF THE COUNCIL:

A. SHALL BE A COMPACT OFFICER, UNLESS THERE IS NO COMPACT OFFICER ON THE COUNCIL WHO IS WILLING TO SERVE, IN WHICH CASE THE CHAIRMAN MAY BE AN AT-LARGE MEMBER; AND

B. SHALL SERVE A TWO-YEAR TERM AND MAY BE REELECTED TO ONLY ONE ADDITIONAL TWO-YEAR TERM.

2. THE VICE CHAIRMAN OF THE COUNCIL SHALL SERVE AS THE CHAIRMAN OF THE COUNCIL IN THE ABSENCE OF THE CHAIRMAN.

(D) 1. IN GENERAL, THE COUNCIL SHALL MEET AT LEAST ONCE EACH YEAR AT THE CALL OF THE CHAIRMAN. EACH MEETING OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC. THE COUNCIL SHALL PROVIDE PRIOR PUBLIC NOTICE IN THE FEDERAL REGISTER OF EACH MEETING OF THE COUNCIL, INCLUDING THE MATTERS TO BE ADDRESSED AT SUCH MEETING.

2. A MAJORITY OF THE COUNCIL OR ANY COMMITTEE OF THE COUNCIL SHALL CONSTITUTE A QUORUM OF THE COUNCIL OR OF SUCH COMMITTEE, RESPECTIVELY, FOR THE CONDUCT OF BUSINESS. A LESSER NUMBER MAY MEET TO HOLD HEARINGS, TAKE TESTIMONY, OR CONDUCT ANY BUSINESS NOT REQUIRING A VOTE.

(E) THE COUNCIL SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COUNCIL OFFICE WITHIN THE FBI, AND SHALL PUBLISH IN THE FEDERAL REGISTER, ANY RULES, PROCEDURES, OR STANDARDS ESTABLISHED BY THE COUNCIL.

(F) THE COUNCIL MAY REQUEST FROM THE FBI SUCH REPORTS, STUDIES, STATISTICS, OR OTHER INFORMATION OR MATERIALS AS THE COUNCIL DETERMINES TO BE NECESSARY TO ENABLE THE COUNCIL TO PERFORM ITS DUTIES UNDER THIS COMPACT. THE FBI, TO THE EXTENT AUTHORIZED BY LAW, MAY PROVIDE SUCH ASSISTANCE OR INFORMATION UPON SUCH A REQUEST.

(G) THE CHAIRMAN MAY ESTABLISH COMMITTEES AS NECESSARY TO CARRY OUT THIS COMPACT AND MAY PRESCRIBE THEIR MEMBERSHIP, RESPONSIBILITIES, AND DURATION.

ARTICLE VII--RATIFICATION OF COMPACT

THIS COMPACT SHALL TAKE EFFECT UPON BEING ENTERED INTO BY TWO OR MORE STATES AS BETWEEN THOSE STATES AND THE FEDERAL GOVERNMENT. UPON SUBSEQUENT ENTERING INTO THIS COMPACT BY ADDITIONAL STATES, IT SHALL BECOME EFFECTIVE AMONG THOSE STATES AND THE FEDERAL GOVERNMENT AND EACH PARTY STATE THAT HAS PREVIOUSLY RATIFIED IT. WHEN RATIFIED, THIS COMPACT SHALL HAVE THE FULL FORCE AND EFFECT OF LAW WITHIN THE RATIFYING JURISDICTIONS. THE FORM OF RATIFICATION SHALL BE IN ACCORDANCE WITH THE LAWS OF THE EXECUTING STATE.

ARTICLE VIII--MISCELLANEOUS PROVISIONS

(A) ADMINISTRATION OF THIS COMPACT SHALL NOT INTERFERE WITH THE MANAGEMENT AND CONTROL OF THE DIRECTOR OF THE FBI OVER THE FBI'S COLLECTION AND DISSEMINATION OF CRIMINAL HISTORY RECORDS AND THE ADVISORY FUNCTION OF THE FBI'S ADVISORY POLICY BOARD CHARTERED UNDER THE FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) FOR ALL PURPOSES OTHER THAN NONCRIMINAL JUSTICE.

(B) NOTHING IN THIS COMPACT SHALL REQUIRE THE FBI TO OBLIGATE OR EXPEND FUNDS BEYOND THOSE APPROPRIATED TO THE FBI.

(C) NOTHING IN THIS COMPACT SHALL DIMINISH OR LESSEN THE OBLIGATIONS, RESPONSIBILITIES, AND AUTHORITIES OF ANY STATE, WHETHER A PARTY STATE OR A NONPARTY STATE, OR OF ANY CRIMINAL HISTORY RECORD REPOSITORY OR OTHER SUBDIVISION OR COMPONENT THEREOF, UNDER THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1973 (PUBLIC LAW 92-544), OR REGULATIONS AND GUIDELINES PROMULGATED THEREUNDER, INCLUDING THE RULES AND PROCEDURES PROMULGATED BY THE COUNCIL UNDER SUBDIVISION (A) OF ARTICLE VI, REGARDING THE USE AND DISSEMINATION OF CRIMINAL HISTORY RECORDS AND INFORMATION.

ARTICLE IX--RENUNCIATION

(A) IN GENERAL, THIS COMPACT SHALL BIND EACH PARTY STATE UNTIL RENOUNCED BY THE PARTY STATE.

(B) ANY RENUNCIATION OF THIS COMPACT BY A PARTY STATE SHALL:

1. BE EFFECTED IN THE SAME MANNER BY WHICH THE PARTY STATE RATIFIED THIS COMPACT; AND

2. BECOME EFFECTIVE ONE HUNDRED EIGHTY DAYS AFTER WRITTEN NOTICE OF RENUNCIATION IS PROVIDED BY THE PARTY STATE TO EACH OTHER PARTY STATE AND TO THE FEDERAL GOVERNMENT.

ARTICLE X--SEVERABILITY

THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE, OR TO THE CONSTITUTION OF THE UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF A PORTION OF THIS COMPACT IS HELD CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, ALL OTHER PORTIONS OF THIS COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTY STATE AFFECTED, AS TO ALL OTHER PROVISIONS.

ARTICLE XI--ADJUDICATION OF DISPUTES

(A) THE COUNCIL SHALL:

1. HAVE INITIAL AUTHORITY TO MAKE DETERMINATIONS WITH RESPECT TO ANY DISPUTE REGARDING:

A. INTERPRETATION OF THIS COMPACT;

B. ANY RULE OR STANDARD ESTABLISHED BY THE COUNCIL PURSUANT TO ARTICLE V; AND

C. ANY DISPUTE OR CONTROVERSY BETWEEN ANY PARTIES TO THIS COMPACT; AND

2. HOLD A HEARING CONCERNING ANY DISPUTE DESCRIBED IN PARAGRAPH ONE OF THIS SUBDIVISION AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL AND ONLY RENDER A DECISION BASED UPON A MAJORITY VOTE OF THE MEMBERS OF THE COUNCIL. SUCH DECISION SHALL BE PUBLISHED PURSUANT TO THE REQUIREMENTS OF SUBDIVISION (E) OF ARTICLE VI.

(B) THE FBI SHALL EXERCISE IMMEDIATE AND NECESSARY ACTION TO PRESERVE THE INTEGRITY OF THE III SYSTEM, MAINTAIN SYSTEM POLICY AND STANDARDS, PROTECT THE ACCURACY AND PRIVACY OF RECORDS, AND TO PREVENT ABUSES, UNTIL THE COUNCIL HOLDS A HEARING ON SUCH MATTERS.

(C) THE FBI OR A PARTY STATE MAY APPEAL ANY DECISION OF THE COUNCIL TO THE ATTORNEY GENERAL, AND THEREAFTER MAY FILE SUIT IN THE APPROPRIATE DISTRICT COURT OF THE UNITED STATES, WHICH SHALL HAVE ORIGINAL JURISDICTION OF ALL CASES OR CONTROVERSIES ARISING UNDER THIS COMPACT. ANY SUIT ARISING UNDER THIS COMPACT AND INITIATED IN A STATE COURT SHALL BE REMOVED TO THE APPROPRIATE DISTRICT COURT OF THE UNITED STATES IN THE MANNER PROVIDED BY SECTION FOURTEEN HUNDRED FORTY-SIX OF TITLE TWENTY-EIGHT OF THE UNITED STATES CODE, OR OTHER STATUTORY AUTHORITY.

S 2. This act shall take effect immediately.

PART E

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law [and shall remain in effect until September 1, 2013].

S 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, as amended by section 2 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [2013] 2015, when it shall expire and be deemed repealed.

S 3. Section 3 of chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, as amended by section 3 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect 60 days after it shall have become a law [and shall remain in effect until September 1, 2013].

S 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended by section 4 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 20. This act shall take effect immediately [except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, 2013] and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of correctional services shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

S 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [2013] 2015 and be applicable to all persons entering the program on or before August 31, [2013] 2015.

S 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 10. This act shall take effect 30 days after it shall have become a law [and shall remain in effect until September 1, 2013], and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

S 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by section 7 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

(c) sections forty-one and forty-two of this act [shall expire September 1, 2013; provided, that the provisions of section forty-two of this act] shall apply to inmates entering the work release program on or after such effective date; and

S 8. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 9 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [2013] 2015, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, however, that sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

S 9. Subdivision (z) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

(z) the provisions of section three hundred eighty-one of this act shall apply to all persons supervised by the department of corrections and community supervision on or after the effective date of this act, provided however, that subdivision 9 of section 259-a of the executive law, as added by section three hundred eighty-one of this act, shall expire on September 1, [2013] 2015;

S 10. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 11 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [2013] 2015;

S 11. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, as amended by section 12 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [2013] 2015 on which date those provisions shall be deemed to be repealed.

S 12. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 13 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [2013] 2015, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [2013] 2015 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

S 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 14 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [thirteen] FIFTEEN.

S 14. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 15 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [2013] 2015 when upon such date the provisions of this act shall be deemed repealed.

S 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 16 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [2013] 2015;

S 16. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by section 17 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [2013] 2015, when upon such date it shall expire.

S 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 18 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1,

1996 and shall expire and be deemed repealed on September 1, [2013] 2015.

S 18. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, as amended by section 19 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [2013] 2015, when upon such date the provisions of this act shall be deemed repealed.

S 19. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 20 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, [2013] 2015;

S 20. Section 2 of chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, as amended by section 21 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 2. This act shall take effect immediately, except that the provisions of this act shall be deemed to have been in full force and effect since July 1, 1992 and the provisions of this act shall expire September 1, [2013] 2015 when upon such date the provisions of this act shall be deemed repealed.

S 21. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 22 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law[, and shall remain in effect until the first of September, 2013, upon which date this act shall be deemed repealed and have no further force and effect]; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

S 22. Section 8 of part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, as amended by section 23 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, [2013] 2015.

S 23. Section 3 of part C of chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, as amended by section 25 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect on the same date as the reversion of subdivision 5 of section 183 and subdivision 1 of section 221 of the military law as provided by section 76 of chapter 435 of the laws of 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwithstanding this act shall be deemed to have been in full force and effect on and after July 31, 2005 and shall remain in full force and effect until September 1, [2013] 2015 when upon such date this act shall expire.

S 24. This act shall take effect immediately.

PART F

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 1 of part F of chapter 55 of the laws of 2012, is amended to read as follows:

S 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [2013] 2014, when it shall expire and be deemed repealed.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2013.

PART G

Section 1. Legislative findings and intent. The legislature finds that local governments and school districts are facing increased stress from rising costs including employee pension obligations. Ultimately, the growth in pension costs results in greater stress on the already overburdened taxpayer.

It is the intent of the legislature to offer local governments and school districts the option to lock-in to a long-term stable pension contribution rate. The intent is to provide local governments with more stability and predictability for pension obligations, while simultaneously ensuring the adequacy of pension system funding.

It is the intent of the legislature to authorize the comptroller and the New York state teachers' retirement system board to establish a long-term stable contribution option assuming a baseline term of twenty-five years. If the comptroller and the New York state teachers' retirement system board elect to implement this act, the comptroller and the New York state teachers' retirement system board, at their discretion, will determine whether such baseline term shall be increased or decreased, as appropriate to ensure adequate pension system funding. It is the intent of the legislature that the comptroller and the New York state teachers' retirement system board, subject to their discretion, strive to minimize any extension of such baseline term or terms, to the extent possible, and to the extent an extension is necessary, limit any extension of such baseline term or terms not to exceed five additional years, to the extent possible, while ensuring adequate pension system funding over the full term of this option.

S 2. The retirement and social security law is amended by adding a new section 17-e to read as follows:

S 17-E. LONG-TERM STABLE CONTRIBUTION OPTION FOR PARTICIPATING MUNICIPAL EMPLOYERS FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN FISCAL YEAR. A. IN ADDITION TO THE DEFINITIONS IN SECTION TWO OF THIS ARTICLE, WHEN USED IN THIS SECTION:

(1) "PARTICIPATING MUNICIPAL EMPLOYER" SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE OR SCHOOL DISTRICT WHO ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT IN THE MANNER PROVIDED IN THIS SECTION.

(2) "STABLE CONTRIBUTION AMOUNT" SHALL MEAN AN AMOUNT EQUAL TO TWELVE PERCENT OF THE ESTIMATED PENSIONABLE SALARY BASE (EXCLUSIVE OF PAYMENTS FOR GROUP TERM LIFE INSURANCE, DEFICIENCY PAYMENTS, ADJUSTMENTS RELATING TO PRIOR FISCAL YEARS' OBLIGATIONS, OBLIGATIONS PERTAINING TO RETIREMENT INCENTIVES AND AMORTIZED PAYMENTS PURSUANT TO SECTION NINETEEN-A OF THIS TITLE OR ANY OTHER OBLIGATIONS THAT A PARTICIPATING MUNICIPAL EMPLOYER IS PERMITTED TO PAY ON AN AMORTIZED BASIS).

(3) "STABLE CONTRIBUTION RATE" SHALL MEAN TWELVE PERCENT.

B. NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER OR ANY OTHER LAW TO THE CONTRARY, THE COMPTROLLER, IN HIS OR HER DISCRETION, SHALL HAVE AUTHORITY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. IF THE COMPTROLLER ELECTS TO IMPLEMENT THE PROVISIONS OF THIS SECTION, THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE PAYMENT OF PARTICIPATING MUNICIPAL EMPLOYER CONTRIBUTIONS FOR THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN, AND FOR SUBSEQUENT FISCAL YEARS.

C. FOR EACH FISCAL YEAR TO WHICH THE PROVISIONS OF THIS SECTION APPLY, THE COMPTROLLER SHALL USE THE STABLE CONTRIBUTION RATE FOR PARTICIPATING MUNICIPAL EMPLOYERS.

D. IF THE COMPTROLLER, IN HIS OR HER DISCRETION, DECIDES TO PERMIT A STABLE EMPLOYER CONTRIBUTION OPTION PURSUANT TO THIS SECTION, THEN, THE COMPTROLLER SHALL DETERMINE THE STABLE CONTRIBUTION AMOUNT FOR A PARTICIPATING MUNICIPAL EMPLOYER PURSUANT TO PARAGRAPH TWO OF SUBDIVISION A OF THIS SECTION. SUCH CONTRIBUTION SHALL BE IN LIEU OF THE PARTICIPATING MUNICIPAL EMPLOYER'S NORMAL AND ADMINISTRATIVE CONTRIBUTIONS FOR THE FISCAL YEAR DETERMINED IN ACCORDANCE WITH SECTIONS TWENTY-THREE AND TWENTY-THREE-A OF THIS ARTICLE.

E. PARTICIPATING MUNICIPAL EMPLOYERS ARE AUTHORIZED TO CHOOSE THE STABLE EMPLOYER CONTRIBUTION OPTION WITH REGARD TO THE FEBRUARY FIRST, TWO THOUSAND FOURTEEN PENSION BILL. A PARTICIPATING MUNICIPAL EMPLOYER, MAY, IN LIEU OF PAYING ITS NORMAL AND ADMINISTRATIVE FEBRUARY FIRST, TWO THOUSAND FOURTEEN PENSION BILL, PAY THE STABLE CONTRIBUTION AMOUNT. SUCH PARTICIPATING MUNICIPAL EMPLOYER SHALL PAY THE STABLE CONTRIBUTION AMOUNT FOR A PERIOD OF TWENTY-FIVE YEARS PROVIDED, HOWEVER, THAT SUCH TWENTY-FIVE YEAR PERIOD MAY BE INCREASED OR DECREASED AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. THIS LONG-TERM STABLE CONTRIBUTION OPTION SHALL COMMENCE IN THE FISCAL YEAR

ENDING MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN AND SHALL END AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION.

F. ANY PARTICIPATING MUNICIPAL EMPLOYER WHICH ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT PURSUANT TO SUBDIVISIONS A, B, C, D AND E OF THIS SECTION SHALL PAY THE AMOUNT BASED ON THE STABLE CONTRIBUTION RATE FOR A PERIOD OF TWENTY-FIVE YEARS, SUCH TERM AS SUBJECT TO INCREASE OR DECREASE AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. THIS LONG-TERM STABLE CONTRIBUTION SHALL COMMENCE IN THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN AND SHALL END AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. UPON COMPLETION OF SUCH LONG-TERM STABLE CONTRIBUTION OPTION, THE PARTICIPATING MUNICIPAL EMPLOYER SHALL RESUME PAYING NORMAL AND ADMINISTRATIVE EMPLOYER CONTRIBUTIONS PURSUANT TO SECTIONS TWENTY-THREE AND TWENTY-THREE-A OF THIS ARTICLE.

G. A PARTICIPATING MUNICIPAL EMPLOYER MAKING A PAYMENT PURSUANT TO SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION SHALL PAY ON FEBRUARY FIRST, TWO THOUSAND FOURTEEN AN AMOUNT DETERMINED BY THE COMPTROLLER BY ADDING THE FOLLOWING TWO AMOUNTS TOGETHER:

(1) THE STABLE CONTRIBUTION AMOUNT CALCULATED PURSUANT TO SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION; AND

(2) PAYMENTS FOR GROUP TERM LIFE INSURANCE, DEFICIENCY PAYMENTS, ADJUSTMENTS RELATING TO PRIOR FISCAL YEARS' OBLIGATIONS, OBLIGATIONS PERTAINING TO RETIREMENT INCENTIVES AND AMORTIZED PAYMENTS PURSUANT TO SECTION NINETEEN-A OF THIS TITLE OR ANY OTHER OBLIGATIONS THAT A PARTICIPATING MUNICIPAL EMPLOYER IS PERMITTED TO PAY ON AN AMORTIZED BASIS.

H. THE STABLE CONTRIBUTION AMOUNT MUST BE PAID IN FULL BY PARTICIPATING MUNICIPAL EMPLOYERS ON THE DATE SET FORTH IN SUBDIVISION C OF SECTION SEVENTEEN OF THIS TITLE.

I. A PARTICIPATING MUNICIPAL EMPLOYER WHICH ELECTS THE LONG-TERM STABLE CONTRIBUTION OPTION SHALL BE PROHIBITED FROM AMORTIZING ANY PORTION OF ITS FUTURE PENSION BILL PURSUANT TO THE OPTION OTHERWISE AVAILABLE IN SECTION NINETEEN-A OF THIS TITLE.

J. THE COMPTROLLER IS AUTHORIZED TO EVALUATE THE STABLE CONTRIBUTION RATE USED TO CALCULATE PARTICIPATING MUNICIPAL EMPLOYER CONTRIBUTION AMOUNTS IN THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND SEVENTEEN AND SUBSEQUENTLY IN THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND TWENTY-TWO. SUCH EVALUATION SHALL BE BASED ON A LONG-TERM PROJECTION OF ASSETS AND LIABILITIES SO AS TO ENSURE THAT CONTRIBUTIONS BY MUNICIPAL EMPLOYERS WHICH PARTICIPATE IN THE LONG-TERM STABLE CONTRIBUTION OPTION ARE ADEQUATE TO ENSURE THAT SYSTEM ASSETS OVER THE LONG-TERM STABLE CONTRIBUTION OPTION PERIOD ARE SUFFICIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH PARTICIPATING MUNICIPAL EMPLOYERS. THE COMPTROLLER IS AUTHORIZED TO INCREASE THE STABLE CONTRIBUTION RATE BY UP TO TWO PERCENTAGE POINTS AT SUCH FIVE-YEAR AND SUBSEQUENT TEN-YEAR EVALUATION. THE REVISED STABLE CONTRIBUTION RATE RESULTING FROM THE FIVE AND SUBSEQUENT TEN-YEAR EVALUATIONS MAY NOT, IN COMBINATION, EXCEED SIXTEEN PERCENT. THE COMPTROLLER IS AUTHORIZED TO DECREASE THE STABLE CONTRIBUTION RATE IF WARRANTED AT THE TEN-YEAR EVALUATION BUT IN NO EVENT SHALL THE STABLE CONTRIBUTION RATE BE LESS THAN TWELVE PERCENT.

K. (1) THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM SHALL BE TWENTY-FIVE YEARS. PROVIDED, HOWEVER, SUCH BASELINE LONG-TERM STABLE CONTRIBUTION TERM MAY EVENTUALLY BE INCREASED OR DECREASED, AT THE DISCRETION OF THE COMPTROLLER, SO AS TO ENSURE THAT SYSTEM ASSETS ARE SUFFICIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH PARTICIPATING MUNICIPAL EMPLOYERS.

(2) THE COMPTROLLER IS AUTHORIZED TO EVALUATE THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM EVERY FIVE YEARS AFTER THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN. SUCH EVALUATION SHALL INFORM PARTICIPATING MUNICIPAL EMPLOYERS WHETHER THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM IS EXPECTED TO INCREASE OR DECREASE PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION AND THE DURATION OF SUCH INCREASE OR DECREASE.

L. A PARTICIPATING MUNICIPAL EMPLOYER MAY ELECT TO TERMINATE PARTICIPATION IN THE LONG-TERM STABLE CONTRIBUTION OPTION AND RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS IN ACCORDANCE WITH SECTIONS TWENTY-THREE AND TWENTY-THREE-A OF THIS ARTICLE. PROVIDED, HOWEVER, THAT SUCH PARTICIPATING MUNICIPAL EMPLOYER WHICH ELECTS TO TERMINATE PARTICIPATION SHALL MAKE A RECONCILIATION CONTRIBUTION TO THE RETIREMENT SYSTEM, AT AN AMOUNT TO BE DETERMINED BY THE COMPTROLLER, ADEQUATE TO FUND THE BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH SUCH PARTICIPATING MUNICIPAL EMPLOYER HAD SUCH PARTICIPATING MUNICIPAL EMPLOYER NOT ELECTED THE PROVISIONS OF THIS SECTION. SUCH RECONCILIATION CONTRIBUTION SHALL BE MADE OVER A PERIOD NOT TO EXCEED FIVE YEARS AND SHALL BE MADE IN ADDITION TO THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS TWENTY-THREE AND TWENTY-THREE-A OF THIS ARTICLE FOR THE FISCAL YEAR IN WHICH SUCH PARTICIPATING MUNICIPAL EMPLOYER CHOOSES TO RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS TWENTY-THREE AND TWENTY-THREE-A OF THIS ARTICLE. TERMINATION OF THE LONG-TERM STABLE CONTRIBUTION OPTION BY A PARTICIPATING MUNICIPAL EMPLOYER SHALL BE SUBJECT TO TIMING AND NOTIFICATION PROCEDURES ESTABLISHED BY THE COMPTROLLER.

S 3. Paragraph 1 of subdivision b of section 23-a of the retirement and social security law, as added by section 1 of part A of chapter 49 of the laws of 2003, is amended to read as follows:

1. revision of the schedule pertaining to the valuation, billing and payment of contributions by the state and participating employers, EXCLUDING PARTICIPATING MUNICIPAL EMPLOYERS AS DEFINED IN SECTION SEVENTEEN-E OF THIS ARTICLE, under which the valuation of the assets and liabilities of the retirement system, EXCLUDING THE ASSETS AND LIABILITIES ASSOCIATED WITH PARTICIPATING MUNICIPAL EMPLOYERS AS DEFINED IN SECTION SEVENTEEN-E OF THIS ARTICLE, undertaken on the first day of a fiscal year shall be used to determine the contribution rates to be applied to the pensionable salaries of the state and participating employers, WITH THE EXCEPTION OF THE PENSIONABLE SALARIES OF PARTICIPATING MUNICIPAL EMPLOYERS AS DEFINED IN SECTION SEVENTEEN-E OF THIS ARTICLE, for the next succeeding fiscal year; and

S 4. The retirement and social security law is amended by adding a new section 317-e to read as follows:

S 317-E. LONG-TERM STABLE CONTRIBUTION OPTION FOR PARTICIPATING MUNICIPAL EMPLOYERS FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN FISCAL YEAR. A. IN ADDITION TO THE DEFINITIONS IN SECTION THREE HUNDRED TWO OF THIS ARTICLE, WHEN USED IN THIS SECTION:

(1) "PARTICIPATING MUNICIPAL EMPLOYER" SHALL MEAN A COUNTY, CITY, TOWN OR VILLAGE WHO ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT IN THE MANNER PROVIDED IN THIS SECTION.

(2) "STABLE CONTRIBUTION AMOUNT" SHALL MEAN AN AMOUNT EQUAL TO EIGHTEEN AND FIVE-TENTHS PERCENT OF THE ESTIMATED PENSIONABLE SALARY BASE (EXCLUSIVE OF PAYMENTS FOR GROUP TERM LIFE INSURANCE, DEFICIENCY PAYMENTS, ADJUSTMENTS RELATING TO PRIOR FISCAL YEARS' OBLIGATIONS, OBLIGATIONS PERTAINING TO RETIREMENT INCENTIVES AND AMORTIZED PAYMENTS PURSUANT TO SECTION THREE HUNDRED NINETEEN-A OF THIS TITLE OR ANY OTHER

OBLIGATIONS THAT A PARTICIPATING MUNICIPAL EMPLOYER IS PERMITTED TO PAY ON AN AMORTIZED BASIS).

(3) "STABLE CONTRIBUTION RATE" SHALL MEAN EIGHTEEN AND FIVE-TENTHS PERCENT.

B. NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER OR ANY OTHER LAW TO THE CONTRARY, THE COMPTROLLER, IN HIS OR HER DISCRETION, SHALL HAVE AUTHORITY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. IF THE COMPTROLLER ELECTS TO IMPLEMENT THE PROVISIONS OF THIS SECTION, THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE PAYMENT OF PARTICIPATING MUNICIPAL EMPLOYER CONTRIBUTIONS FOR THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN, AND FOR SUBSEQUENT FISCAL YEARS.

C. FOR EACH FISCAL YEAR TO WHICH THE PROVISIONS OF THIS SECTION APPLY, THE COMPTROLLER SHALL USE THE STABLE CONTRIBUTION RATE FOR PARTICIPATING MUNICIPAL EMPLOYERS.

D. IF THE COMPTROLLER, IN HIS OR HER DISCRETION, DECIDES TO PERMIT A STABLE EMPLOYER CONTRIBUTION OPTION PURSUANT TO THIS SECTION, THEN, THE COMPTROLLER SHALL DETERMINE THE STABLE CONTRIBUTION AMOUNT FOR A PARTICIPATING MUNICIPAL EMPLOYER PURSUANT TO PARAGRAPH TWO OF SUBDIVISION A OF THIS SECTION. SUCH CONTRIBUTION SHALL BE IN LIEU OF THE PARTICIPATING MUNICIPAL EMPLOYER'S NORMAL AND ADMINISTRATIVE CONTRIBUTIONS FOR THE FISCAL YEAR DETERMINED IN ACCORDANCE WITH SECTIONS THREE HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF THIS ARTICLE.

E. PARTICIPATING MUNICIPAL EMPLOYERS ARE AUTHORIZED TO CHOOSE THE STABLE EMPLOYER CONTRIBUTION OPTION WITH REGARD TO THE FEBRUARY FIRST, TWO THOUSAND FOURTEEN PENSION BILL. A PARTICIPATING MUNICIPAL EMPLOYER, MAY, IN LIEU OF PAYING ITS NORMAL AND ADMINISTRATIVE FEBRUARY FIRST, TWO THOUSAND FOURTEEN PENSION BILL, PAY THE STABLE CONTRIBUTION AMOUNT. SUCH PARTICIPATING MUNICIPAL EMPLOYER SHALL PAY THE STABLE CONTRIBUTION AMOUNT FOR A PERIOD OF TWENTY-FIVE YEARS PROVIDED, HOWEVER, THAT SUCH TWENTY-FIVE YEAR PERIOD MAY BE INCREASED OR DECREASED AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. THIS LONG-TERM STABLE CONTRIBUTION OPTION SHALL COMMENCE IN THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN AND SHALL END AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION.

F. ANY PARTICIPATING MUNICIPAL EMPLOYER WHICH ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT PURSUANT TO SUBDIVISIONS A, B, C, D AND E OF THIS SECTION SHALL PAY THE AMOUNT BASED ON THE STABLE CONTRIBUTION RATE FOR A PERIOD OF TWENTY-FIVE YEARS, SUCH TERM AS SUBJECT TO INCREASE OR DECREASE AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. THIS LONG-TERM STABLE CONTRIBUTION SHALL COMMENCE IN THE FISCAL YEAR ENDING MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN AND SHALL END AT THE DISCRETION OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. UPON COMPLETION OF SUCH LONG-TERM STABLE CONTRIBUTION OPTION, THE PARTICIPATING MUNICIPAL EMPLOYER SHALL RESUME PAYING NORMAL AND ADMINISTRATIVE EMPLOYER CONTRIBUTIONS PURSUANT TO SECTIONS THREE HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF THIS ARTICLE.

G. A PARTICIPATING MUNICIPAL EMPLOYER MAKING A PAYMENT PURSUANT TO SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION SHALL PAY ON FEBRUARY FIRST, TWO THOUSAND FOURTEEN AN AMOUNT DETERMINED BY THE COMPTROLLER BY ADDING THE FOLLOWING TWO AMOUNTS TOGETHER:

(1) THE STABLE CONTRIBUTION AMOUNT CALCULATED PURSUANT TO SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION; AND

(2) PAYMENTS FOR GROUP TERM LIFE INSURANCE, DEFICIENCY PAYMENTS, ADJUSTMENTS RELATING TO PRIOR FISCAL YEARS' OBLIGATIONS, OBLIGATIONS PERTAINING TO RETIREMENT INCENTIVES AND AMORTIZED PAYMENTS PURSUANT TO SECTION THREE HUNDRED NINETEEN-A OF THIS TITLE OR ANY OTHER OBLIGATIONS

THAT A PARTICIPATING MUNICIPAL EMPLOYER IS PERMITTED TO PAY ON AN AMORTIZED BASIS.

H. THE STABLE CONTRIBUTION AMOUNT MUST BE PAID IN FULL BY PARTICIPATING MUNICIPAL EMPLOYERS ON THE DATE SET FORTH IN SUBDIVISION C OF SECTION THREE HUNDRED SEVENTEEN OF THIS TITLE.

I. A PARTICIPATING MUNICIPAL EMPLOYER WHICH ELECTS THE LONG-TERM STABLE CONTRIBUTION OPTION SHALL BE PROHIBITED FROM AMORTIZING ANY PORTION OF ITS FUTURE PENSION BILL PURSUANT TO THE OPTION OTHERWISE AVAILABLE IN SECTION THREE HUNDRED NINETEEN-A OF THIS TITLE.

J. THE COMPTROLLER IS AUTHORIZED TO EVALUATE THE STABLE CONTRIBUTION RATE USED TO CALCULATE PARTICIPATING MUNICIPAL EMPLOYER CONTRIBUTION AMOUNTS IN THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND SEVENTEEN AND SUBSEQUENTLY IN THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND TWENTY-TWO. SUCH EVALUATION SHALL BE BASED ON A LONG-TERM PROJECTION OF ASSETS AND LIABILITIES SO AS TO ENSURE THAT CONTRIBUTIONS BY MUNICIPAL EMPLOYERS WHICH PARTICIPATE IN THE LONG-TERM STABLE CONTRIBUTION OPTION ARE ADEQUATE TO ENSURE THAT SYSTEM ASSETS OVER THE LONG-TERM STABLE CONTRIBUTION OPTION PERIOD ARE SUFFICIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH PARTICIPATING MUNICIPAL EMPLOYERS. THE COMPTROLLER IS AUTHORIZED TO INCREASE THE STABLE CONTRIBUTION RATE BY UP TO TWO PERCENTAGE POINTS AT SUCH FIVE-YEAR AND SUBSEQUENT TEN-YEAR EVALUATION. THE REVISED STABLE CONTRIBUTION RATE RESULTING FROM THE FIVE AND SUBSEQUENT TEN-YEAR EVALUATIONS MAY NOT, IN COMBINATION, EXCEED TWENTY-TWO AND FIVE-TENTHS PERCENT. THE COMPTROLLER IS AUTHORIZED TO DECREASE THE STABLE CONTRIBUTION RATE IF WARRANTED AT THE TEN-YEAR EVALUATION BUT IN NO EVENT SHALL THE STABLE CONTRIBUTION RATE BE LESS THAN EIGHTEEN AND FIVE-TENTHS PERCENT.

K. (1) THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM SHALL BE TWENTY-FIVE YEARS. PROVIDED, HOWEVER, SUCH BASELINE LONG-TERM STABLE CONTRIBUTION TERM MAY EVENTUALLY BE INCREASED OR DECREASED, AT THE DISCRETION OF THE COMPTROLLER, SO AS TO ENSURE THAT SYSTEM ASSETS ARE SUFFICIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH PARTICIPATING MUNICIPAL EMPLOYERS.

(2) THE COMPTROLLER IS AUTHORIZED TO EVALUATE THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM EVERY FIVE YEARS AFTER THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN. SUCH EVALUATION SHALL INFORM PARTICIPATING MUNICIPAL EMPLOYERS WHETHER THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM IS EXPECTED TO INCREASE OR DECREASE PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION AND THE DURATION OF SUCH INCREASE OR DECREASE.

L. A PARTICIPATING MUNICIPAL EMPLOYER MAY ELECT TO TERMINATE PARTICIPATION IN THE LONG-TERM STABLE CONTRIBUTION OPTION AND RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS IN ACCORDANCE WITH SECTIONS THREE HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF THIS ARTICLE. PROVIDED, HOWEVER, THAT SUCH PARTICIPATING MUNICIPAL EMPLOYER WHICH ELECTS TO TERMINATE PARTICIPATION SHALL MAKE A RECONCILIATION CONTRIBUTION TO THE RETIREMENT SYSTEM, AT AN AMOUNT TO BE DETERMINED BY THE COMPTROLLER, ADEQUATE TO FUND THE BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH SUCH PARTICIPATING MUNICIPAL EMPLOYER HAD SUCH PARTICIPATING MUNICIPAL EMPLOYER NOT ELECTED THE PROVISIONS OF THIS SECTION. SUCH RECONCILIATION CONTRIBUTION SHALL BE MADE OVER A PERIOD NOT TO EXCEED FIVE YEARS AND SHALL BE MADE IN ADDITION TO THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS THREE HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF THIS ARTICLE FOR THE FISCAL YEAR IN WHICH SUCH PARTICIPATING MUNICIPAL EMPLOYER CHOOSES TO RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS

PURSUANT TO SECTIONS THREE HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF THIS ARTICLE. TERMINATION OF THE LONG-TERM STABLE CONTRIBUTION OPTION BY A PARTICIPATING MUNICIPAL EMPLOYER SHALL BE SUBJECT TO TIMING AND NOTIFICATION PROCEDURES ESTABLISHED BY THE COMPTROLLER.

S 5. Paragraph 1 of subdivision b of section 323-a of the retirement and social security law, as added by section 2 of part A of chapter 49 of the laws of 2003, is amended to read as follows:

1. revision of the schedule pertaining to the valuation, billing and payment of contributions by the state and participating employers, EXCLUDING PARTICIPATING MUNICIPAL EMPLOYERS AS DEFINED IN SECTION THREE HUNDRED SEVENTEEN-E OF THIS ARTICLE, under which the valuation of the assets and liabilities of the retirement system, EXCLUDING THE ASSETS AND LIABILITIES ASSOCIATED WITH PARTICIPATING MUNICIPAL EMPLOYERS AS DEFINED IN SECTION THREE HUNDRED SEVENTEEN-E OF THIS ARTICLE, undertaken on the first day of a fiscal year shall be used to determine the contribution rates to be applied to the pensionable salaries of the state and participating employers, WITH THE EXCEPTION OF THE PENSIONABLE SALARIES OF PARTICIPATING MUNICIPAL EMPLOYERS AS DEFINED IN SECTION THREE HUNDRED SEVENTEEN-E OF THIS ARTICLE, for the next succeeding fiscal year; and

S 6. Section 521 of the education law is amended by adding a new subdivision 3 to read as follows:

3. LONG-TERM STABLE CONTRIBUTION OPTION FOR PARTICIPATING EDUCATIONAL EMPLOYERS FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN PLAN YEAR. A. IN ADDITION TO THE DEFINITIONS IN SECTION FIVE HUNDRED ONE OF THIS ARTICLE, WHEN USED IN THIS SUBDIVISION:

(1) "PARTICIPATING EDUCATIONAL EMPLOYER" SHALL MEAN THE CITY, VILLAGE, SCHOOL DISTRICT BOARD OR TRUSTEE BY WHICH A TEACHER IS PAID WHO ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT IN THE MANNER PROVIDED IN THIS SECTION.

(2) "STABLE CONTRIBUTION AMOUNT" SHALL MEAN AN AMOUNT EQUAL TO TWELVE AND FIVE-TENTHS PERCENT OF THE ESTIMATED PENSIONABLE SALARY BASE (EXCLUSIVE OF PAYMENTS FOR GROUP TERM LIFE INSURANCE, DEFICIENCY CONTRIBUTIONS, ADJUSTMENTS RELATING TO PRIOR FISCAL YEARS' OBLIGATIONS, OBLIGATIONS PERTAINING TO RETIREMENT INCENTIVES OR ANY OTHER OBLIGATIONS THAT A PARTICIPATING EDUCATIONAL EMPLOYER IS PERMITTED TO PAY ON AN AMORTIZED BASIS).

(3) "STABLE CONTRIBUTION RATE" SHALL MEAN TWELVE AND FIVE-TENTHS PERCENT.

B. NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER OR ANY OTHER LAW TO THE CONTRARY, THE RETIREMENT BOARD, IN ITS DISCRETION, SHALL HAVE AUTHORITY TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION. IF THE RETIREMENT BOARD ELECTS TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION, THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE PAYMENT OF PARTICIPATING EDUCATIONAL EMPLOYER CONTRIBUTIONS FOR THE PLAN YEAR COMMENCING WITH THE JULY FIRST, TWO THOUSAND THIRTEEN FISCAL YEAR, AND FOR SUBSEQUENT FISCAL YEARS.

C. FOR EACH PLAN YEAR TO WHICH THE PROVISIONS OF THIS SUBDIVISION APPLY, THE RETIREMENT BOARD SHALL USE A STABLE CONTRIBUTION RATE FOR PARTICIPATING EDUCATIONAL EMPLOYERS.

D. IF THE RETIREMENT BOARD, IN ITS DISCRETION, DECIDES TO PERMIT A STABLE EMPLOYER CONTRIBUTION OPTION PURSUANT TO THIS SUBDIVISION, THEN, THE RETIREMENT BOARD SHALL DETERMINE THE STABLE CONTRIBUTION AMOUNT FOR A PARTICIPATING EDUCATIONAL EMPLOYER PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH A OF THIS SUBDIVISION. SUCH CONTRIBUTION SHALL BE IN LIEU OF A

PARTICIPATING EDUCATIONAL EMPLOYER'S NORMAL CONTRIBUTIONS AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF THIS ARTICLE FOR THE FISCAL YEAR COMMENCING JULY FIRST, TWO THOUSAND THIRTEEN, AND FOR SUBSEQUENT FISCAL YEARS.

E. PARTICIPATING EDUCATIONAL EMPLOYERS ARE AUTHORIZED TO CHOOSE THE STABLE EMPLOYER CONTRIBUTION OPTION COMMENCING WITH THE JULY FIRST, TWO THOUSAND THIRTEEN FISCAL YEAR PENSION BILL. A PARTICIPATING EDUCATIONAL EMPLOYER, MAY, IN LIEU OF PAYING ITS NORMAL AND ADMINISTRATIVE CONTRIBUTION COMMENCING WITH THE JULY FIRST, TWO THOUSAND THIRTEEN FISCAL YEAR PENSION BILL, PAY THE STABLE CONTRIBUTION AMOUNT. SUCH PARTICIPATING EDUCATIONAL EMPLOYER SHALL PAY THE STABLE CONTRIBUTION AMOUNT FOR A PERIOD OF TWENTY-FIVE YEARS PROVIDED, HOWEVER, THAT SUCH TWENTY-FIVE YEAR PERIOD MAY BE INCREASED OR DECREASED AT THE DISCRETION OF THE RETIREMENT BOARD PURSUANT TO PARAGRAPH J OF THIS SUBDIVISION. THIS LONG-TERM STABLE CONTRIBUTION OPTION SHALL COMMENCE WITH THE JULY FIRST, TWO THOUSAND THIRTEEN FISCAL YEAR AND SHALL END AT THE DISCRETION OF THE RETIREMENT BOARD PURSUANT TO PARAGRAPH J OF THIS SUBDIVISION.

F. ANY PARTICIPATING EDUCATIONAL EMPLOYER WHICH ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT PURSUANT TO PARAGRAPHS A, B, C, D AND E OF THIS SUBDIVISION SHALL PAY THE AMOUNT BASED ON THE STABLE CONTRIBUTION RATE FOR A PERIOD OF TWENTY-FIVE YEARS, SUCH TERM AS SUBJECT TO INCREASE OR DECREASE AT THE DISCRETION OF THE RETIREMENT BOARD PURSUANT TO PARAGRAPH J OF THIS SUBDIVISION. THIS LONG-TERM STABLE CONTRIBUTION SHALL COMMENCE WITH THE JULY FIRST, TWO THOUSAND THIRTEEN FISCAL YEAR AND SHALL END AT THE DISCRETION OF THE RETIREMENT BOARD PURSUANT TO PARAGRAPH J OF THIS SUBDIVISION. UPON COMPLETION OF SUCH LONG-TERM STABLE CONTRIBUTION OPTION, THE PARTICIPATING EDUCATIONAL EMPLOYER SHALL RESUME PAYING NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF THIS ARTICLE.

G. A PARTICIPATING EDUCATIONAL EMPLOYER MAKING A PAYMENT PURSUANT TO PARAGRAPHS A, B, C, D, E AND F OF THIS SUBDIVISION SHALL PAY COMMENCING WITH THE JULY FIRST, TWO THOUSAND THIRTEEN FISCAL YEAR AN AMOUNT DETERMINED BY THE RETIREMENT BOARD BY ADDING THE FOLLOWING TWO AMOUNTS TOGETHER:

(1) THE STABLE CONTRIBUTION AMOUNT CALCULATED PURSUANT TO PARAGRAPHS A, B, C, D, E AND F OF THIS SUBDIVISION; AND

(2) PAYMENTS FOR GROUP TERM LIFE INSURANCE, DEFICIENCY PAYMENTS, ADJUSTMENTS RELATING TO PRIOR FISCAL YEARS' OBLIGATIONS AND OBLIGATIONS PERTAINING TO RETIREMENT INCENTIVES OR ANY OTHER OBLIGATIONS THAT A PARTICIPATING EDUCATIONAL EMPLOYER IS PERMITTED TO PAY ON AN AMORTIZED BASIS.

H. THE STABLE CONTRIBUTION AMOUNT MUST BE PAID IN FULL BY PARTICIPATING EDUCATIONAL EMPLOYERS ON THE DATES SPECIFIED IN PARAGRAPH H OF SUBDIVISION TWO OF THIS SECTION.

I. THE RETIREMENT BOARD IS AUTHORIZED TO EVALUATE THE STABLE CONTRIBUTION RATE USED TO CALCULATE PARTICIPATING EDUCATIONAL EMPLOYER CONTRIBUTION AMOUNTS IN THE FISCAL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND SEVENTEEN AND SUBSEQUENTLY IN THE FISCAL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND TWENTY-TWO. SUCH EVALUATION SHALL BE BASED ON A LONG-TERM PROJECTION OF ASSETS AND LIABILITIES SO AS TO ENSURE THAT CONTRIBUTIONS BY PARTICIPATING EDUCATIONAL EMPLOYERS WHICH PARTICIPATE IN THE LONG-TERM STABLE CONTRIBUTION OPTION ARE ADEQUATE TO ENSURE THAT SYSTEM ASSETS OVER THE LONG-TERM STABLE OPTION PERIOD ARE SUFFICIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH PARTICIPATING EDUCATIONAL EMPLOYERS. THE RETIREMENT BOARD IS AUTHORIZED TO INCREASE THE STABLE CONTRIBUTION RATE BY UP TO TWO PERCENTAGE POINTS AT SUCH

FIVE-YEAR AND SUBSEQUENT TEN-YEAR EVALUATION. THE REVISED STABLE CONTRIBUTION RATE RESULTING FROM THE FIVE AND SUBSEQUENT TEN-YEAR EVALUATION MAY NOT, IN COMBINATION, EXCEED SIXTEEN AND FIVE-TENTHS PERCENT. THE RETIREMENT BOARD IS AUTHORIZED TO DECREASE THE STABLE CONTRIBUTION RATE IF WARRANTED AT THE TEN-YEAR EVALUATION BUT IN NO EVENT SHALL THE STABLE CONTRIBUTION RATE BE LESS THAN TWELVE AND FIVE-TENTHS PERCENT.

J. (1) THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM SHALL BE TWENTY-FIVE YEARS. PROVIDED, HOWEVER, SUCH BASELINE LONG-TERM STABLE CONTRIBUTION TERM MAY EVENTUALLY BE INCREASED OR DECREASED, AT THE DISCRETION OF THE RETIREMENT BOARD, SO AS TO ENSURE THAT SYSTEM ASSETS ARE SUFFICIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH PARTICIPATING EDUCATIONAL EMPLOYERS.

(2) THE RETIREMENT BOARD IS AUTHORIZED TO EVALUATE THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM EVERY FIVE YEARS AFTER THE FISCAL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN. SUCH EVALUATION SHALL INFORM PARTICIPATING EDUCATIONAL EMPLOYERS WHETHER THE BASELINE LONG-TERM STABLE CONTRIBUTION TERM IS EXPECTED TO INCREASE OR DECREASE PURSUANT TO SUBPARAGRAPH ONE OF THIS PARAGRAPH AND THE DURATION OF SUCH INCREASE OR DECREASE.

K. A PARTICIPATING EDUCATIONAL EMPLOYER MAY ELECT TO TERMINATE PARTICIPATION IN THE LONG-TERM STABLE CONTRIBUTION OPTION AND RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS IN ACCORDANCE WITH SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF THIS ARTICLE. PROVIDED, HOWEVER, THAT SUCH PARTICIPATING EDUCATIONAL EMPLOYER WHICH ELECTS TO TERMINATE PARTICIPATION SHALL MAKE A RECONCILIATION CONTRIBUTION TO THE RETIREMENT SYSTEM, AT AN AMOUNT TO BE DETERMINED BY THE RETIREMENT BOARD, ADEQUATE TO FUND THE BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH SUCH PARTICIPATING EDUCATIONAL EMPLOYER HAD SUCH PARTICIPATING EDUCATIONAL EMPLOYER NOT ELECTED THE PROVISIONS OF THIS SECTION. SUCH RECONCILIATION CONTRIBUTION SHALL BE MADE OVER A PERIOD NOT TO EXCEED FIVE YEARS AND SHALL BE MADE IN ADDITION TO THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF THIS ARTICLE FOR THE FISCAL YEAR IN WHICH SUCH PARTICIPATING EDUCATIONAL EMPLOYER CHOOSES TO RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF THIS ARTICLE. TERMINATION OF THE LONG-TERM STABLE CONTRIBUTION OPTION BY A PARTICIPATING EDUCATIONAL EMPLOYER SHALL BE SUBJECT TO TIMING AND NOTIFICATION PROCEDURES ESTABLISHED BY THE RETIREMENT BOARD.

S 7. Paragraph a of subdivision 2 of section 517 of the education law is amended to read as follows:

a. On account of each teacher who is a member of the retirement system there shall be paid annually into the pension accumulation fund by employers, a certain percentage of the earnable compensation of each of such members of the retirement system to be known as the "normal contribution" and a further percentage known as the "deficiency contribution." The rates per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations; PROVIDED, HOWEVER, THAT THE RATE PER CENTUM OF THE NORMAL CONTRIBUTION BE FIXED ON THE BASIS OF THE LIABILITIES OF THE RETIREMENT SYSTEM AS SHOWN BY ACTUARIAL VALUATIONS, EXCLUDING THE LIABILITIES ASSOCIATED WITH PARTICIPATING EDUCATIONAL EMPLOYERS AS DEFINED IN SUBPARAGRAPH ONE OF PARAGRAPH A OF SUBDIVISION THREE OF SECTION FIVE HUNDRED TWENTY-ONE OF THIS ARTICLE.

S 8. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would amend the Retirement and Social Security Law and the Education Law as it pertains to bills for certain eligible employers of the New York State and Local Employees' Retirement System (ERS), the New York State and Local Police and Fire Retirement System (PFRS), and the Teachers' Retirement System (TRS).

This bill puts in place a program that allows ERS, PFRS and TRS local government and school district employers, if they choose to participate, to secure a long-term stable employer contribution rate instead of the fluctuating normal employer contribution rate applied to the employer's pensionable wage base. The Comptroller and the TRS Retirement Board will determine the final length of the stable pension contribution term by increasing or decreasing such term to ensure appropriate pension system funding. The stable pension contribution rates would be 12 percent for ERS, 12.5 percent for TRS, and 18.5 percent for PFRS. These stable pension contribution rates could be increased, by up to two percentage points, at the discretion of the Comptroller and the TRS Retirement Board, upon evaluations by System actuaries, five and ten years after commencement of the long-term stable contribution option.

If this bill is enacted, we estimate that there would be little or no impact on the funded status of the ERS, PFRS and TRS systems over the full term of the program. For those local governments and school districts which elect this option, employer pension contributions would be less than the normal employer pension contributions they would otherwise pay in the early years of the long-term stable employer contribution option and employer pension contributions would be more than the normal employer contributions they would otherwise pay in the later years of the option.

This estimate, dated January 22, 2013, and intended for use only during the 2013 Legislative Session, is prepared by the State of New York Division of the Budget.

PART H

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:

S 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, an amount equal to the STANDARD MEDICARE premium charge WITHOUT ANY INCOME-RELATED ADJUSTMENT for such supplementary medical insurance benefits 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. Where appropriate, such 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 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.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2013.

PART I

Section 1. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. NEW YORK STATE GAMING COMMISSION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE EXECUTIVE DIRECTOR OF THE NEW YORK STATE GAMING COMMISSION AN ACCOUNT IN THE MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE "NEW YORK STATE GAMING COMMISSION ACCOUNT".

2. SUCH ACCOUNT SHALL CONSIST OF MONEYS TRANSFERRED THERETO FROM THE STATE LOTTERY FUND ADMINISTRATION ACCOUNT, THE REGULATION OF RACING ACCOUNT, THE BELL JAR COLLECTION ACCOUNT OR THE REGULATION OF INDIAN GAMING ACCOUNT.

3. ALL MONEYS IN THE NEW YORK STATE GAMING COMMISSION ACCOUNT SHALL BE AVAILABLE, SUBJECT TO APPROPRIATION, FOR THE PAYMENT OF ADMINISTRATIVE EXPENSES OF THE NEW YORK STATE GAMING COMMISSION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after February 1, 2013.

PART J

Section 1. Paragraphs 2 and 3 of subdivision b of section 1612 of the tax law, as amended by section 1 of part O1 of chapter 57 of the laws of 2009, are amended to read as follows:

2. As consideration for the operation of a video lottery gaming facility, the division, shall cause the investment in the racing industry of a portion of the vendor fee received pursuant to paragraph one of this subdivision in the manner set forth in this subdivision. With the exception of Aqueduct racetrack, each such track shall dedicate a portion of its vendor fees, received pursuant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this subdivision, solely for the purpose of enhancing purses at such track, in an amount equal to eight and three-quarters percent of the total revenue wagered at the vendor track after pay out for prizes. ONE PERCENT OF SUCH PURSE ENHANCEMENT AMOUNT SHALL BE PAID TO THE GAMING COMMISSION TO BE USED EXCLUSIVELY TO PROMOTE AND ENSURE EQUINE HEALTH AND SAFETY IN NEW YORK. ANY PORTION OF SUCH FUNDING TO THE GAMING COMMISSION UNUSED DURING A FISCAL YEAR SHALL BE RETURNED TO THE VIDEO LOTTERY GAMING OPERATORS ON A PRO RATA BASIS IN ACCORDANCE WITH THE AMOUNTS ORIGINALLY CONTRIBUTED BY EACH OPERATOR AND SHALL BE USED FOR THE PURPOSE OF ENHANCING PURSES AT SUCH TRACK. In addition, with the exception of Aqueduct racetrack, one and one-quarter percent of total

revenue wagered at the vendor track after pay out for prizes, received pursuant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this subdivision, shall be distributed to the appropriate breeding fund for the manner of racing conducted by such track.

Provided, further, that nothing in this paragraph shall prevent each track from entering into an agreement, not to exceed five years, with the organization authorized to represent its horsemen to increase or decrease the portion of its vendor fee dedicated to enhancing purses at such track during the years of participation by such track, or to race fewer dates than required herein.

3. Nothing in paragraph two of this subdivision shall affect any agreement in effect on or before the effective date of this paragraph, EXCEPT THAT THE OBLIGATION TO PAY FUNDS TO THE GAMING COMMISSION TO PROMOTE AND ENSURE EQUINE HEALTH AND SAFETY SHALL SUPERSEDE ANY PROVISION TO THE CONTRARY IN ANY SUCH AGREEMENT.

S 2. Paragraph 1 of subdivision f of section 1612 of the tax law, as amended by chapter 140 of the laws of 2008, is amended to read as follows:

1. Six and one-half percent of the total wagered after payout of prizes for the first year of operation of video lottery gaming at Aqueduct racetrack, seven percent of the total wagered after payout of prizes for the second year of operation, and seven and one-half percent of the total wagered after payout of prizes for the third year of operation and thereafter, for the purpose of enhancing purses at Aqueduct racetrack, Belmont Park racetrack and Saratoga race course. ONE PERCENT OF SUCH PURSE ENHANCEMENT AMOUNT SHALL BE PAID TO THE GAMING COMMISSION TO BE USED EXCLUSIVELY TO PROMOTE AND ENSURE EQUINE HEALTH AND SAFETY IN NEW YORK. ANY PORTION OF SUCH FUNDING TO THE GAMING COMMISSION UNUSED DURING A FISCAL YEAR SHALL BE RETURNED ON A PRO RATA BASIS IN ACCORDANCE WITH THE AMOUNTS ORIGINALLY CONTRIBUTED AND SHALL BE USED FOR THE PURPOSE OF ENHANCING PURSES AT SUCH TRACKS.

S 3. This act shall take effect immediately.

PART K

Section 1. Subparagraph (vii) of paragraph q of subdivision 10 of section 54 of the state finance law, as added by section 3 of part K of chapter 57 of the laws of 2011, is amended to read as follows:

(vii) Matching funds equal to [ten] AT LEAST FIFTY percent of the total cost of activities under the grant work plan approved by the department of state shall be required FOR A LOCAL GOVERNMENT RE-ORGANIZATION GRANT FOR A RE-ORGANIZATION STUDY, EXCEPT FOR SUCH GRANTS THAT ARE AWARDED TO A LOCAL GOVERNMENT ENTITY ELIGIBLE FOR AN EXPEDITED GRANT PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH. UPON IMPLEMENTATION OF THE LOCAL GOVERNMENT RE-ORGANIZATION, THE LOCAL MATCHING FUNDS REQUIRED BY SUCH GRANT FOR A RE-ORGANIZATION STUDY SHALL BE REFUNDED EXCEPT FOR TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE. MATCHING FUNDS EQUAL TO AT LEAST TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE SHALL BE REQUIRED FOR A LOCAL GOVERNMENT RE-ORGANIZATION GRANT FOR A RE-ORGANIZATION STUDY AWARDED TO A LOCAL GOVERNMENT ENTITY ELIGIBLE FOR AN EXPEDITED GRANT PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH AND FOR A LOCAL GOVERNMENT RE-ORGANIZATION GRANT FOR THE IMPLEMENTATION OF A RE-ORGANIZATION.

S 2. The opening paragraph of paragraph r of subdivision 10 of section 54 of the state finance law, as added by section 3 of part K of chapter 57 of the laws of 2011, is amended to read as follows:

Local government efficiency grant program beginning in the state fiscal year commencing April first, two thousand eleven AND CONTINUING UNTIL THE END OF THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TWELVE.

S 3. Paragraphs s and t of subdivision 10 of section 54 of the state finance law, paragraph t as relettered by section 3 of part K of chapter 57 of the laws of 2011, are relettered paragraphs t and u and a new paragraph s is added to read as follows:

S. LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM BEGINNING IN THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND THIRTEEN. (I) (1) FOR THE PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE, SPECIAL IMPROVEMENT DISTRICT, FIRE DISTRICT, PUBLIC LIBRARY, ASSOCIATION LIBRARY, OR PUBLIC LIBRARY SYSTEM AS DEFINED BY SECTION TWO HUNDRED SEVENTY-TWO OF THE EDUCATION LAW, PROVIDED HOWEVER, THAT FOR THE PURPOSES OF THIS DEFINITION, A PUBLIC LIBRARY SYSTEM SHALL BE CONSIDERED A MUNICIPALITY ONLY IN INSTANCES WHERE SUCH PUBLIC LIBRARY SYSTEM ADVANCES A JOINT APPLICATION ON BEHALF OF ITS MEMBER LIBRARIES, WATER AUTHORITY, SEWER AUTHORITY, REGIONAL PLANNING AND DEVELOPMENT BOARD, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES; PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS DEFINITION, A BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE CONSIDERED A MUNICIPALITY ONLY IN INSTANCES WHERE SUCH BOARD OF COOPERATIVE EDUCATIONAL SERVICES ADVANCES A JOINT APPLICATION ON BEHALF OF SCHOOL DISTRICTS AND OTHER MUNICIPALITIES WITHIN THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES REGION; PROVIDED, HOWEVER, THAT ANY AGREEMENTS WITH A BOARD OF COOPERATIVE EDUCATIONAL SERVICES: SHALL NOT GENERATE ADDITIONAL STATE AID; SHALL BE DEEMED NOT TO BE A PART OF THE PROGRAM, CAPITAL AND ADMINISTRATIVE BUDGETS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR THE PURPOSES OF COMPUTING CHARGES UPON COMPONENT SCHOOL DISTRICTS PURSUANT TO SUBDIVISION ONE AND SUBPARAGRAPH SEVEN OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY AND SUBDIVISION ONE OF SECTION NINETEEN HUNDRED FIFTY-ONE OF THE EDUCATION LAW; AND SHALL BE DEEMED TO BE A COOPERATIVE MUNICIPAL SERVICE FOR PURPOSES OF SUBPARAGRAPH TWO OF PARAGRAPH D OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THE EDUCATION LAW.

(2) FOR THE PURPOSES OF THIS PARAGRAPH, "FUNCTIONAL CONSOLIDATION" SHALL MEAN ONE MUNICIPALITY COMPLETELY PROVIDING A SERVICE OR FUNCTION FOR ANOTHER MUNICIPALITY, WHICH NO LONGER PROVIDES SUCH SERVICE OR FUNCTION.

(II) WITHIN THE ANNUAL AMOUNTS APPROPRIATED THEREFOR, THE SECRETARY OF STATE MAY AWARD COMPETITIVE GRANTS TO MUNICIPALITIES TO COVER COSTS ASSOCIATED WITH LOCAL GOVERNMENT EFFICIENCY PROJECTS, INCLUDING, BUT NOT LIMITED TO, PLANNING FOR OR IMPLEMENTATION OF A MUNICIPAL CONSOLIDATION OR DISSOLUTION, A FUNCTIONAL CONSOLIDATION, A CITY OR COUNTY CHARTER REVISION THAT INCLUDES FUNCTIONAL CONSOLIDATION, SHARED OR COOPERATIVE SERVICES, AND REGIONALIZED DELIVERY OF SERVICES; PROVIDED, HOWEVER, THAT SUCH LOCAL GOVERNMENT EFFICIENCY PROJECTS MUST DEMONSTRATE NEW OPPORTUNITIES FOR FINANCIAL SAVINGS AND OPERATIONAL EFFICIENCIES; PROVIDED, FURTHER, THAT ELIGIBLE LOCAL GOVERNMENT EFFICIENCY PROJECTS SHALL NOT INCLUDE STUDIES AND PLANS FOR A LOCAL GOVERNMENT RE-ORGANIZATION ELIGIBLE TO RECEIVE A LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT PURSUANT TO PARAGRAPH Q OF THIS SUBDIVISION. THE SECRETARY OF STATE MAY FOCUS THE GRANT PROGRAM IN SPECIFIC FUNCTIONAL AREAS, WITHIN

DISTRESSED COMMUNITIES AND AREAS OF HISTORICALLY HIGH LOCAL GOVERNMENT COSTS AND PROPERTY TAXES, OR IN AREAS OF UNIQUE OPPORTUNITY, IN WHICH CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICATIONS.

(III) ANY APPROVED PROJECT SHALL INCLUDE AN EXAMINATION OF FINANCIAL SAVINGS, RETURN ON PUBLIC INVESTMENT AND MANAGEMENT IMPROVEMENTS RESULTING FROM PROJECT IMPLEMENTATION.

(IV) LOCAL GOVERNMENT EFFICIENCY GRANTS MAY BE USED TO COVER COSTS INCLUDING, BUT NOT LIMITED TO, LEGAL AND CONSULTANT SERVICES, CAPITAL IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS AND OTHER NECESSARY EXPENSES RELATED TO IMPLEMENTING THE APPROVED LOCAL GOVERNMENT EFFICIENCY GRANT WORK PLAN. GRANTS MAY BE USED FOR CAPITAL IMPROVEMENTS, TRANSITIONAL PERSONNEL COSTS OR JOINT EQUIPMENT PURCHASES ONLY WHERE SUCH EXPENSES ARE INTEGRAL TO IMPLEMENTATION OF THE LOCAL GOVERNMENT EFFICIENCY PROJECT. NO PART OF THE GRANT SHALL BE USED BY THE APPLICANT FOR RECURRING EXPENSES SUCH AS SALARIES, EXCEPT THAT THE SALARIES OF CERTAIN TRANSITIONAL PERSONNEL ESSENTIAL FOR THE IMPLEMENTATION OF THE APPROVED LOCAL GOVERNMENT EFFICIENCY GRANT WORK PLAN SHALL BE ELIGIBLE FOR A PERIOD NOT TO EXCEED THREE YEARS. THE AMOUNTS AWARDED TO A SCHOOL DISTRICT PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE INCLUDED IN THE APPROVED OPERATING EXPENSE OF THE SCHOOL DISTRICT AS DEFINED IN PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW.

(V) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PROJECT SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS PER MUNICIPALITY; PROVIDED, HOWEVER, THAT IN NO CASE SHALL SUCH A PROJECT RECEIVE A CUMULATIVE GRANT AWARD IN EXCESS OF ONE MILLION DOLLARS. THE MAXIMUM GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PLANNING PROJECT, OR THE PLANNING COMPONENT OF A PROJECT THAT INCLUDES BOTH PLANNING AND IMPLEMENTATION OF A LOCAL GOVERNMENT EFFICIENCY PROJECT, SHALL NOT EXCEED TWELVE THOUSAND FIVE HUNDRED DOLLARS PER MUNICIPALITY; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SUCH A PLANNING PROJECT RECEIVE A GRANT AWARD IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

(VI) LOCAL MATCHING FUNDS EQUAL TO AT LEAST FIFTY PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE SHALL BE REQUIRED FOR PLANNING GRANTS, AND LOCAL MATCHING FUNDS EQUAL TO AT LEAST TEN PERCENT OF THE TOTAL COST OF ACTIVITIES UNDER THE GRANT WORK PLAN APPROVED BY THE DEPARTMENT OF STATE SHALL BE REQUIRED FOR IMPLEMENTATION GRANTS. IN THE EVENT AN APPLICANT IS IMPLEMENTING A PROJECT THAT THE APPLICANT DEVELOPED THROUGH A SUCCESSFULLY COMPLETED PLANNING GRANT FUNDED UNDER THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, THE LOCAL MATCHING FUNDS REQUIRED SHALL BE REDUCED BY THE LOCAL MATCHING FUNDS REQUIRED BY SUCH SUCCESSFULLY COMPLETED PLANNING GRANT UP TO THE AMOUNT OF LOCAL MATCHING FUNDS REQUIRED FOR THE IMPLEMENTATION GRANT.

(VII) IN THE SELECTION OF GRANT AWARDS, THE SECRETARY OF STATE SHALL GIVE THE HIGHEST PRIORITY TO APPLICATIONS: (1) THAT WOULD RESULT IN THE DISSOLUTION OR CONSOLIDATION OF MUNICIPALITIES; (2) THAT WOULD IMPLEMENT THE COMPLETE FUNCTIONAL CONSOLIDATION OF A MUNICIPAL SERVICE; OR (3) BY LOCAL GOVERNMENTS WITH HISTORICALLY HIGH COSTS OF LOCAL GOVERNMENT OR SUSTAINED INCREASES IN PROPERTY TAXES. PRIORITY WILL ALSO BE GIVEN TO MUNICIPALITIES THAT HAVE PREVIOUSLY COMPLETED A PLANNING GRANT PURSUANT TO THIS PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM, AND TO LOCAL GOVERNMENTS CURRENTLY INVOLVED IN REGIONAL DEVELOPMENT PROJECTS THAT HAVE RECEIVED FUNDS THROUGH STATE COMMUNITY AND INFRASTRUCTURE DEVELOPMENT PROGRAMS.

(VIII) THE DEPARTMENT OF STATE SHALL PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE EFFECTIVENESS OF THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM AND THE LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT PROGRAM. SUCH REPORT SHALL BE PROVIDED ON OR BEFORE OCTOBER FIRST OF EACH YEAR AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: A SUMMARY OF APPLICATIONS AND AWARDS FOR EACH GRANT CATEGORY, AN ASSESSMENT OF PROGRESS IN IMPLEMENTING INITIATIVES THAT RECEIVED GRANT AWARDS, AND ESTIMATED FINANCIAL SAVINGS AND SIGNIFICANT IMPROVEMENTS IN SERVICE REALIZED BY MUNICIPALITIES THAT HAVE RECEIVED GRANTS.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2013.

PART L

Section 1. Notwithstanding any provision of law to the contrary, any provision of statute or regulation that requires a local government or school district to submit a report to a state agency or authority that has not been approved for continuation by the mandate relief council as provided herein shall expire and be deemed repealed on April 1, 2014; provided, however, that all provisions of such statutes and regulations other than such specific reporting requirements shall be unaffected by the repeal of such reporting requirements and remain in full force and effect. Every state agency and authority shall refer to the mandate relief council, on or before September 1, 2013, all local government and school district reporting requirements, imposed by statute or regulation, and which of these reporting requirements, in the opinion of the agency or authority, are necessary and should be continued because such reporting requirements are (1) required for compliance with federal laws or rules or to meet eligibility standards for federal entitlements; (2) required for the protection of the health, safety or welfare of the public; or (3) are otherwise necessary for critical state purposes. The council shall review such requests to determine whether such reports are necessary and should be continued. Upon a determination that a reporting requirement is necessary and should be continued, the council may direct the agency or authority to take actions to reduce the burden the reporting requirement imposes on local governments and school districts.

S 2. This act shall take effect immediately; provided that the mandate relief council shall notify the legislative bill drafting commission which reporting requirements were referred to it and which reporting requirements were approved for continuation so that such 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 effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART M

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. Tuition reimbursement fund:

a. Tuition reimbursement account (20451).

b. Proprietary vocational school supervision account (20452).

2. Local government records management improvement fund:

a. Local government records management account (20501).
3. Dedicated highway and bridge trust fund:
a. Highway and bridge capital account (30051).
4. State university residence hall rehabilitation fund.
5. State parks infrastructure trust fund:
a. State parks infrastructure account (30351).
6. Clean water/clean air implementation fund.
7. Employees health insurance fund.
a. Employees health insurance account (60201).
8. State lottery fund:
a. Education - New (20901).
b. VLT - Sound basic education fund (20904).
9. Medicaid management information system escrow fund.
10. Sewage treatment program management and administration fund.
11. Environmental conservation special revenue fund:
a. Waste cleanup and management account (21053).
b. Hazardous bulk storage account (21061).
c. Great lakes restoration initiative account (21087).
d. Low level radioactive waste siting account (21066).
e. Recreation account (21067).
f. Public safety recovery account (21077).
g. Conservationist magazine account (21080).
h. Environmental regulatory account (21081).
i. Natural resource account (21082).
j. Mined land reclamation program account (21084).
k. Federal grants indirect cost recovery account (21065).
12. Environmental protection and oil spill compensation fund.
13. Hazardous waste remedial fund:
a. Hazardous waste remedial cleanup account (31506).
14. Mass transportation operating assistance fund:
a. Public transportation systems account (21401).
b. Metropolitan mass transportation (21402).
15. Clean air fund:
a. Operating permit program account (21451).
b. Mobile source account (21452).
16. Centralized services fund.
17. State exposition special fund.
18. Agency enterprise fund:
a. OGS convention center account (50318).
19. Agencies internal service fund:
a. Archives records management account (55052).
b. Federal single audit account (55053).
c. Civil service law: sec 11 admin account (55055).
d. Civil service EHS occupational health program account (55056).
e. Banking services account (55057).
f. Cultural resources survey account (55058).
g. Neighborhood work project (55059).
h. Automation & printing chargeback account (55060).
i. OFT NYT account (55061).
j. Data center account (55062).
k. Human service telecom account (55063).
l. Centralized technology services account (55069).
m. OPWDD copy center account (55065).
n. Intrusion detection account (55066).
o. Domestic violence grant account (55067).
p. Learning management system account (55070).

q. Tax contact center account.
r. Human services contact center account.
s. Labor contact center account.
20. Miscellaneous special revenue fund:
a. Statewide planning and research cooperative system account (21902).
b. OPWDD provider of service account (21903).
c. New York state thruway authority account (21905).
d. Mental hygiene patient income account (21909).
e. Financial control board account (21911).
f. Regulation of racing account (21912).
g. New York metropolitan transportation council account (21913).
h. Cyber upgrade account (21919).
i. State university dormitory income reimbursable account (21937).
j. Energy research account (21943).
k. Criminal justice improvement account (21945).
l. Fingerprint identification and technology account (21950).
m. Environmental laboratory reference fee account (21959).
n. Clinical laboratory reference system assessment account (21962).
o. Public employment relations board account (21964).
p. Cable television account (21971).
q. Indirect cost recovery account (21978).
r. High school equivalency program account (21979).
s. Rail safety inspection account (21983).
t. Multi-agency training account (21989).
u. Critical infrastructure account (21992).
v. Bell jar collection account (22003).
w. Industry and utility service account (22004).
x. Real property disposition account (22006).
y. Parking account (22007).
z. Asbestos safety training program account (22009).
aa. Public service account (22011).
bb. Batavia school for the blind account (22032).
cc. Investment services account (22034).
dd. Surplus property account (22036).
ee. Financial oversight account (22039).
ff. Regulation of indian gaming account (22046).
gg. Rome school for the deaf account (22053).
hh. Seized assets account (22054).
ii. Administrative adjudication account (22055).
jj. Federal salary sharing account (22056).
kk. New York City assessment account (22062).
ll. Cultural education account (22063).
mm. Examination and miscellaneous revenue account (22065).
nn. Local services account (22078).
oo. DHCR mortgage servicing account (22085).
pp. Department of motor vehicles compulsory insurance account (22087).
qq. Housing indirect cost recovery account (22090).
rr. DHCR-HCA application fee account (22100).
ss. Low income housing monitoring account (22130).
tt. Corporation administration account (22135).
uu. Montrose veteran's home account (22144).
vv. Motor fuel quality account (22149).
ww. Deferred compensation administration account (22151).
xx. Rent revenue other account (22156).
yy. Rent revenue account (22158).
zz. Tax revenue arrearage account (22168).

aaa. Solid waste management account (22176).
bbb. Capacity contracting (22016).
ccc. Point insurance reduction program account.
ddd. Internet point insurance reduction program account (22094).
eee. Mental hygiene program fund account (21907).
fff. Third party debt collection account.
21. New York State Transformative Capital Fund:
a. Storm recovery account.
b. Transformative capital account.
22. State university income fund:
a. State university general income offset account (22654).
23. State police and motor vehicle law enforcement fund:
a. State police motor vehicle law enforcement account (22802).
24. Youth facilities improvement fund:
a. Youth facilities improvement account (31701).
25. Highway safety program fund:
a. Highway safety program account (23001).
26. Drinking water program management and administration fund:
a. EFC drinking water program account (23101).
b. DOH drinking water program account (23102).
27. New York city county clerks offset fund:
a. NYCCC operating offset account (23151).
28. Housing assistance fund.
29. Housing program fund.
30. Department of transportation - engineering services fund:
a. Highway facility purpose account (31951).
31. Miscellaneous capital projects fund:
a. New York racing account (32213).
32. Mental hygiene facilities capital improvement fund.
33. Joint labor/management administration fund:
a. Joint labor/management administration fund (55201).
34. Audit and control revolving fund:
a. Executive direction internal audit account (55251).
b. CIO Information technology centralized services account (55252).
35. Health insurance internal service fund:
a. Health insurance internal service account (55300).
b. Civil service employee benefits div admin (55301).
36. Correctional industries revolving fund.
37. Correctional facilities capital improvement fund.
38. HCRA resources fund:
a. EPIC premium account (20818).
b. Hospital based grants program account (20812).
c. Child health plus program account (20810).

S 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 nutrition services fund.
2. Federal health and human services fund.
3. Federal education grants fund.
4. Federal block grant fund.
5. Federal operating grants fund.
6. Federal capital projects fund.
7. Federal unemployment insurance administration fund.

8. Federal unemployment insurance occupational training fund.

9. Federal employment and training grants.

S 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, 2014, 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. An amount up to the unencumbered balance from the miscellaneous special revenue fund, administrative costs account (21974), to the general fund.

5. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,242,000,000 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 the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $901,800,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. Moneys from the state lottery fund up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.

4. $300,000 from the local government records management improvement fund to the archives partnership trust fund.

5. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

6. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

7. $80,000,000 from the state university dormitory income fund to the state university residence hall rehabilitation fund.

8. $343,400,000 from the state university dormitory income fund to the miscellaneous special revenue fund, state university 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. $51,700,000 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, 2013 through March 31, 2014.

Environmental Affairs:

1. $5,000,000 from the department of transportation's federal capital projects fund to the office of parks and recreation federal operating grants fund, miscellaneous operating grants account (25300).

2. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the special revenue fund federal grant indirect cost recovery account (22188).

3. $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.

4. $15,000,000 from the environmental protection fund, environmental protection transfer account (30451) to the general fund.

5. $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 special revenue fund federal grant indirect cost recovery account (22188).

6. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund, I love NY water account (21930).

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. $3,000,000 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. $6,000,000 from any of the office of children and family services special revenue federal funds to the general fund for title IV-E reimbursement of youth facility costs.

4. $12,670,000 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.

5. $10,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue funds or the general fund to the miscellaneous special revenue fund, connections account (22180).

6. $41,000,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund to the general fund.

7. $159,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

8. $2,500,000 from any of the office of temporary and disability assistance or office of children and family services special revenue federal funds to the miscellaneous special revenue fund, office of temporary and disability assistance program account (21980).

9. $50,000,000 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).

10. $152,400,000 from the miscellaneous special revenue fund, youth facility per Diem account (22186), to the general fund.

11. $621,850 from the general fund to the combined gifts, grants, and bequests fund, WB Hoyt Memorial account (20128).

12. $4,822,000 from the miscellaneous special revenue fund state central registry (22028) to the general fund.

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.

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

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

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

6. $31,000,000 from the miscellaneous special revenue fund, real property disposition account (22006), to the general fund.

7. $3,000,000 from the miscellaneous special revenue fund, surplus property account (22036), to the general fund.

8. $18,200,000 from the general fund to the miscellaneous special revenue fund, alcoholic beverage control account (22033).

9. $23,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.

10. $1,826,000 from the miscellaneous special revenue fund revenue arrearage account (22024), to the miscellaneous special revenue fund authority budget office account (22138).

11. $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.

12. $55,200,000 from the general fund to the miscellaneous special revenue fund, statewide financial system account (22074).

13. $40,000,000 from the general fund to the office for technology internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

Health:

1. $139,560,000 from the miscellaneous special revenue fund, quality of care account (21915) to the general fund.

2. $1,000,000 from the general fund to the combined gifts, grants and bequests fund, breast cancer research and education account (20155), an amount equal to the monies collected and deposited into that account in the previous fiscal year.

3. $2,464,000 from any of the department of health accounts within the federal health and human services fund to the department of health miscellaneous special revenue fund, statewide planning and research cooperation system (SPARCS) program account (21902).

4. $250,000 from the general fund to the combined gifts, grants and bequests fund, prostate cancer research, detection, and education account (20183), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

5. $500,000 from the general fund to the combined gifts, grants and bequests fund, Alzheimer's disease research and assistance account

(20143), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

6. $1,000,000 from the miscellaneous special revenue fund, administration account (21982), to the general fund.

7. $600,000,000 from any of the department of health accounts within the federal health and human services fund to the miscellaneous special revenue fund, federal state health reform partnership account (22076).

8. $26,000,000 from the special revenue fund, HCRA resources fund, to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

9. $1,250,000 from the miscellaneous New York state agency fund, medical assistance account to the general fund.

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

11. $14,000,000 from the general fund to the miscellaneous special revenue fund, empire state stem cell trust fund (22161).

12. $139,560,000 from any of the department of health accounts within the federal health and human services fund to the miscellaneous special revenue fund, quality of care account (21915).

Labor:

1. $700,000 from the labor standards miscellaneous special revenue fund, fee and penalty account (21923), to the child performer protection fund, child performer protection account (20401).

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

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

4. $3,000,000 from the labor standards miscellaneous special revenue fund, public work enforcement account (21998), to the general fund.

5. $2,200,000 from the training and education program on occupational safety and health fund, occupational safety and health inspection account (21252), to the general fund.

6. $900,000 from the training and education program on occupational safety and health fund, training and education account (21251), 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. $150,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909) to the miscellaneous special revenue fund, provider of service accounts (21903).

3. $150,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907) to the miscellaneous special revenue fund, provider of service account (21903).

4. $150,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).

5. $300,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).

6. $100,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907) to the general fund.

7. $100,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909) to the general fund.

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. $9,500,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $10,000,000 from federal miscellaneous operating grants fund, DMNA damage account (25324), to the general fund.

5. $16,000,000 from the general fund to the miscellaneous special revenue fund, crimes against revenue program account (22015).

6. $20,000,000 from any office of homeland security account within the federal miscellaneous operating grants fund, receiving money through the homeland security grants program, to the general fund.

7. $22,000,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945) to the general fund.

8. $20,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the general fund.

9. $106,000,000 from the state police and motor vehicle law enforcement and motor vehicle theft and insurance fund prevention fund, state police motor vehicle enforcement account (22802) to the general fund for state operation expenses of the division of state police.

10. $21,500,000 from the general fund to the correctional facilities capital improvement fund.

11. $1,500,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the combined gifts, grants and bequests fund, New York state emergency services revolving loan account (20150).

12. $3,000,000 from the general fund to the dedicated highway and bridge trust fund for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund to the special revenue fund, tri-state federal regional planning account (21913).

2. $20,147,000 from the federal capital projects fund to the special revenue fund, tri-state federal regional planning accounts (21913).

3. $15,368,000 from the miscellaneous special revenue fund, compulsory insurance account (22087), to the general fund.

4. $12,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401).

5. $624,691,000 from the general fund to the dedicated highway and bridge trust fund.

6. $606,000 from the miscellaneous special revenue fund, internet point insurance reduction program account (22094), to the general fund.

7. $6,000 from the miscellaneous special revenue fund, motorcycle safety account (21976), to the general fund.

8. $307,200,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

9. $20,000,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the general debt service fund, for reimbursement of the state's expenses in connection with payments of debt service and related

expenses for the metropolitan transportation authority's state service contract bonds.

Miscellaneous:

1. $150,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. $ 1,000,000,000 from the general fund to the debt reduction reserve fund.

3. $450,000,000 from the transformative capital fund to the revenue bond tax fund (40152).

S 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, 2014:

1. Upon request of the commissioner of environmental conservation, up to $11,126,800 from revenues credited to any of the department of environmental conservation special revenue funds, including $3,253,200 from the environmental protection and oil spill compensation fund, and $1,762,600 from the conservation fund, 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 agency 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 $15,000,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

S 4. Notwithstanding section 2815 of the public health law or any other contrary provision of law, upon the direction of the director of the budget and the commissioner of health, the dormitory authority of the state of New York is directed to transfer seven million dollars annually from funds available and uncommitted in the New York state health care restructuring pool to the health care reform act (HCRA) resources fund - HCRA resources account.

S 5. On or before March 31, 2014, 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.

S 6. 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.

S 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, 2014, 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.

S 8. 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, 2014, 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.

S 9. Notwithstanding any law to the contrary, the state university chancellor or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund to the state university fund, state university general revenue offset account (22655) on or before March 31, 2014.

S 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 $60,000,000 from the general fund to the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2013 through June 30, 2014 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

S 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 director of the budget, up to $969,050,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2013 through June 30, 2014 to support operations at the state university.

S 12. 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 $50,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for hospital income reimbursable 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 on or before June 30, 2014.

S 13. 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 transfer moneys, in amounts sufficient 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 transfer moneys, in amounts sufficient 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, 2014.

S 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, 2014, 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.

S 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 $500 million from the unencumbered balance of any special revenue fund or account, or combination of 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 2013-14 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, are not permitted pursuant to this authorization. The director of the budget shall notify both houses of the legislature in writing prior to initiating transfers pursuant to this authorization.

S 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 special revenue other-technology financing account 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 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 federal funds are not permitted pursuant to this authorization; nor may transfers be made from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation. The director of the budget shall notify both houses of the legislature in writing prior to initiating transfers pursuant to this authorization.

S 17. 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 (i) make a contribution to the state treasury to the credit of the general fund, or as otherwise directed in writing by the director of the budget, in an amount of up to $90,000,000 for the state fiscal year commencing April 1, 2013, the proceeds of which will be utilized for economic development, energy efficiency, or energy cost mitigation purposes, and (ii) transfer up to $25,000,000 of any such contribution by June 30, 2013 and the remainder of any such contribution by March 31, 2014.

S 18. In addition to any payment made by a public benefit corporation pursuant to an assessment imposed under sections 2975, 2975-a, 2976 and 2976-a of the public authorities law, a public benefit corporation is authorized to make voluntary contributions to the state general fund for any lawful purpose at any time from any public benefit corporation funds in such amounts as deemed to be feasible and advisable by such public benefit corporation's governing board after due consideration of the public benefit corporation's legal and financial obligations. Notwithstanding any other law, the payment of a voluntary payment pursuant to this subdivision is deemed to be a valid and proper purpose for which available funds may be applied. Voluntary contributions made to the state pursuant to this subdivision shall be payable to the state treasury to the credit of the general fund.

S 19. Section 53 of part U of chapter 59 of the laws of 2012, relating to providing for administration of certain funds and accounts related to the 2013-2014 budget, is amended to read as follows:

S 53. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012; provided that sections one through seven, sections ten through fifteen, [section seventeen,] and sections twenty through thirty-three of this act shall expire March 31, 2013, when upon such date, the provisions of such sections shall be deemed repealed; provided further that the amendments to subdivisions 1 and 2 of section 45 of section 1 of chapter 174 of the laws of 1968 made by section forty-nine of this act shall not affect the expiration of such subdivisions and shall be deemed to expire therewith.

S 20. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 16 of part U of chapter 59 of the laws of 2012, 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 [twelve] THIRTEEN, 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 [$3,322,067,000] $3,419,375,000, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [twelve] THIRTEEN.

S 21. The comptroller is authorized and directed to deposit to the general fund-state purposes account reimbursements from moneys appropriated or reappropriated to the correctional facilities capital improvement fund by a chapter of the laws of 2013. 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 2013 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.

S 22. Section 3 of part W of chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, is amended to read as follows:

S 3. This act shall take effect immediately; provided that:

(a) the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall expire and be deemed repealed [March 31, 2013] DECEMBER 31, 2016; and

(b) the amendments to paragraph (a) of subdivision 4 of section 99-h of the state finance law made by section two of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

S 23. Subdivision 3 of section 99-h of the state finance law, as amended by section 1 of part V of chapter 59 of the laws of 2006, is amended to read as follows:

3. Moneys of the account, following [appropriation] THE SEGREGATION OF APPROPRIATIONS ENACTED by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the county of Erie or Niagara, the municipal governments hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not [appropriated] SEGREGATED for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 24. Paragraphs (a) and (b) of subdivision 7 of section 5-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, paragraph (a) as amended by chapter 55 of the laws of 1992 and paragraph (b) as amended by chapter 59 of the laws of 1993, are amended to read as follows:

(a) In connection with the making of federally-aided mortgage loans, the commissioner of health shall charge to such non-profit hospital corporation, non-profit corporation providing a residential health care facility or non-profit medical corporation, for mortgage closings on or after April first, nineteen hundred eighty-nine, a fee of nine-tenths of one percent of the mortgage loan, payable on requisition on or after the mortgage closing to the state department of health by the mortgagor for deposit into the [miscellaneous special revenue fund - 339 hospital and nursing home management account] STATE GENERAL FUND.

(b) In connection with the refinancing or refunding of federally-aided mortgage loans or loans made pursuant to articles twenty-eight-A and twenty-eight-B of the public health law, the commissioner of health shall charge to such non-profit hospital corporation, non-profit corporation providing a residential health care facility or non-profit medical corporation, for mortgage closings on or after April first, nineteen hundred eighty-nine, a fee of five-tenths of one percent of the new mortgage loan, payable on requisition on or after the mortgage closing to the state department of health by the mortgagor for deposit into the [miscellaneous special revenue fund-339 hospital and nursing home management account] STATE GENERAL FUND.

S 25. In the event that a capital appropriation in the amount of $25,000,000 is included in the enacted budget for the fiscal year commencing April 1, 2013 for the cleaner, greener communities program administered by the New York State energy research and development authority, then 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 pay to the state treasury to the credit of the general fund for the cost of such program the amount of $15,000,000 for the fiscal year commencing April 1, 2013 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation under the Regional Greenhouse Gas Initiative. If, in any fiscal year, such $25,000,000 appropriation or any reappropriation thereof is reduced or eliminated prior to disbursement of $15,000,000, where such reduction or elimination is not based upon the disbursement of such $25,000,000 appropriation, the comptroller is authorized and directed to transfer, at the request of the director of the division of the budget, an amount equal to such reduced or eliminated amount from the general fund to the New York State energy research and development authority, not to exceed in the aggregate $15,000,000.

S 26. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York for a capital appropriation for $215,650,000 authorized by chapter 55 of the laws of 2000 to all state agencies for payment of costs related to the strategic investment program.

S 27. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $30,174,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or other financing source for a capital appropriation of $19,500,000 authorized by chapter 50 of the laws of 2003 to the office of general services for payment of capital construction costs for the 51 Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2003 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,250,000 authorized by chapter 55 of the laws of 2003 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $16,400,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2003 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2003 to any agency for costs related to homeland security, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for environmental purposes, and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $100,000,000 from a capital appropriation authorized by chapter 50 of the laws of 2003 to the department of state for enhanced 911 wireless service.

S 28. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $28,893,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2004 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2004 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation, for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $80,000,000 authorized by chapter 53 of the laws of 2004 to the education department for capital transition grants for transportation, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $243,325,000 authorized by chapter 55 of the laws of 2004 for payment of costs related to economic development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $83,500,000 authorized by chapter 53 of the laws of 2006, as amended by chapter 108 of the laws of 2006, for payment of costs related to the H. H. Richardson complex and the Darwin Martin House, and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $345,750,000 authorized by chapter 3 of the laws of 2004 for the New York state economic development program.

S 29. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,602,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2005 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $350,000,000 authorized by chapter 55 of the laws of 2005 for the Javits center, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $89,750,000 authorized by chapter 62 of the laws of 2005 for regional development, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $249,000,000 authorized by chapter 62 of the laws of 2005 for technology and development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $48,517,000 authorized by chapter 162 of the laws of 2005 for the New York state economic development program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $150,000,000 authorized by chapter 62 of the laws of 2005 for the higher education facilities capital matching grants program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or other financing source for a capital appropriation of $4,000,000 authorized by chapter 50 of the laws of 2005 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,000,000 authorized by chapter 53 of the laws of 2005 to the state education department for payment of capital construction costs for public broadcasting facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,700,000 authorized by chapter 50 of the laws of 2005 to the division of state police for public protection facilities, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the division of military and naval affairs for various purposes.

S 30. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $14,000,000 authorized by chapter 55 of the laws of 2006 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,400,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of state police for public protection facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $117,000,000 authorized by chapter 50 of the laws of 2006 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for all or a portion of capital appropriations of $603,050,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for economic development/other projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $269,500,000 authorized by chapter 108 of the laws of 2006 to the dormitory authority or the urban development corporation for economic development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $201,500,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for university development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or for a capital appropriation of $143,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for cultural facilities projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling $60,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for energy/environmental projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for a competitive solicitation for construction of a pilot cellulosic ethanol refinery, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure for a new stadium in Queens county, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure improvements to construct a new parking facility at a new stadium in Bronx county, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation of $5,000,000 authorized by chapter 55 of the laws of 2006 to the environmental facilities corporation for payment for the pipeline for jobs program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2006 for the library construction purpose, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $1,200,000 authorized by chapter 53 of the laws of 2006 for the towns of Bristol and Canandaigua public water systems, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for Belleayre mountain ski center, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $25,000,000 authorized by chapter 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,000,000 authorized by chapter 108 of the laws of 2006 for a state of New York umbilical cord bank, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain ski bowl connection, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Cornell equine drug testing laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard laboratory, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for an appropriation of $40,000,000 authorized by chapter 108 of the laws of 2006 for a food testing laboratory, reimbursement from the proceeds of notes or bonds issued by the New York state thruway authority for an appropriation of $22,000,000 authorized by chapter 108 of the laws of 2006 to the department of transportation for high speed rail, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $500,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for development of a semiconductor manufacturing facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation of up to $150,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for research and development activities of a semiconductor manufacturer, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $292,385,000 from an appropriation to the urban development corporation authorized by chapter 108 of the laws of 2006 for community revitalization projects.

S 31. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2007 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $50,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of a Troop G facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of evidence storage facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling $77,900,000 authorized by chapter 51 of the laws of 2007 to the judiciary for court training facilities and courthouse improvement projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 50 of the laws of 2007 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $60,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for cultural education storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Roosevelt Island Operating Corporation aerial tramway, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's Island, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology park, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,950,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $1,300,000 from appropriations authorized by chapter 50 of the laws of 2007 made to the office of general services for legislative office building hearing rooms.

S 32. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $141,000,000 authorized by chapter 50 of the laws of 2008 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $45,500,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2008 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $2,500,000 authorized by chapter 50 of the laws of 2008 to the office for technology for activities related to broadband service, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2008 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation authorized by chapter 53 of the laws of 2008 of $14,000,000 to the education department for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation authorized by chapter 53 of the laws of 2008 of $15,000,000 to the education department for museum renewal projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $50,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the investment opportunity fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $18,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to arts and cultural projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $32,148,000 authorized by chapter 53 of the laws of 2008 for economic and community development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $30,000,000 authorized by chapter 53 of the laws of 2008 for New York city waterfront development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $45,000,000 authorized by chapter 53 of the laws of 2008 for Luther Forest infrastructure projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to downstate regional projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $137,037,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to upstate city-by-city projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the downstate revitalization projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $117,265,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate regional blueprint fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $25,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate agricultural economic development fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state capital assistance program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state economic development assistance program, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $20,000,000 authorized by chapter 55 of the laws of 2008 to the urban development corporation for services and expenses related to the empire state economic development fund.

S 33. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2009 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $129,800,000 authorized by chapter 50 of the laws of 2009 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $24,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2009 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2009 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2009 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2009 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2009 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2009 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation authorized by chapter 53 of the laws of 2009 of $14,000,000 to the state education department for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $4,000,000 to the state education department for rehabilitation associated with the St. Regis Mohawk elementary school authorized by chapter 53 of the laws of 2009 and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $25,000,000 authorized by chapter 55 of the laws of 2009 to the urban development corporation for services and expenses related to the empire state economic development fund.

S 34. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $29,600,000 authorized by chapter 55 of the laws of 2010 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $187,285,000 authorized by chapter 50 of the laws of 2010 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $26,950,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2010 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $5,000,000 authorized by chapter 55 of the laws of 2010 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2010 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2010 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2010 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $14,000,000 authorized by chapter 53 of the laws of 2010 to the state education department for library construction, reimbursements from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $20,400,000 authorized by chapter 100 of the laws of 2010 to the state education department for the longitudinal data system and reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $42,000,000 for the state preparedness and training center.

S 35. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $35,000,000 authorized by a chapter of the laws of 2011 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $92,751,000 authorized by a chapter of the laws of 2011 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $40,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2011 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2011 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2011 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by a chapter of the laws of 2011 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $14,000,000 authorized by a chapter of the laws of 2011 to the state education department for library construction, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $130,550,000 authorized by a chapter of the laws of 2011 to the urban development corporation for services and expenses related to the regional economic development council initiative, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $50,000,000 authorized by a chapter of the laws of 2011 to the urban development corporation for services and expenses related to the economic transformation program. Reimbursements from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $40,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2011 to the office of general services for various purposes.

S 36. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $35,000,000 authorized by a chapter of the laws of 2012 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2012 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2012 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by a chapter of the laws of 2012 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $14,000,000 authorized by a chapter of the laws of 2012 to the state education department for library construction, reimbursement from the proceeds of notes or bonds issued by the thruway authority, the dormitory authority and the urban development corporation for a capital appropriation of $770,000,000 authorized by chapter 54 of the laws of 2012 to the metropolitan transportation authority for various purposes, reimbursement from the proceeds of notes or bonds issued by the thruway authority for a capital appropriation of $15,000,000 authorized by chapter 54 of the laws of 2012 to the department of transportation for improvement of the peace bridge plaza, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $130,000,000 authorized by a chapter of the laws of 2012 to the urban development corporation for services and expenses related to the regional economic development council initiative, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $75,000,000 authorized by a chapter of the laws of 2012 to the urban development corporation for services and expenses related to the New York works economic development fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $75,000,000 authorized by a chapter of the laws of 2012 to the urban development corporation for services and expenses related to the buffalo regional innovation cluster, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $250,000,000 authorized by a chapter of the laws of 2012 to the urban development corporation for services and expenses related to the state university of New York college for nanoscale and science engineering project, reimbursements from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $26,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2012 to the office of general services for various purposes.

S 37. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $35,000,000 authorized by a chapter of the laws of 2013 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2013 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2013 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $7,000,000 authorized by a chapter of the laws of 2013 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $12,500,000 authorized by a chapter of the laws of 2013 to the division of state police for aviation equipment, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $32,740,000 authorized by a chapter of the laws of 2013 to the division of state police for a pistol permit database, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York or other financing source for a capital appropriation of $14,000,000 authorized by a chapter of the laws of 2013 to the state education department for library construction, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $150,000,000 authorized by a chapter of the laws of 2013 to the urban development corporation for services and expenses related to the regional economic development council initiative, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $75,000,000 authorized by a chapter of the laws of 2013 to the urban development corporation for services and expenses related to the buffalo regional innovation cluster, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $2,166,000 authorized by a chapter of the laws of 2013 to the urban development corporation for services and expenses related to the retention of professional football in Western New York, reimbursements from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $26,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2013 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $53,891,000 authorized by a chapter of the laws of 2013 to the urban development corporation for services and expenses related to capital improvements at Ralph Wilson Stadium, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $165,000,000 authorized by a chapter of the laws of 2013 to the urban development corporation for services and expenses related to the New York works economic development fund, reimbursement from the proceeds of notes or bonds issued by the thruway authority for a capital appropriation of $100,000,000 authorized by a chapter of the laws of 2013 to the department of transportation for transportation infrastructure projects, reimbursement from the proceeds of notes or bonds issued by the thruway authority for a capital appropriation of $200,000,000 authorized by a chapter of the laws of 2013 to the department of transportation for various purposes.

S 38. For purposes of sections twenty-six through thirty-seven of this act, the comptroller is also hereby authorized and directed to deposit to the credit of any capital projects fund, reimbursement from the proceeds of bonds and notes issued by any authorized issuer, as defined by sections 68-a and 69-m of the state finance law, in the amounts and for the purposes listed in such sections.

S 39. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the state university residence hall rehabilitation fund, reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York for capital disbursements of up to $331,000,000 from any appropriation or reappropriation authorized by a chapter of the laws of 2013.

S 40. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the city university special revenue fund, reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York for capital disbursements of up to $20,000,000 from any appropriation or reappropriation authorized by chapter 53 of the laws of 2009 to the city university of New York for various purposes.

S 41. 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. On or before June 30, 2013, 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.

S 42. (1) Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller shall at the commencement of each month certify to the director of the budget, the commissioner of environmental conservation, the chair of the senate finance committee, and the chair of the assembly ways and means committee the amounts disbursed from all appropriations for hazardous waste site remediation disbursements for the month preceding such certification.

(2) Notwithstanding any law to the contrary, prior to the issuance by the comptroller of bonds authorized pursuant to subdivision a of section 4 of the environmental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, disbursements from all appropriations for that purpose shall first be reimbursed from moneys credited to the hazardous waste remedial fund, site investigation and construction account, to the extent moneys are available in such account. For purposes of determining moneys available in such account, the commissioner of environmental conservation shall certify to the comptroller the amounts required for administration of the hazardous waste remedial program.

(3) The comptroller is hereby authorized and directed to transfer any balance above the amounts certified by the commissioner of environmental conservation to reimburse disbursements pursuant to all appropriations from such site investigation and construction account; provided, however, that if such transfers are determined by the comptroller to be insufficient to assure that interest paid to holders of state obligations issued for hazardous waste purposes pursuant to the environmental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, is exempt from federal income taxation, the comptroller is hereby authorized and directed to transfer, from such site investigation and construction account to the general fund, the amount necessary to redeem bonds in an amount necessary to assure the continuation of such tax exempt status. Prior to the making of any such transfers, the comptroller shall notify the director of the budget of the amount of such transfers.

S 43. Subdivision 2 of section 68-a of the state finance law, as amended by section 36 of part U of chapter 59 of the laws of 2012, is amended to read as follows:

2. "Authorized purpose" for purposes of this article and section ninety-two-z of this chapter shall mean any purposes for which state-supported debt, as defined by section sixty-seven-a of this chapter, may or has been issued except debt for which the state is constitutionally obligated thereunder to pay debt service and related expenses[, and except (a) as authorized in paragraph (b) of subdivision one of section three hundred eighty-five of the public authorities law, (b) as authorized for the department of health of the state of New York facilities as specified in paragraph a of subdivision two of section sixteen hundred eighty of the public authorities law, (c) state university of New York dormitory facilities as specified in subdivision eight of section sixteen hundred seventy-eight of the public authorities law, and (d) as authorized for mental health services facilities by section nine-a of section one of chapter three hundred ninety-two of the laws of nineteen hundred seventy-three constituting the New York state medical care facilities financing act. Notwithstanding the provisions of clause (d) of this subdivision, for the period April first, two thousand nine through March thirty-first, two thousand thirteen, mental health services facilities, as authorized by section nine-a of section one of chapter three hundred ninety-two of the laws of nineteen hundred seventy-three constituting the New York state medical care facilities financing act, shall constitute an authorized purpose].

S 44. Subdivision 8 of section 68-b of the state finance law, as amended by section 35 of part BB of chapter 58 of the laws of 2011, is amended to read as follows:

8. Revenue bonds may only be issued for authorized purposes, as defined in section sixty-eight-a of this article. Notwithstanding the foregoing, the dormitory authority of the state of New York and the urban development corporation may issue revenue bonds for any authorized purpose of any other such authorized issuer [through March thirty-first, two thousand thirteen]. The authorized issuers shall not issue any revenue bonds in an amount in excess of statutory authorizations for such authorized purposes. Authorizations for such authorized purposes shall be reduced in an amount equal to the amount of revenue bonds issued for such authorized purposes under this article. Such reduction shall not be made in relation to revenue bonds issued to fund reserve funds, if any, and costs of issuance, if these items are not counted under existing authorizations, nor shall revenue bonds issued to refund bonds issued under existing authorizations reduce the amount of such authorizations.

S 45. Subdivision 5 of section 3234 of the public authorities law, as amended by section 54 of part K of chapter 81 of the laws of 2002, is amended to read as follows:

5. A majority of the whole number of directors then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the corporation. Except as otherwise specified in this title, for the transaction of any business or the exercise of any power of the corporation, the corporation shall have power to act by a majority of the directors present at any meeting at which a quorum is in attendance; provided that one or more directors may participate in a meeting by means of conference telephone or similar communications equipment allowing all directors participating in the meeting to hear each other at the same time and participation by such means shall constitute presence in person at a meeting. A unanimous vote of all directors THEN IN OFFICE shall be required for approval of a resolution authorizing the issuance of bonds or notes or any supplemental or amendatory resolution. The corporation may delegate to one or more of its directors, or officers, agents and employees, such powers and duties as the directors may deem proper. Five days notice shall be given to each director and nonvoting representative prior to any meeting of the corporation.

S 46. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 46 to read as follows:

S 46. 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 NEW YORK STATE TRANSFORMATIVE CAPITAL FUND 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 ONE BILLION ONE HUNDRED SEVENTY MILLION 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 NEW YORK STATE TRANSFORMATIVE CAPITAL FUND AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL 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.

3. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE DORMITORY AUTHORITY AND THE CORPORATION ANY PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH SUCH CAPITAL PROJECT COSTS AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY OTHER APPROPRIATE FUND.

S 47. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 47 to read as follows:

S 47. 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 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 SIXTY MILLION 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 OFFICE OF INFORMATION TECH-

NOLOGY SERVICES AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL 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.

3. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE DORMITORY AUTHORITY AND THE CORPORATION ANY PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH SUCH CAPITAL PROJECT COSTS AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY OTHER APPROPRIATE FUND.

S 48. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 39 of part U of chapter 59 of the laws of 2012, 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, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$24,000,000] $27,000,000, 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 for public protection facilities in the Division of Military and Naval Affairs, 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.

S 49. 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 40 of part U of chapter 59 of the laws of 2012, 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] SEVEN billion [eight] ONE hundred [sixteen] THIRTY-THREE million [eight hundred] sixty-nine thousand dollars [$6,816,869,000] $7,133,069,000, 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 [six] SEVEN billion [eight] ONE hundred [sixteen] THIRTY-THREE million [eight hundred] sixty-nine thousand dollars [$6,816,869,000] $7,133,069,000, 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.

S 50. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 41 of part U of chapter 59 of the laws of 2012, 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 authorized 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 two billion [seven] EIGHT hundred [forty] FORTY-FOUR million [six] EIGHT hundred ninety-nine 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.

S 51. 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 42 of part U of chapter 59 of the laws of 2012, 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 such projects having a cost not in excess of [$7,106,022,000] $7,516,875,000 cumulatively by the end of fiscal year [2012-13] 2013-14.

S 52. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 50 of part U of chapter 59 of the laws of 2012, 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 [ninety-eight] ONE HUNDRED TWELVE million dollars.

S 53. 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 43 of part PP of chapter 56 of the laws of 2009, 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 [$114,100,000] $166,340,000, 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 for THE division of state police [facilities], 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.

S 54. 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 43 of part U of chapter 59 of the laws of 2012, is amended to read as follows:

S 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, [and] the New York works economic development fund, PROJECTS FOR THE RETENTION OF PROFESSIONAL FOOTBALL IN WESTERN NEW YORK, 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 [seven hundred ten million five hundred fifty] ONE BILLION ONE HUNDRED FIFTY-SIX MILLION SIX HUNDRED 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 [and], the New York works economic development fund, PROJECTS FOR THE RETENTION OF PROFESSIONAL FOOTBALL IN WESTERN NEW YORK, 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 there-

under may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

S 55. Subdivisions 1 and 3 of section 1285-p of the public authorities law,subdivision 1 as amended by section 21 of part II of chapter 59 of the laws of 2004 and subdivision 3 as amended by section 38 of part U of chapter 59 of the laws of 2012, are amended to read as follows:

1. Subject to chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, in order to assist the corporation in undertaking the administration and the financing of the design, acquisition, construction, improvement, installation, and related work for all or any portion of any of the following environmental infrastructure projects and for the provision of funds to the state for any amounts disbursed therefor: (a) projects authorized under the environmental protection fund, or for which appropriations are made to the environmental protection fund including, but not limited to municipal parks and historic preservation, stewardship, farmland protection, non-point source, pollution control, Hudson River Park, land acquisition, and waterfront revitalization; (b) department of environmental conservation capital appropriations for Onondaga Lake for certain water quality improvement projects in the same manner as set forth in paragraph (d) of subdivision one of section 56-0303 of the environmental conservation law; (c) for the purpose of the administration, management, maintenance, and use of the real property at the western New York nuclear service center; and (d) department of environmental conservation capital appropriations for the administration, design, acquisition, construction, improvement, installation, and related work on department of environmental conservation environmental infrastructure projects; and (e) office of parks, recreation and historic preservation appropriations or reappropriations from the state parks infrastructure fund[,]; AND (F) CAPITAL GRANTS FOR THE CLEANER, GREENER COMMUNITIES PROGRAM the director of the division of budget and the corporation are each authorized to enter into one or more service contracts, none of which shall exceed twenty years in duration, upon such terms and conditions as the director and the corporation may agree, so as to annually provide to the corporation in the aggregate, a sum not to exceed the annual debt service payments and related expenses required for any bonds and notes authorized pursuant to section twelve hundred ninety of this title. Any service contract entered into pursuant to this section shall provide that the obligation of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available for such purposes, subject to annual appropriation by the legislature. Any such service contract or any payments made or to be made thereunder may be assigned and pledged by the corporation as security for its bonds and notes, as authorized pursuant to section twelve hundred ninety of this title.

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 billion [one hundred eighteen] TWO HUNDRED SIXTY-FIVE million seven 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.

S 56. The state finance law is amended by adding a new section 92-h to read as follows:

S 92-H. SALES TAX REVENUE BOND TAX FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND WITHIN THE GENERAL DEBT SERVICE FUND TO BE KNOWN AS THE "SALES TAX REVENUE BOND TAX FUND".

2. SUCH FUND SHALL CONSIST OF THE AMOUNT OF REVENUE COLLECTED WITHIN THE STATE FROM THE IMPOSITION OF THE SALES AND COMPENSATING USE TAXES (INCLUDING INTEREST AND PENALTIES) PURSUANT TO SECTION ELEVEN HUNDRED FIVE AND SECTION ELEVEN HUNDRED TEN OF THE TAX LAW EQUAL TO THE AMOUNT ATTRIBUTABLE TO A ONE PERCENT RATE OF TAXATION, LESS SUCH AMOUNTS AS THE COMMISSIONER OF TAXATION AND FINANCE MAY DETERMINE TO BE NECESSARY FOR REFUNDS. SUCH SALES AND COMPENSATING USE TAX REVENUES SHALL BE SEPARATE AND DISTINCT FROM THE SALES AND COMPENSATING USE TAX REVENUES DEPOSITED FROM TIME TO TIME IN THE LOCAL GOVERNMENT ASSISTANCE TAX FUND, PURSUANT TO SECTION NINETY-TWO-R OF THIS ARTICLE. ON AND AFTER THE DATE THAT ALL OF THE OBLIGATIONS AND LIABILITIES OF THE NEW YORK LOCAL GOVERNMENT ASSISTANCE CORPORATION SHALL HAVE BEEN MET OR OTHERWISE DISCHARGED, IT SHALL EQUAL THE AMOUNT ATTRIBUTABLE TO A TWO PERCENT RATE OF TAXATION, LESS SUCH AMOUNTS AS THE COMMISSIONER OF TAXATION AND FINANCE MAY DETERMINE TO BE NECESSARY FOR REFUNDS.

3. ON OR BEFORE THE TWELFTH DAY OF EACH MONTH, THE COMMISSIONER OF TAXATION AND FINANCE SHALL CERTIFY TO THE STATE COMPTROLLER THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION RELATING TO THE PRECEDING MONTH AND, IN ADDITION, NO LATER THAN MARCH THIRTY-FIRST OF EACH FISCAL YEAR THE COMMISSIONER OF TAXATION AND FINANCE SHALL CERTIFY SUCH AMOUNTS RELATING TO THE LAST MONTH OF SUCH FISCAL YEAR. THE AMOUNTS SO CERTIFIED SHALL BE DEPOSITED BY THE STATE COMPTROLLER IN THE SALES TAX REVENUE BOND TAX FUND.

4. MONEYS IN THE SALES TAX REVENUE BOND TAX FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE. ALL DEPOSITS OF SUCH REVENUES SHALL, IF REQUIRED BY THE STATE COMPTROLLER, BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF THE STATE HAVING A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF SUCH DEPOSITS AND ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH DEPOSITS. ANY SUCH MONEYS IN SUCH FUND MAY, IN THE DISCRETION OF THE STATE COMPTROLLER, BE INVESTED IN OBLIGATIONS IN WHICH THE STATE COMPTROLLER IS AUTHORIZED TO INVEST PURSUANT TO SECTION NINETY-EIGHT-A OF THIS ARTICLE.

5. (A) THE STATE COMPTROLLER SHALL FROM TIME TO TIME, BUT IN NO EVENT LATER THAN THE FIFTEENTH DAY OF EACH MONTH (OTHER THAN THE LAST MONTH OF THE FISCAL YEAR) AND NO LATER THAN THE THIRTY-FIRST DAY OF THE LAST MONTH OF EACH FISCAL YEAR, PAY OVER AND DISTRIBUTE TO THE CREDIT OF THE GENERAL FUND OF THE STATE TREASURY ALL MONEYS IN THE SALES TAX REVENUE BOND TAX FUND, IF ANY, IN EXCESS OF THE AGGREGATE AMOUNT REQUIRED TO BE SET ASIDE FOR THE PAYMENT OF CASH REQUIREMENTS PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, PROVIDED THAT AN APPROPRIATION HAS BEEN MADE TO PAY ALL AMOUNTS SPECIFIED IN ANY CERTIFICATE OR CERTIFICATES DELIVERED BY THE DIRECTOR OF THE BUDGET PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION AS BEING REQUIRED BY ANY AUTHORIZED ISSUER AS SUCH TERM IS DEFINED IN SECTION SIXTY-NINE-M OF THIS CHAPTER FOR THE PAYMENT OF CASH REQUIRE-

MENTS OF SUCH AUTHORIZED ISSUERS FOR SUCH FISCAL YEAR. SUBJECT TO THE RIGHTS OF HOLDERS OF DEBT OF THE STATE, IN NO EVENT SHALL THE STATE COMPTROLLER PAY OVER AND DISTRIBUTE ANY MONEYS ON DEPOSIT IN THE SALES TAX REVENUE BOND TAX FUND TO ANY PERSON OTHER THAN AN AUTHORIZED ISSUER PURSUANT TO SUCH CERTIFICATE OR CERTIFICATES (I) UNLESS AND UNTIL THE AGGREGATE OF ALL CASH REQUIREMENTS CERTIFIED TO THE STATE COMPTROLLER AS REQUIRED BY SUCH AUTHORIZED ISSUERS TO BE SET ASIDE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION FOR SUCH FISCAL YEAR SHALL HAVE BEEN APPROPRIATED TO SUCH AUTHORIZED ISSUERS IN ACCORDANCE WITH THE SCHEDULE SPECIFIED IN THE CERTIFICATE OR CERTIFICATES FILED BY THE DIRECTOR OF THE BUDGET OR (II) IF, AFTER HAVING BEEN SO CERTIFIED AND APPROPRIATED, ANY PAYMENT REQUIRED TO BE MADE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION HAS NOT BEEN MADE TO THE AUTHORIZED ISSUERS PURSUANT TO SUCH CERTIFICATE OR CERTIFICATES; PROVIDED, HOWEVER, THAT NO PERSON, INCLUDING SUCH AUTHORIZED ISSUERS OR THE HOLDERS OF REVENUE BONDS, SHALL HAVE ANY LIEN ON MONEYS ON DEPOSIT IN THE SALES TAX REVENUE BOND TAX FUND. ANY AGREEMENT ENTERED INTO PURSUANT TO SECTION SIXTY-NINE-O OF THIS CHAPTER RELATED TO ANY PAYMENT AUTHORIZED BY THIS SECTION SHALL BE EXECUTORY ONLY TO THE EXTENT OF SUCH REVENUES AVAILABLE TO THE STATE IN SUCH FUND. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION, IN THE EVENT THE AGGREGATE OF ALL CASH REQUIREMENTS CERTIFIED TO THE STATE COMPTROLLER AS REQUIRED BY SUCH AUTHORIZED ISSUERS TO BE SET ASIDE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION FOR THE FISCAL YEAR BEGINNING ON APRIL FIRST SHALL NOT HAVE BEEN APPROPRIATED TO SUCH AUTHORIZED ISSUERS IN ACCORDANCE WITH THE SCHEDULE SPECIFIED IN THE CERTIFICATE OR CERTIFICATES FILED BY THE DIRECTOR OF THE BUDGET OR, IF, HAVING BEEN SO CERTIFIED AND APPROPRIATED, ANY PAYMENT REQUIRED TO BE MADE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION HAS NOT BEEN MADE PURSUANT TO SUCH CERTIFICATE OR CERTIFICATES, ALL RECEIPTS COLLECTED AND DEPOSITED IN THE SALES TAX REVENUE BOND TAX FUND SHALL REMAIN IN SUCH FUND. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE STATE HAS APPROPRIATED AND PAID TO THE AUTHORIZED ISSUERS ALL AMOUNTS NECESSARY FOR THE AUTHORIZED ISSUERS TO MEET THEIR CASH REQUIREMENTS FOR THE CURRENT FISCAL YEAR PURSUANT TO THE CERTIFICATE OR CERTIFICATES SUBMITTED BY THE DIRECTOR OF THE BUDGET PURSUANT TO PARAGRAPH (B) OF THIS SECTION, THE STATE COMPTROLLER SHALL, ON THE LAST DAY OF EACH FISCAL YEAR, PAY TO THE GENERAL FUND OF THE STATE ALL SUMS REMAINING IN THE SALES TAX REVENUE BOND TAX FUND ON SUCH DATE EXCEPT SUCH AMOUNTS AS THE DIRECTOR OF THE BUDGET MAY CERTIFY ARE NEEDED TO MEET THE CASH REQUIREMENTS OF AUTHORIZED ISSUERS DURING THE SUBSEQUENT FISCAL YEAR.

(B) NO LATER THAN THIRTY DAYS AFTER THE SUBMISSION OF THE EXECUTIVE BUDGET IN ACCORDANCE WITH ARTICLE SEVEN OF THE CONSTITUTION, THE DIRECTOR OF THE BUDGET SHALL PREPARE A CERTIFICATE OF THE AMOUNT OF MONTHLY RECEIPTS ANTICIPATED TO BE DEPOSITED PURSUANT TO SUBDIVISION TWO OF THIS SECTION DURING THE FISCAL YEAR BEGINNING APRIL FIRST OF THAT YEAR TOGETHER WITH THE MONTHLY AMOUNTS NECESSARY TO BE SET ASIDE FROM THE RECEIPTS OF SUCH FUND, AS SHALL BE SUFFICIENT TO MEET THE TOTAL CASH REQUIREMENTS OF AUTHORIZED ISSUERS, AS DEFINED BY SECTION SIXTY-NINE-M OF THIS CHAPTER DURING SUCH FISCAL YEAR, BASED ON INFORMATION THAT SHALL BE PROVIDED BY SUCH AUTHORIZED ISSUERS, CONSISTENT WITH THE TERMS OF ANY CONTRACT WITH OUTSTANDING BONDHOLDERS. EXCEPT FOR THE PURPOSE OF MEETING CASH REQUIREMENTS OF AN AUTHORIZED ISSUER THAT ARE DUE ON A MONTHLY OR MORE FREQUENT BASIS, PRIOR TO TRANSFERRING ANY MONEYS FROM THE ACCOUNT PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE COMPTROLLER SHALL SET ASIDE ON A MONTHLY BASIS ALL REVENUES DEPOSITED PURSUANT TO THIS SUBDIVISION AS RECEIVED UNTIL THE AMOUNT SET ASIDE IS EQUAL TO ONE-FIFTH OF

THE INTEREST DUE ON SUCH OBLIGATIONS ON THE NEXT SUCCEEDING INTEREST PAYMENT DATE MULTIPLIED BY THE NUMBER OF MONTHS FROM THE LAST SUCH PAYMENT AND ONE-ELEVENTH OF THE NEXT PRINCIPAL INSTALLMENT DUE ON SUCH OBLIGATIONS MULTIPLIED BY THE NUMBER OF MONTHS FROM THE LAST SUCH PRINCIPAL INSTALLMENT WHERE PRINCIPAL IS DUE ON AN ANNUAL BASIS OR ONE-FIFTH OF THE NEXT PRINCIPAL INSTALLMENT DUE ON SUCH OBLIGATIONS MULTIPLIED BY THE NUMBER OF MONTHS FROM THE LAST SUCH PRINCIPAL INSTALLMENT WHERE PRINCIPAL IS DUE ON A SEMIANNUAL BASIS. FOR THE PURPOSE OF MEETING CASH REQUIREMENTS OF AN AUTHORIZED ISSUER THAT ARE DUE ON A MONTHLY BASIS OR MORE FREQUENTLY, THE COMPTROLLER SHALL SET ASIDE ALL REVENUES DEPOSITED PURSUANT TO SUBDIVISION TWO OF THIS SECTION AS RECEIVED UNTIL THE AMOUNT SO SET ASIDE IS, IN THE REASONABLE JUDGMENT OF THE DIRECTOR OF THE BUDGET AS SET FORTH IN SUCH CERTIFICATE, SUFFICIENT TO MAKE THE REQUIRED PAYMENT ON OR BEFORE SUCH PAYMENT DATE. NOTWITHSTANDING SUBDIVISION THREE OF, SECTION SEVENTY-TWO OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW, ALL MONEYS SET ASIDE IN THE SALES TAX REVENUE BOND TAX FUND TO MEET THE ANNUAL CASH REQUIREMENTS OF AUTHORIZED ISSUERS PURSUANT TO A CERTIFICATE OR CERTIFICATES AS REQUIRED IN THIS PARAGRAPH SHALL REMAIN IN THE SALES TAX REVENUE BOND TAX FUND UNTIL NEEDED FOR PAYMENT TO AUTHORIZED ISSUERS, AS PROVIDED IN THIS SECTION. IN THE EVENT THAT THE AMOUNT SET ASIDE BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH IS NOT SUFFICIENT TO MEET THE CASH REQUIREMENTS REQUIRED PURSUANT TO A CERTIFICATE OR CERTIFICATES SUBMITTED BY THE DIRECTOR OF THE BUDGET, THE STATE COMPTROLLER SHALL IMMEDIATELY TRANSFER FROM THE GENERAL FUND TO THE SALES TAX REVENUE BOND TAX FUND AN AMOUNT WHICH, WHEN COMBINED WITH THE AMOUNT SET ASIDE PURSUANT TO THIS PARAGRAPH, SHALL BE SUFFICIENT TO MEET THE PAYMENT REQUIRED PURSUANT TO SUCH CERTIFICATE OR CERTIFICATES. THE DIRECTOR OF THE BUDGET MAY REVISE SUCH CERTIFICATION AT SUCH TIMES AS SHALL BE NECESSARY, PROVIDED, HOWEVER, THAT THE DIRECTOR OF THE BUDGET SHALL, AS NECESSARY, REVISE SUCH CERTIFICATION NOT LATER THAN THIRTY DAYS AFTER THE ISSUANCE OF ANY REVENUE BONDS, INCLUDING REFUNDING BONDS, AND AFTER THE ADOPTION OF ANY INTEREST RATE EXCHANGE OR OTHER FINANCIAL ARRANGEMENT AFFECTING THE CASH REQUIREMENTS OF THE AUTHORIZED ISSUERS. IN NO EVENT SHALL THE STATE COMPTROLLER BE HELD LIABLE FOR THE FAILURE TO SET ASIDE AN AMOUNT SUFFICIENT TO PAY ANY REQUIRED PAYMENT OF AN AUTHORIZED ISSUER.

6. ALL PAYMENTS OF MONEYS FROM THE REVENUE BOND TAX FUND SHALL BE MADE ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER.

S 57. Section 1148 of the tax law, as amended by chapter 3 of the laws of 2004, is amended to read as follows:

S 1148. Deposit and disposition of revenue. All taxes, interest and penalties collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter; provided however, the comptroller shall on or before the twelfth day of each month, pay all such taxes, interest and penalties collected under this article and remaining to the comptroller's credit in such banks, banking houses or trust companies at the close of business on the last day of the preceding month, into the general fund of the state treasury, except as otherwise provided in sections ninety-two-d, NINETY-TWO-H, and ninety-two-r of the state finance law and sections eleven hundred two, eleven hundred four and eleven hundred nine of this article.

S 58. The state finance law is amended by adding a new article 5-F to read as follows:

ARTICLE 5-F

SALES TAX REVENUE BOND FINANCING PROGRAM

SECTION 69-M. DEFINITIONS.
69-N. ISSUANCE OF BONDS AND NOTES.
69-O. PAYMENTS TO AUTHORIZED ISSUERS.

S 69-M. DEFINITIONS. 1. "AUTHORIZED ISSUER" SHALL MEAN THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION, THE NEW YORK STATE THRUWAY AUTHORITY, AND ANY SUCCESSORS THERETO.

2. "AUTHORIZED PURPOSE" FOR PURPOSES OF THIS ARTICLE AND SECTION NINETY-TWO-H OF THIS CHAPTER SHALL MEAN ANY PURPOSES FOR WHICH STATE-SUPPORTED DEBT, AS DEFINED BY SECTION SIXTY-SEVEN-A OF THIS CHAPTER, MAY OR HAS BEEN ISSUED, EXCEPT DEBT FOR WHICH THE STATE IS CONSTITUTIONALLY OBLIGATED THEREUNDER TO PAY DEBT SERVICE AND RELATED EXPENSES.

3. "REVENUE BONDS" FOR THE PURPOSES OF THIS ARTICLE AND SECTION NINETY-TWO-H OF THIS CHAPTER SHALL MEAN ANY BONDS, NOTES OR OBLIGATIONS ISSUED OR INCURRED PURSUANT TO SECTION SIXTY-NINE-N OF THIS ARTICLE.

S 69-N. ISSUANCE OF BONDS AND NOTES. 1. (A) AUTHORIZED ISSUERS SHALL HAVE THE POWER AND ARE HEREBY AUTHORIZED FROM TIME TO TIME TO ISSUE REVENUE BONDS, IN SUCH PRINCIPAL AMOUNT OR AMOUNTS, SUBJECT TO SUBDIVISION EIGHT OF THIS SECTION AND AS THE DIRECTOR OF THE BUDGET SHALL DETERMINE TO BE NECESSARY, TO PROVIDE SUFFICIENT FUNDS FOR AUTHORIZED PURPOSES, THE ESTABLISHMENT OF RESERVES TO SECURE SUCH REVENUE BONDS, THE PAYMENT OF AMOUNTS REQUIRED UNDER REVENUE BONDS OR AGREEMENTS RELATING THERETO, AND THE PAYMENT OF ALL COSTS OF ISSUANCE OF THEIR REVENUE BONDS.

(B) THE AUTHORIZED ISSUERS SHALL HAVE THE POWER AND ARE HEREBY AUTHORIZED FROM TIME TO TIME TO ISSUE (I) REVENUE BONDS TO RENEW NOTES, (II) REVENUE BONDS TO PAY NOTES, AND (III) WHENEVER IT DEEMS REFUNDING EXPEDIENT, TO REFUND ANY BONDS, NOTES OR OTHER OBLIGATIONS ISSUED FOR AN AUTHORIZED PURPOSE OR PURPOSES, INCLUDING BONDS, NOTES OR OTHER OBLIGATIONS THAT WERE ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, BY THE ISSUANCE OF NEW REVENUE BONDS, WHETHER THE BONDS, NOTES, OR OTHER OBLIGATIONS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND TO ISSUE REVENUE BONDS IN PART TO REFUND BONDS, NOTES, OR OTHER OBLIGATIONS THEN OUTSTANDING AND IN PART FOR ANY OF ITS OTHER AUTHORIZED PURPOSES. THE REFUNDING REVENUE BONDS MAY BE EXCHANGED FOR BONDS, NOTES, OR OTHER OBLIGATIONS TO BE REFUNDED, OR SOLD AND THE PROCEEDS APPLIED TO THE PURCHASE, REDEMPTION OR PAYMENT OF SUCH BONDS, NOTES, OR OTHER OBLIGATIONS.

(C) EXCEPT AS MAY OTHERWISE BE EXPRESSLY PROVIDED BY AN AUTHORIZED ISSUER, EVERY ISSUE OF REVENUE BONDS OF AN AUTHORIZED ISSUER PURSUANT TO THIS SECTION SHALL BE SPECIAL OBLIGATIONS OF THE AUTHORIZED ISSUER PAYABLE SOLELY OUT OF ANY REVENUES PAID OVER TO SUCH AUTHORIZED ISSUER FROM THE SALES TAX REVENUE BOND TAX FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-H OF THIS CHAPTER.

(D) ALL OF THE PROVISIONS OF THE ENABLING ACTS OF THE AUTHORIZED ISSUERS RELATING TO BONDS AND NOTES, WHICH ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION, MAY, AT THE DISCRETION OF THE AUTHORIZED ISSUER, APPLY TO REVENUE BONDS AUTHORIZED BY THIS SECTION.

(E) THE REVENUE BONDS OF THE AUTHORIZED ISSUERS AUTHORIZED BY THIS SECTION 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 OF THE AUTHORIZED ISSUERS PLEDGED THEREFOR; AND SUCH REVENUE BONDS SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. IN ADDITION, ANY AGREEMENTS ENTERED INTO BY ANY ENTITY PURSUANT TO SECTIONS SIXTY-NINE-O AND NINETY-TWO-H OF THIS CHAPTER ON BEHALF OF THE STATE TO EFFECT THE IMPLEMENTATION OF ANY OF THE ACTIVITIES FINANCED IN WHOLE OR

IN PART WITH PROCEEDS OF THE REVENUE BONDS OF THE AUTHORIZED ISSUERS, AUTHORIZED IN THIS SECTION DO NOT CONSTITUTE OR CREATE A DEBT OF THE STATE, NOR A CONTRACTUAL OBLIGATION IN EXCESS OF THE AMOUNTS APPROPRIATED THEREFOR, AND THE STATE HAS NO CONTINUING LEGAL OR MORAL OBLIGATION TO APPROPRIATE MONEY FOR PAYMENTS DUE UNDER ANY SUCH AGREEMENT.

(F) (I) REVENUE BONDS SHALL BE AUTHORIZED BY RESOLUTION OF THE AUTHORIZED ISSUERS, BE IN SUCH DENOMINATIONS, BEAR SUCH DATE OR DATES AND MATURE AT SUCH TIME OR TIMES, AS SUCH RESOLUTION OR OTHER AGREEMENT MAY PROVIDE.

(II) REVENUE BONDS SHALL BE SUBJECT TO SUCH TERMS OF REDEMPTION, BEAR INTEREST AT SUCH RATE OR RATES, BE PAYABLE AT SUCH TIMES, BE IN SUCH FORM, EITHER COUPON, REGISTERED OR BOOK ENTRY FORM, CARRY SUCH REGISTRATION PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT AT SUCH PLACE OR PLACES, AND BE SUBJECT TO SUCH TERMS AND CONDITIONS AS SUCH RESOLUTION MAY PROVIDE.

(G) REVENUE BONDS AUTHORIZED HEREUNDER SHALL BE SOLD BY AUTHORIZED ISSUERS, AT PUBLIC OR PRIVATE SALE, AT SUCH PRICE OR PRICES AS THE AUTHORIZED ISSUERS MAY DETERMINE. REVENUE BONDS OF THE AUTHORIZED ISSUERS SHALL NOT BE SOLD BY THE AUTHORIZED ISSUERS AT PRIVATE SALES UNLESS SUCH SALE AND THE TERMS THEREOF HAVE BEEN APPROVED BY THE STATE COMPTROLLER.

2. CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, ANY RESOLUTION OR OTHER AGREEMENT AUTHORIZING REVENUE BONDS OR ANY ISSUE THEREOF MAY CONTAIN PROVISIONS, WHICH SHALL BE A PART OF THE CONTRACT WITH THE HOLDERS THEREOF, AS TO:

(A) PLEDGING ALL OR ANY PART OF THE REVENUES RECEIVED BY THE AUTHORIZED ISSUERS PURSUANT TO SECTION SIXTY-NINE-O OF THIS ARTICLE TO SECURE THE PAYMENT OF THE BONDS OR NOTES OR OF ANY ISSUE THEREOF, SUBJECT TO SUCH AGREEMENTS WITH HOLDERS OF REVENUE BONDS AS MAY THEN EXIST;

(B) PLEDGING ALL OR ANY PART OF THE ASSETS OF THE AUTHORIZED ISSUERS TO SECURE THE PAYMENT OF THE REVENUE BONDS OR OF ANY ISSUE OF REVENUE BONDS SUBJECT TO SUCH AGREEMENTS WITH HOLDERS OF REVENUE BONDS AS MAY THEN EXIST;

(C) THE SETTING ASIDE OF RESERVES OR SINKING FUNDS AND THE REGULATION AND DISPOSITION THEREOF;

(D) LIMITATIONS ON THE PURPOSES TO WHICH THE PROCEEDS OF SALE OF REVENUE BONDS, MAY BE APPLIED AND PLEDGING SUCH PROCEEDS TO SECURE THE PAYMENT OF THE REVENUE BONDS OR OF ANY ISSUE THEREOF;

(E) LIMITATIONS ON THE ISSUANCE OF ADDITIONAL REVENUE BONDS, THE TERMS UPON WHICH ADDITIONAL REVENUE BONDS MAY BE ISSUED AND SECURED AND THE REFUNDING OF OUTSTANDING OR OTHER REVENUE BONDS;

(F) THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY CONTRACT WITH HOLDERS OF REVENUE BONDS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF REVENUE BONDS THE HOLDERS OF WHICH MUST CONSENT THERETO AND THE MANNER IN WHICH SUCH CONSENT MAY BE GIVEN;

(G) VESTING IN A TRUSTEE, AS DESCRIBED IN SUBDIVISION SIX OF THIS SECTION, SUCH PROPERTY, RIGHTS, POWERS AND DUTIES IN TRUST AS THE AUTHORIZED ISSUERS MAY DETERMINE, WHICH MAY INCLUDE ANY OR ALL OF THE RIGHTS, POWERS AND DUTIES OF THE TRUSTEE APPOINTED BY THE HOLDERS OF REVENUE BONDS OF THE RESPECTIVE AUTHORIZED ISSUERS PURSUANT TO THIS ARTICLE, AND LIMITING OR ABROGATING THE RIGHT OF SUCH REVENUE BOND HOLDERS TO APPOINT A TRUSTEE UNDER THIS TITLE OR LIMITING THE RIGHTS, POWERS, AND DUTIES OF SUCH TRUSTEE;

(H) THE ACTS OR OMISSIONS TO ACT WHICH SHALL CONSTITUTE A DEFAULT IN THE OBLIGATIONS AND DUTIES OF THE AUTHORIZED ISSUERS TO THE HOLDERS OF

THE REVENUE BONDS AND PROVIDING FOR THE RIGHTS AND REMEDIES OF THE HOLDERS OF THE REVENUE BONDS IN EVENT OF SUCH DEFAULT, INCLUDING THE RIGHT TO APPOINTMENT OF A RECEIVER; PROVIDED, HOWEVER, THAT SUCH RIGHTS AND REMEDIES SHALL NOT BE INCONSISTENT WITH THE OTHER PROVISIONS OF THIS ARTICLE;

(I) ANY OTHER MATTERS, OF LIKE OR DIFFERENT CHARACTER, WHICH IN ANY WAY AFFECT THE SECURITY OR PROTECTION OF THE HOLDERS OF THE REVENUE BONDS; AND

(J) THE APPLICATION OF ANY OF THE FOREGOING PROVISIONS TO ANY PROVIDER OF ANY APPLICABLE BOND, NOTE OR OTHER FINANCIAL FACILITY.

NOTWITHSTANDING THE FOREGOING, THE AUTHORIZED ISSUERS SHALL NOT BE AUTHORIZED TO MAKE ANY COVENANT, PLEDGE, PROMISE, OR AGREEMENT PURPORTING TO BIND THE STATE EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

3. ANY PLEDGE MADE BY THE RESPECTIVE AUTHORIZED ISSUERS SHALL BE VALID AND BINDING FROM THE TIME WHEN THE PLEDGE IS MADE. THE REVENUES OR PROPERTY SO PLEDGED AND THEREAFTER RECEIVED BY THE RESPECTIVE AUTHORIZED ISSUERS SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY THEREOF OR FURTHER ACT, AND THE LIEN OF ANY SUCH PLEDGE SHALL BE VALID AND BINDING AS AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT OR OTHERWISE AGAINST THE RESPECTIVE AUTHORIZED ISSUERS, IRRESPECTIVE OF WHETHER SUCH PARTIES HAVE NOTICE THEREOF. NEITHER THE RESOLUTION NOR ANY OTHER INSTRUMENT BY WHICH A PLEDGE IS CREATED NEED BE RECORDED OR FILED TO PROTECT SUCH PLEDGE.

4. NEITHER THE DIRECTORS OR MEMBERS OF THE AUTHORIZED ISSUERS NOR ANY OTHER PERSON EXECUTING THE REVENUE BONDS OF THE AUTHORIZED ISSUERS SHALL BE LIABLE PERSONALLY THEREON OR BE SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY SOLELY BY REASON OF THE ISSUANCE THEREOF.

5. THE AUTHORIZED ISSUERS, SUBJECT TO SUCH AGREEMENTS WITH HOLDERS OF REVENUE BONDS AS MAY THEN EXIST, OR WITH THE PROVIDERS OF ANY APPLICABLE BOND OR NOTE OR OTHER FINANCIAL OR AGREEMENT FACILITY, SHALL HAVE POWER OUT OF ANY FUNDS AVAILABLE THEREFOR TO PURCHASE REVENUE BONDS OF THE AUTHORIZED ISSUERS, WHICH MAY OR MAY NOT THEREUPON BE CANCELED, AT A PRICE NOT EXCEEDING:

(A) IF THE REVENUE BONDS ARE THEN REDEEMABLE, THE REDEMPTION PRICE THEN APPLICABLE, INCLUDING ANY ACCRUED INTEREST;

(B) IF THE REVENUE BONDS ARE NOT THEN REDEEMABLE, THE REDEMPTION PRICE AND ACCRUED INTEREST APPLICABLE ON THE FIRST DATE AFTER SUCH PURCHASE UPON WHICH THE REVENUE BONDS BECOME SUBJECT TO REDEMPTION.

6. IN THE DISCRETION OF AUTHORIZED ISSUERS, THE REVENUE BONDS MAY BE SECURED BY A TRUST INDENTURE BY AND BETWEEN THE AUTHORIZED ISSUERS AND A CORPORATE TRUSTEE, OR A CORPORATE TRUSTEE MAY BE APPOINTED UNDER THE RESOLUTION AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION.

7. WHETHER OR NOT THE REVENUE BONDS ARE OF SUCH FORM AND CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER THE TERMS OF THE UNIFORM COMMERCIAL CODE, THE REVENUE BONDS ARE HEREBY MADE NEGOTIABLE INSTRUMENTS WITHIN THE MEANING OF AND FOR ALL PURPOSES OF THE UNIFORM COMMERCIAL CODE, SUBJECT ONLY TO THE PROVISIONS OF THE REVENUE BONDS FOR REGISTRATION OR ANY BOOK-ENTRY-ONLY SYSTEM.

8. REVENUE BONDS MAY ONLY BE ISSUED FOR AUTHORIZED PURPOSES, AS DEFINED IN SECTION SIXTY-NINE-M OF THIS ARTICLE. NOTWITHSTANDING THE FOREGOING, ANY AUTHORIZED ISSUER MAY ISSUE REVENUE BONDS FOR ANY AUTHORIZED PURPOSE. THE AUTHORIZED ISSUERS SHALL NOT ISSUE ANY REVENUE BONDS IN AN AMOUNT IN EXCESS OF STATUTORY AUTHORIZATIONS FOR SUCH AUTHORIZED PURPOSES. AUTHORIZATIONS FOR SUCH AUTHORIZED PURPOSES SHALL BE REDUCED IN AN AMOUNT EQUAL TO THE AMOUNT OF REVENUE BONDS ISSUED FOR SUCH

AUTHORIZED PURPOSES UNDER THIS ARTICLE. SUCH REDUCTION SHALL NOT BE MADE IN RELATION TO REVENUE BONDS ISSUED TO FUND RESERVE FUNDS, IF ANY, AND COSTS OF ISSUANCE, IF THESE ITEMS ARE NOT COUNTED UNDER EXISTING AUTHORIZATIONS, NOR SHALL REVENUE BONDS ISSUED TO REFUND BONDS ISSUED UNDER EXISTING AUTHORIZATIONS REDUCE THE AMOUNT OF SUCH AUTHORIZATIONS.

9. EXCEPT UPON THE AMENDMENT OF THE NEW YORK STATE CONSTITUTION ALLOWING THE ISSUANCE OR ASSUMPTION OF BONDS, NOTES OR OTHER OBLIGATIONS SECURED BY REVENUES, WHICH MAY INCLUDE THE REVENUES SECURING REVENUE BONDS OF AUTHORIZED ISSUERS, AND THE AFFIRMATIVE ASSUMPTION OF SUCH BONDS, NOTES OR OTHER OBLIGATIONS BY THE STATE, THE REVENUE BONDS OF THE AUTHORIZED ISSUERS AUTHORIZED BY THIS SECTION 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 OF THE AUTHORIZED ISSUERS PLEDGED THEREFOR; AND SUCH REVENUE BONDS SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. IN ADDITION, ANY AGREEMENTS ENTERED INTO BY ANY ENTITY PURSUANT TO SECTIONS SIXTY-NINE-O AND NINETY-TWO-H OF THIS CHAPTER ON BEHALF OF THE STATE TO EFFECT THE IMPLEMENTATION OF ANY OF THE ACTIVITIES FINANCED IN WHOLE OR IN PART WITH PROCEEDS OF THE OBLIGATIONS OF THE AUTHORIZED ISSUERS AUTHORIZED IN THIS SECTION DO NOT CONSTITUTE OR CREATE A DEBT OF THE STATE, NOR A CONTRACTUAL OBLIGATION IN EXCESS OF THE AMOUNTS APPROPRIATED THEREFOR AND THE STATE HAS NO CONTINUING LEGAL OR MORAL OBLIGATION TO APPROPRIATE MONEY FOR PAYMENTS DUE UNDER ANY SUCH AGREEMENT.

10. NOTHING IN THIS ARTICLE SHALL AFFECT THE AUTHORITY OF EACH OF THE AUTHORIZED ISSUERS TO ISSUE OR INCUR INDEBTEDNESS FOR ANY PURPOSES OTHERWISE AUTHORIZED BY LAW AND NOTHING IN THIS ARTICLE SHALL BE DEEMED TO ALTER OR AFFECT THE RIGHTS OF OUTSTANDING BONDHOLDERS OR NOTEHOLDERS OF ANY AUTHORIZED ISSUER.

11. THE AUTHORIZATION, SALE AND ISSUANCE OF REVENUE BONDS PURSUANT TO THIS SECTION SHALL NOT BE DEEMED AN ACTION AS SUCH TERM IS DEFINED IN ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW FOR THE PURPOSES OF SUCH ARTICLE. SUCH EXEMPTION SHALL BE STRICTLY LIMITED IN ITS APPLICATION TO SUCH FINANCING ACTIVITIES OF THE AUTHORIZED ISSUERS HEREUNDER AND DOES NOT EXEMPT ANY OTHER ENTITY FROM COMPLIANCE WITH SUCH ARTICLE.

S 69-O. PAYMENTS TO AUTHORIZED ISSUERS. 1. THE STATE, ACTING THROUGH THE DIRECTOR OF THE BUDGET, AND AUTHORIZED ISSUERS MAY ENTER INTO, AMEND, MODIFY OR RESCIND ONE OR MORE FINANCING AGREEMENTS PROVIDING FOR THE SPECIFIC MANNER, TIMING, AND AMOUNT OF PAYMENTS TO BE MADE UNDER THIS SECTION, BUT ONLY IN CONFORMITY WITH THIS SECTION.

2. NO LATER THAN OCTOBER FIRST OF EACH YEAR, THE AUTHORITY ISSUERS SHALL CERTIFY TO THE DIRECTOR OF THE BUDGET THE ANTICIPATED CASH REQUIREMENTS RELATED TO REVENUE BONDS DURING THE SUBSEQUENT STATE FISCAL YEAR IN SUCH DETAIL AS THE DIRECTOR MAY REQUIRE.

3. UPON RECEIPT OF A VOUCHER FROM ANY AUTHORIZED ISSUER REQUESTING PAYMENT FOR SUCH AMOUNT OR AMOUNTS CERTIFIED BY THE DIRECTOR OF THE BUDGET PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FIVE OF SECTION NINETY-TWO-H OF THIS CHAPTER, THE STATE COMPTROLLER SHALL PAY SUCH AMOUNT OR AMOUNTS TO BE AUTHORIZED ISSUER FROM APPROPRIATIONS FOR SUCH PURPOSE.

4. THE AGREEMENT OF THE STATE CONTAINED IN THIS SECTION SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF APPROPRIATIONS AVAILABLE FOR PAYMENTS UNDER THIS SECTION, AND NO LIABILITY ON ACCOUNT OF ANY SUCH PAYMENT SHALL BE INCURRED BY THE STATE BEYOND SUCH APPROPRIATIONS.

5. NOTHING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO RESTRICT THE RIGHT OF THE STATE TO AMEND, REPEAL, MODIFY OR OTHERWISE ALTER STATUTES IMPOSING OR RELATING TO THE TAXES IMPOSED PURSUANT TO SECTION ELEVEN HUNDRED FIVE AND SECTION ELEVEN HUNDRED TEN OF THE TAX LAW. THE AUTHOR-

IZED ISSUERS SHALL NOT INCLUDE WITHIN ANY RESOLUTION, CONTRACT OR AGREEMENT WITH HOLDERS OF THE REVENUE BONDS ISSUED UNDER THIS ARTICLE ANY PROVISION WHICH PROVIDES THAT A DEFAULT OCCURS AS A RESULT OF THE STATE EXERCISING ITS RIGHT TO AMEND, REPEAL, MODIFY OR OTHERWISE ALTER THE TAXES IMPOSED PURSUANT TO SECTION ELEVEN HUNDRED FIVE AND SECTION ELEVEN HUNDRED TEN OF THE TAX LAW.

6. ANY RESOLUTION OR OTHER AGREEMENT AUTHORIZING REVENUE BONDS UNDER THIS ARTICLE SHALL RESERVE THE RIGHT OF THE STATE, UPON AMENDMENT OF THE NEW YORK STATE CONSTITUTION ALLOWING THE ISSUANCE OR ASSUMPTION OF BONDS, NOTES OR OTHER OBLIGATIONS SECURED BY REVENUES, WHICH MAY INCLUDE THE REVENUES SECURING REVENUE BONDS OF AUTHORIZED ISSUERS (A) TO ASSUME, IN WHOLE OR IN PART, REVENUE BONDS OF THE AUTHORIZED ISSUERS, (B) TO EXTINGUISH THE EXISTING LIEN OF SUCH RESOLUTION, OR OTHER AGREEMENT AND (C) TO SUBSTITUTE SECURITY FOR THE REVENUE BONDS OF THE AUTHORIZED ISSUERS, IN EACH CASE ONLY SO LONG AS SUCH ASSUMPTION, EXTINGUISHMENT OR SUBSTITUTION IS DONE IN ACCORDANCE WITH SUCH RESOLUTION OR OTHER AGREEMENT.

S 59. Subdivision 8 of section 97-f of the state finance law, as added by section 56-b of part PP of chapter 56 of the laws of 2009, is amended to read as follows:

8. In addition to the amounts required to be maintained on deposit in the mental health services fund pursuant to subdivision five of this section, the fund shall maintain on deposit an amount equal to the debt service and other cash requirements on mental health services facilities bonds issued by [the dormitory authority] AUTHORIZED ISSUERS pursuant to [section] SECTIONS sixty-eight-b AND SIXTY-NINE-N of this chapter. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to mental health services facilities bonds issued by an authorized issuer multiplied by the number of months from the date of the last such payment with respect to payments required to be made semi-annually, plus (ii) those amounts specified in any financing agreement between the issuer and the state, acting through the director of the budget, with respect to payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Prior to making any such payment, the comptroller shall make and deliver to the director of the budget and the chairmen of the facilities development corporation and the New York state medical care facilities finance agency, a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.

No later than five days prior to the payment to be made by the state comptroller on such mental health services facilities bonds pursuant to [section] SECTIONS ninety-two-z AND NINETY-TWO-H of this article, the amount of such payment shall be transferred by the state comptroller from the mental health services fund to the revenue bond tax fund established by section ninety-two-z of this article. The accumulation of moneys pursuant to this subdivision and subsequent transfer to the revenue bond tax fund shall be subordinate in all respects to payments to be made to the New York state medical care facilities finance agency and to any pledge or assignment pursuant to subdivision six of this section.

S 60. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 1 of part B of chapter 84 of the laws of 2002, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law; personal services and fringe benefit costs of the department of transportation for bus safety inspection activities; costs of the department of motor vehicles, including but not limited to personal and nonpersonal services; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for [payments] TRANSFERS to the general debt service fund AND THE REVENUE BOND TAX FUND of amounts equal to [amounts] THAT RESPECTIVELY required for service contract AND FINANCING AGREEMENT payments as provided and authorized by section three hundred eighty of the public authorities law [and by], section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, AND SECTIONS SIXTY-EIGHT-C AND SIXTY-NINE-O OF THIS CHAPTER.

S 60-a. Paragraph a of subdivision 5 of section 89-b of the state finance law, as amended by section 1 of part D of chapter 151 of the laws of 2001, is amended to read as follows:

a. Moneys in the dedicated highway and bridge trust fund shall, following appropriation by the legislature, be utilized for: reconstruction, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways, and bridges thereon, to restore such facilities to their intended functions; construction, reconstruction, enhancement and improvement of state, county, town, city, and village roads, highways, parkways, and bridges thereon, to address current and projected capacity problems including costs for traffic mitigation activities; aviation projects authorized pursuant to section fourteen-j of the transportation law and for payments to the general debt service fund of amounts equal to amounts required for service contract payments related to aviation projects as provided and authorized by section three hundred eighty-six of the public authorities law; programs to assist small and minority and women-owned firms engaged in transportation construction and reconstruction projects, including a revolving fund for working capital loans, and a bonding guarantee assistance program in accordance with provisions of this chapter; matching federal grants or apportionments to the state for highway, parkway and bridge capital projects; the acquisition of real property and interests therein required or expected to be required in connection with such projects; preventive maintenance activities necessary to ensure that highways, parkways and bridges meet or exceed their optimum useful life; expenses of control of snow and ice on state highways by the department of transportation including but not limited to personal services, nonpersonal services and fringe benefits, payment of emergency aid for control of snow and ice in municipalities pursuant to section fifty-five of the highway law, expenses of control of snow and ice on state highways by municipalities pursuant to section twelve of the highway law, and for expenses of arterial maintenance agreements with cities pursuant to section three hundred forty-nine of the highway law; personal services and fringe benefit costs of the department of transportation for bus safety inspection activities; costs of engineering and administrative services of the department of transportation, including but not limited to fringe benefits; the contract services provided by private firms in accordance with section fourteen of the transportation law; personal services and nonpersonal services, for activities including but not limited to the preparation of designs, plans, specifications and estimates; construction management and supervision activities; costs of appraisals, surveys, testing and environmental impact statements for transportation projects; expenses in connection with buildings, equipment, materials and facilities used or useful in connection with the maintenance, operation, and repair of highways, parkways and bridges thereon; and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; and construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, and the payment of debt service required on any bonds, notes or other obligations and related expenses for highway, parkway, bridge and project costs for: construction, reconstruction, improvement, reconditioning and preservation of rail freight facilities and intercity rail passenger facilities and equipment; construction, reconstruction, improvement, reconditioning and preservation of state, municipal and privately owned ports; construction, reconstruction, improvement, reconditioning and preservation of municipal airports; privately owned airports and aviation capital facilities, excluding airports operated by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available provided the project is consistent with an approved airport layout plan; construction, reconstruction, enhancement, improvement, replacement, reconditioning, restoration, rehabilitation and preservation of state, county, town, city and village roads, highways, parkways and bridges; and construction, reconstruction, improvement, reconditioning and preservation of fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes, purposes authorized on or after the effective date of this section. Beginning with disbursements made on and after the first day of April, nineteen hundred ninety-three, moneys in such fund shall be available to pay such costs or expenses made pursuant to appropriations or reappropriations made during the state fiscal year which began on the first of April, nineteen hundred ninety-two. Beginning the first day of April, nineteen hundred ninety-three, moneys in such fund shall also be used for [payments] TRANSFERS to the general debt service fund AND THE REVENUE BOND TAX FUND of amounts equal to [amounts] THAT RESPECTIVELY required for service contract AND FINANCING AGREEMENT payments as provided and authorized by section three hundred eighty of the public authorities law [and by], section eleven of chapter three hundred twenty-nine of the laws of nineteen hundred ninety-one, as amended, AND SECTIONS SIXTY-EIGHT-C AND SIXTY-NINE-O OF THIS CHAPTER.

S 61. Subdivision 5 of section 89-b of the state finance law is amended by adding a new paragraph c to read as follows:

C. IN ADDITION TO THE PURPOSES FOR WHICH MONEYS IN THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND CAN BE USED AS DESCRIBED IN THIS SUBSECTION, SUBJECT TO APPROPRIATION, AFTER MEETING THE REQUIREMENTS OF SUBDIVISION THREE OF THIS SECTION, SUCH MONEYS SHALL BE USED FOR TRANSFER TO THE REVENUE BOND TAX FUND, AS ESTABLISHED BY SECTION NINETY-TWO-Z OF THIS ARTICLE, IN AN AMOUNT EQUAL TO THAT REQUIRED FOR FINANCING AGREEMENT PAYMENTS PAID ON BONDS AUTHORIZED PURSUANT TO SECTION THREE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW, AND ISSUED PURSUANT TO SECTIONS SIXTY-EIGHT-B AND SIXTY-NINE-N OF THIS CHAPTER.

S 62. Subdivision 3 of section 97-g of the state finance law, as amended by section 1 of subpart A of part C of chapter 97 of the laws of 2011, is amended to read as follows:

3. Moneys of the fund shall be available to the commissioner of general services for the purchase of food, supplies and equipment for state agencies, and for the purpose of furnishing or providing centralized services to or for state agencies; provided further that such moneys shall be available to the commissioner of general services for purposes pursuant to items (d) and (f) of subdivision four of this section to or for political subdivisions. Beginning the first day of April, two thousand two, moneys in such fund shall also be transferred by the state comptroller to the revenue bond tax fund account of the general debt service fund in amounts equal to those required for payments to authorized issuers for revenue bonds issued pursuant to article five-C AND ARTICLE FIVE-F of this chapter for the purpose of lease purchases and installment purchases by or for state agencies and institutions for personal or real property purposes.

S 63. Subdivision (j) of section 92-dd of the state finance law, as added by section 56 of part PP of chapter 56 of the laws of 2009, is amended to read as follows:

(j) The state comptroller shall transfer from the HCRA resources fund to the general debt service fund, revenue bond tax fund (311.02) amounts equal to the debt service paid for bonds, notes, or other obligations issued PURSUANT TO ARTICLE FIVE-C AND ARTICLE FIVE-F OF THIS CHAPTER to finance the HEAL NY capital grant program authorized pursuant to section sixteen hundred eighty-j of the public authorities law.

S 64. The state finance law is amended by adding a new section 93-a to read as follows:

S 93-A. NEW YORK STATE TRANSFORMATIVE CAPITAL FUND. 1. NEW YORK STATE TRANSFORMATIVE CAPITAL FUND. (A) THERE IS HEREBY ESTABLISHED IN THE

JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE TRANSFORMATIVE CAPITAL FUND".

(B) ACCOUNTS. THE NEW YORK STATE TRANSFORMATIVE CAPITAL FUND SHALL CONSIST OF TWO SEPARATE AND DISTINCT ACCOUNTS: (1) THE "STORM RECOVERY ACCOUNT" AND THE (2) "TRANSFORMATIVE CAPITAL ACCOUNT".

(C) SOURCES OF FUNDS. THE SOURCES OF FUNDS SHALL CONSIST OF ALL MONEYS COLLECTED THEREFOR, OR MONEYS CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW, OR ANY OTHER MONEYS MADE AVAILABLE FOR THE PURPOSES OF THE FUND. ANY INTEREST RECEIVED BY THE COMPTROLLER ON MONEYS ON DEPOSIT SHALL BE RETAINED IN AND BECOME A PART OF THE FUND, UNLESS OTHERWISE DIRECTED BY LAW.

2. USES OF FUNDS. (A) STORM RECOVERY ACCOUNT. FOLLOWING APPROPRIATION BY THE LEGISLATURE, MONEYS IN THE STORM RECOVERY ACCOUNT SHALL BE AVAILABLE TO FINANCE THE REPAIR, REHABILITATION, OR REPLACEMENT OF CAPITAL WORKS OR PURPOSES DAMAGED BY HURRICANE SANDY OR ANY FUTURE NATURAL DISASTER EXPECTED TO BE ELIGIBLE FOR REIMBURSEMENT BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THE FEDERAL TRANSIT ADMINISTRATION (FTA), THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND ANY OTHER FEDERAL REIMBURSEMENT SOURCE. NO MONEY IN THIS ACCOUNT MAY BE EXPENDED FOR ANY PROJECT UNTIL THE DIRECTOR OF THE BUDGET HAS DETERMINED THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT THE COSTS OF SUCH PROJECT SHALL BE REIMBURSED BY FEDERAL SOURCES. THE DIRECTOR SHALL ISSUE FORMAL RULES THAT SET FORTH THE PROCESS BY WHICH HE OR SHE WILL DETERMINE WHETHER THERE IS A SUBSTANTIAL LIKELIHOOD OF REIMBURSEMENT BY FEDERAL SOURCES.

(B) TRANSFORMATIVE CAPITAL ACCOUNT. FOLLOWING APPROPRIATION BY THE LEGISLATURE, MONEYS IN THE TRANSFORMATIVE CAPITAL ACCOUNT SHALL BE AVAILABLE TO FINANCE PROJECTS OR ACTIVITIES NECESSARY TO PROMOTE TRANSFORMATIVE ECONOMIC DEVELOPMENT AND INFRASTRUCTURE INITIATIVES. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO LIMIT IN ANY WAY THE PROJECTS, WORKS, ACTIVITIES OR PURPOSES THAT CAN BE FINANCED FROM THIS FUND.

3. TRANSFERS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR THE STATE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN, THE COMPTROLLER IS HEREBY AUTHORIZED TO TRANSFER ANY MONEYS INTO OR FROM THE NEW YORK STATE TRANSFORMATIVE CAPITAL FUND ACCOUNTS INTO OR FROM THE GENERAL FUND IN AN AMOUNT DETERMINED BY THE DIRECTOR OF THE BUDGET, TO THE EXTENT MONEYS ARE AVAILABLE IN THE FUND ACCOUNTS.

S 65. Subdivision 1 of section 45 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 49 of part U of chapter 59 of the laws of 2012, 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 [$110,000,000] $220,000,000, 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.

S 65-a. Section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act, relating to establishing components of the NY-SUNY 2020 challenge grant program, is amended to read as follows:

S 16. This act shall take effect July 1, 2011 [and]; PROVIDED THAT SECTIONS ONE, TWO, THREE, FOUR, FIVE, SIX, EIGHT, NINE, TEN, ELEVEN, TWELVE, THIRTEEN, FOURTEEN AND FIFTEEN OF THIS ACT shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

S 66. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 51 of part U of chapter 59 of the laws of 2012, 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 six hundred [twenty-three] SIXTY-THREE million 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.

S 67. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 39 of part PP of chapter 56 of the laws of 2009, 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 six billion eight hundred [forty-three] FIFTY-THREE million two hundred 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 covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 68. 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 40 of part BB of chapter 58 of the laws of 2011, 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 $67,000,000 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 [$205,800,000] $220,800,000, 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.

S 69. The section heading and subdivision 1 of section 386-b of the public authorities law, as added by section 48 of part U of chapter 59 of the laws of 2012, is amended to read as follows:

Financing of peace bridge AND TRANSPORTATION CAPITAL projects. 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 WORK APPURTENANT AND ANCILLARY THERETO. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed THREE HUNDRED fifteen million dollars [($15,000,000)] ($315,000,000), 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 authority, 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.

S 69-a. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 52 of part U of chapter 59 of the laws of 2012, 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 ten billion [three] FOUR hundred [four] TWENTY-TWO 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 refunded 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 covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 70. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2013; provided that:

(a) sections one through nine, and sections thirteen through eighteen of this act shall expire March 31, 2014, when upon such date, the provisions of such sections shall be deemed repealed;

(b) the amendments to subdivision 3 of section 99-h of the state finance law made by section twenty-three of this act shall not affect the expiration of such subdivision and section respectively and shall be deemed to expire therewith;

(c) the amendments to subdivision 5 of section 3234 of the public authorities law made by section forty-five of this act shall take effect on the same date and in the same manner as section 54 of part K of chapter 81 of the laws of 2002 takes effect;

(d) the amendments to paragraph a of subdivision 5 of section 89-b of the state finance law made by section sixty of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 2 of part B of chapter 84 of the laws of 2002, as amended, when upon such date the provisions of section sixty-a of this act shall take effect; and

(e) the amendments to subdivision 3 of section 97-g of the state finance law made by section sixty-two of this act shall not affect the expiration and reversion of such subdivision and shall be deemed to expire therewith.

PART N

Section 1. Subdivisions 1, 3, 4, 5 and 6 of section 709 of the executive law, subdivision 1 as amended and subdivisions 3, 4, 5 and 6 as added by section 14 of part B of chapter 56 of the laws of 2010, are amended to read as follows:

1. There is hereby created within the executive department the division of homeland security and emergency services, which shall have and exercise the powers and duties set forth in this article. Any reference to the 'office of public security', the 'office of homeland security', the 'state emergency management office'[, the 'office of cyber security'] or the 'office of fire prevention and control' in the laws of New York state, executive orders, or contracts entered into on behalf of the state shall be deemed to refer to the division of homeland security and emergency services.

3. The division of homeland security and emergency services shall consist of several offices including, but not limited to, the office of counterterrorism, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred nine-a of this article; the office of emergency management, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article two-B of this chapter; the office of fire prevention and control, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article six-C of this chapter[; the office of cyber security, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred fifteen of this article;] and the office of interoperable and emergency communications, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred seventeen of this article.

4. As set forth in section seven hundred ten of this article, the commissioner of the division of homeland security and emergency services

shall be appointed by the governor, with the advice and consent of the senate, and hold office at the pleasure of the governor. The directors of the offices of counterterrorism, emergency management, fire prevention and control, [cyber security,] and interoperable and emergency communications, and such other offices as may be established, shall be appointed by, and hold office at the pleasure of, the governor and they shall report to the commissioner of the division of homeland security and emergency services.

5. The directors of the offices of counterterrorism, emergency management, fire prevention and control, [cyber security,] interoperable and emergency communications, and of such other offices as may be established, shall, in consultation with the commissioner, have the authority to promulgate rules and regulations to carry out the duties of their office, including the establishment of fees necessary to compensate for costs associated with the delivery of training and services.

6. The directors of the offices of counterterrorism, emergency management, fire prevention and control, [cyber security,] interoperable and emergency communications, and such other offices as may be established, shall have the authority to enter into contracts with any person, firm, corporation, municipality, or government entity.

S 2. Section 715 of the executive law is REPEALED.

S 3. Subdivision 10 of section 103 of the state technology law, as added by chapter 430 of the laws of 1997, and such section as renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

10. To establish statewide technology policies, including but not limited to preferred technology standards and security, INCLUDING STATEWIDE POLICIES, STANDARDS, PROGRAMS, AND SERVICES RELATING TO THE SECURITY OF STATE GOVERNMENT NETWORKS AND GEOGRAPHIC INFORMATION SYSTEMS, INCLUDING THE STATEWIDE COORDINATION OF GEOGRAPHICALLY REFERENCED CRITICAL INFRASTRUCTURE INFORMATION;

S 4. Section 103 of the state technology law is amended by adding four new subdivisions 18, 19, 20 and 21 to read as follows:

18. TO PROVIDE FOR THE PROTECTION OF THE STATE GOVERNMENT'S CYBER SECURITY INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, THE IDENTIFICATION AND MITIGATION OF VULNERABILITIES, DETERRING AND RESPONDING TO CYBER EVENTS, AND PROMOTING CYBER SECURITY AWARENESS WITHIN THE STATE.

19. TO MAINTAIN, IN ELECTRONIC OR PAPER FORMATS, MAPS, GEOGRAPHIC IMAGES, GEOGRAPHIC DATA AND METADATA.

20. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, FORMER OFFICERS OR EMPLOYEES OF THE OFFICE OF CYBER SECURITY EMPLOYED BY THE NOT-FOR-PROFIT CORPORATION THAT OPERATES THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER MAY APPEAR BEFORE AND RENDER SERVICES TO ANY FEDERAL, STATE, LOCAL, TERRITORIAL OR TRIBAL GOVERNMENT RELATING TO CYBER SECURITY.

21. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW, OR ANY OTHER PROVISION OF LAW RELATING TO THE AWARD OF PUBLIC CONTRACTS, ANY OFFICER, BODY, OR AGENCY OF NEW YORK STATE, PUBLIC CORPORATION, OR OTHER PUBLIC ENTITY SUBJECT TO SUCH PROVISIONS OF LAW SHALL BE AUTHORIZED TO ENTER INDIVIDUALLY OR COLLECTIVELY INTO CONTRACTS WITH THE NOT-FOR-PROFIT CORPORATION THAT OPERATES THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER FOR THE PROVISION OF SERVICES THROUGH SEPTEMBER THIRTIETH, TWO THOUSAND FOURTEEN RELATED TO CYBER SECURITY INCLUDING, BUT NOT LIMITED TO, MONITORING, DETECTING, AND RESPONDING TO CYBER INCIDENTS,

AND SUCH CONTRACTS MAY BE AWARDED WITHOUT COMPLIANCE WITH THE PROCEDURES RELATING TO THE PROCUREMENT OF SERVICES SET FORTH IN SUCH PROVISIONS OF LAW. SUCH CONTRACTS SHALL, HOWEVER, BE SUBJECT TO THE COMPTROLLER'S EXISTING AUTHORITY TO APPROVE CONTRACTS WHERE SUCH APPROVAL IS REQUIRED BY SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR OTHERWISE. SUCH OFFICERS, BODIES, OR AGENCIES MAY PAY THE FEES OR OTHER AMOUNTS SPECIFIED IN SUCH CONTRACTS IN CONSIDERATION OF THE CYBER SECURITY SERVICES TO BE RENDERED PURSUANT TO SUCH CONTRACTS.

S 5. Subdivision 2 and paragraph (a) of subdivision 7 of section 208 of the state technology law, subdivision 2 as amended by chapter 491 of the laws of 2005 and paragraph (a) of subdivision 7 as amended by section 27 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

2. Any state entity that owns or licenses computerized data that includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of New York state whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision four of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The state entity shall consult with the state [office of cyber security and critical infrastructure coordination] OFFICE OF INFORMATION TECHNOLOGY SERVICES to determine the scope of the breach and restoration measures.

(a) In the event that any New York residents are to be notified, the state entity shall notify the state attorney general, the department of state and the state [office of cyber security and critical infrastructure coordination] OFFICE OF INFORMATION TECHNOLOGY SERVICES as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

S 6. Paragraph (a) of subdivision 8 of section 899-aa of the general business law, as amended by section 43 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(a) In the event that any New York residents are to be notified, the person or business shall notify the state attorney general, the department of state and the DIVISION OF state [office of cyber security and critical infrastructure coordination] POLICE as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

S 7. Any reference to the office of cyber security or to the office of cyber security and critical infrastructure coordination in the laws of New York state, executive orders or contracts entered into on behalf of the state shall be deemed to refer to the office of information technology services.

S 8. (a) Notwithstanding any provision of law to the contrary, any person employed by the office of the Medicaid inspector general, the office of mental health, the office for people with developmental disabilities, the department of health and the division of state police and any person employed in the exempt class positions of employee program associate or employee relations associate by the governor's office of employee relations immediately prior to being transferred to the office of information technology services pursuant to subdivision 2 of section 70 of the civil service law effective November 22, 2012 and November 29, 2012, and who, immediately prior thereto was performing information technology functions similar to persons employed in appropriate competitive class positions, shall be given permanent competitive class rights and status and shall continue to hold such position in the office of information technology services without further examination. No such employee transferred to the office of information technology services shall be subject to a new probationary term, provided, however, that any employee in probationary status at the time of the transfer shall be required to complete that probationary term at the office of information technology services under the same terms and conditions as were applicable to them while employed at the office of the Medicaid inspector general, the office of mental health, the office for people with developmental disabilities, the department of health, the division of state police and the governor's office of employee relations.

(b) Any employees whose positions are re-classified pursuant to this section or section nine or ten of this act shall have seniority rights on the basis of continuous service from the date of their original permanent appointment to the classified service or the date of permanent employment with the office of the Medicaid inspector general, the office of mental health, the office for people with developmental disabilities, the department of health or the division of state police. Any such employees employed by the division of state police in an appropriate non-competitive title on a permanent basis, shall also be deemed to have that period of employment count as permanent competitive service in that title for purposes of qualifying for promotional examinations or transfers pursuant to subdivision 6 of section 52 of the civil service law and subdivision 1 of section 70 of the civil service law.

(c) No employee whose position is re-classified pursuant to this section or section nine or ten of this act shall suffer a reduction in basic salary as a result of the re-classification and shall continue to receive, at a minimum, the salary that such employee received while employed by the office of the Medicaid inspector general, the office of mental health, the office for people with developmental disabilities, the department of health, the division of state police and the governor's office of employee relations. The director of the office of information technology services shall also allow employees of the division of state police whose positions are re-classified pursuant to this section or section nine of this act credit for all of the annual leave, sick leave, or personal leave standing to their credit at the time of the transfer, but not in excess of the maximum accumulation permitted in the office of information technology services.

S 9. Notwithstanding any provision of law to the contrary, the civil service department may re-classify any person employed in a permanent, classified, competitive position immediately prior to being transferred to the office of information technology services effective November 22, 2012 and November 29, 2012, pursuant to subdivision 2 of section 70 of the civil service law to align with the duties and responsibilities of their positions upon transfer. Permanent employees whose positions are subsequently re-classified to align with the duties and responsibilities of their positions upon being transferred to the office of information technology services effective November 22, 2012 and November 29, 2012, pursuant to subdivision 2 of section 70 of the civil service law shall hold such positions without further examination or qualification. Notwithstanding any other provision of this act, the names of those competitive permanent employees on promotion eligible lists in their former agency or department shall be added and interfiled on a promotion eligible list in the new department, as the state civil service department deems appropriate.

S 10. Notwithstanding any provision of law to the contrary, the civil service department may re-classify any person employed in the exempt class positions of employee program associate or employee relations associate by the governor's office of employee relations immediately prior to being transferred to the office of information technology services effective November 22, 2012, and November 29, 2012, pursuant to subdivision 2 of section 70 of the civil service law to align with the duties and responsibilities of their positions upon transfer. Permanent employees whose positions are subsequently re-classified to align with the duties and responsibilities of their positions upon being transferred to the office of information technology services effective November 22, 2012, and November 29, 2012, pursuant to subdivision 2 of section 70 of the civil service law shall hold such positions without further examination or qualification.

S 11. This act shall take effect immediately.

PART O

Section 1. Subdivision 18 of section 2 of the workers' compensation law is REPEALED.

S 2. Subdivision 9 of section 13-l of the workers' compensation law, as added by chapter 940 of the laws of 1973, is amended to read as follows:

9. The [chairman] CHAIR shall appoint for and with jurisdiction in the entire state of New York a single chiropractic practice committee composed of [one duly licensed physician and two] THREE duly registered and licensed chiropractors of the state of New York. Each member of said committee shall receive compensation either on an annual basis or on a per diem basis to be fixed by the [chairman] CHAIR within amounts appropriated therefor. One of said chiropractic members shall be designated by the [chairman] CHAIR as a [chairman] CHAIR of said chiropractic practice committee. No member of said committee shall render chiropractic treatment under this section nor be employed or accept or participate in any fee from any insurance company authorized to write [workmen's] WORKERS' compensation insurance in this state or from any self-insurer, whether such employment or fee relates to a [workmen's] WORKERS' compensation claim or otherwise. The [attorney-general] ATTORNEY GENERAL, upon request, shall advise and assist such committee.

S 3. Subdivision 10 of section 13-m of the workers' compensation law, as added by chapter 589 of the laws of 1989, is amended to read as follows:

10. The [chairman] CHAIR shall appoint for and with jurisdiction in the entire state of New York a single psychology practice committee composed of [two] THREE duly registered and licensed psychologists, at least one of whom shall be a member in good standing of the New York state psychological association recommended by the president of such organization[, and one duly licensed physician of the state of New York]. Each member of said committee shall receive compensation either on an annual basis or on a per diem basis to be fixed by the [chairman] CHAIR within amounts appropriated therefor. One of said psychologists shall be designated by the [chairman] CHAIR as a [chairman] CHAIR of said psychology practice committee. No member of said committee shall

render psychological treatment under this section nor be an employer or accept or participate in any fee from any insurance company authorized to write workers' compensation insurance in this state or from any self-insurer, whether such employment or fee relates to a workers' compensation claim or otherwise. The attorney general, upon request, shall advise and assist such committee.

S 4. Subdivisions 2, 3 and 4 of section 13-g of the workers' compensation law, subdivision 2 as amended by chapter 649 of the laws of 1985, subdivision 3 as amended by chapter 674 of the laws of 1994, and subdivision 4 as amended by chapter 639 of the laws of 1996, are amended to read as follows:

(2) (A) IF THE PARTIES FAIL TO AGREE TO THE VALUE OF MEDICAL AID RENDERED UNDER THIS CHAPTER AND THE AMOUNT OF THE DISPUTED BILL IS ONE THOUSAND DOLLARS OR LESS, OR IF THE AMOUNT OF THE DISPUTED MEDICAL BILL EXCEEDS ONE THOUSAND DOLLARS AND THE HEALTH CARE PROVIDER EXPRESSLY SO REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRATOR PROCESS, PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL APPOINT A PHYSICIAN WHO IS A MEMBER IN GOOD STANDING OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK TO DETERMINE THE VALUE OF SUCH DISPUTED MEDICAL BILL. WHERE THE PHYSICIAN WHOSE CHARGES ARE BEING ARBITRATED IS A MEMBER IN GOOD STANDING OF THE NEW YORK OSTEOPATHIC SOCIETY, THE VALUE OF SUCH DISPUTED BILL SHALL BE DETERMINED BY A MEMBER IN GOOD STANDING OF THE NEW YORK OSTEOPATHIC SOCIETY APPOINTED BY THE CHAIR. WHERE THE PHYSICIAN WHOSE CHARGES ARE BEING ARBITRATED IS A MEMBER IN GOOD STANDING OF THE NEW YORK HOMEOPATHIC SOCIETY, THE VALUE OF SUCH DISPUTED BILL SHALL BE DETERMINED BY A MEMBER IN GOOD STANDING OF THE NEW YORK HOMEOPATHIC SOCIETY APPOINTED BY THE CHAIR. WHERE THE VALUE OF PHYSICAL THERAPY SERVICES OR OCCUPATIONAL THERAPY SERVICES IS AT ISSUE, SUCH VALUE SHALL BE DETERMINED BY A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL ASSOCIATION REPRESENTING ITS RESPECTIVE PROFESSION IN THE STATE OF NEW YORK APPOINTED BY THE CHAIR. DECISIONS RENDERED UNDER THE SINGLE ARBITRATOR PROCESS SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES IN DISPUTE.

(B) If the parties fail to agree as to the value of medical aid rendered under this chapter AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, such value shall be decided by an arbitration committee [consisting] UNLESS THE HEALTH CARE PROVIDER EXPRESSLY REQUESTS A SINGLE ARBITRATOR PROCESS IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION. THE ARBITRATION COMMITTEE SHALL CONSIST of one physician designated by the president of the medical society of the county in which the medical services were rendered, one physician who is a member of the medical society of the state of New York, appointed by the employer or carrier, and one physician, also a member of the medical society of the state of New York, appointed by the [chairman] CHAIR of the workers' compensation board. [The majority decision of any such committee shall be conclusive upon the parties as to the value of the services rendered.] If the physician whose charges are being arbitrated is a member in good standing of the New York osteopathic society or the New York homeopathic society, the members of such arbitration committee shall be physicians of such organization, one to be appointed by the president of that organization, one by the employer or carrier and the third by the [chairman] CHAIR of the workers' compensation board. Where the value of physical therapy services is at issue AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, the arbitration committee shall consist of a member in good standing of a recognized professional association representing physical therapists in the state of New York appointed by the president of such organization, a physician designated by the employer or carrier and a physician designated by the [chairman] CHAIR of the workers' compensation board provided however, that the [chairman] CHAIR finds that there are a sufficient number of physical therapy arbitrations in a geographical area comprised of one or more counties to warrant a committee so comprised. In all other cases where the value of physical therapy services is at issue AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, the arbitration committee shall be similarly selected and identical in composition, provided that the physical therapist member shall serve without remuneration, and provided further that in the event a physical therapist is not available, the committee shall be comprised of three physicians designated in the same manner as in cases where the value of medical aid is at issue.

(C) Where the value of occupational therapy services is at issue the arbitration committee shall consist of a member in good standing of a recognized professional association representing occupational therapists in the state of New York appointed by the president of such organization; a physician designated by the employer or carrier and a physician designated by the [chairman] CHAIR of the workers' compensation board provided, however, that the [chairman] CHAIR finds that there are a sufficient number of occupational therapy arbitrations in a geographical area comprised of one or more counties to warrant a committee so comprised. In all other cases where the value of occupational therapy services is at issue AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, the arbitration committee shall be similarly selected and identical in composition, provided that the occupational therapist member shall serve without remuneration, and provided further that in the event an occupational therapist is not available, the committee shall be comprised of three physicians designated in the same manner as in cases where the value of medical aid is at issue. THE MAJORITY DECISION OF ANY SUCH ARBITRATION COMMITTEE SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES IN DISPUTE.

(3) (A) IF AN EMPLOYER SHALL HAVE NOTIFIED THE HOSPITAL IN WRITING, AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, WHY THE BILL HAS NOT BEEN PAID, IN PART OR IN FULL, AND THE AMOUNT OF THE DISPUTED BILL IS ONE THOUSAND DOLLARS OR LESS, OR WHERE THE AMOUNT OF THE DISPUTED MEDICAL BILL EXCEEDS ONE THOUSAND DOLLARS AND THE HOSPITAL EXPRESSLY SO REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRATOR PROCESS, PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL APPOINT A PHYSICIAN IN GOOD STANDING LICENSED TO PRACTICE IN NEW YORK STATE TO DETERMINE THE VALUE OF SUCH DISPUTED BILL. DECISIONS RENDERED UNDER THE ADMINISTRATIVE RESOLUTION PROCEDURE SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES IN DISPUTE.

(B) If an employer shall have notified the hospital in writing, as provided in subdivision one of this section, why the bill has not been paid, in part or in full, AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, the value of such bill shall be determined by an arbitration committee appointed by the chair for that purpose, which committee shall consider all of the charges of the hospital, UNLESS THE HOSPITAL EXPRESSLY REQUESTS A SINGLE ARBITRATOR PROCESS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. The committee shall consist of three physicians. One member of the committee may be nominated [to] BY the chair [by] UPON RECOMMENDATION OF the president of the hospital association of New York state and one member may be nominated by the employer or insurance carrier. The majority decision of any such committee shall be conclusive upon the parties as to the value of the services rendered.

The chair may make reasonable rules and regulations consistent with the provisions of this section.

(4) A provider initiating an arbitration, INCLUDING A SINGLE ARBITRATOR PROCESS, pursuant to this section shall pay a fee as determined by regulations promulgated by the chair, to be used to cover the costs related to the conduct of such arbitration. Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute, shall be increased by a part of such fee. Each member of an arbitration committee for medical bills, and each member of an arbitration committee for hospital bills shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in any one count in an amount fixed by the chair of the workers' compensation board.

S 5. Subdivision 6 of section 13-k of the workers' compensation law, as amended by chapter 639 of the laws of 1996, is amended to read as follows:

6. (A) The provisions of subdivisions one and three of section thirteen-g of this article with respect to the conditions under which a hospital, physician or self-employed physical or occupational therapist may request payment or arbitration of a bill, or under which an award may be made for payment of such bill, shall be applicable to bills rendered by a podiatrist for services rendered to an injured employee.

(B) IF THE PARTIES FAIL TO AGREE AS TO THE VALUE OF PODIATRY CARE RENDERED UNDER THIS CHAPTER TO A CLAIMANT, AND THE AMOUNT OF THE DISPUTED BILL IS ONE THOUSAND DOLLARS OR LESS, OR WHERE THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE PODIATRIST EXPRESSLY SO REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRATOR PROCESS, PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL APPOINT A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL ASSOCIATION REPRESENTING PODIATRISTS IN THE STATE OF NEW YORK TO DETERMINE THE VALUE OF SUCH DISPUTED BILL. DECISIONS RENDERED UNDER THE SINGLE ARBITRATOR PROCESS SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES IN DISPUTE.

(C) If the parties fail to agree as to the value of podiatry care rendered under this chapter to a claimant AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE PODIATRIST DOES NOT EXPRESSLY REQUEST A SINGLE ARBITRATOR PROCESS IN ACCORDANCE WITH PARAGRAPH (B) OF THIS SUBDIVISION, such value shall be decided by an arbitration committee consisting of three duly registered and licensed podiatrists who are members of a recognized professional association representing podiatrists in the state of New York, one to be appointed by the president of such an association, one to be appointed by the employer or carrier and one to be appointed by the chair of the workers' compensation board and the majority decision of such committee shall be conclusive upon the parties as to the value of the services rendered.

(D) The board or the chair may make an award not in excess of the established fee schedules for any such bill or part thereof which remains unpaid in the same manner as an award for bills rendered under subdivisions one and three of section thirteen-g of this article, and such award may be collected in like manner as an [aware] AWARD of compensation. Where a podiatrist's bill has been determined to be due and owing in accordance with the provisions of this section the board shall include in the amount of the award interest of not more than one and one-half percent (1 1/2%) per month payable to the podiatrist in accordance with the rules and regulations promulgated by the board. The chair shall assess the sum of fifty dollars against the employer for each such award made by the board, which sum shall be paid into the state treasury.

(E) A provider initiating an arbitration, INCLUDING A SINGLE ARBITRATION PROCESS, pursuant to this section shall pay a fee, as determined by regulations promulgated by the chair, to be used to cover the costs related to the conduct of such arbitration. Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute shall be increased by a part of such fee. Each member of the arbitration committee shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in an amount fixed by the chair of the workers' compensation board.

S 6. Subdivision 6 of section 13-l of the workers' compensation law, as amended by chapter 639 of the laws of 1996, is amended to read as follows:

6. (A) The provisions of subdivisions one and three of section thirteen-g of this article with respect to the conditions under which a hospital, physician or self-employed physical or occupational therapist may request payment or arbitration of a bill, or under which an award may be made for payment of such bill, shall be applicable to bills rendered by a chiropractor for services rendered to an injured employee.

(B) IF THE PARTIES FAIL TO AGREE AS TO THE CHIROPRACTIC CARE RENDERED UNDER THIS CHAPTER TO A CLAIMANT, AND THE AMOUNT OF THE DISPUTED BILL IS ONE THOUSAND DOLLARS OR LESS, OR WHERE THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE CHIROPRACTOR EXPRESSLY SO REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRATOR PROCESS, PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL APPOINT A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL ASSOCIATION REPRESENTING CHIROPRACTORS IN THE STATE OF NEW YORK TO DETERMINE THE VALUE OF SUCH DISPUTED BILL. DECISIONS RENDERED UNDER THE SINGLE ARBITRATOR PROCESS SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES IN DISPUTE.

(C) If the parties fail to agree as to the chiropractic care rendered under this chapter to a claimant, AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE CHIROPRACTOR DOES NOT EXPRESSLY REQUEST A SINGLE ARBITRATOR PROCESS IN ACCORDANCE WITH PARAGRAPH (B) OF THIS SUBDIVISION, such value shall be decided by the chiropractic practice committee and the majority decision of such committee shall be conclusive upon the parties as to the value of the services rendered.

(D) The board or the chair may make an award not in excess of the established fee schedules for any such bill or part thereof which remains unpaid in the same manner as an award for bills rendered under subdivisions one and three of section thirteen-g of this article, and such award may be collected in like manner as an award of compensation. Where a chiropractor's bill has been determined to be due and owing in accordance with the provisions of this section the board shall include in the amount of the award interest of not more than one and one-half percent (1 1/2%) per month payable to the chiropractor in accordance with the rules and regulations promulgated by the board. The chair shall assess the sum of fifty dollars against the employer for each such award made by the board, which sum shall be paid into the state treasury.

(E) A provider initiating an arbitration, INCLUDING A SINGLE ARBITRATOR PROCESS, pursuant to this section shall pay a fee, as determined by regulations promulgated by the chair, to be used to cover the costs related to the conduct of such arbitration. Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute, shall be increased by a part of such fee.

S 7. Subdivision 7 of section 13-m of the workers' compensation law, as amended by chapter 674 of the laws of 1994, paragraph (c) as amended by chapter 639 of the laws of 1996, is amended to read as follows:

7. (a) The provisions of subdivisions one and three of section thirteen-g of this article with respect to the conditions under which a hospital, physician or self-employed physical or occupational therapist may request payment or arbitration of a bill, or under which an award may be made for payment of such bill, shall be applicable to bills rendered by a psychologist for services rendered to an injured employee.

(B) IF THE PARTIES FAIL TO AGREE AS TO THE PSYCHOLOGICAL CARE RENDERED UNDER THIS CHAPTER TO A CLAIMANT, AND THE AMOUNT OF THE DISPUTED BILL IS ONE THOUSAND DOLLARS OR LESS, OR WHERE THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE PSYCHOLOGIST EXPRESSLY SO REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRATOR PROCESS, PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL APPOINT A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL ASSOCIATION REPRESENTING PSYCHOLOGISTS IN THE STATE OF NEW YORK TO DETERMINE THE VALUE OF SUCH DISPUTED BILL. DECISIONS RENDERED UNDER THE SINGLE ARBITRATOR PROCESS SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE SERVICES IN DISPUTE.

(C) If the parties fail to agree as to the psychological care rendered under this chapter to a claimant, AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE PSYCHOLOGIST DOES NOT EXPRESSLY REQUEST A SINGLE ARBITRATOR PROCESS IN ACCORDANCE WITH PARAGRAPH (B) OF THIS SUBDIVISION, such value shall be decided by the psychology practice committee and the majority decision of such committee shall be conclusive upon the parties as to the value of the services rendered.

(D) The board or the chair may make an award not in excess of the established fee schedules for any such bill or part thereof which remains unpaid in the same manner as an award for bills rendered under subdivisions one and three of section thirteen-g of this article, and such award may be collected in like manner as an award of compensation. The chair shall assess the sum of fifty dollars against the employer for each such award made by the board, which sum shall be paid into the state treasury. [(b)] Where a psychologist's bill has been determined to be due and owing in accordance with the provisions of this section the board shall include in the amount of the award interest of not more than one and one-half percent per month payable to the psychologist in accordance with the rules and regulations promulgated by the board.

[(c)] (E) A provider initiating an arbitration, INCLUDING A SINGLE ARBITRATOR PROCESS, pursuant to this section shall pay a fee, as determined by regulations promulgated by the chair, to be used to cover the costs related to the conduct of such arbitration. Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute, shall be increased by a part of such fee.

S 7-a. Paragraph (a) of subdivision 6 of section 15 of the workers' compensation law, as amended by chapter 689 of the laws of 2007, is amended to read as follows:

(a) Compensation for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs, (1) on or after January first, nineteen hundred seventy-eight, shall not exceed one hundred twenty-five dollars per week, that occurs (2) on or after July first, nineteen hundred seventy-eight, shall not exceed one hundred eighty dollars per week, that occurs (3) on or after January first, nineteen hundred seventy-nine, shall not exceed two hundred fifteen dollars per week, that occurs (4) on or after July first, nineteen hundred eighty-three, shall not exceed two hundred fifty-five dollars per week, that occurs (5) on or after July first, nineteen hundred eighty-four, shall not exceed two hundred seventy-five dollars per week, that occurs (6) on or after July first, nineteen hundred eighty-five, shall not exceed three hundred dollars per week, that occurs (7) on or after July first, nineteen hundred ninety, shall not exceed three hundred forty dollars per week; and in the case of temporary total disability shall not be less than thirty dollars per week and in the case of permanent total disability shall not be less than twenty dollars per week except that if the employee's wages at the time of injury are less than thirty or twenty dollars per week respectively, he or she shall receive his or her full weekly wages. Compensation for permanent or temporary partial disability due to an accident or disablement resulting from an occupational disease that occurs (1) on or after January first, nineteen hundred seventy-eight, shall not exceed one hundred five dollars per week, that occurs (2) on or after July first, nineteen hundred eighty-three, shall not exceed one hundred twenty-five dollars per week, that occurs (3) on or after July first, nineteen hundred eighty-four, shall not exceed one hundred thirty-five dollars per week, that occurs (4) on or after July first, nineteen hundred eighty-five, shall not exceed one hundred fifty dollars per week, that occurs (5) on or after July first, nineteen hundred ninety, shall not exceed two hundred eighty dollars per week; nor be less than twenty dollars per week; except that if the employee's wages at the time of injury are less than twenty dollars per week, he or she shall receive his or her full weekly wages. In no event shall compensation when combined with decreased earnings or earning capacity exceed the amount of wages which the employee was receiving at the time the injury occurred. Compensation for permanent or temporary partial disability, or for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs (1) on or after July first, nineteen hundred ninety-one and prior to July first, nineteen hundred ninety-two, shall not exceed three hundred fifty dollars per week; (2) on or after July first, nineteen hundred ninety-two, shall not exceed four hundred dollars per week; nor be less than forty dollars per week except that if the employee's wages at the time of injury are less than forty dollars per week, the employee shall receive his or her full wages. Compensation for permanent or temporary partial disability, or for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs (1) on or after July first, two thousand seven shall not exceed five hundred dollars per week, (2) on or after July first, two thousand eight shall not exceed five hundred fifty dollars per week, (3) on or after July first, two thousand nine shall not exceed six hundred dollars per week, and (4) on or after July first, two thousand ten, and on or after July first of each succeeding year, shall not exceed two-thirds of the New York state average weekly wage for the year in which it is reported. Compensation for permanent or temporary partial disability, or for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs on or after July first, two thousand seven 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. COMPENSATION FOR PERMANENT OR TEMPORARY PARTIAL DISABILITY, OR FOR PERMANENT OR TEMPORARY TOTAL DISABILITY DUE TO AN ACCIDENT OR DISABLEMENT RESULTING FROM AN OCCUPATIONAL DISEASE THAT OCCURS ON OR AFTER MAY FIRST, TWO THOUSAND THIRTEEN SHALL NOT BE LESS THAN ONE HUNDRED FIFTY DOLLARS PER WEEK EXCEPT THAT IF THE EMPLOYEE'S WAGES AT THE TIME OF INJURY ARE LESS THAN ONE HUNDRED FIFTY DOLLARS PER WEEK, THE EMPLOYEE SHALL RECEIVE HIS OR HER FULL WAGES. In no event shall compensation when combined with decreased earnings or earning capacity exceed the amount of wages the employee was receiving at the time the injury occurred. Compensation for permanent or temporary partial disability, or for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease or injury that occurred as a result of World Trade Center rescue activity by an employee of a private voluntary hospital, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of disablement or occupational disease or injury, shall not exceed three-quarters of a claimant's wage on September eleventh, two thousand one. In no event shall compensation when combined with decreased earnings or earning capacity exceed the amount of wages the employee was receiving on September eleventh, two thousand one.

S 8. Paragraph (h) of subdivision 8 of section 15 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, subparagraph 4 as amended by section 1 of part QQ of chapter 56 of the laws of 2009, the opening paragraph and clauses (A) and (B) of subparagraph 4 as amended by section 1 of part G of chapter 57 of the laws of 2011, and clause (B) of subparagraph 4 as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(h) Special disability fund. (1) The fund heretofore maintained and provided for by and pursuant to former subdivision eight of this section, is hereby continued and shall retain the liabilities heretofore charged or chargeable thereto under the provisions of such former subdivision eight of this section as it existed immediately prior to the time this subdivision, as hereby added, takes effect, and the liabilities chargeable thereto under the provisions of former subdivision eight-a of this section as added by chapter seven hundred forty-nine of the laws of nineteen hundred forty-four and repealed at the same time this subdivision, as heretofore added, takes effect, and payments therefrom on account of such liabilities shall continue to be made as provided herein. The said fund shall be known as the special disability fund and shall be available only for the purposes stated in this subdivision, and the assets thereof shall not at any time be appropriated or diverted to any other use or purpose.

(2) (A) No carrier or employer, or the state insurance fund, may file a claim for reimbursement from the special disability fund, for an injury or illness with a date of accident or date of disablement on or after July first, two thousand seven. No carrier or employer, or the state insurance fund, may file a claim for reimbursement from the special disability fund after July first, two thousand ten, and no written submissions or evidence in support of such a claim may be submitted after that date.

(B) All requests for reimbursement from the special disability fund with a date of injury or date of disablement prior to July first, two thousand seven as to which the board has determined that the special disability fund is liable must be submitted to the special disability fund by the later of (i) one year after the expense has been paid, or (ii) one year from the effective date of this paragraph.

[(C) All claims for reimbursement from the special disability fund must be accompanied by a filing fee of two hundred fifty dollars, to be deposited in the special disability fund. Upon any final ruling that a claim is eligible for reimbursement from the fund, the fund will return two hundred dollars of this fee to the claimant.]

(3) [The chair of the board shall, as soon as practicable after April first, nineteen hundred forty-five, assess upon and collect from each insurance carrier, including the state insurance fund and any county, city, town, village or other political subdivision failing to secure compensation pursuant to subdivision one or two of section fifty of this chapter, a sum equal to one per centum of the total compensation paid by such carrier in the year ending March thirty-first next preceding the date of such assessment.

(4) As soon as practicable after May first in the year nineteen hundred fifty-eight, and annually thereafter as soon as practicable after January first in each succeeding year,] EFFECTIVE THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, AND ANNUALLY THEREAFTER, the chair of the board shall [assess upon and] collect from all [self-insurers, the state insurance fund, and all insurance carriers] AFFECTED EMPLOYERS (A) a sum equal to one hundred fifty per centum of the total EXPECTED disbursements made from the special disability fund during the [preceding calendar] year (not including any disbursements made on account of anticipated liabilities or waiver agreements funded by bond proceeds and related earnings), less the ESTIMATED amount of the net assets in such fund EXPECTED as of December thirty-first [of said preceding calendar year,] and (B) a sum sufficient to cover debt service, and associated costs (the "debt service assessment") to be paid during the calendar year by the dormitory authority, as calculated in accordance with subparagraph [five] FOUR of this paragraph. Such assessments shall be [allocated to (i) self-insurers and the state insurance fund based upon the proportion that the total compensation payments made by all self-insurers and the state insurance fund bore to the total compensation payments made by all self-insurers, the state insurance fund, and all insurance carriers, and (ii) insurance carriers based upon the proportion that the total compensation payments made by all insurance carriers bore to the total compensation payments by all self-insurers, the state insurance fund and all insurance carriers during the fiscal year which ended within said preceding calendar year. Insurance carriers and self-insurers shall be liable for all such assessments regardless of the date on which they came into existence, or whether they have made any claim for reimbursement from the special disability fund. The portion of such sum allocated to self-insurers and the state insurance fund that shall be collected from each self-insurer and the state insurance fund shall be a sum equal to the proportion of the amount which the total compensation payments of each such self-insurer or the state insurance fund bore to the total compensation payments made by all self-insurers and the state insurance fund during the fiscal year which ended within said preceding calendar year. The portion of such sum allocated to insurance carriers that shall be collected from each insurance carrier shall be a sum equal to that proportion of the amount which the total standard premium by each such insurance carrier bore to the total standard premium reported by all insurance carriers during the calendar year which

ended within said preceding fiscal year. The payments from the debt service assessment, unless otherwise set forth in the special disability fund financing agreement, are hereby pledged therefor and shall be deemed the first monies received on account of assessments in each year. For the purposes of this paragraph, "standard premium" shall mean the premium as defined for the purposes of this assessment by the superintendent of financial services, in consultation with the chair of the board and the workers' compensation rating board. An employer who has ceased to be a self-insurer shall continue to be liable for any assessments into said fund on account of any compensation payments made by him or her on his or her account during such fiscal year, and the security fund, created under the provisions of section one hundred seven of this chapter, shall, in the event of the insolvency of any insurance company, be liable for any assessments that would have been made against such company except for its insolvency. No assessment shall be payable from the aggregate trust fund, created under the provisions of section twenty-seven of this article, but such fund shall continue to be liable for all compensation that shall be payable under any award or order of the board, the commuted value of which has been paid into such fund. Such assessments when collected shall be deposited with the commissioner of taxation and finance for the benefit of such fund. Unless otherwise provided, such assessments, shall not constitute an element of loss for the purpose of establishing rates for compensation insurance but shall for the purpose of collection be treated as separate costs by carriers. All insurance carriers and the state insurance fund, shall collect such assessments, from their policyholders through a surcharge based on premiums in accordance with rules set forth by the superintendent of financial services in consultation with the New York workers' compensation rating board and the chair of the board. Such surcharge shall be considered as part of premium for purposes prescribed by law including, but not limited to, computing premium tax, reporting to the superintendent of financial services pursuant to section ninety-nine of this chapter and section three hundred seven of the insurance law, determining the limitation of expenditures for the administration of the state insurance fund pursuant to section eighty-eight of this chapter and the cancellation by an insurance carrier, including the state insurance fund, of a policy for non-payment of premium. The provisions of this paragraph shall not apply with respect to policies containing coverage pursuant to subsection (j) of section three thousand 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. The state insurance fund shall notify its insureds that such assessments, shall be, for the purpose of recoupment, treated as separate costs, for the purpose of premiums billed on or after October first, nineteen hundred ninety-four. For the purposes of this section, a "self-insurer" shall be: (i) an employer authorized to self-insure under subdivision three of section fifty of this chapter, active groups authorized pursuant to subdivision three-a of section fifty of this chapter or a group of employers authorized to self-insure under paragraph ten of subdivision three-a of section fifty of this chapter; or (ii) a public employer authorized as set forth in paragraph a of subdivision four of section fifty of this chapter to self-insure under subdivision three, three-a or four of such section or article five of this chapter, whether individually or as a group.

For the purposes of this paragraph, except as otherwise provided: the term "insurance carrier" shall include only stock corporations, mutual corporations and reciprocal insurers authorized to transact the business of workers' compensation insurance in this state; the term "self-insurer" shall include any employer or group of employers permitted to pay compensation directly under the provisions of subdivision three, three-a or four of section fifty of this chapter.

The board is hereby authorized to issue credits or refunds as necessary, in the case of overpayments made to the fund. An insurance carrier that knowingly underreports premiums for the purposes of this section shall be guilty of a class E felony.] 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.

[(5)] (4) (A) 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 "special disability fund 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. 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 special disability fund financing agreement or pursuant thereto, the operating costs of the waiver agreement management office, the costs of any independent audits undertaken under this section, and any other costs for the implementation of this subparagraph 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 January 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 subparagraph [four] THREE of this paragraph. All monies received on account of any assessment under subparagraph [four] THREE of this paragraph and this subparagraph shall be applied in accordance with this subparagraph and in accordance with the 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 the dormitory authority 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 bondholders.

The special disability fund financing agreement may restrict disbursements, investments, or rebates, and may prescribe a system of accounts applicable to the special disability fund, including custody of an account with a trust indenture trustee that may be prescribed by the dormitory authority as part of its contract with the bondholders. For purposes of this paragraph, the term "bonds" shall include notes issued in anticipation of the issuance of bonds, or notes issued pursuant to a commercial paper program.

(B) The chair may conduct periodic audits of any EMPLOYER, self-insurer, insurance carrier and the state insurance fund concerning any information or payment required under this [paragraph] CHAPTER, including any information relevant to the payment or calculation of any assessments.

The EMPLOYER, self-insurer, insurance carrier and the state insurance fund shall provide all necessary documents and information in relation to an audit in a manner prescribed by the chair. Upon the determination of the chair that [a] AN EMPLOYER, self-insurer, insurance carrier or the state insurance fund has underpaid an assessment as a result of its inaccurate reporting, the EMPLOYER, self-insurer, insurance carrier or the state insurance fund upon notice from the chair, shall pay the full amount of the underpaid assessment, along with interest at the rate of nine per cent per annum on the unpaid assessment due not later than thirty days after such notice. AN INSURANCE CARRIER OR EMPLOYER THAT KNOWINGLY MISREPRESENTS INFORMATION FOR THE PURPOSE OF THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

[(6)] (5) The commissioner of taxation and finance is hereby authorized to receive and credit to such special disability fund any sum or sums that may at any time be contributed to the state by the United States of America under any act of congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

[(7)] (6) The commissioner of taxation and finance shall be the custodian of said fund and, unless otherwise provided for in the special disability fund financing agreement, shall invest any surplus or reserve moneys 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 as provided by this subdivision shall be made by the commissioner of taxation and finance upon vouchers signed by the 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 chair of the workers' compensation board a statement of the fund, setting forth the balance of moneys in the said fund as of the beginning of the calendar year, the income of the fund, the summary of payments out of the fund on account of reimbursements and other charges ordered to be paid by the board, 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 secretary of the board. The chair, not less than ninety days after the issuance of the dormitory authority's annual audit, shall furnish to the temporary president of the senate and the speaker of the assembly the following reports on the special disability fund: a revenue and operating expense statement; a financing plan; a report concerning the assets and liabilities; the number of waiver agreements entered into by the waiver agreement management office; 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 securitization 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 special disability fund 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 financing agreement. The waiver agreement management office, as defined in section thirty-two of this article, shall make application to the chair on a quarterly basis for any administrative costs incurred by the office.

S 9. Paragraph (i) of subdivision 8 of section 15 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

(i) When an application for apportionment of compensation is made under this subdivision, the chair of the workers' compensation board shall appoint [a representative of] AN ATTORNEY TO REPRESENT AND DEFEND such fund in such proceedings[, but whenever it shall appear that, through any committee, board or organization representative of the interest of employers or insurance carriers, an attorney has been appointed to act for and on behalf of such employers and insurance carriers generally to represent such fund in any proceedings brought hereunder, the chair of the board may designate such attorney as the representative of such special disability fund in proceedings involving claims against such fund]. Such [representative] ATTORNEY shall thereafter be given notice of all proceedings involving the rights or obligations of such fund. Such [representative] ATTORNEY may apply to the chair of the board for authority to hire such medical and other experts and to defray the expense thereof and of such witnesses as may be necessary to a proper defense of any claim, within an amount in the discretion of the chair and, if authorized, such amount shall be a charge against such special disability fund.

The provisions of this chapter with respect to procedure, except as may be otherwise provided in this subdivision, and the right of appeal shall be preserved to the claimant and to the employer or his insurance carrier and to such fund through its [representative and] attorney as herein provided.

S 10. Section 23 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

S 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 [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,] 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, [and] RAISING ARGUMENTS RELATIVE TO THE ALLEGED DEFICIENCIES OF THE BOARD PANEL DECISION. 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 CHAIR AND OR THE FULL 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, optometric or other attendance, treatment, devices, apparatus or other necessary items the employer is required to provide pursuant to section thirteen 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 appellant 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 commissioners 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 determination 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 decision, 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. 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 [herein] 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.

S 11. Paragraph (d) of subdivision 2-c of section 25 of the workers' compensation law, as added by chapter 491 of the laws of 1995, is amended to read as follows:

(d) The determination of an arbitrator or mediator pursuant to an alternative dispute resolution procedure pertaining to the resolution of claims arising under this chapter shall not be reviewable by the workers' compensation board, and the venue for any appeal shall be to a court of competent jurisdiction in accordance with section twenty-three of this chapter AND THE STANDARD OF REVIEW SHALL BE THE SAME AS FOR ANY OTHER WORKERS' COMPENSATION CASE ON APPEAL.

S 12. The opening paragraph of subdivision 2 of section 142 of the workers' compensation law, as amended by chapter 608 of the laws of 1989, is amended to read as follows:

Any review, hearing, rehearing, inquiry or investigation required or authorized 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 application 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 pending 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 period or periods for the continuance thereof.

S 13. Subdivisions 1, 3 and 5 of section 25-a of the workers' compensation law, subdivisions 1 and 5 as amended by chapter 113 of the laws of 1946, subdivision 3 as amended by chapter 6 of the laws of 2007, and the second and third undesignated paragraphs of subdivision 3 as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. Notwithstanding other provisions of this chapter, when an application for compensation is made by an employee or for death benefits in behalf of the dependents of a deceased employee, and the employer has secured the payment of compensation in accordance with section fifty of this chapter, (1) after a lapse of seven years from the date of the injury or death and claim for compensation previously has been disallowed or claim has been otherwise disposed of without an award of compensation, or (2) after a lapse of seven years from the date of the injury or death and also a lapse of three years from the date of the last payment of compensation, or (3) where death resulting from the injury shall occur after the time limited by the foregoing provisions of (1) or (2) shall have elapsed, subject to the provisions of section one hundred [and] twenty-three of this chapter, testimony may be taken, either directly or through a referee and if an award is made it shall be against the special fund provided by this section. Such an application for compensation or death benefits must be made on a form prescribed by the [chairman] CHAIR for that purpose and must, if a change in condition is claimed, be accompanied by a verified medical or surgical report setting forth facts on which the board may order a hearing.

1-A. Any award which shall be made against such special fund after the effective date of this act upon such an application for compensation or death benefits shall not be retroactive for a period of disability or for death benefits longer than the two years immediately preceding the date of filing of such application. NO APPLICATION BY A SELF-INSURED EMPLOYER OR AN INSURANCE CARRIER FOR TRANSFER OF LIABILITY OF A CLAIM TO THE FUND FOR REOPENED CASES SHALL BE ACCEPTED BY THE BOARD ON OR AFTER THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN EXCEPT THAT THE BOARD MAY MAKE A FINDING AFTER SUCH DATE PURSUANT TO SECTION TWENTY-THREE OF THIS ARTICLE UPON A TIMELY APPLICATION FOR REVIEW.

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 [during the calendar year immediately preceding], and (4) a reserve equal to ten per cent of the sum of items (1) [and], (2) AND (3) of this paragraph. [For the purpose of accumulating funds for the payment of supplemental benefits pursuant to subdivision nine of this section, the chairman shall impose against all carriers an assessment in the sum of five million dollars to be collected in the respective proportions established in the fiscal year commencing April first, nineteen hundred sixty-eight, under the provisions of section one hundred fifty-one of this chapter for each carrier.] Annually, as soon as practicable after January first in each year, the [chairman] CHAIR shall ascertain the condition of the fund and whenever the assets shall fall below the prescribed minimum as herein provided the [chairman] CHAIR shall [assess and] collect [from all insurance carriers, in the respective proportions established in the prior fiscal year under the provisions of section one hundred fifty-one of this chapter for each carrier,] an amount sufficient to restore the fund to the prescribed minimum. [The chairman before making an assessment as provided in this section shall give thirty days' notice to the representative of the fund, designated pursuant to subdivision five of this section, that an itemized statement of the condition of the fund is open for his inspection. The superintendent of financial services may examine into the condition of the fund at any time on his own initiative or on request of the chairman or representative of the fund.

Such assessment and the payments made into said fund shall not constitute an element of loss for the purpose of establishing rates for workers' compensation insurance as provided in the insurance law but shall for the purpose of recoupment be treated as separate costs by carriers. Carriers shall assess such costs on their policyholders in accordance with rules set forth by the New York workers' compensation rating board, as approved by the superintendent of financial services.] 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. 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.

5. [When an application] FOR APPLICATIONS BY SELF-INSURED EMPLOYERS OR INSURANCE CARRIERS FOR TRANSFER OF LIABILITY for compensation [is made] TO THE FUND FOR REOPENED CASES under this section, RECEIVED BY THE BOARD PRIOR TO THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, the [chairman] CHAIR shall appoint [a representative of such fund] AN ATTORNEY in such proceedings [and, insofar as practicable, such representative shall be a person designated by the employer originally liable for the payment of compensation, or his insurance carrier, but whenever it shall appear to the chairman that through any committee, board or organization or representative of the interest of the insurance carriers an attorney has been appointed to act for and on behalf of such carriers generally to represent such fund in any proceedings brought hereunder, the chairman shall designate such attorney as the representative of the] TO REPRESENT SUCH fund in proceedings brought to enforce a claim against such fund. Such [representative] ATTORNEY may apply to the [chairman] CHAIR for authority to hire such medical or other experts and to defray the expense thereof and of such witnesses as are necessary to a proper defense of the application within an amount in the discretion of the [chairman] CHAIR

and, if authorized, it shall be a charge against the special fund provided herein.

S 14. Subdivision 1 of section 27 of the workers' compensation law, as amended by chapter 192 of the laws of 1949, is 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 THIRTEEN 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 THIRTEEN 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.

S 15. Subdivision 7 of section 27 of the workers' compensation law is REPEALED and a new subdivision 7 is added to read as follows:

7. FOR THE PURPOSES OF INSURING THE SOLVENCY OF THE AGGREGATE TRUST FUND SUBSEQUENT TO THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, THE CHAIR MAY INCLUDE IN ITS COLLECTION OF ADMINISTRATION EXPENSES PURSUANT TO SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER SUCH ADDITIONAL ASSESSMENT NECESSARY 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 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.

S 16. Subdivision (e) of section 32 of the workers' compensation law, as added by chapter 6 of the laws of 2007, is amended to read as follows:

(e) The chair shall establish an office under his or her supervision to be known as the "waiver agreement management office," to negotiate and seek board approval for waiver agreements on behalf of the special disability fund. The office shall operate in accordance with guidelines or directives that the chair may issue, as approved by the special disability fund advisory committee, or in the absence of such guidelines or directives, using such discounting factors as the office determines are in the financial interest of the special disability fund. The waiver agreement management office on behalf of the special disability fund may enter into a waiver agreement with a claimant only when the special disability fund has been found liable by the board to reimburse the claimant's employer, insurance carrier or the state insurance fund. Notwithstanding any other provisions of law, no consultation or approval of any employer, insurance carrier, self-insurer[,] OR the state insurance fund[, or the special funds conservation committee] shall be required before such office may enter into any waiver agreement, or before the board may approve such waiver agreement. The chair may, in his or her discretion, and as approved by the special disability fund advisory committee, terminate the operation of the waiver agreement management office, if he or she believes it no longer serves the interest of the special disability fund.

S 17. Clause 2 of subparagraph (a) of paragraph 10 of subdivision 3-a of section 50 of the workers' compensation law, as added by section 4 of part G of chapter 57 of the laws of 2011, is amended to read as follows:

(2) The members of the group, through the administrator, (a) jointly deposit sufficient securities in accordance with subdivision three of this section [as] OR IN A TRUST GOVERNED IN ACCORDANCE WITH PART 126 OF TITLE 11 OF THE NEW YORK CODE OF RULES AND REGULATIONS to secure the liability of the members of the group to pay for all existing claims obligations, provided such deposit shall be made by November first, two thousand eleven, (b) jointly deposit sufficient securities in accordance with subdivision three of this section [as] OR IN A TRUST GOVERNED IN ACCORDANCE WITH PART 126 OF TITLE 11 OF THE NEW YORK CODE OF RULES AND REGULATIONS to secure all anticipated present and future claims of the members of the group, by November first, two thousand fourteen, provided annual deposits are made in accordance with a schedule set by the chair on or before November first of each year, and provided that the deposit shall be deemed an asset of the group for the purpose of determining its funding status, and (c) by November first, two thousand eleven and thereafter, shall maintain funds sufficient for all other liabilities besides claims[, including reserves for all assessment liabilities,] in a trust governed in accordance with Part 126 of title 11 of the New York code of rules and regulations, of which the board shall be the sole beneficiary, and the terms of the trust agreement, and the trustee, shall be approved by the chair in his or her sole discretion, and provided that any group self-insurer that does not hold such funds in a trust that meets the terms of this paragraph shall post them with the board;

S 18. Section 50-a of the workers' compensation law, as added by chapter 139 of the laws of 2008, subdivision 2 as amended by section 1 of part R of chapter 56 of the laws of 2010 and subdivision 3 as amended by section 1 of part R of chapter 55 of the laws of 2012, is amended to read as follows:

S 50-a. [Group self-insurer default] SELF-INSURER offset fund. 1. The chair shall [create] MAINTAIN a fund to be known as the [group] self-insurer [default] offset fund and such fund shall be held in the sole custody of the chair. The chair may transfer the money in such fund to the administrative account as necessary to effectuate the purpose of this section. The chair shall use the money in the fund to pay UNMET claims for [defaulted group] self-insurers[, where sufficient moneys for such payment have not been collected or are not anticipated to be collected from members of a defaulted group self-insurer, or to offset such amount against any assessment it would otherwise impose against private individual and group self-insurers under paragraph (g) of subdivision five of section fifty of this article].

2. At any time prior to April first, two thousand eleven, the chair may withdraw funds from the uninsured employers fund provided for under section twenty-six-a of this chapter, up to such amount as the chair determines is sufficient to fund any anticipated additional expenses of such fund, taking into account anticipated available revenues, but in no event to exceed seventy-five million dollars in the aggregate. Such funds shall be deposited into the [group] self-insurer offset fund, and used in accordance with subdivision one of this section. As consistent

with this section, the chair may set the timing of such withdrawals in its discretion.

3. Beginning in two thousand fifteen, and each year thereafter, the chair shall add to the total of each annual assessment made under paragraph g of subdivision five of section fifty of this article the sum of up to three million dollars, to be allocated to private group and individual self-insurers in accordance with such paragraph. The chair shall assess additional funds under this paragraph as necessary to insure that there are sufficient funds in the fund for uninsured employers to meet its liabilities, or if necessary in accordance with section one hundred fifty-one of this chapter. Such funds as are collected pursuant to this subdivision shall be deposited into the uninsured employer fund until all funds withdrawn therefrom under subdivision one of this section are returned with interest calculated at an annual rate equal to the rate of return on funds in the fund for uninsured employers from the prior year.

4. At such time as the board is not obligated to pay any UNMET claims [arising out] of a [defaulted] self-insurer, the fund created under this section shall be closed, and any money remaining in the fund shall be deposited into the uninsured employer fund.

S 19. Subdivision 5 of section 52 of the workers' compensation law, as amended by chapter 139 of the laws of 2008, is amended to read as follows:

5. The chair, upon finding that an employer has failed for a period of not less than ten consecutive days to make the provision for payment of compensation required by section fifty of this article, may impose upon such employer, in addition to all other penalties, fines or assessments provided for in this chapter, a penalty of UP TO two thousand dollars for each ten day period of non-compliance or a sum not in excess of two times the cost of compensation for its payroll for the period of such failure, which sum shall be paid into the uninsured employers' fund created under section twenty-six-a of this chapter. When an employer fails to provide business records sufficient to enable the chair to determine the employer's payroll for the period requested for the calculation of the penalty provided in this section, the imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be the New York state average weekly wage, multiplied by 1.5. Where the employer is a corporation, the president, secretary and treasurer thereof shall be liable for the penalty. If the employer shall within thirty days after notice of the imposition of a penalty by the chair pursuant to this subdivision make an application in affidavit form for a redetermination review of such penalty the [chairman] CHAIR shall make a decision in writing on the issues raised on such application.

S 20. Section 87 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, subdivision 1 as amended by chapter 6 of the laws of 2007, subdivision 1, paragraph (a) of subdivision 2 and subdivision 3 as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

S 87. Investment of surplus or reserve. 1. Any of the [surplus or] reserve funds belonging to the state insurance fund, by order of the commissioners, approved by the superintendent of financial services, may be invested in the types of securities described in subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a, thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section two hundred thirty-five of the banking law or[, up to fifty percent of such surplus or reserve funds, in the types of securities or investments described] in [paragraphs] PARAGRAPH two[, three, eight and ten] of subsection (a) of section one thousand four hundred four of the insurance law except that up to [ten] FIVE percent of [the surplus and] SUCH reserve funds [belonging to the state insurance fund that] may be invested in the securities of any solvent American institution [or of an investment company] as described in such [paragraphs may be invested] PARAGRAPH irrespective of the rating of such institution's obligations or other similar qualitative standards described [in paragraphs two, three, eight and ten of such subsection, but shall not include any derivative instrument or derivative transaction or any investment found by the superintendent of financial services to be against public policy. Any of the surplus or reserve funds belonging to the state insurance fund, upon like approval of the superintendent of financial services, may be loaned on the pledge of any such securities. The commissioners, upon like approval of the superintendent of financial services, may also sell any of such securities or investments] THEREIN.

2. ANY OF THE SURPLUS FUNDS BELONGING TO THE STATE INSURANCE FUND, BY ORDER OF THE COMMISSIONERS, APPROVED BY THE SUPERINTENDENT OF FINANCIAL SERVICES, MAY BE INVESTED IN THE TYPES OF SECURITIES DESCRIBED IN SUBDIVISIONS ONE, TWO, THREE, FOUR, FIVE, SIX, ELEVEN, TWELVE, TWELVE-A, THIRTEEN, FOURTEEN, FIFTEEN, NINETEEN, TWENTY, TWENTY-ONE, TWENTY-ONE-A, TWENTY-FOUR, TWENTY-FOUR-A, TWENTY-FOUR-B, TWENTY-FOUR-C AND TWENTY-FIVE OF SECTION TWO HUNDRED THIRTY-FIVE OF THE BANKING LAW OR, UP TO FIFTY PERCENT OF SURPLUS FUNDS, IN THE TYPES OF SECURITIES OR INVESTMENTS DESCRIBED IN PARAGRAPHS TWO, THREE, EIGHT AND TEN OF SUBSECTION (A) OF SECTION ONE THOUSAND FOUR HUNDRED FOUR OF THE INSURANCE LAW, EXCEPT THAT UP TO TEN PERCENT OF SURPLUS FUNDS MAY BE INVESTED IN THE SECURITIES OF ANY SOLVENT AMERICAN INSTITUTION AS DESCRIBED IN SUCH PARAGRAPHS IRRESPECTIVE OF THE RATING OF SUCH INSTITUTION'S OBLIGATIONS OR OTHER SIMILAR QUALITATIVE STANDARDS DESCRIBED THEREIN, AND UP TO FIFTEEN PERCENT OF SURPLUS FUNDS IN SECURITIES OR INVESTMENTS WHICH DO NOT OTHERWISE QUALIFY FOR INVESTMENT UNDER THIS SECTION AS SHALL BE MADE WITH THE CARE, PRUDENCE AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING THAT A PRUDENT PERSON ACTING IN A LIKE CAPACITY AND FAMILIAR WITH SUCH MATTERS WOULD USE IN THE CONDUCT OF AN ENTERPRISE OF A LIKE CHARACTER AND WITH LIKE AIMS AS PROVIDED FOR THE STATE INSURANCE FUND UNDER THIS ARTICLE. NOTWITHSTANDING ANY OTHER PROVISION IN THIS SUBDIVISION, THE AGGREGATE AMOUNT THAT THE STATE INSURANCE FUND MAY INVEST IN THE TYPES OF SECURITIES OR INVESTMENTS DESCRIBED IN PARAGRAPHS THREE, EIGHT AND TEN OF SUBSECTION (A) OF SECTION ONE THOUSAND FOUR HUNDRED FOUR OF THE INSURANCE LAW AND AS A PRUDENT PERSON ACTING IN A LIKE CAPACITY WOULD INVEST AS PROVIDED IN THIS SUBDIVISION SHALL NOT EXCEED FIFTY PERCENT OF SUCH SURPLUS FUNDS.

3. ANY OF THE SURPLUS OR RESERVE FUNDS BELONGING TO THE STATE INSURANCE FUND, UPON LIKE APPROVAL OF THE SUPERINTENDENT OF FINANCIAL SERVICES, MAY BE LOANED ON THE PLEDGE OF ANY SUCH SECURITIES. THE COMMISSIONERS, UPON LIKE APPROVAL OF THE SUPERINTENDENT OF FINANCIAL SERVICES, MAY ALSO SELL ANY OF SUCH SECURITIES OR INVESTMENTS.

[2.] 4. (a) Any securities belonging to the state insurance fund may, by order of the commissioners, approved by the superintendent of financial services, be loaned under a security loan agreement, as defined in paragraph (b) of this subdivision, entered into with a registered broker-dealer, or a New York state or national bank or trust company, with the custodial bank of the state insurance fund or another person or entity, approved by the commissioner of taxation and finance, which specializes in security loan transactions acting as the agent in arranging such agreement. The commissioners shall monitor the market value of the loaned securities daily. In no event shall the commissioners allow the value of the collateral posted to fall below the market value of the loaned securities.

(b) For purposes of this section, "security loan agreement" shall mean a written contract, the terms of which have been approved by the commissioner of taxation and finance, whereby the state insurance fund (the lender) agrees to lend securities to a broker-dealer, bank or trust company described in paragraph (a) of this subdivision (the borrower) for a period not to exceed one year. However, such agreement shall be subject to the following limitations: (i) the lender must retain the right to collect from the borrower all dividends, interest, premiums, rights, and any other distributions to which the lender would otherwise have been entitled; (ii) the lender may waive the right to vote the securities during the term of such agreement; (iii) the lender must retain the right to terminate such agreement upon not more than five business days' notice; (iv) the borrower shall provide as collateral to the lender cash or direct obligations of the United States of America or any agency or instrumentality thereof or obligations fully guaranteed by the United States of America that are eligible for investment by the state insurance fund under subdivision one of this section, provided that such obligations may in no event consist of derivative securities; and (v) such agreement shall provide for payment of additional collateral on a daily basis, or at such time as the value of the loaned securities increases to agreed upon ratios.

[3.] 5. All such securities or evidences of indebtedness shall be placed in the hands of the commissioner of taxation and finance who shall be the custodian thereof. He or she shall collect the principal and interest thereof, when due, and pay the same into the state insurance fund. The commissioner of taxation and finance shall pay all vouchers drawn on the state insurance fund for the making of such investments when signed by the chair of the commissioners, the executive director or a deputy executive director of the state insurance fund upon delivery of such securities or evidences of indebtedness to him or her, when there is attached to such vouchers the approval of the state superintendent of financial services.

6. FOR THE PURPOSES OF THIS SECTION, THE TERM "RESERVES" DOES NOT INCLUDE THE ESTIMATED VALUE OF FUTURE DISCRETIONARY PAYMENTS THAT MAY BE MADE BY THE STATE INSURANCE FUND UNDER SECTION NINETY OF THIS ARTICLE.

7. NOTWITHSTANDING ANY PROVISION IN THIS SECTION, THE SURPLUS AND RESERVE FUNDS OF THE STATE INSURANCE FUND SHALL NOT BE INVESTED IN ANY INVESTMENT THAT HAS BEEN FOUND BY THE SUPERINTENDENT OF FINANCIAL SERVICES TO BE AGAINST PUBLIC POLICY OR IN ANY INVESTMENT PROHIBITED BY THE PROVISIONS OF PARAGRAPH SIX OF SUBSECTION (A) OF SECTION ONE THOUSAND FOUR HUNDRED FOUR OF THE INSURANCE LAW OR BY THE PROVISIONS OF PARAGRAPH ONE, TWO, THREE, FOUR, SIX, EIGHT, NINE OR TEN OF SUBSECTION (A) OF SECTION ONE THOUSAND FOUR HUNDRED SEVEN OF THE INSURANCE LAW.

S 21. Section 88 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is REPEALED.

S 22. Section 151 of the workers' compensation law is REPEALED and a new section 151 is added to read as follows:

S 151. ASSESSMENTS AND SURCHARGES FOR ANNUAL EXPENSES. 1. THE ANNUAL EXPENSES NECESSARY FOR THE BOARD TO ADMINISTER THE PROVISIONS OF THIS CHAPTER, THE VOLUNTEER AMBULANCE WORKERS' BENEFITS LAW, THE VOLUNTEER FIREFIGHTERS' BENEFITS 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 AND SURCHARGES 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 ASSESSMENT AMOUNT DESCRIBED IN SUBDIVISION THREE OF SECTION TWENTY-FIVE-A OF THIS CHAPTER FOR THE FUND FOR REOPENED CASES 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 AMOUNT DESCRIBED IN SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION FIFTEEN OF THIS CHAPTER AND THEN TO FULLY FUND THE AMOUNT DESCRIBED IN SECTION FIFTY-C OF THIS CHAPTER IN ACCORDANCE WITH EACH THEN APPLICABLE FINANCING AGREEMENT PURSUANT TO SUCH PROVISIONS 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.

2. ON THE FIRST DAY OF NOVEMBER, TWO THOUSAND THIRTEEN, AND ANNUALLY THEREAFTER, THE CHAIR SHALL ESTABLISH AN ASSESSMENT RATE FOR ALL AFFECTED EMPLOYERS IN THE STATE OF NEW YORK IN AN AMOUNT EXPECTED TO BE SUFFICIENT TO PRODUCE ASSESSMENT RECEIPTS AT LEAST SUFFICIENT TO FUND ALL ESTIMATED ANNUAL EXPENSES PURSUANT TO SUBDIVISION ONE OF THIS SECTION EXCEPT THOSE EXPENSES FOR WHICH AN ASSESSMENT IS AUTHORIZED FOR SELF-INSURANCE PURSUANT TO SUBDIVISION FIVE OF SECTION FIFTY OF THIS CHAPTER. SUCH RATE SHALL BE ASSESSED EFFECTIVE THE FIRST OF JANUARY OF THE SUCCEEDING YEAR AND SHALL BE BASED UPON A SINGLE METHODOLOGY DETERMINED BY THE CHAIR. THE CHAIR MAY ALSO ISSUE A SUPPLEMENTAL RATE AS PROVIDED UNDER SUBDIVISION SEVEN OF SECTION TWENTY-SEVEN OF THIS CHAPTER WHEN NECESSARY. THE CHAIR MAY ALSO ESTABLISH AN ADDITIONAL ASSESSMENT RATE, NOT TO EXCEED THIRTY PERCENT OF ANNUAL PREMIUMS, FOR THOSE AFFECTED EMPLOYERS WHO ARE IN DEFAULT IN THE PAYMENT OF THEIR COMPENSATION PURSUANT TO SUBPARAGRAPH (B) OF PARAGRAPH SEVEN OF SUBDIVISION THREE-A OF SECTION 50 OF THIS CHAPTER. SUCH ADDITIONAL ASSESSMENT SHALL BE COLLECTED AND REMITTED TO THE CHAIR CONSISTENT WITH SUBDIVISIONS FOUR AND FIVE OF THIS SECTION. THE CHAIR SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION AN ITEMIZED STATEMENT OF THE ESTIMATED ANNUAL EXPENSES IN THE OFFICE OF THE BOARD FOR THIRTY DAYS IMMEDIATELY AFTER THE RATE IS ESTABLISHED.

3. THE CHAIR AND DEPARTMENT OF AUDIT AND CONTROL ANNUALLY AS SOON AS PRACTICABLE AFTER THE FIRST OF APRIL OF EACH YEAR SHALL ASCERTAIN THE ACTUAL TOTAL AMOUNT OF EXPENSES, INCLUDING IN ADDITION TO THE DIRECT COSTS OF PERSONAL SERVICE, 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, SUCH ADDITIONAL SUM AS MAY BE CERTIFIED TO THE CHAIR AND THE DEPARTMENT OF AUDIT AND CONTROL AS A REASONABLE COMPENSATION FOR SERVICES RENDERED BY THE DEPARTMENT OF LAW AND EXPENSES INCURRED BY SUCH DEPARTMENT, FOR TRANSFER INTO THE

TRAINING AND EDUCATIONAL PROGRAM ON OCCUPATIONAL SAFETY AND HEALTH FUND CREATED PURSUANT TO CHAPTER EIGHT HUNDRED EIGHTY-SIX OF THE LAWS OF NINETEEN HUNDRED EIGHTY-FIVE AND SECTION NINETY-SEVEN-C OF THE STATE FINANCE LAW, FOR THE NEW YORK STATE OCCUPATIONAL HEALTH CLINICS NETWORK, FOR THE DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH PROGRAM AND FOR TRANSFER INTO THE UNINSURED EMPLOYERS' FUND PURSUANT TO SUBDIVISION TWO OF SECTION TWENTY-SIX-A OF THIS CHAPTER, AND ALL OTHER DIRECT OR INDIRECT COSTS, INCURRED BY THE BOARD IN CONNECTION WITH THE ADMINISTRATION OF THIS CHAPTER, EXCEPT THOSE EXPENSES FOR WHICH AN ASSESSMENT IS AUTHORIZED FOR SELF-INSURANCE PURSUANT TO SUBDIVISION FIVE OF SECTION FIFTY OF THIS CHAPTER. ASSESSMENTS PURSUANT TO SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION FIFTEEN OF THIS CHAPTER FOR THE SPECIAL DISABILITY FUND, PURSUANT TO SECTION FIFTY-C OF THIS CHAPTER FOR THE SELF INSURER OFFSET FUND, PURSUANT TO SUBDIVISION THREE OF SECTION TWENTY-FIVE-A OF THIS CHAPTER FOR THE FUND FOR REOPENED CASES, AND PURSUANT TO SECTION TWO HUNDRED FOURTEEN OF THIS CHAPTER FOR THE SPECIAL FUND FOR DISABILITY BENEFITS SHALL BE INCLUDED IN THE TOTAL AMOUNT OF EXPENSES FOR THE PURPOSES OF THIS SUBDIVISION. THE CHAIR MAY ALSO INCLUDE IN THE TOTAL AMOUNT OF EXPENSES SUCH ADDITIONAL ASSESSMENT TO INSURE THE SOLVENCY OF THE AGGREGATE TRUST FUND PURSUANT TO SUBDIVISION SEVEN OF SECTION TWENTY-SEVEN OF THIS CHAPTER. ANY OVERPAYMENT OF ANNUAL ASSESSMENTS RESULTING FROM THE REQUIREMENTS OF THIS SUBDIVISION SHALL BE APPLIED AS A CREDIT AGAINST THE FUTURE ASSESSMENT RATE PROVIDED THE FUND BALANCE SHALL NOT BE REDUCED BELOW TEN PERCENT OF THE TOTAL AMOUNT ASSESSED.

4. FOR THOSE AFFECTED EMPLOYERS OBTAINING COVERAGE:

(A) BY INSURING WITH THE STATE FUND PURSUANT TO SUBDIVISION ONE OF SECTION FIFTY OF THIS CHAPTER; OR (B) THROUGH A POLICY PURSUANT TO SUBDIVISION TWO OF SECTION FIFTY OF THIS CHAPTER; OR (C) THROUGH A COUNTY SELF-INSURANCE PLAN UNDER ARTICLE FIVE OF THIS CHAPTER; OR (D) THROUGH A GROUP PRIVATE OR PUBLIC SELF-INSURER PURSUANT TO SUBDIVISION THREE-A OF SECTION FIFTY OF THIS CHAPTER, SUCH ASSESSMENT AMOUNTS SHALL BE COLLECTED AND REMITTED TO THE CHAIR BY THE CARRIER OR THE STATE INSURANCE FUND, OR COUNTY PLAN, OR GROUP PRIVATE OR PUBLIC SELF-INSURER, ON BEHALF OF THE EMPLOYER(S) UNTIL SUCH TIME AS THE BOARD ESTABLISHES A DIRECT EMPLOYER PAYMENT PROCESS. AFFECTED PRIVATE OR PUBLIC EMPLOYERS PROVIDING COMPENSATION THROUGH SELF INSURANCE PURSUANT TO SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER SHALL PAY ASSESSMENT AMOUNTS DIRECTLY TO THE CHAIR.

5. INSURANCE CARRIERS AS DEFINED IN SECTION TWO OF THIS CHAPTER INCLUDING THE STATE INSURANCE FUND AND SELF-INSURERS, SHALL COLLECT FROM AFFECTED EMPLOYERS AND PERIODICALLY REMIT TO THE BOARD SUCH ASSESSMENTS AND SHALL BE RESPONSIBLE FOR ENSURING THEIR EMPLOYERS/POLICYHOLDERS ARE CURRENT ON THEIR ASSESSMENTS. (A) FAILURE TO ENSURE POLICYHOLDERS OR EMPLOYERS ARE CURRENT ON THEIR ASSESSMENTS WILL RESULT IN THE INSURANCE CARRIER; OR SELF-INSURER; BEING LIABLE FOR SUCH ASSESSMENTS.

(B) IN THE EVENT THE EMPLOYER; INSURANCE CARRIER; OR SELF-INSURER; KNEW OR SHOULD HAVE KNOWN THAT THE EMPLOYER MISREPORTED ANY DATA RELATED TO THE ASSESSMENT PROCESS, THEY MAY BE SUBJECT TO PENALTIES OR SANCTIONS PROVIDED BY THIS CHAPTER.

6. (A) EFFECTIVE THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, ALL ASSESSMENT CYCLES IN PROGRESS WILL BE REPLACED WITH THE ASSESSMENT RATE DETERMINED HEREIN. HOWEVER, SUCH NEW ASSESSMENT RATE SHALL NOT RELIEVE ANY CARRIER OR SELF-INSURER FOR OUTSTANDING AMOUNTS DUE AS OF THE FIRST DAY OF JANUARY TWO THOUSAND FOURTEEN.

(B) ALL ASSESSMENT AMOUNTS COLLECTED BY INSURANCE CARRIERS, EXCEPT THE STATE FUND, AND NOT YET REMITTED TO THE BOARD PRIOR TO THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN MUST BE REMITTED TO THE CHAIR NO LATER THAN THE FIRST DAY OF FEBRUARY, TWO THOUSAND FOURTEEN.

7. ASSESSMENTS FOR THE EXPENSES OF THE BOARD INCLUDING ASSESSMENTS PURSUANT TO PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION FIFTEEN OF THIS CHAPTER FOR THE SPECIAL DISABILITY FUND AND PURSUANT TO SUBDIVISION THREE OF SECTION TWENTY-FIVE-A OF THIS CHAPTER FOR THE FUND FOR REOPENED CASES SHALL NOT CONSTITUTE ELEMENTS OF LOSS.

7-A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN THERE IS A DEFAULT ON THE PAYMENT OF PREMIUM, INCLUDING ANY AMOUNT OF A SURCHARGE PAYABLE UNDER SUBDIVISION SEVEN OF THIS SECTION, ANY ACTION BY THE CARRIER, INCLUDING THE STATE INSURANCE FUND, TO COLLECT ANY UNPAID PREMIUM SHALL INCLUDE AN ACTION SEEKING RECOVERY OF SUCH UNPAID SURCHARGES ON BEHALF OF THE BOARD. THE CARRIER SHALL REMIT THE AMOUNT OF ANY SUCH UNPAID SURCHARGE COLLECTED EITHER PURSUANT TO A JUDGMENT OR BY SETTLEMENT TO THE BOARD.

8. THE FOREGOING OR ANY 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 ASSESSMENT CLEARING ACCOUNT HELD BY THE COMMISSIONER OF TAXATION AND FINANCE AND APPLIED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION AND IN ACCORDANCE WITH EACH APPLICABLE FINANCING AGREEMENT AUTHORIZED BY SUBDIVISION EIGHT OF SECTION FIFTEEN OR BY SECTION FIFTY-C OF THIS CHAPTER UNTIL THE FINANCIAL OBLIGATIONS OF THE DORMITORY AUTHORITY IN RESPECT OF ITS CONTRACTS WITH THE HOLDERS OF ITS BONDS AUTHORIZED UNDER SECTIONS SIXTEEN HUNDRED EIGHTY-L AND SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW ARE MET AND ALL ASSOCIATED COSTS PAYABLE BY OR TO THE DORMITORY AUTHORITY HAVE BEEN PAID AND SUCH MONEYS AS ARE REQUIRED TO BE APPLIED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION TO FULLY FUND THE AMOUNT DESCRIBED IN SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION FIFTEEN OF THIS CHAPTER AND TO FULLY FUND THE AMOUNT DESCRIBED IN SECTION FIFTY-C OF THIS CHAPTER, IN ACCORDANCE WITH EACH THEN APPLICABLE FINANCING AGREEMENT PURSUANT TO SUCH PROVISIONS SHALL NOT BE COMMINGLED WITH ANY OTHER MONIES IN THE COMMISSIONER'S CUSTODY PRIOR TO SUCH APPLICATION AND SHALL NOT BE DEEMED TO BE PART OF THE STATE TREASURY OR OF ANY FUNDS UNDER MANAGEMENT OF THE STATE. THE OPERATION OF THIS SECTION AND THE APPLICATION OF THE RECEIPTS OF THE ASSESSMENT AUTHORIZED BY THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF EACH FINANCING AGREEMENT AUTHORIZED PURSUANT TO SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION FIFTEEN OR TO SECTION FIFTY-C 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.

9. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WITH RESPECT TO POLICIES CONTAINING COVERAGE PURSUANT TO PARAGRAPH ONE OF SUBSECTION (J) OF SECTION THREE THOUSAND 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.

10. IF THE ASSESSMENTS COLLECTED PURSUANT TO THIS SECTION ARE INSUFFICIENT TO MEET THE OBLIGATIONS FINANCED BY THE ASSESSMENTS, THE CHAIR, FOR A PERIOD OF THREE YEARS, MAY BORROW ANY SHORTFALL FROM THE STATE INSURANCE FUND WITH ANY BORROWING TO BE ADDED TO THE ASSESSMENTS UNDER THIS SECTION AND REPAID THE FOLLOWING YEAR TO THE STATE INSURANCE FUND WITH INTEREST AT THE STATE INSURANCE FUND'S THEN CURRENT RATE OF RETURN.

11. EFFECTIVE IMMEDIATELY, NOTWITHSTANDING ANY LAW TO THE CONTRARY, PURSUANT TO THE PROVISIONS OF THIS CHAPTER, THE ASSESSMENT RESERVES HELD BY THE STATE INSURANCE FUND FOR THE PAYMENT OF FUTURE ASSESSMENTS ARE NO LONGER REQUIRED AND ALL FUNDS AND INVESTMENTS HELD BY THE STATE INSURANCE FUND RELATED TO THE ASSESSMENT RESERVES SHALL BE TRANSFERRED TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS SOON AS PRACTICABLE. THE COMMISSIONER OF TAXATION AND FINANCE SHALL BE CUSTODIAN OF SUCH FUNDS, WHICH SHALL NOT BE COMMINGLED WITH OTHER FUNDS OF THE WORKERS' COMPENSATION BOARD, AND MAY INVEST SUCH FUNDS IN THE SAME MANNER AS SURPLUS FUNDS HELD BY THE STATE INSURANCE FUND PURSUANT TO SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THIS CHAPTER. DISBURSEMENTS OF SUCH FUNDS SHALL BE MADE BY SUCH COMMISSIONER UPON WRITTEN WARRANT OF THE CHAIR OF THE WORKERS' COMPENSATION BOARD OR THE CHAIR'S DESIGNEE.

AT THE REQUEST OF THE DIRECTOR OF THE BUDGET, SUCH MONEYS TRANSFERRED TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL BE DISTRIBUTED AS FOLLOWS:

(A) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND THIRTEEN, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER TWO HUNDRED FIFTY MILLION DOLLARS TO THE GENERAL FUND.

(B) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND FOURTEEN, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER FIVE HUNDRED MILLION DOLLARS TO THE GENERAL FUND.

(C) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND FIFTEEN, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER TWO HUNDRED FIFTY MILLION DOLLARS TO THE GENERAL FUND.

(D) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND SIXTEEN, THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER TWO HUNDRED FIFTY MILLION DOLLARS TO THE GENERAL FUND.

(E) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND THIRTEEN AND UPON REQUEST FROM THE DIRECTOR OF THE BUDGET, THE CHAIR SHALL TRANSFER FIVE HUNDRED MILLION DOLLARS TO THE TRANSFORMATIVE CAPITAL FUND.

(F) ANY AND ALL FUNDS REMAINING AFTER ACCOUNTING FOR THE TRANSFERS 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 OR TO THE STATE INSURANCE FUND. THE BUDGET DIRECTOR, ACTING IN CONSULTATION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD, SHALL DETERMINE WHETHER ANY MONEY RETURNED TO THE STATE INSURANCE FUND IS A LOAN OR A TRANSFER AND THE TERMS AND CONDITIONS THEREIN. ANY FUNDS TRANSFERRED OR LOANED TO THE STATE INSURANCE FUND UPON THE BUDGET DIRECTOR'S REQUEST MAY BE INVESTED IN A MANNER CONSISTENT WITH INVESTMENT GUIDELINES PURSUANT TO SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THE WORKERS' COMPENSATION LAW.

ANNUALLY, THE STATE INSURANCE FUND AND THE WORKERS' COMPENSATION BOARD WILL PROVIDE TO THE DIRECTOR OF THE BUDGET AN ACCOUNTING OF SUCH FUNDS AND ALL ASSOCIATED INCOME RECEIVED. SUCH ACCOUNTING WILL CONTINUE UNTIL SUCH TIME AS DETERMINED BY THE DIRECTOR OF THE BUDGET.

12. THE CHAIR SHALL PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

13. TO EFFECTUATE AN EFFICIENT ASSESSMENT PROCESS AND THE PROPER MANAGEMENT OF THE WORKERS' COMPENSATION SYSTEM ALL DATA IN POSSESSION OF THE COMPENSATION INSURANCE RATING BOARD SHALL BE MADE AVAILABLE TO THE BOARD AND THE DEPARTMENT OF FINANCIAL SERVICES UPON REQUEST.

S 23. Subdivision 5 of section 54 of the workers' compensation law, as amended by chapter 164 of the laws of 1992 and the closing paragraph as added by chapter 322 of the laws of 2008, is amended to read as follows:

5. Cancellation and termination of insurance contracts. No contract of insurance issued by an insurance carrier against liability arising under this chapter 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, OR NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, 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 chair and also served on the employer. When cancellation is due to any reason other than non-payment of premiums, OR NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, 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 chair and also served on the employer; provided, however, in either case, that if the employer has secured insurance with another insurance carrier 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. No insurer shall refuse to renew any policy insuring against liability arising under this chapter unless at least thirty days prior to its expiration notice of intention not to renew has been filed in the office of the chair and also served on the employer.

Such notice shall be served on the employer by delivering it to him, her or it or by sending it by mail, by certified or registered letter, return receipt requested, addressed to the employer at his, her or its last known place of business; provided that, if the employer be a partnership, then such notice may be so given to any of 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; and further provided that an employer may designate any person or entity at any address to receive such notice including the designation of one person or entity to receive notice on behalf of multiple entities insured under one insurance policy and that service of notice at the address so designated upon the person or entity so designated by delivery or by mail, by certified or registered letter, return receipt requested, shall satisfy the notice requirement of this section. Provided, however, the right to cancellation of a policy of insurance in the state fund shall be exercised only for non-payment of premiums, OR NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, or as provided in section ninety-four of this chapter.

The provisions of this subdivision shall not apply with respect to policies containing coverage pursuant to subsection (j) of section three thousand 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.

In the event such cancellation or termination notice is not filed with the chair within the required time period, the chair shall impose a penalty in the amount of up to five hundred dollars for each ten-day period the insurance carrier or state insurance fund failed to file the notification. All penalties collected pursuant to this subdivision shall be deposited in the uninsured employers' fund.

S 24. Section 93 of the workers' compensation law, as amended by chapter 94 of the laws of 1988 and subdivisions b and c as amended by chapter 635 of the laws of 1996, is amended to read as follows:

S 93. Collection of premium in case of default. a. If a policyholder shall default in any payment required to be made by him to the state insurance fund after due notice, his insurance in the state fund may be cancelled and the amount due from him shall be collected by civil action brought against him in any county wherein the state insurance fund maintains an office in the name of the commissioners of the state insurance fund and the same when collected, shall be paid into the state insurance fund, and such policyholder's compliance with the provisions of this chapter requiring payments to be made to the state insurance fund shall date from the time of the payment of said money to the state insurance fund.

b. An employer, whose policy of insurance has been cancelled by the state insurance fund for non-payment of premium, OR FOR NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, or withdraws pursuant to section ninety-four of this article, is ineligible to contract for a subsequent policy of insurance with the state insurance fund while the billed premium on the cancelled policy remains uncollected.

c. The state insurance fund shall not be required to write a policy of insurance for any employer which is owned or controlled or the majority interest of which is owned or controlled, directly or indirectly, by any person who directly or indirectly owns or controls or owned or controlled at the time of cancellation an employer whose former policy of insurance with the state insurance fund was cancelled for non-payment of premium, OR FOR NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, or withdraws pursuant to section ninety-four of this article or who is or was at the time of cancellation the president, vice-president, secretary or treasurer of such an employer until the billed premium on the cancelled policy is paid.

For purposes of this subdivision, "person" shall include individuals, partnerships, corporations, and other associations.

S 25. Section 146 of the workers' compensation law is REPEALED.

S 26. Section 214 of the workers' compensation law, as added by chapter 600 of the laws of 1949, the opening paragraph as amended by chapter 653 of the laws of 1958, subdivision 2 as amended by chapter 187 of the laws of 1983, subdivision 3 as amended by chapter 629 of the laws of 1958, subdivision 4 as amended by chapter 727 of the laws of 1950 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, and subdivision 5 as added by chapter 18 of the laws of 2010, is amended to read as follows:

S 214. Special fund for disability benefits. There is hereby created a fund which shall be known as the special fund for disability benefits to provide for the payment of disability benefits under sections two hundred seven, two hundred thirteen and attendance fees under [subdivision two of] section two hundred thirty-two of this article.

1. [For the purpose of accumulating funds for payment of benefits to the disabled unemployed, there is hereby assessed a contribution at the rate of two-tenths of one per centum of the wages paid during the period from January first, nineteen hundred fifty to June thirtieth, nineteen hundred fifty inclusive, to employees in the employment of covered employers on or after January first, nineteen hundred fifty, but not in excess of twelve cents per week as to each such employee, of which the employee shall contribute one-tenth of one per centum of his wages but not in excess of six cents per week, and the employer shall make an equal contribution. The contributions of the employee shall be deducted from his wages in the same manner as provided in section two hundred nine. On or before April thirtieth, nineteen hundred fifty, the employer shall pay to the chairman the contributions with respect to wages paid

during the quarterly period ending March thirty-first, nineteen hundred fifty, and on or before July thirty-first, nineteen hundred fifty, the employer shall pay to the chairman the contributions with respect to wages paid during the quarterly period ending June thirtieth, nineteen hundred fifty.

2.] As promptly as practicable after April first, [nineteen hundred fifty-eight and thereafter annually as soon as practicable after April first] in each year, the chairman shall ascertain the condition of the fund, and if as of any such date the net assets of the fund shall be one million dollars or more below the sum of twelve million dollars, the chairman shall assess and collect [from all carriers hereinafter specified] an amount sufficient to restore the fund to an amount equal to twelve million dollars. [Carriers subject to this assessment shall be such carriers as shall have covered employees in employment during the preceding three calendar years or any portion or portions thereof. The proportion of the total assessment to be assessed upon and collected from each carrier shall be that proportion thereof that the total of the payrolls covered by such carrier during said three calendar years bears to the total of all such payrolls covered by all such carriers during said three calendar years, except that the term "payrolls" as used herein shall be deemed limited to the first seven thousand dollars of earnings of each employee during any calendar year and except that there shall be excluded the payroll of employees of a class or classes for whom plan benefits provided under this article are payable during unemployment for a period not less than the period provided in section two hundred seven under an agreement between the employer or an association of employers and an association of the employees which has been accepted as a plan under section two hundred eleven. The chairman, before making an assessment as herein provided, shall give thirty days notice to all such carriers, in the same manner provided in section two hundred twenty-eight, that an itemized statement of the condition of the fund is open for inspection]. SUCH ASSESSMENT 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 UPON PAYMENT OF DEBT SERVICE, IF ANY, PURSUANT TO SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER.

[3.] 2. Whenever the net assets of the fund shall be less than three million dollars and the disability claims currently being paid shall indicate the necessity of supplementing the assets of the fund [before the next annual assessment can be made,] the chairman may [assess and collect for all such carriers, in the same proportions established for the last preceding annual assessment,] TRANSFER FROM MONIES COLLECTED PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER an amount sufficient in the discretion of the chairman for the needs of the fund, but not in excess of an amount sufficient to restore the fund to twelve million dollars. [Before making any such emergency assessment the chairman shall give thirty days notice to such carriers in the same manner as provided with respect to annual assessments, and an itemized statement of the condition of the fund shall, in like manner, be open for inspection.]

[4.] 3. All contributions and assessments received by the chairman under the provisions of this section shall be credited to the fund herein established and deposited by the chairman to the credit of the commissioner of taxation and finance for the benefit of the fund. The superintendent of financial services may examine into the condition of the fund at any time on his own initiative or upon the request of the chairman.

[5. Notwithstanding any inconsistent provision of law to the contrary, effective April first, two thousand nine, any amounts available in excess of the maximum net asset balance of twelve million dollars pursuant to subdivision two of this section, shall be transferred by the comptroller to the general fund, at the request of the director of the budget.]

S 27. Section 228 of the workers' compensation law is REPEALED and a new section 228 is added to read as follows:

S 228. ADMINISTRATIVE EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES NECESSARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE PROVISIONS OF THE DISABILITY 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.

2. ANNUALLY, AS SOON AS PRACTICABLE AFTER THE FIRST DAY OF APRIL, THE CHAIR AND DEPARTMENT OF AUDIT AND CONTROL SHALL ASCERTAIN THE TOTAL AMOUNT OF ACTUAL EXPENSES.

S 28. Subdivision 6 of section 3 of the volunteer firefighters' benefit law is amended to read as follows:

6. "Surviving spouse" means the legal [wife of a deceased male volunteer fireman or the legal husband of a deceased female volunteer fireman, as the case may be,] SPOUSE OF A DECEASED VOLUNTEER FIREFIGHTER, but shall not include a spouse who has abandoned the deceased. The term "abandoned", as used in this subdivision, means such an abandonment as would be sufficient under section [eleven hundred sixty-one of the civil practice act] TWO HUNDRED OF THE DOMESTIC RELATIONS LAW to sustain a judgment of separation on that ground.

S 29. Section 60 of the volunteer firefighters' benefit law is REPEALED and a new section 60 is added to read as follows:

S 60. ASSESSMENT FOR EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES NECESSARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE PROVISIONS OF THE VOLUNTEER FIREFIGHTERS' BENEFIT 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 THE WORKERS' COMPENSATION LAW.

2. ANNUALLY, THE CHAIR OF THE DEPARTMENT OF AUDIT AND CONTROL, AS SOON AS PRACTICABLE AFTER THE FIRST OF APRIL, SHALL ASCERTAIN THE TOTAL AMOUNT OF ACTUAL EXPENSES.

S 30. Subdivision 6 of section 3 of the volunteer ambulance workers' benefit law is amended to read as follows:

6. "Surviving spouse" means the legal [wife of a deceased male volunteer ambulance worker or the legal husband of a deceased female] SPOUSE OF A DECEASED volunteer ambulance worker[, as the case may be], but shall not include a spouse who has abandoned the deceased. The term "abandoned", as used in this subdivision, means such an abandonment as would be sufficient under section two hundred of the domestic relations law to sustain a judgment of separation on that ground.

S 31. Section 60 of the volunteer ambulance workers' benefit law is REPEALED and a new section 60 is added to read as follows:

S 60. ASSESSMENT FOR EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES NECESSARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE PROVISIONS OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT 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 THE WORKERS' COMPENSATION LAW.

2. ANNUALLY, THE CHAIR OF THE DEPARTMENT OF AUDIT AND CONTROL, AS SOON AS PRACTICABLE AFTER THE FIRST OF APRIL, SHALL ASCERTAIN THE TOTAL AMOUNT OF ACTUAL EXPENSES.

S 32. Section 50 of the workers' compensation law is amended by adding a new subdivision 12 to read as follows:

12. THE CHAIR, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, MAY REQUEST THE ISSUANCE OF BONDS BY THE DORMITORY AUTHORITY FOR ONE OR MORE OF THE PURPOSES AUTHORIZED BY SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW AND BY A SELF-INSURED BOND FINANCING AGREEMENT AUTHORIZED BY SECTION FIFTY-C OF THIS ARTICLE. THE NET PROCEEDS OF SUCH BONDS SHALL BE DEPOSITED INTO THE SELF-INSURER OFFSET FUND OR AS OTHERWISE PROVIDED BY THE APPLICABLE SELF-INSURED BOND FINANCING AGREEMENT.

S 33. Subdivision 4 of section 50-a of the workers' compensation law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. TO THE EXTENT PROVIDED BY THE SELF-INSURER BOND FINANCING AGREEMENT THE CHAIR MAY REQUEST THE DORMITORY AUTHORITY TO TRANSFER BOND PROCEEDS INTO SUCH ACCOUNT FOR THE PURPOSES OUTLINED IN THE BOND FINANCING AGREEMENT.

S 34. The workers' compensation law is amended by adding a new section 50-c to read as follows:

S 50-C. SELF-INSURED BONDS. 1. THE CHAIR, WITH THE COMMISSIONER OF TAXATION AND FINANCE, IS AUTHORIZED TO ENTER INTO A FINANCING AGREEMENT WITH THE DORMITORY AUTHORITY, TO BE KNOWN AS THE "SELF-INSURED BOND FINANCING AGREEMENT". SUCH AGREEMENT SHALL SET FORTH THE PROCESS FOR CALCULATING THE ANNUAL DEBT SERVICE OF BONDS ISSUED BY THE DORMITORY AUTHORITY AND ANY OTHER ASSOCIATED COSTS IN CONNECTION WITH THE SELF-INSURER OFFSET FUND, AS SET FORTH IN SECTION SIXTEEN HUNDRED EIGHTY-Q 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 SELF-INSURED BOND 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 ASSESSMENTS FOR THE DEBT SERVICE PORTION OF THE ASSESSMENT PROVIDED FOR UNDER THIS CHAPTER. ALL MONIES RECEIVED ON ACCOUNT OF SUCH ASSESSMENTS SHALL BE APPLIED IN ACCORDANCE WITH THIS CHAPTER AND WITH THE SELF-INSURED BOND 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 AUTHORITY 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 BONDHOLDERS. THE SELF-INSURED BOND FINANCING AGREEMENT MAY RESTRICT DISBURSEMENTS, INVESTMENTS, OR REBATES, AND MAY PRESCRIBE A SYSTEM OF ACCOUNTS APPLICABLE TO THE SELF-INSURER OFFSET FUND AS CONSISTENT WITH THE PROVISIONS OF THIS CHAPTER GOVERNING SUCH FUND, INCLUDING CUSTODY OF FUNDS AND ACCOUNTS WITH A TRUSTEE THAT MAY BE PRESCRIBED BY THE DORMITORY 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.

2. THE CHAIR IS HEREBY AUTHORIZED TO RECEIVE AND CREDIT TO THE SELF-INSURER OFFSET FUND ANY SUM OR SUMS THAT MAY AT ANY TIME BE CONTRIBUTED TO THE STATE BY THE UNITED STATES OF AMERICA UNDER ANY ACT OF CONGRESS, OR OTHERWISE, TO WHICH THE STATE MAY BE OR BECOME ENTITLED BY REASON OF ANY PAYMENTS MADE OUT OF SUCH FUND.

3. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE CHAIR SHALL BE THE CUSTODIAN OF THE SELF-INSURER OFFSET FUND AND, UNLESS OTHERWISE PROVIDED FOR IN THE SELF-INSURED BOND FINANCING AGREEMENT, THE COMMISSIONER OF TAXATION AND FINANCE SHALL INVEST ANY SURPLUS OR RESERVE MONEYS 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 AS PROVIDED BY THIS SUBDIVISION SHALL BE MADE BY THE COMMISSIONER OF TAXATION AND FINANCE UNLESS THE SELF-INSURED BOND 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 SOON AS PRACTICABLE AFTER JANUARY FIRST OF EACH YEAR, SHALL FURNISH TO THE CHAIR A STATEMENT OF THE FUND, SETTING FORTH THE BALANCE OF MONEYS IN THE SAID FUND AS OF THE BEGINNING OF THE CALENDAR YEAR, THE INCOME OF THE FUND, THE SUMMARY OF PAYMENTS OUT OF THE FUND ON ACCOUNT OF REIMBURSEMENTS AND OTHER CHARGES ORDERED TO BE PAID BY THE BOARD, AND ALL OTHER CHARGES AGAINST THE FUND AND SETTING FORTH THE BALANCE OF THE FUND REMAINING TO ITS CREDIT ON THE PRIOR DECEMBER THIRTY-FIRST OF EACH YEAR. SUCH STATEMENT SHALL BE OPEN TO PUBLIC INSPECTION IN THE OFFICE OF THE SECRETARY OF THE BOARD. THE CHAIR SHALL INCLUDE IN THE REPORTS TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AS REQUIRED BY SECTION NINE OF PART G OF CHAPTER FIFTY-SEVEN OF THE LAWS OF TWO THOUSAND ELEVEN, A SUMMARY OF THE STATUS OF THE BONDING PROGRAM AUTHORIZED BY THIS SECTION. THE COMMISSIONER OF TAXATION AND FINANCE MAY ESTABLISH WITHIN THE SELF-INSURER OFFSET FUND 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 SELF-INSURED BOND FINANCING AGREEMENT AND OF THIS CHAPTER.

S 35. The public authorities law is amended by adding a new section 1680-q to read as follows:

S 1680-Q. SELF-INSURED BOND 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 SECTION FIFTY-C 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 COSTS" MEANS ALL COSTS OF ISSUANCE, CAPITALIZED INTEREST, CAPITALIZED OPERATING EXPENSES OF THE AUTHORITY AND, PURSUANT TO THE SELF-INSURED BOND FINANCING AGREEMENT, 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.

(K) "INVESTMENT SECURITIES" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION ONE THOUSAND SIX HUNDRED EIGHTY-L OF THIS TITLE.

(L) "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.

(M) "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 SELF-INSURED BOND FINANCING AGREEMENT.

(N) "OPERATING EXPENSES" MEANS THE REASONABLE OR NECESSARY OPERATING 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 ACTIVITIES OF THE AUTHORITY, AND PROFESSIONAL CONSULTANTS AND FIDUCIARIES.

(O) "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.

(P) "PLEDGED ASSESSMENTS REVENUES", "PLEDGED REVENUES" OR "PLEDGED ASSESSMENTS" MEANS RECEIPTS OF THE ASSESSMENTS 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 SAME.

(Q) "SELF-INSURER OFFSET FUND" SHALL MEAN THE FUND COMPOSED OF REVENUES, INCLUDING THOSE OBTAINED BY THE BONDS ISSUED UNDER THIS SECTION,

WHICH SHALL BE USED SOLELY FOR THE PURPOSES DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION.

(R) "SELF-INSURED EMPLOYER" MEANS INDIVIDUAL AND GROUP SELF-INSURED EMPLOYERS ESTABLISHED IN ACCORDANCE WITH SECTION FIFTY OF THE WORKERS' COMPENSATION LAW.

(S) "STATE" MEANS THE STATE OF NEW YORK.

(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, MAY BE AMENDED.

2. THE AUTHORITY IS HEREBY AUTHORIZED TO ISSUE BONDS TO REDUCE ASSESSMENTS IMPOSED ON SELF-INSURED EMPLOYERS UNDER SECTION FIFTY OF THE WORKERS' 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 AUTHORITIES 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. THE PROVISIONS OF THIS SECTION SHALL APPLY SOLELY TO OBLIGATIONS AUTHORIZED BY THIS SECTION.

3. IT IS FOUND AND DECLARED THAT UNFUNDED CLAIMS IN EITHER THE INDIVIDUAL OR GROUP SELF-INSURANCE TRUST PROGRAM WILL, ABSENT PROVISION FOR LONG-TERM FINANCING, RESULT IN IMPOSITION OF COSTS ON ALL SELF-INSURERS THROUGH ASSESSMENTS; THAT SUCH UNFUNDED CLAIMS AND ASSESSMENTS MAY HAVE A 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 CLAIMS; THAT FINANCING WILL ALLOW THE WORKERS' COMPENSATION BOARD TO PURCHASE ONE OR MORE ASSUMPTIONS OF WORKERS' COMPENSATION LIABILITY POLICIES THAT WILL LIMIT THE LONG TERM LOSSES FROM THESE UNFUNDED CLAIMS; THAT THE BONDS WILL PROVIDE A MORE EFFICIENT MEANS OF COVERING UNFUNDED CLAIMS THAN THE CURRENT SYSTEM OF ASSESSMENT ON ALL SELF-INSUREDS; THAT BONDS ISSUED BY THE AUTHORITY AND SECURED BY ASSESSMENTS LEVIED, FOR THE GOVERNMENTAL PURPOSE OF FUNDING ASSUMPTION OF WORKERS' COMPENSATION LIABILITY POLICIES, AMORTIZED OVER A SUBSTANTIAL PERIOD WOULD ALLOW THE STATE TO LIMIT 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 AND THE ABILITY OF NOT-FOR-PROFIT CORPORATIONS TO PERFORM ESSENTIAL SERVICES WHILE COMPENSATING INJURED WORKERS; THAT ALL COSTS OF THE AUTHORITY IN RELATION TO THIS SECTION SHALL BE PAID FROM ASSESSMENTS PROVIDED FOR IN 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 FOR 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 CONSULTATION WITH THE DIRECTOR OF THE BUDGET 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 ASSESSMENTS AND ENFORCEMENT OF THE ASSESSMENTS, THE APPLICATION 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 SELF-INSURED BOND FINANCING AGREEMENT AND THIS SECTION. THE SELF-INSURED BOND FINANCING AGREEMENT SHALL PROVIDE FOR THE APPLICATION OF THE NET BOND PROCEEDS, AND SUCH BOND PROCEEDS SHALL BE USED, FOR ANY OF THE FOLLOWING PURPOSES: (I) TO PAY UNMET COMPENSATION OR BENEFITS OF INDIVIDUAL AND GROUP SELF-INSURED EMPLOYERS; (II) TO PURCHASE ONE OR MORE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY POLICIES TO DISCHARGE THE LIABILITIES INCURRED OR TO BE INCURRED UNDER SUBDIVISION THREE OR THREE-A OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW; OR (III) TO PAY FINANCING COSTS OF THE BONDS ISSUED UNDER THIS SECTION. 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 SELF-INSURED BOND FINANCING AGREEMENT OR OTHERWISE IN A TAX REGULATORY AGREEMENT AS NECESSARY OR DESIRABLE TO ASSURE THAT THEY ARE EXEMPT FROM TAXATION.

5. (A) (I) THE AUTHORITY SHALL HAVE POWER AND IS HEREBY AUTHORIZED TO ISSUE ITS BONDS AT SUCH TIMES AND IN SUCH AGGREGATE PRINCIPAL AMOUNTS NOT TO EXCEED AN AMOUNT TO BE DETERMINED BY THE CHAIR AS NECESSARY TO FUND THE PURPOSES OF THIS SECTION, BUT IN NO CASE EXCEEDING NINE HUNDRED MILLION DOLLARS EXCLUSIVE OF ANY BONDS ISSUED TO REFUND BONDS PREVIOUSLY ISSUED PURSUANT TO THIS CHAPTER AND ANY BONDS ISSUED TO FUND ANY RESERVE FUNDS COST OF ISSUANCE OR ORIGINAL ISSUE PREMIUM. THE BONDS SHALL BE ISSUED FOR THE FOLLOWING CORPORATE PURPOSES: (A) TO PAY CURRENT UNMET COMPENSATION OR BENEFITS OF INDIVIDUAL AND GROUP SELF-INSURED EMPLOYERS; (B) TO PURCHASE ONE OR MORE ASSUMPTIONS OF WORKERS' COMPENSATION LIABILITY POLICIES TO DISCHARGE THE LIABILITIES INCURRED OR TO BE INCURRED UNDER SUBDIVISION THREE OR THREE-A OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW; OR (C) TO PAY FINANCING COSTS OF THE BONDS ISSUED UNDER THIS SECTION.

(II) EACH ISSUANCE OF BONDS SHALL BE AUTHORIZED BY A RESOLUTION OF THE AUTHORITY, PROVIDED, HOWEVER, THAT ANY SUCH RESOLUTION 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 SELF-INSURER OFFSET FUND 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 SUCH FUNDS 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 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.

(B) THE BONDS OF THE AUTHORITY OF EACH ISSUE SHALL BE DATED, SHALL BEAR INTEREST (WHICH, IN THE OPINION OF BOND COUNSEL TO THE AUTHORITY, MAY BE INCLUDABLE IN OR EXCLUDABLE FROM THE GROSS INCOME OF THE OWNERS FOR FEDERAL INCOME TAX PURPOSES) AT SUCH FIXED OR VARIABLE RATES, PAYABLE AT OR PRIOR TO MATURITY, AND SHALL MATURE AT SUCH TIME OR TIMES, AS MAY BE DETERMINED BY THE AUTHORITY AND MAY BE MADE REDEEMABLE BEFORE MATURITY, AT THE OPTION OF THE AUTHORITY, AT SUCH PRICE OR PRICES AND UNDER SUCH TERMS AND CONDITIONS AS MAY BE FIXED BY THE AUTHORITY. THE PRINCIPAL AND INTEREST OF SUCH BONDS MAY BE MADE PAYABLE IN ANY LAWFUL MEDIUM. THE RESOLUTION OR THE CERTIFICATE OF THE AUTHORIZED OFFICER SHALL DETERMINE THE FORM OF THE BONDS, EITHER REGISTERED OR BOOK-ENTRY FORM, AND THE MANNER OF EXECUTION OF THE BONDS AND SHALL FIX THE DENOMINATION OR DENOMINATIONS OF THE BONDS AND THE PLACE OR PLACES OF PAYMENT OF PRINCIPAL AND INTEREST THEREOF, WHICH MAY BE AT ANY BANK OR TRUST COMPANY WITHIN OR OUTSIDE THE STATE. IF ANY OFFICER WHOSE SIGNATURE OR A FACSIMILE THEREOF APPEARS ON ANY BONDS SHALL CEASE TO BE SUCH OFFICER BEFORE THE DELIVERY OF SUCH BONDS, SUCH SIGNATURE OR FACSIMILE SHALL NEVERTHELESS BE VALID AND SUFFICIENT FOR ALL PURPOSES THE SAME AS IF SUCH OFFICER HAD REMAINED IN OFFICE UNTIL SUCH DELIVERY. THE AUTHORITY MAY ALSO PROVIDE FOR TEMPORARY BONDS AND FOR THE REPLACEMENT OF ANY BOND THAT SHALL BECOME MUTILATED OR SHALL BE DESTROYED OR LOST.

(C) THE AUTHORITY MAY SELL SUCH BONDS, 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 WITHOUT ANY OTHER APPROVALS, FILINGS, PROCEEDINGS OR THE HAPPENING OF ANY OTHER CONDITIONS OTHER THAN ANY APPROVALS, FINDINGS, PROCEEDINGS, OR OTHER CONDITIONS THAT ARE SPECIFIED AND EXPRESSLY REQUIRED BY THIS SECTION; 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.

(D) ANY PLEDGE MADE BY THE AUTHORITY SHALL BE VALID AND BINDING AT THE TIME THE PLEDGE IS MADE. THE ASSETS, PROPERTY, REVENUES, RESERVES OR EARNINGS SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY PHYSICAL DELIVERY THEREOF OR FURTHER ACT AND THE LIEN OF ANY SUCH PLEDGE SHALL BE VALID AND BINDING AS AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND AGAINST THE AUTHORITY, IRRESPECTIVE OF WHETHER SUCH PARTIES HAVE NOTICE THEREOF. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NEITHER THE BOND RESOLUTION NOR ANY INDENTURE OR OTHER INSTRUMENT, INCLUDING THE FINANCING AGREEMENT, BY WHICH A PLEDGE IS CREATED OR BY WHICH THE AUTHORITY'S INTEREST IN PLEDGED ASSETS, PROPERTY, REVENUES, RESERVES OR EARNINGS THEREON IS ASSIGNED NEED BE FILED, PERFECTED OR RECORDED IN ANY PUBLIC RECORDS IN ORDER TO PROTECT THE PLEDGE THEREOF OR PERFECT THE LIEN THEREOF AS AGAINST THIRD PARTIES, EXCEPT THAT A COPY THEREOF SHALL BE FILED IN THE RECORDS OF THE AUTHORITY.

(E) WHETHER OR NOT THE BONDS OF THE AUTHORITY ARE OF SUCH FORM AND CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER THE TERMS OF THE UNIFORM COMMERCIAL CODE, THE BONDS ARE HEREBY MADE NEGOTIABLE INSTRUMENTS FOR ALL PURPOSES, SUBJECT ONLY TO THE PROVISIONS OF THE BONDS FOR REGISTRATION.

(F) AT THE SOLE DISCRETION OF THE AUTHORITY, ANY BONDS ISSUED BY THE AUTHORITY AND ANY ANCILLARY BOND FACILITY MADE UNDER THE PROVISIONS OF THIS SUBDIVISION MAY BE SECURED BY A RESOLUTION OR TRUST INDENTURE BY AND BETWEEN THE AUTHORITY AND THE TRUST INDENTURE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING THE POWERS OF A TRUST COMPANY, WHETHER LOCATED WITHIN OR OUTSIDE THE STATE, PROVIDED IT IS CARRIED OUT IN ACCORDANCE WITH SECTION SIXTY-NINE-D OF THE STATE FINANCE LAW. SUCH TRUST INDENTURE OR RESOLUTION PROVIDING FOR THE ISSUANCE OF SUCH BONDS MAY PROVIDE FOR THE CREATION AND MAINTENANCE OF SUCH RESERVES AS THE AUTHORITY SHALL DETERMINE TO BE PROPER AND MAY INCLUDE COVENANTS SETTING FORTH THE DUTIES OF THE AUTHORITY IN RELATION TO THE BONDS, OR THE FINANCING AGREEMENT. SUCH TRUST INDENTURE OR RESOLUTION MAY CONTAIN PROVISIONS: (I) RESPECTING THE CUSTODY, SAFE-GUARDING AND APPLICATION OF ALL MONEYS AND SECURITIES; (II) PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES (PURSUANT TO THE TRUST INDENTURE AND THE FINANCING AGREEMENT) OF THE OWNERS OF THE BONDS AND ANY OTHER BENEFITED PARTY AS MAY BE REASONABLE AND PROPER AND NOT IN VIOLATION OF LAW; (III) CONCERNING THE RIGHTS, POWERS AND DUTIES OF THE TRUSTEE APPOINTED BY BONDHOLDERS PURSUANT TO PARAGRAPH (G) OF THIS SUBDIVISION; OR (IV) LIMITING OR ABROGATING THE RIGHT OF THE BONDHOLDERS TO APPOINT A TRUSTEE. IT SHALL BE LAWFUL FOR ANY BANK OR TRUST COMPANY WHICH MAY ACT AS DEPOSITORY OF THE PROCEEDS OF BONDS OR OF ANY OTHER FUNDS OR OBLIGATIONS RECEIVED ON BEHALF OF THE AUTHORITY TO FURNISH SUCH INDEMNIFYING BONDS OR TO PLEDGE SUCH SECURITIES AS MAY BE REQUIRED BY THE AUTHORITY. ANY SUCH TRUST INDENTURE OR RESOLUTION MAY CONTAIN SUCH OTHER PROVISIONS AS THE AUTHORITY MAY DEEM REASONABLE AND PROPER FOR PRIORITIES AND SUBORDINATION AMONG THE OWNERS OF THE BONDS AND OTHER BENEFICIARIES. FOR PURPOSES OF THIS SECTION, A "RESOLUTION" OF THE AUTHORITY SHALL INCLUDE ANY TRUST INDENTURE AUTHORIZED THEREBY.

(G) THE AUTHORITY MAY ENTER INTO, AMEND OR TERMINATE, AS IT DETERMINES TO BE NECESSARY OR APPROPRIATE, ANY ANCILLARY BOND FACILITY IN 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 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 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.

(H) THE AUTHORITY, SUBJECT TO SUCH AGREEMENTS WITH BONDHOLDERS AS MAY THEN EXIST (INCLUDING PROVISIONS WHICH RESTRICT THE POWER OF THE AUTHORITY TO PURCHASE BONDS), OR WITH THE PROVIDERS OF ANY APPLICABLE ANCILLARY BOND FACILITY, SHALL HAVE THE POWER OUT OF ANY FUNDS AVAILABLE THEREFOR TO PURCHASE BONDS OF THE AUTHORITY, WHICH MAY OR MAY NOT THEREUPON BE CANCELLED, AT A PRICE NOT SUBSTANTIALLY EXCEEDING:

(I) IF THE BONDS ARE THEN REDEEMABLE, THE REDEMPTION PRICE THEN APPLICABLE, INCLUDING ANY ACCRUED INTEREST; OR

(II) IF THE BONDS ARE NOT THEN REDEEMABLE, THE REDEMPTION PRICE AND ACCRUED INTEREST APPLICABLE ON THE FIRST DATE AFTER SUCH PURCHASE UPON WHICH THE BONDS BECOME SUBJECT TO REDEMPTION.

(I) NEITHER THE MEMBERS OF THE AUTHORITY NOR ANY OTHER PERSON EXECUTING THE BONDS OR AN ANCILLARY BOND FACILITY OF THE AUTHORITY SHALL BE SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE OR EXECUTION AND DELIVERY THEREOF.

(J) THE MATURITIES OF THE BONDS SHALL NOT EXCEED THIRTY YEARS FROM THEIR RESPECTIVE ISSUANCE.

6. NEITHER ANY BOND ISSUED PURSUANT TO THIS SECTION NOR ANY ANCILLARY BOND FACILITY OF THE AUTHORITY SHALL CONSTITUTE A DEBT OR MORAL OBLIGATION OF THE STATE OR A STATE SUPPORTED OBLIGATION WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OR OF THE TAXING POWER OF THE STATE, AND THE STATE SHALL NOT BE LIABLE TO MAKE ANY PAYMENTS THEREON NOR SHALL ANY BOND OR ANY ANCILLARY BOND FACILITY BE PAYABLE OUT OF ANY FUNDS OR ASSETS OTHER THAN PLEDGED REVENUES AND OTHER ASSETS OF THE AUTHORITY AND OTHER FUNDS AND ASSETS OF OR AVAILABLE TO THE AUTHORITY PLEDGED THEREFOR, AND THE BONDS AND ANY ANCILLARY BOND FACILITY OF THE AUTHORITY SHALL CONTAIN ON THE FACE THEREOF OR OTHER PROMINENT PLACE THEREON A STATEMENT TO THE FOREGOING EFFECT.

7. (A) SUBJECT TO THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION IN THE EVENT THAT THE AUTHORITY SHALL DEFAULT IN THE PAYMENT OF PRINCIPAL OF, OR INTEREST ON, OR SINKING FUND PAYMENT ON, ANY ISSUE OF BONDS AFTER THE SAME SHALL BECOME DUE, WHETHER AT MATURITY OR UPON CALL FOR REDEMPTION, OR IN THE EVENT THAT THE AUTHORITY OR THE STATE SHALL FAIL TO COMPLY WITH ANY AGREEMENT MADE WITH THE HOLDERS OF ANY ISSUE OF BONDS, THE HOLDERS OF TWENTY-FIVE PERCENT IN AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OF SUCH ISSUE THEN OUTSTANDING, BY INSTRUMENT OR INSTRUMENTS FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF ALBANY AND PROVED OR ACKNOWLEDGED IN THE SAME MANNER AS A DEED TO BE RECORDED, MAY APPOINT A TRUSTEE TO REPRESENT THE HOLDERS OF SUCH BONDS FOR THE PURPOSES HEREIN PROVIDED.

(B) SUCH TRUSTEE, MAY, AND UPON WRITTEN REQUEST OF THE HOLDERS OF TWENTY-FIVE PERCENT IN PRINCIPAL AMOUNT OF SUCH BONDS THEN OUTSTANDING SHALL, IN HIS OR ITS OWN NAME:

(I) BY SUIT, ACTION OR PROCEEDING IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES, ENFORCE ALL RIGHTS OF THE BONDHOLDERS, INCLUDING THE RIGHT TO REQUIRE THE AUTHORITY TO CARRY OUT ANY AGREEMENT WITH SUCH HOLDERS AND TO PERFORM ITS DUTIES UNDER THIS SECTION;

(II) BRING SUIT UPON SUCH BONDS;

(III) BY ACTION OR SUIT, REQUIRE THE AUTHORITY TO ACCOUNT AS IF IT WERE THE TRUSTEE OF AN EXPRESS TRUST FOR THE HOLDERS OF SUCH BONDS;

(IV) BY ACTION OR SUIT, ENJOIN ANY ACTS OR THINGS WHICH MAY BE UNLAWFUL OR IN VIOLATION OF THE RIGHTS OF THE HOLDERS OF SUCH BONDS; AND

(V) DECLARE ALL SUCH BONDS DUE AND PAYABLE, AND IF ALL DEFAULTS SHALL BE MADE GOOD, THEN, WITH THE CONSENT OF THE HOLDERS OF TWENTY-FIVE PERCENT OF THE PRINCIPAL AMOUNT OF SUCH BONDS THEN OUTSTANDING, ANNUL SUCH DECLARATION AND ITS CONSEQUENCES, PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL PRECLUDE THE AUTHORITY FROM AGREEING THAT CONSENT OF THE PROVIDER OF AN ANCILLARY BOND FACILITY IS REQUIRED FOR AN ACCELERATION OF RELATED BONDS IN THE EVENT OF A DEFAULT OTHER THAN A FAILURE TO PAY PRINCIPAL OF OR INTEREST ON THE BONDS WHEN DUE.

(C) THE SUPREME COURT SHALL HAVE JURISDICTION OF ANY SUIT, ACTION OR PROCEEDING BY THE TRUSTEE ON BEHALF OF SUCH BONDHOLDERS. THE VENUE OF ANY SUCH SUIT, ACTION OR PROCEEDING SHALL BE LAID IN THE COUNTY OF ALBANY.

(D) BEFORE DECLARING THE PRINCIPAL OF BONDS DUE AND PAYABLE, THE TRUSTEE SHALL FIRST GIVE THIRTY DAYS NOTICE IN WRITING TO THE AUTHORITY.

8. ALL MONIES OF THE AUTHORITY FROM WHATEVER SOURCE DERIVED 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 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.

9. (A) IT IS HEREBY DETERMINED THAT THE CARRYING OUT BY THE AUTHORITY OF ITS CORPORATE PURPOSES UNDER THIS SECTION ARE IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND ARE PUBLIC PURPOSES. ACCORDINGLY, THE AUTHORITY SHALL BE REGARDED AS PERFORMING AN ESSENTIAL GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY THIS SECTION. THE PROPERTY OF THE AUTHORITY, ITS INCOME AND ITS OPERATIONS SHALL BE EXEMPT FROM TAXATION, ASSESSMENTS, SPECIAL ASSESSMENTS AND AD VALOREM LEVIES. THE AUTHORITY SHALL NOT BE REQUIRED TO PAY ANY FEES, TAXES, SPECIAL AD VALOREM LEVIES OR ASSESSMENTS OF ANY KIND, WHETHER STATE OR LOCAL, INCLUDING, BUT NOT LIMITED TO, REAL PROPERTY TAXES, FRANCHISE TAXES, SALES TAXES OR OTHER TAXES, UPON OR WITH RESPECT TO ANY PROPERTY OWNED BY IT OR UNDER ITS JURISDICTION, CONTROL OR SUPERVISION, OR UPON THE USES THEREOF, OR UPON OR WITH RESPECT TO ITS ACTIVITIES OR OPERATIONS IN FURTHERANCE OF THE POWERS CONFERRED UPON IT BY

THIS SECTION, OR UPON OR WITH RESPECT TO ANY ASSESSMENTS, RATES, CHARGES, FEES, REVENUES OR OTHER INCOME RECEIVED BY THE AUTHORITY.

(B) ANY BONDS ISSUED PURSUANT TO THIS SECTION, THEIR TRANSFER AND THE INCOME THEREFROM SHALL, AT ALL TIMES, BE EXEMPT FROM TAXATION EXCEPT FOR ESTATE OR GIFT TAXES AND TAXES ON TRANSFERS.

(C) THE STATE HEREBY COVENANTS WITH THE PURCHASERS AND WITH ALL SUBSEQUENT HOLDERS AND TRANSFEREES OF BONDS ISSUED BY THE AUTHORITY PURSUANT TO THIS SECTION, IN CONSIDERATION OF THE ACCEPTANCE OF AND PAYMENT FOR THE BONDS, THAT THE BONDS OF THE AUTHORITY ISSUED PURSUANT TO THIS SECTION AND THE INCOME THEREFROM AND ALL ASSESSMENTS, REVENUES, MONEYS, AND OTHER PROPERTY RECEIVED BY THE AUTHORITY AND PLEDGED TO PAY OR TO SECURE THE PAYMENT OF SUCH BONDS SHALL AT ALL TIMES BE EXEMPT FROM TAXATION.

(D) IN THE CASE OF ANY BONDS OF THE AUTHORITY, INTEREST ON WHICH IS INTENDED TO BE EXEMPT FROM FEDERAL INCOME TAX, THE AUTHORITY SHALL PRESCRIBE RESTRICTIONS ON THE USE OF THE PROCEEDS THEREOF AND RELATED MATTERS ONLY AS ARE NECESSARY OR DESIRABLE TO ASSURE SUCH EXEMPTION, AND THE RECIPIENTS OF SUCH PROCEEDS SHALL BE BOUND THEREBY TO THE EXTENT SUCH RESTRICTIONS SHALL BE MADE APPLICABLE TO THEM. ANY SUCH RECIPIENT, INCLUDING, BUT NOT LIMITED TO, THE STATE, THE STATE INSURANCE FUND, A PUBLIC BENEFIT CORPORATION, AND A SCHOOL DISTRICT OR MUNICIPALITY IS AUTHORIZED TO EXECUTE A TAX REGULATORY AGREEMENT WITH THE AUTHORITY OR THE STATE, AS THE CASE MAY BE, AND THE EXECUTION OF SUCH AN AGREEMENT MAY BE TREATED BY THE AUTHORITY OR THE STATE AS A CONDITION TO RECEIVING ANY SUCH PROCEEDS.

10. (A) THE STATE, SOLELY WITH RESPECT TO THE RESOURCES OF THE SELF-INSURER OFFSET FUND AND AS SET FORTH IN THE SELF-INSURED BOND 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 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 FOR THE PAYMENT OF DEBT SERVICE REQUIREMENTS IN EACH YEAR IN WHICH BONDS ARE OUTSTANDING; AND

(III) THAT THE STATE, SUBSEQUENT TO THE ISSUANCE OF BONDS UNDER THIS SECTION:

(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 SELF-INSURED BOND FINANCING AGREEMENT AND THE BOND PROCEEDINGS AUTHORIZING THE ISSUANCE OF BONDS WITH RESPECT TO APPLICATION OF PLEDGED ASSESSMENTS 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 SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION FIVE OF SECTION FIFTY 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' 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 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 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.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION:

(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 SUBDIVISION 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.

(C) 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 SELF-INSURED BOND FUND, WITHOUT LIMITATION.

(D) PRIOR TO THE DATE WHICH IS ONE YEAR AND ONE DAY AFTER THE AUTHORITY NO LONGER HAS ANY BONDS ISSUED PURSUANT TO THIS SECTION OUTSTANDING, THE AUTHORITY SHALL HAVE NO AUTHORITY TO FILE A VOLUNTARY PETITION UNDER CHAPTER NINE OF THE FEDERAL BANKRUPTCY CODE OR SUCH CORRESPONDING CHAPTER OR SECTIONS AS MAY BE IN EFFECT, AND NEITHER ANY PUBLIC OFFICER NOR ANY ORGANIZATION, ENTITY OR OTHER PERSON SHALL AUTHORIZE THE AUTHORITY TO BE OR BECOME A DEBTOR UNDER CHAPTER NINE OR ANY SUCCESSOR OR CORRESPONDING CHAPTER OR SECTIONS DURING SUCH PERIOD. THE STATE HEREBY COVEN-

ANTS WITH THE OWNERS OF THE BONDS OF THE AUTHORITY THAT THE STATE WILL NOT LIMIT OR ALTER THE DENIAL OF AUTHORITY UNDER THIS SUBDIVISION DURING THE PERIOD REFERRED TO IN THE PRECEDING SENTENCE. 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.

(E) TO THE EXTENT DEEMED APPROPRIATE BY THE AUTHORITY ANY PLEDGE AND AGREEMENT OF THE STATE WITH RESPECT TO THE BONDS AS PROVIDED IN THIS SECTION MAY BE EXTENDED TO, AND INCLUDED IN, ANY ANCILLARY BOND FACILITY AS A PLEDGE AND AGREEMENT OF THE STATE WITH THE AUTHORITY AND THE BENEFITED PARTY.

11. THE BONDS OF THE AUTHORITY ARE HEREBY MADE SECURITIES IN WHICH ALL PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES AND POLITICAL SUBDIVISIONS, ALL INSURANCE COMPANIES AND ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS, ALL BANKS, BANKERS, TRUST COMPANIES, SAVINGS BANKS AND SAVINGS ASSOCIATIONS, INCLUDING SAVINGS AND LOAN ASSOCIATIONS, BUILDING AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING ON A BANKING BUSINESS, ALL ADMINISTRATORS, GUARDIANS, EXECUTORS, TRUSTEES AND OTHER FIDUCIARIES, AND ALL OTHER PERSONS WHATSOEVER WHO ARE NOW OR MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS OR IN OTHER OBLIGATIONS OF THE STATE, MAY PROPERLY AND LEGALLY INVEST FUNDS, INCLUDING CAPITAL, IN THEIR CONTROL OR BELONGING TO THEM. THE BONDS ARE ALSO HEREBY MADE SECURITIES WHICH MAY BE DEPOSITED WITH AND MAY BE RECEIVED BY ALL PUBLIC OFFICERS AND BODIES OF THE STATE AND ALL MUNICIPALITIES, POLITICAL SUBDIVISIONS AND PUBLIC CORPORATIONS FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE AUTHORIZED.

12. (A) AN ACTION AGAINST THE AUTHORITY FOR DEATH, PERSONAL INJURY OR PROPERTY DAMAGE OR FOUNDED ON TORT SHALL NOT BE COMMENCED MORE THAN ONE YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREOF SHALL HAVE ACCRUED NOR UNLESS A NOTICE OF CLAIM SHALL HAVE BEEN SERVED ON A MEMBER OF THE AUTHORITY OR OFFICER OR EMPLOYEE THEREOF DESIGNATED BY THE AUTHORITY FOR SUCH PURPOSE, WITHIN THE TIME LIMITED BY, AND IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW.

(B) THE VENUE OF EVERY ACTION, SUIT OR SPECIAL PROCEEDING BROUGHT AGAINST THE AUTHORITY OR CONCERNING THE VALIDITY OF THIS SECTION SHALL BE LAID IN THE COUNTY OF ALBANY.

(C) THE BONDS, AND ANY OBLIGATION OF THE AUTHORITY UNDER ANY ANCILLARY BOND FACILITY, MAY CONTAIN A RECITAL THAT THEY ARE ISSUED OR EXECUTED, RESPECTIVELY, PURSUANT TO THIS SECTION, WHICH RECITAL SHALL BE CONCLUSIVE EVIDENCE OF THE VALIDITY OF THE BONDS AND ANY SUCH OBLIGATION, RESPECTIVELY, AND THE REGULARITY OF THE PROCEEDINGS OF THE AUTHORITY RELATING THERETO.

13. ANY ACTION OR PROCEEDING TO WHICH THE AUTHORITY OR THE PEOPLE OF THE STATE MAY BE PARTIES, IN WHICH ANY QUESTION ARISES AS TO THE VALIDITY OF THIS SECTION, SHALL BE PREFERRED OVER ALL OTHER CIVIL CAUSES OF ACTION OR CASES, EXCEPT ELECTION CAUSES OF ACTION OR CASES, IN ALL COURTS OF THE STATE AND SHALL BE HEARD AND DETERMINED IN PREFERENCE TO ALL OTHER CIVIL BUSINESS PENDING THEREIN, EXCEPT ELECTION CAUSES, IRRESPECTIVE OF POSITION ON THE CALENDAR. THE SAME PREFERENCE SHALL BE GRANTED UPON APPLICATION OF THE AUTHORITY OR ITS COUNSEL IN ANY ACTION OR PROCEEDING QUESTIONING THE VALIDITY OF THIS SECTION IN WHICH THE AUTHORITY MAY BE ALLOWED TO INTERVENE.

14. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO FUNDS OF THE SELF-INSURER OFFSET FUND MAY BE USED FOR ANY PURPOSE OTHER THAN THOSE SET FORTH IN THIS SECTION AND SECTION FIFTY-A OF THE WORKERS' COMPENSATION LAW.

S 36. Subdivision 1 of section 17 of the public officers law is amended by adding a new paragraph (x) to read as follows:

(X) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE THE MEMBERS OF THE BOARD, OFFICERS AND EMPLOYEES OF THE DORMITORY AUTHORITY FOR PURPOSES OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW.

S 37. This act shall take effect immediately, provided, however that section ten of this act shall take effect on the ninetieth day after it shall have become a law, and section fourteen of this act shall take effect on the thirtieth day after it shall have become a law.

PART P

Section 1. Subdivision 6 of section 163 of the state finance law, as amended by chapter 173 of the laws of 2010, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to article fifteen-A of the executive law, or commodities or technology that are recycled or remanufactured, OR COMMODITIES THAT ARE FOOD GROWN, PRODUCED OR HARVESTED IN NEW YORK STATE OR FOOD MANUFACTURED OR PROCESSED INTO FOOD PRODUCTS IN FACILITIES LOCATED WITHIN NEW YORK STATE in an amount not exceeding two hundred thousand dollars without a formal competitive process.

S 2. This act shall take effect immediately; provided, however, that the amendments to section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART Q

Section 1. Subdivisions 1, 2, 3 and 6 of section 29-h of the executive law, as added by section 10-a of part B of chapter 56 of the laws of 2010, paragraph c of subdivision 2 as amended by section 8 and paragraph a of subdivision 6 as amended by section 9 of part G of chapter 55 of the laws of 2012, are amended to read as follows:

1. Creation. There is hereby created the intrastate mutual aid program to complement existing mutual aid agreements in the event of a disaster that results in a formal declaration of an emergency by a participating local government. All local governments within the state, excepting those which affirmatively choose not to participate in accordance with subdivision four of this section, are deemed to be participants in the program; PROVIDED, HOWEVER, WITH RESPECT TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, SUCH PARTICIPATION SHALL BE LIMITED TO THE SHARING OF FACILITIES MANAGEMENT AND ADMINISTRATIVE PERSONNEL AND EQUIPMENT.

2. Definitions. As used in this section, the following terms shall have the following meanings:

a. "Employee" means any person holding a position by election, appointment, or employment by a local government;

b. "Local government" means any county, city, town [or], village, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES of the state;

c. "Local emergency management director" means the local government official responsible for emergency preparedness, response and recovery;

d. "Requesting local government" means the local government that asks another local government for assistance during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise;

e. "Assisting local government" means one or more local governments that provide assistance pursuant to a request for assistance from a requesting local government during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise; [and]

f. "Disaster" shall have the same meaning as in section twenty of this article;

G. "SCHOOL DISTRICT" SHALL HAVE THE SAME MEANING AS IN TITLE TWO OF THE EDUCATION LAW, INCLUDING ANY PUBLIC SCHOOL DISTRICT AND ANY SPECIAL ACT SCHOOL DISTRICT AS DEFINED IN SECTION FOUR THOUSAND ONE OF THE EDUCATION LAW; AND

H. "BOARD OF COOPERATIVE EDUCATIONAL SERVICES" SHALL HAVE THE SAME MEANING AS IN SECTION NINETEEN HUNDRED FIFTY OF THE EDUCATION LAW.

3. Intrastate mutual aid program committee established; meetings; powers and duties. a. There is hereby created within the disaster preparedness commission an intrastate mutual aid program committee, for purposes of this section to be referred to as the committee, which shall be chaired by the commissioner of the division of homeland security and emergency services, and shall include the state fire administrator, the commissioner of health, THE COMMISSIONER OF EDUCATION and the commissioner of agriculture and markets, provided that each such official may appoint a designee to serve in his or her place on the committee. The committee shall also include five representatives from local public safety or emergency response agencies AND ONE REPRESENTATIVE FROM A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES. SUCH REPRESENTATIVES, who shall serve a maximum two-year term, [to be] SHALL BE appointed by the commissioner of the division of homeland security and emergency services, with regard to a balance of geographic representation and discipline expertise.

b. The committee, on the call of the chairperson, shall meet at least twice each year and at such other times as may be necessary. The agenda and meeting place of all regular meetings shall be made available to the public in advance of such meetings and all such meetings shall be open to the public.

c. The committee shall have the following powers and responsibilities:

(1) to promulgate rules and regulations, acting through the division of homeland security and emergency services, to implement the intrastate mutual aid program as described in this section;

(2) to develop policies, procedures and guidelines associated with the program, including a process for the reimbursement of assisting local governments by requesting local governments;

(3) to evaluate the use of the intrastate mutual aid program;

(4) to examine issues facing participating local governments regarding the implementation of the intrastate mutual aid program; and

(5) to prepare reports to the disaster preparedness commission discussing the effectiveness of mutual aid in the state and making recommendations for improving the efficacy of the system, if appropriate.

6. Requesting assistance under the intrastate mutual aid program. a. [A] SUBJECT TO THE RESTRICTIONS ON SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES SET FORTH IN SUBDIVISION ONE OF THIS SECTION, A participating local government may request assistance of other participating local governments in preventing, mitigating, responding to and recovering from disasters that result in locally-declared emergencies, or for the purpose of conducting multi-jurisdictional or regional training, drills or exercises. Requests for assistance may be made verbally or in writing; verbal requests shall be memorialized in writing as soon thereafter as is practicable. Notwithstanding the provisions of section twenty-five of this article, the local emergency management director shall have the authority to request and accept assistance and deploy the local resources of his or her jurisdiction under the intrastate mutual aid program.

b. Once an emergency is declared at the county level, all requests and offers for assistance, to the extent practical, shall be made through the county emergency management office, or in the case of the city of New York, through the city emergency management office. All requests for assistance should include:

(1) a description of the disaster;

(2) a description of the assistance needed;

(3) a description of the mission for which assistance is requested;

(4) an estimate of the length of time the assistance will be needed;

(5) the specific place and time for staging of the assistance and a point of contact at that location; and

(6) any other information that will enable an assisting local government to respond appropriately to the request.

c. Assisting local governments shall submit to the requesting local government an inventory of the resources being deployed.

d. The written request for assistance and all inventories of resources being deployed shall be submitted to the division of homeland security and emergency services within three calendar days of the request for or deployment of such resources.

S 2. This act shall take effect immediately.

PART R

Section 1. Section 73 of the public officers law is amended by adding a new subdivision 8-c to read as follows:

8-C. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF SUBDIVISION EIGHT OF THIS SECTION, A FORMER STATE OFFICER OR EMPLOYEE WHO, PRIOR TO HIS OR HER SEPARATION FROM STATE SERVICE, WAS EMPLOYED PERFORMING DIRECT CARE, CLINICAL CARE, CASE MANAGEMENT, SERVICE COORDINATION OR OTHER RELATED SUPPORT DUTIES TO INDIVIDUALS, IS NOT BARRED FROM RENDERING SUCH SERVICES IN THE FUTURE TO INDIVIDUALS WHO WERE RECEIVING THOSE SERVICES FROM SUCH EMPLOYEE PRIOR TO LEAVING STATE SERVICE.

S 2. This act shall take effect immediately.

PART S

Section 1. Subdivision (a) of section 3 of part F of chapter 56 of the laws of 2011, relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, is amended to read as follows:

(a) "authorized state entity" shall mean [the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation and the New York state bridge authority] ANY STATE DEPARTMENT OR DIVISION, BOARD, COMMISSION, BUREAU, OFFICE, COMMITTEE OR COUNCIL OF ANY STATE DEPARTMENT, ANY PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY OR COMMISSION, AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, BUT SHALL NOT INCLUDE THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK.

S 2. Section 3 of part F of chapter 56 of the laws of 2011, relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, is amended by adding a new subdivision (e-1) to read as follows:

(E-1) "DESIGN-BUILD-FINANCE CONTRACT" SHALL MEAN A CONTRACT FOR THE DESIGN, CONSTRUCTION AND FINANCING, WHICH MAY INCLUDE PRIVATE CAPITAL, OF A CAPITAL PROJECT WITH A SINGLE ENTITY, WHICH MAY BE A TEAM COMPRISED OF SEPARATE ENTITIES.

S 3. Section 4 of part F of chapter 56 of the laws of 2011, relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, is amended to read as follows:

S 4. Notwithstanding the provisions of section 38 of the highway law, section 136-a of the state finance law, section 359 of the public authorities law, section 7210 of the education law, SECTION 8 OF THE PUBLIC BUILDINGS LAW and the provisions of any other law to the contrary, and in conformity with the requirements of this act, an authorized state entity may utilize the alternative delivery [method] METHODS referred to as design-build contracts AND DESIGN-BUILD-FINANCE CONTRACTS for capital projects related to the state's physical infrastructure, including, but not limited to, the state's highways, bridges, BUILDINGS, dams, flood control projects, canals, and parks, including, but not limited to, to repair damage caused by natural disaster, to correct health and safety defects, to comply with federal and state laws, standards, and regulations, to extend the useful life of or replace the state's highways, bridges, BUILDINGS, dams, flood control projects, canals, and parks or to improve or add to the state's highways, bridges, BUILDINGS, dams, flood control projects, canals, and parks; provided that for the contracts executed by the department of transportation, the office of parks, recreation and historic preservation, or the department of environmental conservation, the total cost of each such project shall not be less than one million two hundred thousand dollars ($1,200,000).

S 4. Section 5 of part F of chapter 56 of the laws of 2011, relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, is amended to read as follows:

S 5. An entity selected by an authorized state entity to enter into a design-build contract OR A DESIGN-BUILD-FINANCE CONTRACT shall be selected through a two-step method, as follows:

(a) Step one. Generation of a list of entities that have demonstrated the general capability to perform the design-build contract OR DESIGN-BUILD-FINANCE CONTRACT. Such list shall consist of a specified number of entities, as determined by an authorized state entity, and shall be generated based upon the authorized state entity's review of responses to a publicly advertised request for qualifications. The authorized state entity's request for qualifications shall include a general description of the project, the maximum number of entities to be included on the list, and the selection criteria to be used in generating the list. Such selection criteria shall include the qualifications and experience of the design and construction team, organization, demonstrated responsibility, ability of the team or of a member or members of the team to comply with applicable requirements, including the provisions of articles 145, 147 and 148 of the education law, past record of compliance with the labor law, and such other qualifications the authorized state entity deems appropriate which may include but are not limited to project understanding, financial capability and record of past performance. The authorized state entity shall evaluate and rate all entities responding to the request for qualifications. Based upon such ratings, the authorized state entity shall list the entities that shall receive a request for proposals in accordance with subdivision (b) of this section. To the extent consistent with applicable federal law, the authorized state entity shall consider, when awarding any contract pursuant to this section, the participation of: (i) firms certified pursuant to article 15-A of the executive law as minority or women-owned businesses and the ability of other businesses under consideration to work with minority and women-owned businesses so as to promote and assist participation by such businesses; and (ii) small business concerns identified pursuant to subdivision (b) of section 139-g of the state finance law.

(b) Step two. Selection of the proposal which is the best value to the state. The authorized state entity shall issue a request for proposals to the entities listed pursuant to subdivision (a) of this section. If such an entity consists of a team of separate entities, the entities that comprise such a team must remain unchanged from the entity as listed pursuant to subdivision (a) of this section unless otherwise approved by the authorized state entity. The request for proposals shall set forth the project's scope of work, and other requirements, as determined by the authorized state entity. The request for proposals shall specify the criteria to be used to evaluate the responses and the relative weight of each such criteria. Such criteria shall include the proposal's cost, the quality of the proposal's solution, the qualifications and experience of the design-build OR DESIGN-BUILD-FINANCE entity, and other factors deemed pertinent by the authorized state entity, which may include, but shall not be limited to, the proposal's project implementation, ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed project, maintenance of traffic approach, and community impact. Any contract awarded pursuant to this act shall be awarded to a responsive and responsible entity that submits the proposal, which, in consideration of these and other specified criteria deemed pertinent to the project, offers the best value to the state, as determined by the authorized state entity. Nothing herein shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost.

S 5. Section 12 of part F of chapter 56 of the laws of 2011, relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, is amended to read as follows:

S 12. The submission of a proposal or responses or the execution of a design-build contract OR DESIGN-BUILD-FINANCE CONTRACT pursuant to this act shall not be construed to be a violation of section 6512 of the education law.

S 6. This act shall take effect immediately; provided, however, that the amendments to sections 3, 4, 5 and 12 of part F of chapter 56 of the laws of 2011 made by sections one through five of this act shall not affect the repeal of such part and shall be deemed to be repealed therewith.

S 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.

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