

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:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2013-2014
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through S. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Notwithstanding the provisions of sections 79-a and 79-b of
14 the correction law, the governor is authorized to close the Bayview and
15 Beacon correctional facilities of the department of corrections and
16 community supervision, in state fiscal year 2013-14, as he determines to
17 be necessary for the cost-effective and efficient operation of the
18 correctional system, provided that the governor provides at least 60
19 days notice prior to any such closures to the temporary president of the
20 senate and the speaker of the assembly.

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22 deemed repealed March 31, 2014.

23 PART B

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

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

40 Parcel I

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

44 Beginning at the intersection of the northerly line of E. 171st
45 Street, and the westerly line of Fulton Avenue, thence westerly along
46 the northerly line of E. 171st Street, 115.32 feet to the easterly line
47 of Lot 33; thence northerly along the last mentioned lot line 71.90 feet
48 to the intersection of the southerly line of Lot 29; thence easterly
49 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

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

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

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

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

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

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

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

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

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

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

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

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

19 (c) Whenever proceedings in an administrative tribunal or a court of
20 this state result in a conviction for an offense under this chapter
21 other than a crime pursuant to section eleven hundred ninety-two of this
22 chapter, or a traffic infraction under this chapter, or a local law,
23 ordinance, rule or regulation adopted pursuant to this chapter, other
24 than a traffic infraction involving standing, stopping, or parking,
25 EXCEPT THOSE SET FORTH IN SECTION TWELVE HUNDRED, TWELVE HUNDRED ONE OR
26 TWELVE HUNDRED TWO OF THIS CHAPTER or violations by pedestrians or bicy-
27 clists, or other than an adjudication of liability of an owner for a
28 violation of subdivision (d) of section eleven hundred eleven of this
29 chapter in accordance with section eleven hundred eleven-a of this chap-
30 ter, or other than an adjudication of liability of an owner for a
31 violation of subdivision (d) of section eleven hundred eleven of this
32 chapter in accordance with section eleven hundred eleven-b of this chap-
33 ter, or other than an infraction pursuant to article nine of this chap-
34 ter or other than an adjudication of liability of an owner for a
35 violation of toll collection regulations pursuant to section two thou-
36 sand nine hundred eighty-five of the public authorities law or sections
37 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
38 of the laws of nineteen hundred fifty or other than an adjudication in
39 accordance with section eleven hundred eleven-c of this chapter for a
40 violation of a bus lane restriction as defined in such section, there
41 shall be levied a crime victim assistance fee in the amount of five
42 dollars and a mandatory surcharge, in addition to any sentence required
43 or permitted by law, in the amount of fifty-five dollars.

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

47 1. Whenever proceedings in an administrative tribunal or a court of
48 this state result in a conviction for a crime under this chapter or a
49 traffic infraction under this chapter, or a local law, ordinance, rule
50 or regulation adopted pursuant to this chapter, other than a traffic
51 infraction involving standing, stopping, parking EXCEPT THOSE SET FORTH
52 IN SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO OF
53 THIS CHAPTER, or motor vehicle equipment or violations by pedestrians or
54 bicyclists, or other than an adjudication of liability of an owner for a
55 violation of subdivision (d) of section eleven hundred eleven of this
56 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

1 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
2 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
3 there shall be levied in addition to any sentence, penalty or other
4 surcharge required or permitted by law, an additional surcharge of twen-
5 ty dollars.

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

9 a. Notwithstanding any other provision of law, whenever proceedings in
10 a court or an administrative tribunal of this state result in a
11 conviction for an offense under this chapter, except a conviction pursu-
12 ant to section eleven hundred ninety-two of this chapter, or for a traf-
13 fic infraction under this chapter, or a local law, ordinance, rule or
14 regulation adopted pursuant to this chapter, except a traffic infraction
15 involving standing, stopping, or parking, OTHER THAN THOSE SET FORTH IN
16 SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO, or
17 violations by pedestrians or bicyclists, and except an adjudication of
18 liability of an owner for a violation of subdivision (d) of section
19 eleven hundred eleven of this chapter in accordance with section eleven
20 hundred eleven-a of this chapter, and except an adjudication in accord-
21 ance with section eleven hundred eleven-c of this chapter of a violation
22 of a bus lane restriction as defined in such section, and except an
23 adjudication of liability of an owner for a violation of toll collection
24 regulations pursuant to section two thousand nine hundred eighty-five of
25 the public authorities law or sections sixteen-a, sixteen-b and
26 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
27 hundred fifty, there shall be levied in addition to any sentence, penal-
28 ty or other surcharge required or permitted by law, an additional
29 surcharge of twenty dollars.

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

33 a. Notwithstanding any other provision of law, whenever proceedings in
34 a court or an administrative tribunal of this state result in a
35 conviction for an offense under this chapter, except a conviction pursu-
36 ant to section eleven hundred ninety-two of this chapter, or for a traf-
37 fic infraction under this chapter, or a local law, ordinance, rule or
38 regulation adopted pursuant to this chapter, except a traffic infraction
39 involving standing, stopping, or parking, OTHER THAN THOSE SET FORTH IN
40 SECTIONS TWELVE HUNDRED, TWELVE HUNDRED ONE AND TWELVE HUNDRED TWO, or
41 violations by pedestrians or bicyclists, and except an adjudication of
42 liability of an owner for a violation of subdivision (d) of section
43 eleven hundred eleven of this chapter in accordance with section eleven
44 hundred eleven-a of this chapter, and except an adjudication of liabil-
45 ity of an owner for a violation of toll collection regulations pursuant
46 to section two thousand nine hundred eighty-five of the public authori-
47 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
48 hundred seventy-four of the laws of nineteen hundred fifty, there shall
49 be levied in addition to any sentence, penalty or other surcharge
50 required or permitted by law, an additional surcharge of twenty dollars.

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

54 3-a. [On or before the twentieth day of October in each year commenc-
55 ing with the twentieth of October, two thousand three, the] THE comp-
56 troller shall determine the difference between: (a) the aggregate

1 receipts derived by the state from mandatory surcharges collected by an
2 administrative tribunal or a town or village justice court pursuant to
3 section eighteen hundred nine of the vehicle and traffic law during the
4 [preceding] year ending September thirtieth, TWO THOUSAND TWELVE and (b)
5 the aggregate receipts derived by the state from such mandatory
6 surcharge collected by an administrative tribunal or a town or a village
7 justice court in accordance with the provisions of section eighteen
8 hundred nine of the vehicle and traffic law in effect immediately prior
9 to April first, two thousand three during the preceding year ending
10 September thirtieth. Such difference shall be thereupon transferred
11 ANNUALLY by the comptroller to the credit of the indigent legal services
12 fund established by section ninety-eight-b of this chapter.

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

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

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

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

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

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

36 PART D

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

39 ARTICLE 38

40 NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

41 SECTION 850. ENACTMENT OF COMPACT.

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

46 THE CONTRACTING PARTIES AGREE TO THE FOLLOWING:

47 NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

48 ARTICLE I. DEFINITIONS.

49 ARTICLE II. PURPOSES.

50 ARTICLE III. RESPONSIBILITIES OF COMPACT PARTIES.

51 ARTICLE IV. AUTHORIZED RECORD DISCLOSURES.

52 ARTICLE V. RECORD REQUEST PROCEDURES.

53 ARTICLE VI. ESTABLISHMENT OF COMPACT COUNCIL.

54 ARTICLE VII. RATIFICATION OF COMPACT.

1 ARTICLE VIII. MISCELLANEOUS PROVISIONS.
2 ARTICLE IX. RENUNCIATION.
3 ARTICLE X. SEVERABILITY.
4 ARTICLE XI. ADJUDICATION OF DISPUTES.

5 OVERVIEW

6 (A) IN GENERAL, THIS COMPACT ORGANIZES AN ELECTRONIC INFORMATION SHAR-
7 ING SYSTEM AMONG THE FEDERAL GOVERNMENT AND THE STATES TO EXCHANGE CRIM-
8 INAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE PURPOSES AUTHORIZED BY
9 FEDERAL OR STATE LAW, SUCH AS BACKGROUND CHECKS FOR GOVERNMENTAL LICENS-
10 ING AND EMPLOYMENT.

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

17 ARTICLE I--DEFINITIONS

18 AS USED IN THIS COMPACT:

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

21 (B) "COMPACT OFFICER" MEANS:

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

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

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

28 (D) "CRIMINAL HISTORY RECORDS":

29 1. MEANS INFORMATION COLLECTED BY CRIMINAL JUSTICE AGENCIES ON INDI-
30 VIDUALS CONSISTING OF IDENTIFIABLE DESCRIPTIONS AND NOTATIONS OF
31 ARRESTS, DETENTIONS, INDICTMENTS, OR OTHER FORMAL CRIMINAL CHARGES, AND
32 ANY DISPOSITION ARISING THEREFROM, INCLUDING ACQUITTAL, SENTENCING,
33 CORRECTIONAL SUPERVISION, OR RELEASE; AND

34 2. DOES NOT INCLUDE IDENTIFICATION INFORMATION SUCH AS FINGERPRINT
35 RECORDS IF SUCH INFORMATION DOES NOT INDICATE INVOLVEMENT OF THE INDI-
36 VIDUAL WITH THE CRIMINAL JUSTICE SYSTEM.

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

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

47 (G) "CRIMINAL JUSTICE AGENCY":

48 1. MEANS:

49 A. COURTS; AND

50 B. A GOVERNMENTAL AGENCY OR ANY SUBUNIT THEREOF THAT:

51 (I) PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO A
52 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

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

4 C. PROVIDE A TELECOMMUNICATIONS NETWORK AND MAINTAIN CENTRALIZED
5 FACILITIES FOR THE EXCHANGE OF CRIMINAL HISTORY RECORDS FOR BOTH CRIMI-
6 NAL JUSTICE PURPOSES AND THE NONCRIMINAL JUSTICE PURPOSES DESCRIBED IN
7 ARTICLE IV, AND ENSURE THAT THE EXCHANGE OF SUCH RECORDS FOR CRIMINAL
8 JUSTICE PURPOSES HAS PRIORITY OVER EXCHANGE FOR NONCRIMINAL JUSTICE
9 PURPOSES; AND

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

13 (B) EACH PARTY STATE SHALL:

14 1. APPOINT A COMPACT OFFICER WHO SHALL:

15 A. ADMINISTER THIS COMPACT WITHIN THAT STATE;

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

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

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

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

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

27 C. PARTICIPATE IN THE NATIONAL FINGERPRINT FILE; AND

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

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

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

39 2. ADMINISTRATION OF COMPACT PROVISIONS SHALL NOT REDUCE THE LEVEL OF
40 SERVICE AVAILABLE TO AUTHORIZED NONCRIMINAL JUSTICE USERS ON THE EFFEC-
41 TIVE DATE OF THIS COMPACT.

42 ARTICLE IV--AUTHORIZED RECORD DISCLOSURES

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

51 (B) THE FBI, TO THE EXTENT AUTHORIZED BY SECTION FIVE HUNDRED
52 FIFTY-TWO-A OF TITLE FIVE OF THE UNITED STATES CODE, (COMMONLY KNOWN AS
53 THE "PRIVACY ACT OF 1974"), AND STATE CRIMINAL HISTORY RECORD REPOSITO-
54 RIES 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:

1 A. THE FBI SHALL SO ADVISE THE STATE CRIMINAL HISTORY RECORD REPOSITO-
2 RY; AND

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

6 ARTICLE VI--ESTABLISHMENT OF COMPACT COUNCIL

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

12 2. THE COUNCIL SHALL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 B. SHALL SERVE A TWO-YEAR TERM AND MAY BE REELECTED TO ONLY ONE ADDI-
51 TIONAL TWO-YEAR TERM.

52 2. THE VICE CHAIRMAN OF THE COUNCIL SHALL SERVE AS THE CHAIRMAN OF
53 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

1 amended by section 1 of part A of chapter 57 of the laws of 2011, is
2 amended to read as follows:

3 S 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law [and shall remain in effect until September
5 1, 2013].

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

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

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

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

22 S 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
23 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
24 other chapters and laws relating to correctional facilities, as amended
25 by section 4 of part A of chapter 57 of the laws of 2011, is amended to
26 read as follows:

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

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

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

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

55 S 10. This act shall take effect 30 days after it shall have become a
56 law [and shall remain in effect until September 1, 2013], and provided

1 further that the commissioner of correctional services shall report each
2 January first, and July first, to the chairman of the senate crime
3 victims, crime and correction committee, the senate codes committee, the
4 assembly correction committee, and the assembly codes committee, the
5 number of eligible inmates in each facility under the custody and
6 control of the commissioner who have applied for participation in any
7 program offered under the provisions of work release, furlough, or
8 leave, and the number of such inmates who have been approved for partic-
9 ipation.

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

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

19 S 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
20 amending the correction law and other laws relating to the incarceration
21 fee, as amended by section 9 of part A of chapter 57 of the laws of
22 2011, is amended to read as follows:

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

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

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

49 S 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
50 1992, amending the tax law and other laws relating to taxes, surcharges,
51 fees and funding, as amended by section 11 of part A of chapter 57 of
52 the laws of 2011, is amended to read as follows:

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

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

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

10 S 12. Subdivision (p) of section 406 of chapter 166 of the laws of
11 1991, amending the tax law and other laws relating to taxes, as amended
12 by section 13 of part A of chapter 57 of the laws of 2011, is amended to
13 read as follows:

14 (p) The amendments to section 1809 of the vehicle and traffic law made
15 by sections three hundred thirty-seven and three hundred thirty-eight of
16 this act shall not apply to any offense committed prior to such effec-
17 tive date; provided, further, that section three hundred forty-one of
18 this act shall take effect immediately and shall expire November 1, 1993
19 at which time it shall be deemed repealed; sections three hundred
20 forty-five and three hundred forty-six of this act shall take effect
21 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
22 six, three hundred fifty-seven and three hundred fifty-nine of this act
23 shall take effect immediately and shall expire June 30, 1995 and shall
24 revert to and be read as if this act had not been enacted; section three
25 hundred fifty-eight of this act shall take effect immediately and shall
26 expire June 30, 1998 and shall revert to and be read as if this act had
27 not been enacted; section three hundred sixty-four through three hundred
28 sixty-seven of this act shall apply to claims filed on or after such
29 effective date; sections three hundred sixty-nine, three hundred seven-
30 ty-two, three hundred seventy-three, three hundred seventy-four, three
31 hundred seventy-five and three hundred seventy-six of this act shall
32 remain in effect until September 1, [2013] 2015, at which time they
33 shall be deemed repealed; provided, however, that the mandatory
34 surcharge provided in section three hundred seventy-four of this act
35 shall apply to parking violations occurring on or after said effective
36 date; and provided further that the amendments made to section 235 of
37 the vehicle and traffic law by section three hundred seventy-two of this
38 act, the amendments made to section 1809 of the vehicle and traffic law
39 by sections three hundred thirty-seven and three hundred thirty-eight of
40 this act and the amendments made to section 215-a of the labor law by
41 section three hundred seventy-five of this act shall expire on September
42 1, [2013] 2015 and upon such date the provisions of such subdivisions
43 and sections shall revert to and be read as if the provisions of this
44 act had not been enacted; the amendments to subdivisions 2 and 3 of
45 section 400.05 of the penal law made by sections three hundred seventy-
46 seven and three hundred seventy-eight of this act shall expire on July
47 1, 1992 and upon such date the provisions of such subdivisions shall
48 revert and shall be read as if the provisions of this act had not been
49 enacted; the state board of law examiners shall take such action as is
50 necessary to assure that all applicants for examination for admission to
51 practice as an attorney and counsellor at law shall pay the increased
52 examination fee provided for by the amendment made to section 465 of the
53 judiciary law by section three hundred eighty of this act for any exam-
54 ination given on or after the effective date of this act notwithstanding
55 that an applicant for such examination may have prepaid a lesser fee for
56 such examination as required by the provisions of such section 465 as of

1 the date prior to the effective date of this act; the provisions of
2 section 306-a of the civil practice law and rules as added by section
3 three hundred eighty-one of this act shall apply to all actions pending
4 on or commenced on or after September 1, 1991, provided, however, that
5 for the purposes of this section service of such summons made prior to
6 such date shall be deemed to have been completed on September 1, 1991;
7 the provisions of section three hundred eighty-three of this act shall
8 apply to all money deposited in connection with a cash bail or a
9 partially secured bail bond on or after such effective date; and the
10 provisions of sections three hundred eighty-four and three hundred
11 eighty-five of this act shall apply only to jury service commenced
12 during a judicial term beginning on or after the effective date of this
13 act; provided, however, that nothing contained herein shall be deemed to
14 affect the application, qualification, expiration or repeal of any
15 provision of law amended by any section of this act and such provisions
16 shall be applied or qualified or shall expire or be deemed repealed in
17 the same manner, to the same extent and on the same date as the case may
18 be as otherwise provided by law;

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

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

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

28 S 6. This act shall take effect on the first day of April next
29 succeeding the date on which it shall have become a law; provided,
30 however, that effective immediately, the addition, amendment or repeal
31 of any rule or regulation necessary for the implementation of the fore-
32 going sections of this act on their effective date is authorized and
33 directed to be made and completed on or before such effective date and
34 shall remain in full force and effect until the first day of September,
35 [2013] 2015 when upon such date the provisions of this act shall be
36 deemed repealed.

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

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

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

47 S 4. This act shall take effect 120 days after it shall have become a
48 law and shall remain in full force and effect until September 1, [2013]
49 2015, when upon such date it shall expire.

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

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

1 1996 and shall expire and be deemed repealed on September 1, [2013]
2 2015.

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

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

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

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

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

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

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

33 S 3. This act shall take effect immediately, except that section one
34 of this act shall take effect on the first of January next succeeding
35 the date on which it shall have become a law[, and shall remain in
36 effect until the first of September, 2013, upon which date this act
37 shall be deemed repealed and have no further force and effect]; provided
38 that section one of this act shall only take effect with respect to any
39 compacting state which has enacted an interstate compact entitled
40 "Interstate compact for adult offender supervision" and having an iden-
41 tical effect to that added by section one of this act and provided
42 further that with respect to any such compacting state, upon the effec-
43 tive date of section one of this act, section 259-m of the executive law
44 is hereby deemed REPEALED and section 259-mm of the executive law, as
45 added by section one of this act, shall take effect; and provided
46 further that with respect to any state which has not enacted an inter-
47 state compact entitled "Interstate compact for adult offender super-
48 vision" and having an identical effect to that added by section one of
49 this act, section 259-m of the executive law shall take effect and the
50 provisions of section one of this act, with respect to any such state,
51 shall have no force or effect until such time as such state shall adopt
52 an interstate compact entitled "Interstate compact for adult offender
53 supervision" and having an identical effect to that added by section one
54 of this act in which case, with respect to such state, effective imme-
55 diately, section 259-m of the executive law is deemed repealed and

1 section 259-mm of the executive law, as added by section one of this
2 act, shall take effect.

3 S 22. Section 8 of part H of chapter 56 of the laws of 2009, amending
4 the correction law relating to limiting the closing of certain correc-
5 tional facilities, providing for the custody by the department of
6 correctional services of inmates serving definite sentences, providing
7 for custody of federal prisoners and requiring the closing of certain
8 correctional facilities, as amended by section 23 of part A of chapter
9 57 of the laws of 2011, is amended to read as follows:

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

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

17 S 3. This act shall take effect on the same date as the reversion of
18 subdivision 5 of section 183 and subdivision 1 of section 221 of the
19 military law as provided by section 76 of chapter 435 of the laws of
20 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
21 standing this act shall be deemed to have been in full force and effect
22 on and after July 31, 2005 and shall remain in full force and effect
23 until September 1, [2013] 2015 when upon such date this act shall
24 expire.

25 S 24. This act shall take effect immediately.

26

PART F

27 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
28 relating to the disposition of monies recovered by county district
29 attorneys before the filing of an accusatory instrument, as amended by
30 section 1 of part F of chapter 55 of the laws of 2012, is amended to
31 read as follows:

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

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

37

PART G

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

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

48 It is the intent of the legislature to authorize the comptroller and
49 the New York state teachers' retirement system board to establish a
50 long-term stable contribution option assuming a baseline term of twen-
51 ty-five years. If the comptroller and the New York state teachers'
52 retirement system board elect to implement this act, the comptroller and

1 the New York state teachers' retirement system board, at their
2 discretion, will determine whether such baseline term shall be increased
3 or decreased, as appropriate to ensure adequate pension system funding.
4 It is the intent of the legislature that the comptroller and the New
5 York state teachers' retirement system board, subject to their
6 discretion, strive to minimize any extension of such baseline term or
7 terms, to the extent possible, and to the extent an extension is neces-
8 sary, limit any extension of such baseline term or terms not to exceed
9 five additional years, to the extent possible, while ensuring adequate
10 pension system funding over the full term of this option.

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

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

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

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

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

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

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

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

46 E. PARTICIPATING MUNICIPAL EMPLOYERS ARE AUTHORIZED TO CHOOSE THE
47 STABLE EMPLOYER CONTRIBUTION OPTION WITH REGARD TO THE FEBRUARY FIRST,
48 TWO THOUSAND FOURTEEN PENSION BILL. A PARTICIPATING MUNICIPAL EMPLOYER,
49 MAY, IN LIEU OF PAYING ITS NORMAL AND ADMINISTRATIVE FEBRUARY FIRST, TWO
50 THOUSAND FOURTEEN PENSION BILL, PAY THE STABLE CONTRIBUTION AMOUNT. SUCH
51 PARTICIPATING MUNICIPAL EMPLOYER SHALL PAY THE STABLE CONTRIBUTION
52 AMOUNT FOR A PERIOD OF TWENTY-FIVE YEARS PROVIDED, HOWEVER, THAT SUCH
53 TWENTY-FIVE YEAR PERIOD MAY BE INCREASED OR DECREASED AT THE DISCRETION
54 OF THE COMPTROLLER PURSUANT TO SUBDIVISION K OF THIS SECTION. THIS
55 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

1 THAT A PARTICIPATING MUNICIPAL EMPLOYER IS PERMITTED TO PAY ON AN AMOR-
2 TIZED BASIS.

3 H. THE STABLE CONTRIBUTION AMOUNT MUST BE PAID IN FULL BY PARTICIPAT-
4 ING MUNICIPAL EMPLOYERS ON THE DATE SET FORTH IN SUBDIVISION C OF
5 SECTION THREE HUNDRED SEVENTEEN OF THIS TITLE.

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

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

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

34 (2) THE COMPTROLLER IS AUTHORIZED TO EVALUATE THE BASELINE LONG-TERM
35 STABLE CONTRIBUTION TERM EVERY FIVE YEARS AFTER THE FISCAL YEAR COMMENC-
36 ING ON APRIL FIRST, TWO THOUSAND THIRTEEN. SUCH EVALUATION SHALL INFORM
37 PARTICIPATING MUNICIPAL EMPLOYERS WHETHER THE BASELINE LONG-TERM STABLE
38 CONTRIBUTION TERM IS EXPECTED TO INCREASE OR DECREASE PURSUANT TO PARA-
39 GRAPH ONE OF THIS SUBDIVISION AND THE DURATION OF SUCH INCREASE OR
40 DECREASE.

41 L. A PARTICIPATING MUNICIPAL EMPLOYER MAY ELECT TO TERMINATE PARTIC-
42 IPATION IN THE LONG-TERM STABLE CONTRIBUTION OPTION AND RESUME PAYMENT
43 OF THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS IN ACCORDANCE WITH
44 SECTIONS THREE HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF
45 THIS ARTICLE. PROVIDED, HOWEVER, THAT SUCH PARTICIPATING MUNICIPAL
46 EMPLOYER WHICH ELECTS TO TERMINATE PARTICIPATION SHALL MAKE A RECONCIL-
47 IATION CONTRIBUTION TO THE RETIREMENT SYSTEM, AT AN AMOUNT TO BE DETER-
48 MINED BY THE COMPTROLLER, ADEQUATE TO FUND THE BENEFITS FOR ACTIVE AND
49 RETIRED MEMBERS ASSOCIATED WITH SUCH PARTICIPATING MUNICIPAL EMPLOYER
50 HAD SUCH PARTICIPATING MUNICIPAL EMPLOYER NOT ELECTED THE PROVISIONS OF
51 THIS SECTION. SUCH RECONCILIATION CONTRIBUTION SHALL BE MADE OVER A
52 PERIOD NOT TO EXCEED FIVE YEARS AND SHALL BE MADE IN ADDITION TO THE
53 NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT TO SECTIONS THREE
54 HUNDRED TWENTY-THREE AND THREE HUNDRED TWENTY-THREE-A OF THIS ARTICLE
55 FOR THE FISCAL YEAR IN WHICH SUCH PARTICIPATING MUNICIPAL EMPLOYER
56 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 CONTROLLER.

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.

1

PART H

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

5 S 167-a. Reimbursement for medicare premium charges. Upon exclusion
6 from the coverage of the health benefit plan of supplementary medical
7 insurance benefits for which an active or retired employee or a depend-
8 ent covered by the health benefit plan is or would be eligible under the
9 federal old-age, survivors and disability insurance program, an amount
10 equal to the STANDARD MEDICARE premium charge WITHOUT ANY INCOME-RELATED
11 ADJUSTMENT for such supplementary medical insurance benefits for such
12 active or retired employee and his or her dependents, if any, shall be
13 paid monthly or at other intervals to such active or retired employee
14 from the health insurance fund. Where appropriate, such amount may be
15 deducted from contributions payable by the employee or retired employee;
16 or where appropriate in the case of a retired employee receiving a
17 retirement allowance, such amount may be included with payments of his
18 or her retirement allowance. All state employer, employee, retired
19 employee and dependent contributions to the health insurance fund,
20 including contributions from public authorities, public benefit corpo-
21 rations or other quasi-public organizations of the state eligible for
22 participation in the health benefit plan as authorized by subdivision
23 two of section one hundred sixty-three of this article, shall be
24 adjusted as necessary to cover the cost of reimbursing federal old-age,

1 survivors and disability insurance program premium charges under this
2 section. This cost shall be included in the calculation of premium or
3 subscription charges for health coverage provided to employees and
4 retired employees of the state, public authorities, public benefit
5 corporations or other quasi-public organizations of the state; provided,
6 however, the state, public authorities, public benefit corporations or
7 other quasi-public organizations of the state shall remain obligated to
8 pay no less than its share of such increased cost consistent with its
9 share of premium or subscription charges provided for by this article.
10 All other employer contributions to the health insurance fund shall be
11 adjusted as necessary to provide for such payments.

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

14

PART I

15 Section 1. The state finance law is amended by adding a new section
16 99-u to read as follows:

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

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

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

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

31

PART J

32 Section 1. Paragraphs 2 and 3 of subdivision b of section 1612 of the
33 tax law, as amended by section 1 of part 01 of chapter 57 of the laws of
34 2009, are amended to read as follows:

35 2. As consideration for the operation of a video lottery gaming facil-
36 ity, the division, shall cause the investment in the racing industry of
37 a portion of the vendor fee received pursuant to paragraph one of this
38 subdivision in the manner set forth in this subdivision. With the
39 exception of Aqueduct racetrack, each such track shall dedicate a
40 portion of its vendor fees, received pursuant to clause (A), (B), (C),
41 (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this
42 subdivision, solely for the purpose of enhancing purses at such track,
43 in an amount equal to eight and three-quarters percent of the total
44 revenue wagered at the vendor track after pay out for prizes. ONE
45 PERCENT OF SUCH PURSE ENHANCEMENT AMOUNT SHALL BE PAID TO THE GAMING
46 COMMISSION TO BE USED EXCLUSIVELY TO PROMOTE AND ENSURE EQUINE HEALTH
47 AND SAFETY IN NEW YORK. ANY PORTION OF SUCH FUNDING TO THE GAMING
48 COMMISSION UNUSED DURING A FISCAL YEAR SHALL BE RETURNED TO THE VIDEO
49 LOTTERY GAMING OPERATORS ON A PRO RATA BASIS IN ACCORDANCE WITH THE
50 AMOUNTS ORIGINALLY CONTRIBUTED BY EACH OPERATOR AND SHALL BE USED FOR
51 THE PURPOSE OF ENHANCING PURSES AT SUCH TRACK. In addition, with the
52 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.

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

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

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

12 S. LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM BEGINNING IN THE STATE
13 FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND THIRTEEN. (I) (1) FOR
14 THE PURPOSES OF THIS PARAGRAPH, "MUNICIPALITY" SHALL MEAN A COUNTY,
15 CITY, TOWN, VILLAGE, SPECIAL IMPROVEMENT DISTRICT, FIRE DISTRICT, PUBLIC
16 LIBRARY, ASSOCIATION LIBRARY, OR PUBLIC LIBRARY SYSTEM AS DEFINED BY
17 SECTION TWO HUNDRED SEVENTY-TWO OF THE EDUCATION LAW, PROVIDED HOWEVER,
18 THAT FOR THE PURPOSES OF THIS DEFINITION, A PUBLIC LIBRARY SYSTEM SHALL
19 BE CONSIDERED A MUNICIPALITY ONLY IN INSTANCES WHERE SUCH PUBLIC LIBRARY
20 SYSTEM ADVANCES A JOINT APPLICATION ON BEHALF OF ITS MEMBER LIBRARIES,
21 WATER AUTHORITY, SEWER AUTHORITY, REGIONAL PLANNING AND DEVELOPMENT
22 BOARD, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES;
23 PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS DEFINITION, A BOARD OF
24 COOPERATIVE EDUCATIONAL SERVICES SHALL BE CONSIDERED A MUNICIPALITY ONLY
25 IN INSTANCES WHERE SUCH BOARD OF COOPERATIVE EDUCATIONAL SERVICES
26 ADVANCES A JOINT APPLICATION ON BEHALF OF SCHOOL DISTRICTS AND OTHER
27 MUNICIPALITIES WITHIN THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
28 REGION; PROVIDED, HOWEVER, THAT ANY AGREEMENTS WITH A BOARD OF COOPER-
29 ATIVE EDUCATIONAL SERVICES: SHALL NOT GENERATE ADDITIONAL STATE AID;
30 SHALL BE DEEMED NOT TO BE A PART OF THE PROGRAM, CAPITAL AND ADMINISTRA-
31 TIVE BUDGETS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES FOR THE
32 PURPOSES OF COMPUTING CHARGES UPON COMPONENT SCHOOL DISTRICTS PURSUANT
33 TO SUBDIVISION ONE AND SUBPARAGRAPH SEVEN OF PARAGRAPH B OF SUBDIVISION
34 FOUR OF SECTION NINETEEN HUNDRED FIFTY AND SUBDIVISION ONE OF SECTION
35 NINETEEN HUNDRED FIFTY-ONE OF THE EDUCATION LAW; AND SHALL BE DEEMED TO
36 BE A COOPERATIVE MUNICIPAL SERVICE FOR PURPOSES OF SUBPARAGRAPH TWO OF
37 PARAGRAPH D OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THE
38 EDUCATION LAW.

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

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

1 DISTRESSED COMMUNITIES AND AREAS OF HISTORICALLY HIGH LOCAL GOVERNMENT
2 COSTS AND PROPERTY TAXES, OR IN AREAS OF UNIQUE OPPORTUNITY, IN WHICH
3 CASE SUCH AREAS OF FOCUS SHALL BE DETAILED IN A REQUEST FOR APPLICA-
4 TIONS.

5 (III) ANY APPROVED PROJECT SHALL INCLUDE AN EXAMINATION OF FINANCIAL
6 SAVINGS, RETURN ON PUBLIC INVESTMENT AND MANAGEMENT IMPROVEMENTS RESULT-
7 ING FROM PROJECT IMPLEMENTATION.

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

24 (V) THE MAXIMUM CUMULATIVE GRANT AWARD FOR A LOCAL GOVERNMENT EFFI-
25 CIENCY PROJECT SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS PER MUNICI-
26 PALITY; PROVIDED, HOWEVER, THAT IN NO CASE SHALL SUCH A PROJECT RECEIVE
27 A CUMULATIVE GRANT AWARD IN EXCESS OF ONE MILLION DOLLARS. THE MAXIMUM
28 GRANT AWARD FOR A LOCAL GOVERNMENT EFFICIENCY PLANNING PROJECT, OR THE
29 PLANNING COMPONENT OF A PROJECT THAT INCLUDES BOTH PLANNING AND IMPLE-
30 MENTATION OF A LOCAL GOVERNMENT EFFICIENCY PROJECT, SHALL NOT EXCEED
31 TWELVE THOUSAND FIVE HUNDRED DOLLARS PER MUNICIPALITY; PROVIDED, HOWEV-
32 ER, THAT IN NO EVENT SHALL SUCH A PLANNING PROJECT RECEIVE A GRANT AWARD
33 IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

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

46 (VII) IN THE SELECTION OF GRANT AWARDS, THE SECRETARY OF STATE SHALL
47 GIVE THE HIGHEST PRIORITY TO APPLICATIONS: (1) THAT WOULD RESULT IN THE
48 DISSOLUTION OR CONSOLIDATION OF MUNICIPALITIES; (2) THAT WOULD IMPLEMENT
49 THE COMPLETE FUNCTIONAL CONSOLIDATION OF A MUNICIPAL SERVICE; OR (3) BY
50 LOCAL GOVERNMENTS WITH HISTORICALLY HIGH COSTS OF LOCAL GOVERNMENT OR
51 SUSTAINED INCREASES IN PROPERTY TAXES. PRIORITY WILL ALSO BE GIVEN TO
52 MUNICIPALITIES THAT HAVE PREVIOUSLY COMPLETED A PLANNING GRANT PURSUANT
53 TO THIS PROGRAM OR THE SHARED MUNICIPAL SERVICES INCENTIVE GRANT
54 PROGRAM, AND TO LOCAL GOVERNMENTS CURRENTLY INVOLVED IN REGIONAL DEVEL-
55 OPMENT PROJECTS THAT HAVE RECEIVED FUNDS THROUGH STATE COMMUNITY AND
56 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:

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

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

- 1 aaa. Solid waste management account (22176).
- 2 bbb. Capacity contracting (22016).
- 3 ccc. Point insurance reduction program account.
- 4 ddd. Internet point insurance reduction program account (22094).
- 5 eee. Mental hygiene program fund account (21907).
- 6 fff. Third party debt collection account.
- 7 21. New York State Transformative Capital Fund:
- 8 a. Storm recovery account.
- 9 b. Transformative capital account.
- 10 22. State university income fund:
- 11 a. State university general income offset account (22654).
- 12 23. State police and motor vehicle law enforcement fund:
- 13 a. State police motor vehicle law enforcement account (22802).
- 14 24. Youth facilities improvement fund:
- 15 a. Youth facilities improvement account (31701).
- 16 25. Highway safety program fund:
- 17 a. Highway safety program account (23001).
- 18 26. Drinking water program management and administration fund:
- 19 a. EFC drinking water program account (23101).
- 20 b. DOH drinking water program account (23102).
- 21 27. New York city county clerks offset fund:
- 22 a. NYCCC operating offset account (23151).
- 23 28. Housing assistance fund.
- 24 29. Housing program fund.
- 25 30. Department of transportation - engineering services fund:
- 26 a. Highway facility purpose account (31951).
- 27 31. Miscellaneous capital projects fund:
- 28 a. New York racing account (32213).
- 29 32. Mental hygiene facilities capital improvement fund.
- 30 33. Joint labor/management administration fund:
- 31 a. Joint labor/management administration fund (55201).
- 32 34. Audit and control revolving fund:
- 33 a. Executive direction internal audit account (55251).
- 34 b. CIO Information technology centralized services account (55252).
- 35 35. Health insurance internal service fund:
- 36 a. Health insurance internal service account (55300).
- 37 b. Civil service employee benefits div admin (55301).
- 38 36. Correctional industries revolving fund.
- 39 37. Correctional facilities capital improvement fund.
- 40 38. HCRA resources fund:
- 41 a. EPIC premium account (20818).
- 42 b. Hospital based grants program account (20812).
- 43 c. Child health plus program account (20810).
- 44 S 1-a. The state comptroller is hereby authorized and directed to loan
- 45 money in accordance with the provisions set forth in subdivision 5 of
- 46 section 4 of the state finance law to any account within the following
- 47 federal funds, provided the comptroller has made a determination that
- 48 sufficient federal grant award authority is available to reimburse such
- 49 loans:
- 50 1. Federal USDA-food nutrition services fund.
- 51 2. Federal health and human services fund.
- 52 3. Federal education grants fund.
- 53 4. Federal block grant fund.
- 54 5. Federal operating grants fund.
- 55 6. Federal capital projects fund.
- 56 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.

1 Environmental Affairs:

- 2 1. \$5,000,000 from the department of transportation's federal capital
3 projects fund to the office of parks and recreation federal operating
4 grants fund, miscellaneous operating grants account (25300).
- 5 2. \$16,000,000 from any of the department of environmental conserva-
6 tion's special revenue federal funds to the special revenue fund federal
7 grant indirect cost recovery account (22188).
- 8 3. \$2,000,000 from any of the department of environmental conserva-
9 tion's special revenue federal funds to the conservation fund as neces-
10 sary to avoid diversion of conservation funds.
- 11 4. \$15,000,000 from the environmental protection fund, environmental
12 protection transfer account (30451) to the general fund.
- 13 5. \$3,000,000 from any of the office of parks, recreation and historic
14 preservation capital projects federal funds and special revenue federal
15 funds to the special revenue fund federal grant indirect cost recovery
16 account (22188).
- 17 6. \$1,000,000 from any of the office of parks, recreation and historic
18 preservation special revenue federal funds to the special revenue fund,
19 I love NY water account (21930).
- 20 Family Assistance:
- 21 1. \$10,000,000 from any of the office of children and family services,
22 office of temporary and disability assistance, or department of health
23 special revenue federal funds and the general fund, in accordance with
24 agreements with social services districts, to the miscellaneous special
25 revenue fund, office of human resources development state match account
26 (21967).
- 27 2. \$3,000,000 from any of the office of children and family services
28 or office of temporary and disability assistance special revenue federal
29 funds to the miscellaneous special revenue fund, family preservation and
30 support services and family violence services account (22082).
- 31 3. \$6,000,000 from any of the office of children and family services
32 special revenue federal funds to the general fund for title IV-E
33 reimbursement of youth facility costs.
- 34 4. \$12,670,000 from any of the office of children and family services,
35 office of temporary and disability assistance, or department of health
36 special revenue federal funds and any other miscellaneous revenues
37 generated from the operation of office of children and family services
38 programs to the general fund.
- 39 5. \$10,000,000 from any of the office of children and family services
40 or office of temporary and disability assistance special revenue funds
41 or the general fund to the miscellaneous special revenue fund,
42 connections account (22180).
- 43 6. \$41,000,000 from any of the office of temporary and disability
44 assistance accounts within the federal health and human services fund to
45 the general fund.
- 46 7. \$159,000,000 from any of the office of temporary and disability
47 assistance or department of health special revenue funds to the general
48 fund.
- 49 8. \$2,500,000 from any of the office of temporary and disability
50 assistance or office of children and family services special revenue
51 federal funds to the miscellaneous special revenue fund, office of
52 temporary and disability assistance program account (21980).
- 53 9. \$50,000,000 from any of the office of children and family services,
54 office of temporary and disability assistance, department of labor, and
55 department of health special revenue federal funds to the office of

1 children and family services miscellaneous special revenue fund, multi-
2 agency training contract account (21989).

3 10. \$152,400,000 from the miscellaneous special revenue fund, youth
4 facility per Diem account (22186), to the general fund.

5 11. \$621,850 from the general fund to the combined gifts, grants, and
6 bequests fund, WB Hoyt Memorial account (20128).

7 12. \$4,822,000 from the miscellaneous special revenue fund state
8 central registry (22028) to the general fund.

9 General Government:

10 1. \$1,566,000 from the miscellaneous special revenue fund, examination
11 and miscellaneous revenue account (22065) to the general fund.

12 2. \$12,500,000 from the general fund to the health insurance revolving
13 fund.

14 3. \$192,400,000 from the health insurance reserve receipts fund to the
15 general fund.

16 4. \$150,000 from the general fund to the not-for-profit revolving loan
17 fund.

18 5. \$150,000 from the not-for-profit revolving loan fund to the general
19 fund.

20 6. \$31,000,000 from the miscellaneous special revenue fund, real prop-
21 erty disposition account (22006), to the general fund.

22 7. \$3,000,000 from the miscellaneous special revenue fund, surplus
23 property account (22036), to the general fund.

24 8. \$18,200,000 from the general fund to the miscellaneous special
25 revenue fund, alcoholic beverage control account (22033).

26 9. \$23,000,000 from the miscellaneous special revenue fund, revenue
27 arrearage account (22024), to the general fund.

28 10. \$1,826,000 from the miscellaneous special revenue fund revenue
29 arrearage account (22024), to the miscellaneous special revenue fund
30 authority budget office account (22138).

31 11. \$1,000,000 from the miscellaneous special revenue fund, parking
32 services account (22007), to the general fund, for the purpose of reim-
33 bursing the costs of debt service related to state parking facilities.

34 12. \$55,200,000 from the general fund to the miscellaneous special
35 revenue fund, statewide financial system account (22074).

36 13. \$40,000,000 from the general fund to the office for technology
37 internal service fund, central technology services account (55069), for
38 the purpose of enterprise technology projects.

39 Health:

40 1. \$139,560,000 from the miscellaneous special revenue fund, quality
41 of care account (21915) to the general fund.

42 2. \$1,000,000 from the general fund to the combined gifts, grants and
43 bequests fund, breast cancer research and education account (20155), an
44 amount equal to the monies collected and deposited into that account in
45 the previous fiscal year.

46 3. \$2,464,000 from any of the department of health accounts within the
47 federal health and human services fund to the department of health
48 miscellaneous special revenue fund, statewide planning and research
49 cooperation system (SPARCS) program account (21902).

50 4. \$250,000 from the general fund to the combined gifts, grants and
51 bequests fund, prostate cancer research, detection, and education
52 account (20183), an amount equal to the moneys collected and deposited
53 into that account in the previous fiscal year.

54 5. \$500,000 from the general fund to the combined gifts, grants and
55 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. \$1,350,000 from the miscellaneous special revenue fund, emergency
2 management account (21944), to the general fund.
- 3 2. \$3,300,000 from the general fund to the miscellaneous special
4 revenue fund, recruitment incentive account (22171).
- 5 3. \$9,500,000 from the general fund to the correctional industries
6 revolving fund, correctional industries internal service account
7 (55350).
- 8 4. \$10,000,000 from federal miscellaneous operating grants fund, DMNA
9 damage account (25324), to the general fund.
- 10 5. \$16,000,000 from the general fund to the miscellaneous special
11 revenue fund, crimes against revenue program account (22015).
- 12 6. \$20,000,000 from any office of homeland security account within the
13 federal miscellaneous operating grants fund, receiving money through the
14 homeland security grants program, to the general fund.
- 15 7. \$22,000,000 from the miscellaneous special revenue fund, criminal
16 justice improvement account (21945) to the general fund.
- 17 8. \$20,000,000 from the miscellaneous special revenue fund, statewide
18 public safety communications account (22123), to the general fund.
- 19 9. \$106,000,000 from the state police and motor vehicle law enforce-
20 ment and motor vehicle theft and insurance fund prevention fund, state
21 police motor vehicle enforcement account (22802) to the general fund for
22 state operation expenses of the division of state police.
- 23 10. \$21,500,000 from the general fund to the correctional facilities
24 capital improvement fund.
- 25 11. \$1,500,000 from the miscellaneous special revenue fund, statewide
26 public safety communications account (22123), to the combined gifts,
27 grants and bequests fund, New York state emergency services revolving
28 loan account (20150).
- 29 12. \$3,000,000 from the general fund to the dedicated highway and
30 bridge trust fund for the purpose of work zone safety activities
31 provided by the division of state police for the department of transpor-
32 tation.
- 33 Transportation:
- 34 1. \$17,672,000 from the federal miscellaneous operating grants fund to
35 the special revenue fund, tri-state federal regional planning account
36 (21913).
- 37 2. \$20,147,000 from the federal capital projects fund to the special
38 revenue fund, tri-state federal regional planning accounts (21913).
- 39 3. \$15,368,000 from the miscellaneous special revenue fund, compulsory
40 insurance account (22087), to the general fund.
- 41 4. \$12,000,000 from the general fund to the mass transportation oper-
42 ating assistance fund, public transportation systems operating assist-
43 ance account (21401).
- 44 5. \$624,691,000 from the general fund to the dedicated highway and
45 bridge trust fund.
- 46 6. \$606,000 from the miscellaneous special revenue fund, internet
47 point insurance reduction program account (22094), to the general fund.
- 48 7. \$6,000 from the miscellaneous special revenue fund, motorcycle
49 safety account (21976), to the general fund.
- 50 8. \$307,200,000 from the general fund to the MTA financial assistance
51 fund, mobility tax trust account (23651).
- 52 9. \$20,000,000 from the mass transportation operating assistance fund,
53 metropolitan mass transportation operating assistance account (21402),
54 to the general debt service fund, for reimbursement of the state's
55 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

1 reimbursement of bondable equipment for further transfer to the state's
2 general fund.

3 S 7. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer, upon request of the director of the budget and
6 upon consultation with the state university chancellor or his or her
7 designee, on or before March 31, 2014, up to \$16,000,000 from the state
8 university income fund general revenue account (22653) to the state
9 general fund for debt service costs related to campus supported capital
10 project costs for the NY-SUNY 2020 challenge grant program at the
11 University at Buffalo.

12 S 8. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the director of the budget and
15 upon consultation with the state university chancellor or his or her
16 designee, on or before March 31, 2014, up to \$6,500,000 from the state
17 university income fund general revenue account (22653) to the state
18 general fund for debt service costs related to campus supported capital
19 project costs for the NY-SUNY 2020 challenge grant program at the
20 University at Albany.

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

26 S 10. Notwithstanding any law to the contrary, and in accordance with
27 section 4 of the state finance law, the comptroller is hereby authorized
28 and directed to transfer, upon request of the director of the budget, up
29 to \$60,000,000 from the general fund to the state university income
30 fund, state university hospitals income reimbursable account (22656)
31 during the period July 1, 2013 through June 30, 2014 to reflect ongoing
32 state subsidy of SUNY hospitals and to pay costs attributable to the
33 SUNY hospitals' state agency status.

34 S 11. Notwithstanding any law to the contrary, and in accordance with
35 section 4 of the state finance law, the comptroller is hereby authorized
36 and directed to transfer, upon request of the director of the budget, up
37 to \$969,050,300 from the general fund to the state university income
38 fund, state university general revenue offset account (22655) during the
39 period of July 1, 2013 through June 30, 2014 to support operations at
40 the state university.

41 S 12. Notwithstanding any law to the contrary, and in accordance with
42 section 4 of the state finance law, the comptroller is hereby authorized
43 and directed to transfer, upon request of the state university chancel-
44 lor or his or her designee, up to \$50,000,000 from the state university
45 income fund, state university hospitals income reimbursable account
46 (22656), for hospital income reimbursable for services and expenses of
47 hospital operations and capital expenditures at the state university
48 hospitals, and the state university income fund Long Island veterans'
49 home account (22652) to the state university capital projects fund on or
50 before June 30, 2014.

51 S 13. Notwithstanding any law to the contrary, and in accordance with
52 section 4 of the state finance law, the comptroller, after consultation
53 with the state university chancellor or his or her designee, is hereby
54 authorized and directed to transfer moneys, in the first instance, from
55 the state university collection fund, Stony Brook hospital collection
56 account (61006), Brooklyn hospital collection account (61007), and Syra-

1 cuse hospital collection account (61008) to the state university income
2 fund, state university hospitals income reimbursable account (22656) in
3 the event insufficient funds are available in the state university
4 income fund, state university hospitals income reimbursable account
5 (22656) to transfer moneys, in amounts sufficient to permit the full
6 transfer of moneys authorized for transfer, to the general fund for
7 payment of debt service related to the SUNY hospitals. Notwithstanding
8 any law to the contrary, the comptroller is also hereby authorized and
9 directed, after consultation with the state university chancellor or his
10 or her designee, to transfer moneys from the state university income
11 fund to the state university income fund, state university hospitals
12 income reimbursable account (22656) in the event insufficient funds are
13 available in the state university income fund, state university hospi-
14 tals income reimbursable account (22656) to pay hospital operating costs
15 or to transfer moneys, in amounts sufficient to permit the full transfer
16 of moneys authorized for transfer, to the general fund for payment of
17 debt service related to the SUNY hospitals on or before March 31, 2014.

18 S 14. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized
20 and directed to transfer monies, upon request of the director of the
21 budget, on or before March 31, 2014, from and to any of the following
22 accounts: the miscellaneous special revenue fund, patient income account
23 (21909), the miscellaneous special revenue fund, mental hygiene program
24 fund account (21907), the miscellaneous special revenue fund, federal
25 salary sharing account (22056) or the general fund in any combination,
26 the aggregate of which shall not exceed \$350 million.

27 S 15. Notwithstanding any law to the contrary, and in accordance with
28 section 4 of the state finance law, the comptroller is hereby authorized
29 and directed to transfer, at the request of the director of the budget,
30 up to \$500 million from the unencumbered balance of any special revenue
31 fund or account, or combination of funds and accounts, to the general
32 fund. The amounts transferred pursuant to this authorization shall be in
33 addition to any other transfers expressly authorized in the 2013-14
34 budget. Transfers from federal funds, debt service funds, capital
35 projects funds, the community projects fund, or funds that would result
36 in the loss of eligibility for federal benefits or federal funds pursu-
37 ant to federal law, rule, or regulation, are not permitted pursuant to
38 this authorization. The director of the budget shall notify both houses
39 of the legislature in writing prior to initiating transfers pursuant to
40 this authorization.

41 S 16. Notwithstanding any law to the contrary, and in accordance with
42 section 4 of the state finance law, the comptroller is hereby authorized
43 and directed to transfer, at the request of the director of the budget,
44 up to \$100 million from any non-general fund or account, or combination
45 of funds and accounts, to the special revenue other-technology financing
46 account for the purpose of consolidating technology procurement and
47 services. The amounts transferred pursuant to this authorization shall
48 be equal to or less than the amount of such monies intended to support
49 information technology costs which are attributable, according to a
50 plan, to such account made in pursuance to an appropriation by law.
51 Transfers to the technology financing account shall be completed from
52 amounts collected by non-general funds or accounts pursuant to a fund
53 deposit schedule or permanent statute, and shall be transferred to the
54 technology financing account pursuant to a schedule agreed upon by the
55 affected agency commissioner. Transfers from federal funds are not
56 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.

1 S 21. The comptroller is authorized and directed to deposit to the
2 general fund-state purposes account reimbursements from moneys appropri-
3 ated or reappropriated to the correctional facilities capital improve-
4 ment fund by a chapter of the laws of 2013. Reimbursements shall be
5 available for spending from appropriations made to the department of
6 corrections and community supervision in the general fund-state purposes
7 accounts by a chapter of the laws of 2013 for costs associated with the
8 administration and security of capital projects and for other costs
9 which are attributable, according to a plan, to such capital projects.

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

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

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

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

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

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

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

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

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

21 S 25. In the event that a capital appropriation in the amount of
22 \$25,000,000 is included in the enacted budget for the fiscal year
23 commencing April 1, 2013 for the cleaner, greener communities program
24 administered by the New York State energy research and development
25 authority, then notwithstanding any provision of law, rule or regulation
26 to the contrary, the New York State energy research and development
27 authority is authorized and directed to pay to the state treasury to the
28 credit of the general fund for the cost of such program the amount of
29 \$15,000,000 for the fiscal year commencing April 1, 2013 from proceeds
30 collected by the authority from the auction or sale of carbon dioxide
31 emission allowances allocated by the department of environmental conser-
32 vation under the Regional Greenhouse Gas Initiative. If, in any fiscal
33 year, such \$25,000,000 appropriation or any reappropriation thereof is
34 reduced or eliminated prior to disbursement of \$15,000,000, where such
35 reduction or elimination is not based upon the disbursement of such
36 \$25,000,000 appropriation, the comptroller is authorized and directed to
37 transfer, at the request of the director of the division of the budget,
38 an amount equal to such reduced or eliminated amount from the general
39 fund to the New York State energy research and development authority,
40 not to exceed in the aggregate \$15,000,000.

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

48 S 27. Notwithstanding any other law, rule, or regulation to the
49 contrary, the comptroller is hereby authorized and directed to deposit
50 to the credit of the capital projects fund, reimbursement from the
51 proceeds of notes or bonds issued by the environmental facilities corpo-
52 ration for a capital appropriation of \$30,174,000 authorized by chapter
53 55 of the laws of 2003 to the department of environmental conservation
54 for payment of a portion of the state's match for federal capitalization
55 grants for the water pollution control revolving loan fund, reimburse-
56 ment from the proceeds of notes or bonds issued by the urban development

1 corporation or other financing source for a capital appropriation of
2 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
3 of general services for payment of capital construction costs for the 51
4 Elk street parking garage building located in the city of Albany,
5 reimbursement from the proceeds of notes or bonds issued by the urban
6 development corporation for disbursements of up to \$10,000,000 from any
7 capital appropriation or reappropriation authorized by chapter 50 of the
8 laws of 2003 to the office of general services for various purposes,
9 reimbursement from the proceeds of notes or bonds issued by the environ-
10 mental facilities corporation for a capital appropriation of \$13,250,000
11 authorized by chapter 55 of the laws of 2003 to the energy research and
12 development authority for the Western New York Nuclear Service Center at
13 West Valley, reimbursement from the proceeds of notes or bonds issued by
14 the dormitory authority for disbursements of up to \$16,400,000 from any
15 capital appropriation or reappropriation authorized by chapter 51 of the
16 laws of 2003 to the judiciary for courthouse improvements, reimbursement
17 from the proceeds of notes or bonds issued by the urban development
18 corporation for disbursements of up to \$10,000,000 from appropriations
19 or reappropriations authorized by chapter 50 of the laws of 2003 to any
20 agency for costs related to homeland security, reimbursement from the
21 proceeds of notes or bonds issued by the environmental facilities corpo-
22 ration for a capital appropriation of \$10,000,000 authorized by chapter
23 55 of the laws of 2003 to the department of environmental conservation
24 for Onondaga lake, reimbursement from the proceeds of notes or bonds
25 issued by the environmental facilities corporation for disbursements of
26 up to \$11,000,000 from any capital appropriations or reappropriations
27 authorized by chapter 55 of the laws of 2003 to the department of envi-
28 ronmental conservation for environmental purposes, and reimbursement
29 from the proceeds of notes or bonds issued by the dormitory authority
30 for disbursements of up to \$100,000,000 from a capital appropriation
31 authorized by chapter 50 of the laws of 2003 to the department of state
32 for enhanced 911 wireless service.

33 S 28. Notwithstanding any other law, rule, or regulation to the
34 contrary, the comptroller is hereby authorized and directed to deposit
35 to the credit of the capital projects fund, reimbursement from the
36 proceeds of notes or bonds issued by the environmental facilities corpo-
37 ration for a capital appropriation for \$28,893,000 authorized by chapter
38 55 of the laws of 2004 to the department of environmental conservation
39 for payment of a portion of the state's match for federal capitalization
40 grants for the water pollution control revolving loan fund, reimburse-
41 ment from the proceeds of notes or bonds issued by the urban development
42 corporation for disbursements of up to \$10,000,000 from any capital
43 appropriation or reappropriation authorized by chapter 50 of the laws of
44 2004 to the office of general services for various purposes, reimburse-
45 ment from the proceeds of notes or bonds issued by the environmental
46 facilities corporation for a capital appropriation of \$11,350,000
47 authorized by chapter 55 of the laws of 2004 to the energy research and
48 development authority for the Western New York Nuclear Service Center at
49 West Valley, reimbursement from the proceeds of notes or bonds issued by
50 the environmental facilities corporation, for a capital appropriation of
51 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
52 ment of environmental conservation for Onondaga lake, reimbursement from
53 the proceeds of notes or bonds issued by the environmental facilities
54 corporation for disbursements of up to \$11,000,000 from any capital
55 appropriations or reappropriations authorized by chapter 55 of the laws
56 of 2004 to the department of environmental conservation for environ-

1 mental purposes, reimbursement from the proceeds of notes or bonds
2 issued by the dormitory authority for a capital appropriation of
3 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
4 tion department for capital transition grants for transportation,
5 reimbursement from the proceeds of notes or bonds issued by the dormito-
6 ry authority for a capital appropriation of \$243,325,000 authorized by
7 chapter 55 of the laws of 2004 for payment of costs related to economic
8 development projects, reimbursement from the proceeds of bonds or notes
9 issued by the urban development corporation for a capital appropriation
10 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
11 by chapter 108 of the laws of 2006, for payment of costs related to the
12 H. H. Richardson complex and the Darwin Martin House, and reimbursement
13 from the proceeds of notes or bonds issued by the dormitory authority
14 for a capital appropriation of \$345,750,000 authorized by chapter 3 of
15 the laws of 2004 for the New York state economic development program.

16 S 29. Notwithstanding any other law, rule, or regulation to the
17 contrary, the comptroller is hereby authorized and directed to deposit
18 to the credit of the capital projects fund, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation of \$29,602,000 authorized by chapter
21 55 of the laws of 2005 to the department of environmental conservation
22 for payment of a portion of the state's match for federal capitalization
23 grants for the water pollution control revolving loan fund, reimburse-
24 ment from the proceeds of notes or bonds issued by the urban development
25 corporation for disbursements of up to \$10,000,000 from any capital
26 appropriation or reappropriation authorized by chapter 50 of the laws of
27 2005 to the office of general services for various purposes, reimburse-
28 ment from the proceeds of notes or bonds issued by the environmental
29 facilities corporation for a capital appropriation of \$11,350,000
30 authorized by chapter 55 of the laws of 2005 to the energy research and
31 development authority for the Western New York Nuclear Service Center at
32 West Valley, reimbursement from the proceeds of notes or bonds issued by
33 the environmental facilities corporation for a capital appropriation of
34 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
35 ment of environmental conservation for Onondaga lake, reimbursement from
36 the proceeds of notes or bonds issued by the environmental facilities
37 corporation for disbursements of up to \$11,000,000 from any capital
38 appropriations or reappropriations authorized by chapter 55 of the laws
39 of 2005 to the department of environmental conservation for environ-
40 mental purposes, reimbursement from the proceeds of notes or bonds
41 issued by the urban development corporation for a capital appropriation
42 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
43 Javits center, reimbursement from the proceeds of notes or bonds issued
44 by the dormitory authority for a capital appropriation of \$89,750,000
45 authorized by chapter 62 of the laws of 2005 for regional development,
46 reimbursement from the proceeds of notes or bonds issued by the dormito-
47 ry authority for a capital appropriation of \$249,000,000 authorized by
48 chapter 62 of the laws of 2005 for technology and development,
49 reimbursement from the proceeds of notes or bonds issued by the urban
50 development corporation for a capital appropriation of \$48,517,000
51 authorized by chapter 162 of the laws of 2005 for the New York state
52 economic development program, reimbursement from the proceeds of notes
53 or bonds issued by the urban development corporation for a capital
54 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
55 2005 for the higher education facilities capital matching grants
56 program, reimbursement from the proceeds of notes or bonds issued by the

1 dormitory authority or other financing source for a capital appropri-
2 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
3 office of general services for payment of capital construction costs for
4 the Elk street parking garage building located in the city of Albany,
5 reimbursement from the proceeds of notes or bonds issued by the urban
6 development corporation for a capital appropriation of \$15,000,000
7 authorized by chapter 53 of the laws of 2005 to the state education
8 department for payment of capital construction costs for public broad-
9 casting facilities, reimbursement from the proceeds of notes or bonds
10 issued by the urban development corporation for a capital appropriation
11 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
12 sion of state police for public protection facilities, and reimbursement
13 from the proceeds of notes or bonds issued by the urban development
14 corporation for capital disbursements of up to \$3,000,000 from any capi-
15 tal appropriation or reappropriation authorized by chapter 50 of the
16 laws of 2005 to the division of military and naval affairs for various
17 purposes.

18 S 30. Notwithstanding any other law, rule, or regulation to the
19 contrary, the comptroller is hereby authorized and directed to deposit
20 to the credit of the capital projects fund, reimbursement from the
21 proceeds of notes or bonds issued by the environmental facilities corpo-
22 ration for a capital appropriation for \$29,600,000 authorized by chapter
23 55 of the laws of 2006 to the department of environmental conservation
24 for payment of a portion of the state's match for federal capitalization
25 grants for the water pollution control revolving loan fund, reimburse-
26 ment from the proceeds of notes or bonds issued by the urban development
27 corporation for disbursements of up to \$20,000,000 from any capital
28 appropriation or reappropriation authorized by chapter 50 of the laws of
29 2006 to the office of general services for various purposes, reimburse-
30 ment from the proceeds of notes or bonds issued by the environmental
31 facilities corporation for a capital appropriation of \$14,000,000
32 authorized by chapter 55 of the laws of 2006 to the energy research and
33 development authority for the Western New York Nuclear Service Center at
34 West Valley, reimbursement from the proceeds of notes or bonds issued by
35 the environmental facilities corporation for a capital appropriation of
36 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
37 ment of environmental conservation for Onondaga lake, reimbursement from
38 the proceeds of notes or bonds issued by the environmental facilities
39 corporation for disbursements of up to \$12,000,000 from any capital
40 appropriations or reappropriations authorized by chapter 55 of the laws
41 of 2006 to the department of environmental conservation for environ-
42 mental purposes, reimbursement from the proceeds of notes or bonds
43 issued by the urban development corporation for capital disbursements of
44 up to \$3,000,000 from any capital appropriation or reappropriation
45 authorized by chapter 50 of the laws of 2006 to the division of military
46 and naval affairs for various purposes, reimbursement from the proceeds
47 of notes or bonds issued by the urban development corporation for
48 disbursements of up to \$12,400,000 from any capital appropriation or
49 reappropriation authorized by chapter 50 of the laws of 2006 to the
50 division of state police for public protection facilities, reimbursement
51 from the proceeds of notes or bonds issued by the urban development
52 corporation for a capital appropriation of \$117,000,000 authorized by
53 chapter 50 of the laws of 2006 to all state departments and agencies for
54 the purchase of equipment, reimbursement from the proceeds of notes or
55 bonds issued by the dormitory authority or the urban development corpo-
56 ration for all or a portion of capital appropriations of \$603,050,000

1 authorized by chapter 108 of the laws of 2006 to the urban development
2 corporation for economic development/other projects, reimbursement from
3 the proceeds of notes or bonds issued by the urban development corpo-
4 ration for a capital appropriation of \$269,500,000 authorized by chapter
5 108 of the laws of 2006 to the dormitory authority or the urban develop-
6 ment corporation for economic development projects, reimbursement from
7 the proceeds of notes or bonds issued by the dormitory authority or the
8 urban development corporation for a capital appropriation of
9 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
10 development corporation for university development projects, reimburse-
11 ment from the proceeds of notes or bonds issued by the dormitory author-
12 ity or for a capital appropriation of \$143,000,000 authorized by chapter
13 108 of the laws of 2006 to the urban development corporation for
14 cultural facilities projects, reimbursement from the proceeds of notes
15 or bonds issued by the dormitory authority or the urban development
16 corporation for capital appropriations totaling \$60,000,000 authorized
17 by chapter 108 of the laws of 2006 to the urban development corporation
18 for energy/environmental projects, reimbursement from the proceeds of
19 notes or bonds issued by the dormitory authority or the urban develop-
20 ment corporation for a capital appropriation of \$20,000,000 authorized
21 by chapter 108 of the laws of 2006 to the urban development corporation
22 for a competitive solicitation for construction of a pilot cellulosic
23 ethanol refinery, reimbursement from the proceeds of notes or bonds
24 issued by the urban development corporation for a capital appropriation
25 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
26 development corporation for services and expenses related to infrastruc-
27 ture for a new stadium in Queens county, and reimbursement from the
28 proceeds of notes or bonds issued by the urban development corporation
29 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
30 the laws of 2006 to the urban development corporation for services and
31 expenses related to infrastructure improvements to construct a new park-
32 ing facility at a new stadium in Bronx county, reimbursement from the
33 proceeds of notes and bonds issued by the environmental facilities
34 corporation for a capital appropriation of \$5,000,000 authorized by
35 chapter 55 of the laws of 2006 to the environmental facilities corpo-
36 ration for payment for the pipeline for jobs program, reimbursement from
37 the proceeds of notes or bonds issued by the dormitory authority for
38 capital disbursements of up to \$14,000,000 from any capital appropri-
39 ation or reappropriation authorized by chapter 53 of the laws of 2006
40 for the library construction purpose, reimbursement from the proceeds of
41 notes or bonds issued by the urban development corporation or the dormi-
42 tory authority for an appropriation of \$1,200,000 authorized by chapter
43 53 of the laws of 2006 for the towns of Bristol and Canandaigua public
44 water systems, reimbursement from the proceeds of notes or bonds issued
45 by the urban development corporation or the dormitory authority for an
46 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006
47 for Belleayre mountain ski center, reimbursement from the proceeds of
48 notes or bonds issued by the urban development corporation or the dormi-
49 tory authority for an appropriation of \$25,000,000 authorized by chapter
50 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric
51 center rehabilitation, reimbursement from the proceeds of notes or bonds
52 issued by the urban development corporation or the dormitory authority
53 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws
54 of 2006 for a state of New York umbilical cord bank, reimbursement from
55 the proceeds of notes or bonds issued by the urban development corpo-
56 ration or the dormitory authority for an appropriation of \$5,500,000

1 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain
2 ski bowl connection, reimbursement from the proceeds of notes or bonds
3 issued by the urban development corporation or the dormitory authority
4 for an appropriation of \$2,000,000 authorized by chapter 53 of the laws
5 of 2006 for a Cornell equine drug testing laboratory, reimbursement from
6 the proceeds of notes or bonds issued by the urban development corpo-
7 ration or the dormitory authority for an appropriation of \$2,000,000
8 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard
9 laboratory, reimbursement from the proceeds of notes or bonds issued by
10 the dormitory authority or the urban development corporation for an
11 appropriation of \$40,000,000 authorized by chapter 108 of the laws of
12 2006 for a food testing laboratory, reimbursement from the proceeds of
13 notes or bonds issued by the New York state thruway authority for an
14 appropriation of \$22,000,000 authorized by chapter 108 of the laws of
15 2006 to the department of transportation for high speed rail, reimburse-
16 ment from the proceeds of notes or bonds issued by the urban development
17 corporation for capital disbursements of up to \$500,000,000 from an
18 appropriation authorized by chapter 108 of the laws of 2006 to the urban
19 development corporation for development of a semiconductor manufacturing
20 facility, reimbursement from the proceeds of notes or bonds issued by
21 the urban development corporation of up to \$150,000,000 from an appro-
22 priation authorized by chapter 108 of the laws of 2006 to the urban
23 development corporation for research and development activities of a
24 semiconductor manufacturer, and reimbursement from the proceeds of notes
25 or bonds issued by the urban development corporation for capital
26 disbursements of up to \$292,385,000 from an appropriation to the urban
27 development corporation authorized by chapter 108 of the laws of 2006
28 for community revitalization projects.

29 S 31. Notwithstanding any other law, rule, or regulation to the
30 contrary, the comptroller is hereby authorized and directed to deposit
31 to the credit of the capital projects fund, reimbursement from the
32 proceeds of notes or bonds issued by the environmental facilities corpo-
33 ration for a capital appropriation of \$29,600,000 authorized by chapter
34 55 of the laws of 2007 to the department of environmental conservation
35 for payment of a portion of the state's match for federal capitalization
36 grants for the water pollution control revolving loan fund, reimburse-
37 ment from the proceeds of notes or bonds issued by the urban development
38 corporation for disbursements of up to \$20,000,000 from any capital
39 appropriation or reappropriation authorized by chapter 50 of the laws of
40 2007 to the office of general services for various purposes, reimburse-
41 ment from the proceeds of notes or bonds issued by the environmental
42 facilities corporation for a capital appropriation of \$13,500,000
43 authorized by chapter 55 of the laws of 2007 to the energy research and
44 development authority for the Western New York Nuclear Service Center at
45 West Valley, reimbursement from the proceeds of notes or bonds issued by
46 the environmental facilities corporation for a capital appropriation of
47 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
48 ment of environmental conservation for Onondaga lake, reimbursement from
49 the proceeds of notes or bonds issued by the environmental facilities
50 corporation for disbursements of up to \$12,000,000 from any capital
51 appropriations or reappropriations authorized by chapter 55 of the laws
52 of 2007 to the department of environmental conservation for environ-
53 mental purposes, reimbursement from the proceeds of notes or bonds
54 issued by the urban development corporation for capital disbursements of
55 up to \$3,000,000 from any capital appropriation or reappropriation
56 authorized by chapter 50 of the laws of 2007 to the division of military

1 and naval affairs for various purposes, reimbursement from the proceeds
2 of notes or bonds issued by the urban development corporation for
3 disbursements from a capital appropriation of \$50,000,000 authorized by
4 chapter 50 of the laws of 2007 to the division of state police for
5 construction of a Troop G facility, reimbursement from the proceeds of
6 notes or bonds issued by the urban development corporation for disburse-
7 ments from a capital appropriation of \$6,000,000 authorized by chapter
8 50 of the laws of 2007 to the division of state police for construction
9 of evidence storage facilities, reimbursement from the proceeds of notes
10 or bonds issued by the dormitory authority or the urban development
11 corporation for capital appropriations totaling \$77,900,000 authorized
12 by chapter 51 of the laws of 2007 to the judiciary for court training
13 facilities and courthouse improvement projects, reimbursement from the
14 proceeds of notes or bonds issued by the urban development corporation
15 for a capital appropriation of \$20,000,000 authorized by chapter 50 of
16 the laws of 2007 to all state departments and agencies for the purchase
17 of equipment, reimbursement from the proceeds of notes or bonds issued
18 by the dormitory authority for capital disbursements of up to
19 \$14,000,000 from any capital appropriation or reappropriation authorized
20 by chapter 53 of the laws of 2007 for library construction, reimburse-
21 ment from the proceeds of notes or bonds issued by the dormitory author-
22 ity for capital disbursements of up to \$60,000,000 from any capital
23 appropriation or reappropriation authorized by chapter 53 of the laws of
24 2007 for cultural education storage facilities, reimbursement from the
25 proceeds of notes or bonds issued by the urban development corporation
26 for capital disbursements of up to \$15,000,000 from any capital appro-
27 priation or reappropriation authorized by chapter 55 of the laws of 2007
28 for Roosevelt Island Operating Corporation aerial tramway, reimbursement
29 from the proceeds of notes or bonds issued by the urban development
30 corporation for capital disbursements of up to \$20,000,000 from any
31 capital appropriation or reappropriation authorized by chapter 55 of the
32 laws of 2007 for Governor's Island, reimbursement from the proceeds of
33 notes or bonds issued by the urban development corporation for capital
34 disbursements of up to \$7,500,000 from any capital appropriation or
35 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-
36 man research and technology park, reimbursement from the proceeds of
37 notes or bonds issued by the urban development corporation for capital
38 disbursements of up to \$7,950,000 from any capital appropriation or
39 reappropriation authorized by chapter 55 of the laws of 2007 for USA
40 Niagara, and reimbursement from the proceeds of notes or bonds issued by
41 the urban development corporation for capital disbursements of up to
42 \$1,300,000 from appropriations authorized by chapter 50 of the laws of
43 2007 made to the office of general services for legislative office
44 building hearing rooms.

45 S 32. Notwithstanding any other law, rule, or regulation to the
46 contrary, the comptroller is hereby authorized and directed to deposit
47 to the credit of the capital projects fund, reimbursement from the
48 proceeds of notes or bonds issued by the environmental facilities corpo-
49 ration for a capital appropriation of \$29,600,000 authorized by chapter
50 55 of the laws of 2008 to the department of environmental conservation
51 for payment of a portion of the state's match for federal capitalization
52 grants for the water pollution control revolving loan fund, reimburse-
53 ment from the proceeds of notes or bonds issued by the urban development
54 corporation for a capital appropriation of \$141,000,000 authorized by
55 chapter 50 of the laws of 2008 to all state departments and agencies for
56 the purchase of equipment or systems development, reimbursement from the

1 proceeds of notes or bonds issued by the urban development corporation
2 for disbursements of up to \$45,500,000 from any capital appropriation or
3 reappropriation authorized by chapter 50 of the laws of 2008 to the
4 office of general services for various purposes, reimbursement from the
5 proceeds of notes or bonds issued by the environmental facilities corpo-
6 ration for a capital appropriation of \$13,500,000 authorized by chapter
7 55 of the laws of 2008 to the energy research and development authority
8 for the Western New York Nuclear Service Center at West Valley,
9 reimbursement from the proceeds of notes or bonds issued by the environ-
10 mental facilities corporation for a capital appropriation of \$10,000,000
11 authorized by chapter 55 of the laws of 2008 to the department of envi-
12 ronmental conservation for Onondaga lake, reimbursement from the
13 proceeds of notes or bonds issued by the environmental facilities corpo-
14 ration for disbursements of up to \$12,000,000 from any capital appropri-
15 ations or reappropriations authorized by chapter 55 of the laws of 2008
16 to the department of environmental conservation for environmental
17 purposes, reimbursement from the proceeds of notes or bonds issued by
18 the urban development corporation for capital disbursements of up to
19 \$3,000,000 from any capital appropriation or reappropriation authorized
20 by chapter 50 of the laws of 2008 to the division of military and naval
21 affairs for various purposes, reimbursement from the proceeds of notes
22 or bonds issued by the urban development corporation for a capital
23 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008
24 to the office for technology for activities related to broadband
25 service, reimbursement from the proceeds of notes or bonds issued by the
26 urban development corporation for a capital appropriation of \$6,000,000
27 authorized by chapter 50 of the laws of 2008 to the division of state
28 police for rehabilitation of facilities, reimbursement from the proceeds
29 of notes or bonds issued by the dormitory authority of the state of New
30 York or other financing source for a capital appropriation authorized by
31 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
32 ment for library construction, reimbursement from the proceeds of notes
33 or bonds issued by the dormitory authority of the state of New York or
34 other financing source for a capital appropriation authorized by chapter
35 53 of the laws of 2008 of \$15,000,000 to the education department for
36 museum renewal projects, reimbursement from the proceeds of notes or
37 bonds issued by the urban development corporation for capital appropri-
38 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
39 urban development corporation for services and expenses related to the
40 investment opportunity fund, reimbursement from the proceeds of notes or
41 bonds issued by the urban development corporation for capital appropri-
42 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the
43 urban development corporation for services and expenses related to arts
44 and cultural projects, reimbursement from the proceeds of bonds or notes
45 issued by the urban development corporation for a capital appropriation
46 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic
47 and community development projects, reimbursement from the proceeds of
48 bonds or notes issued by the urban development corporation for a capital
49 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
50 2008 for New York city waterfront development projects, reimbursement
51 from the proceeds of bonds or notes issued by the urban development
52 corporation for a capital appropriation of \$45,000,000 authorized by
53 chapter 53 of the laws of 2008 for Luther Forest infrastructure
54 projects, reimbursement from the proceeds of notes or bonds issued by
55 the urban development corporation for capital appropriation of
56 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban

1 development corporation for services and expenses related to downstate
2 regional projects, reimbursement from the proceeds of notes or bonds
3 issued by the urban development corporation for capital appropriation of
4 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban
5 development corporation for services and expenses related to upstate
6 city-by-city projects, reimbursement from the proceeds of notes or bonds
7 issued by the urban development corporation for capital appropriation of
8 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
9 development corporation for services and expenses related to the down-
10 state revitalization projects, reimbursement from the proceeds of notes
11 or bonds issued by the urban development corporation for capital appro-
12 priation of \$117,265,000 authorized by chapter 53 of the laws of 2008 to
13 the urban development corporation for services and expenses related to
14 the upstate regional blueprint fund, reimbursement from the proceeds of
15 notes or bonds issued by the urban development corporation for capital
16 appropriation of \$25,000,000 authorized by chapter 53 of the laws of
17 2008 to the urban development corporation for services and expenses
18 related to the upstate agricultural economic development fund,
19 reimbursement from the proceeds of notes or bonds issued by the urban
20 development corporation for capital appropriation of \$350,000,000
21 authorized by chapter 53 of the laws of 2008 to the urban development
22 corporation for services and expenses related to the New York state
23 capital assistance program, reimbursement from the proceeds of notes or
24 bonds issued by the urban development corporation for capital appropri-
25 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
26 the urban development corporation for services and expenses related to
27 the New York state economic development assistance program, and
28 reimbursement from the proceeds of notes or bonds issued by the urban
29 development corporation for capital appropriation of \$20,000,000 author-
30 ized by chapter 55 of the laws of 2008 to the urban development corpo-
31 ration for services and expenses related to the empire state economic
32 development fund.

33 S 33. Notwithstanding any other law, rule, or regulation to the
34 contrary, the comptroller is hereby authorized and directed to deposit
35 to the credit of the capital projects fund, reimbursement from the
36 proceeds of notes or bonds issued by the environmental facilities corpo-
37 ration for a capital appropriation of \$29,600,000 authorized by chapter
38 55 of the laws of 2009 to the department of environmental conservation
39 for payment of a portion of the state's match for federal capitalization
40 grants for the water pollution control revolving loan fund, reimburse-
41 ment from the proceeds of notes or bonds issued by the urban development
42 corporation for a capital appropriation of \$129,800,000 authorized by
43 chapter 50 of the laws of 2009 to all state departments and agencies for
44 the purchase of equipment or systems development, reimbursement from the
45 proceeds of notes or bonds issued by the urban development corporation
46 for disbursements of up to \$24,000,000 from any capital appropriation or
47 reappropriation authorized by chapter 50 of the laws of 2009 to the
48 office of general services for various purposes, reimbursement from the
49 proceeds of notes or bonds issued by the environmental facilities corpo-
50 ration for a capital appropriation of \$13,500,000 authorized by chapter
51 55 of the laws of 2009 to the energy research and development authority
52 for the Western New York Nuclear Service Center at West Valley,
53 reimbursement from the proceeds of notes or bonds issued by the environ-
54 mental facilities corporation for a capital appropriation of \$10,000,000
55 authorized by chapter 55 of the laws of 2009 to the department of envi-
56 ronmental conservation for Onondaga lake, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-
2 ration for disbursements of up to \$12,000,000 from any capital appropri-
3 ations or reappropriations authorized by chapter 55 of the laws of 2009
4 to the department of environmental conservation for environmental
5 purposes, reimbursement from the proceeds of notes or bonds issued by
6 the urban development corporation for capital disbursements of up to
7 \$3,000,000 from any capital appropriation or reappropriation authorized
8 by chapter 50 of the laws of 2009 to the division of military and naval
9 affairs for various purposes, reimbursement from the proceeds of notes
10 or bonds issued by the urban development corporation for a capital
11 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
12 to the division of state police for rehabilitation of facilities,
13 reimbursement from the proceeds of notes or bonds issued by the dormito-
14 ry authority of the state of New York or other financing source for a
15 capital appropriation authorized by chapter 53 of the laws of 2009 of
16 \$14,000,000 to the state education department for library construction,
17 reimbursement from the proceeds of notes or bonds issued by the dormito-
18 ry authority of the state of New York or other financing source for a
19 capital appropriation of \$4,000,000 to the state education department
20 for rehabilitation associated with the St. Regis Mohawk elementary
21 school authorized by chapter 53 of the laws of 2009 and reimbursement
22 from the proceeds of notes or bonds issued by the urban development
23 corporation for capital appropriation of \$25,000,000 authorized by chap-
24 ter 55 of the laws of 2009 to the urban development corporation for
25 services and expenses related to the empire state economic development
26 fund.

27 S 34. Notwithstanding any other law, rule, or regulation to the
28 contrary, the comptroller is hereby authorized and directed to deposit
29 to the credit of the capital projects fund, reimbursement from the
30 proceeds of notes or bonds issued by the environmental facilities corpo-
31 ration for a capital appropriation of \$29,600,000 authorized by chapter
32 55 of the laws of 2010 to the department of environmental conservation
33 for payment of a portion of the state's match for federal capitalization
34 grants for the water pollution control revolving loan fund, reimburse-
35 ment from the proceeds of notes or bonds issued by the urban development
36 corporation for a capital appropriation of \$187,285,000 authorized by
37 chapter 50 of the laws of 2010 to all state departments and agencies for
38 the purchase of equipment or systems development, reimbursement from the
39 proceeds of notes or bonds issued by the urban development corporation
40 for disbursements of up to \$26,950,000 from any capital appropriation or
41 reappropriation authorized by chapter 50 of the laws of 2010 to the
42 office of general services for various purposes, reimbursement from the
43 proceeds of notes or bonds issued by the environmental facilities corpo-
44 ration for a capital appropriation of \$5,000,000 authorized by chapter
45 55 of the laws of 2010 to the department of environmental conservation
46 for Onondaga lake, reimbursement from the proceeds of notes or bonds
47 issued by the environmental facilities corporation for disbursements of
48 up to \$12,000,000 from any capital appropriations or reappropriations
49 authorized by chapter 55 of the laws of 2010 to the department of envi-
50 ronmental conservation for environmental purposes, reimbursement from
51 the proceeds of notes or bonds issued by the urban development corpo-
52 ration for capital disbursements of up to \$3,000,000 from any capital
53 appropriation or reappropriation authorized by chapter 50 of the laws of
54 2010 to the division of military and naval affairs for various purposes,
55 reimbursement from the proceeds of notes or bonds issued by the urban
56 development corporation for a capital appropriation of \$6,000,000

1 authorized by chapter 50 of the laws of 2010 to the division of state
2 police for rehabilitation of facilities, reimbursement from the proceeds
3 of notes or bonds issued by the dormitory authority of the state of New
4 York or other financing source for a capital appropriation of
5 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state
6 education department for library construction, reimbursements from the
7 proceeds of notes or bonds issued by the dormitory authority of the
8 state of New York or other financing source for a capital appropriation
9 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the
10 state education department for the longitudinal data system and
11 reimbursement from the proceeds of notes or bonds issued by the dormito-
12 ry authority of the state of New York or other financing source for a
13 capital appropriation of \$42,000,000 for the state preparedness and
14 training center.

15 S 35. Notwithstanding any other law, rule, or regulation to the
16 contrary, the comptroller is hereby authorized and directed to deposit
17 to the credit of the capital projects fund, reimbursement from the
18 proceeds of notes or bonds issued by the environmental facilities corpo-
19 ration for a capital appropriation of \$35,000,000 authorized by a chap-
20 ter of the laws of 2011 to the department of environmental conservation
21 for payment of a portion of the state's match for federal capitalization
22 grants for the water pollution control revolving loan fund, reimburse-
23 ment from the proceeds of notes or bonds issued by the urban development
24 corporation for a capital appropriation of \$92,751,000 authorized by a
25 chapter of the laws of 2011 to all state departments and agencies for
26 the purchase of equipment or systems development, reimbursement from the
27 proceeds of notes or bonds issued by the urban development corporation
28 for disbursements of up to \$40,000,000 from any capital appropriation or
29 reappropriation authorized by a chapter of the laws of 2011 to the
30 office of general services for various purposes, reimbursement from the
31 proceeds of notes or bonds issued by the environmental facilities corpo-
32 ration for disbursements of up to \$12,000,000 from any capital appropri-
33 ations or reappropriations authorized by a chapter of the laws of 2011
34 to the department of environmental conservation for environmental
35 purposes, reimbursement from the proceeds of notes or bonds issued by
36 the urban development corporation for capital disbursements of up to
37 \$3,000,000 from any capital appropriation or reappropriation authorized
38 by a chapter of the laws of 2011 to the division of military and naval
39 affairs for various purposes, reimbursement from the proceeds of notes
40 or bonds issued by the urban development corporation for a capital
41 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011
42 to the division of state police for rehabilitation of facilities,
43 reimbursement from the proceeds of notes or bonds issued by the dormito-
44 ry authority of the state of New York or other financing source for a
45 capital appropriation of \$14,000,000 authorized by a chapter of the laws
46 of 2011 to the state education department for library construction,
47 reimbursement from the proceeds of notes or bonds issued by the urban
48 development corporation for capital appropriation of \$130,550,000
49 authorized by a chapter of the laws of 2011 to the urban development
50 corporation for services and expenses related to the regional economic
51 development council initiative, reimbursement from the proceeds of notes
52 or bonds issued by the urban development corporation for capital appro-
53 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to
54 the urban development corporation for services and expenses related to
55 the economic transformation program. Reimbursements from the proceeds
56 of notes or bonds issued by the urban development corporation for

1 disbursements of up to \$40,000,000 from any capital appropriation or
2 reappropriation authorized by a chapter of the laws of 2011 to the
3 office of general services for various purposes.

4 S 36. Notwithstanding any other law, rule, or regulation to the
5 contrary, the comptroller is hereby authorized and directed to deposit
6 to the credit of the capital projects fund, reimbursement from the
7 proceeds of notes or bonds issued by the environmental facilities corpo-
8 ration for a capital appropriation of \$35,000,000 authorized by a chap-
9 ter of the laws of 2012 to the department of environmental conservation
10 for payment of a portion of the state's match for federal capitalization
11 grants for the water pollution control revolving loan fund, reimburse-
12 ment from the proceeds of notes or bonds issued by the environmental
13 facilities corporation for disbursements of up to \$12,000,000 from any
14 capital appropriations or reappropriations authorized by a chapter of
15 the laws of 2012 to the department of environmental conservation for
16 environmental purposes, reimbursement from the proceeds of notes or
17 bonds issued by the urban development corporation for capital disburse-
18 ments of up to \$3,000,000 from any capital appropriation or reappropri-
19 ation authorized by a chapter of the laws of 2012 to the division of
20 military and naval affairs for various purposes, reimbursement from the
21 proceeds of notes or bonds issued by the urban development corporation
22 for a capital appropriation of \$6,000,000 authorized by a chapter of the
23 laws of 2012 to the division of state police for rehabilitation of
24 facilities, reimbursement from the proceeds of notes or bonds issued by
25 the dormitory authority of the state of New York or other financing
26 source for a capital appropriation of \$14,000,000 authorized by a chap-
27 ter of the laws of 2012 to the state education department for library
28 construction, reimbursement from the proceeds of notes or bonds issued
29 by the thruway authority, the dormitory authority and the urban develop-
30 ment corporation for a capital appropriation of \$770,000,000 authorized
31 by chapter 54 of the laws of 2012 to the metropolitan transportation
32 authority for various purposes, reimbursement from the proceeds of notes
33 or bonds issued by the thruway authority for a capital appropriation of
34 \$15,000,000 authorized by chapter 54 of the laws of 2012 to the depart-
35 ment of transportation for improvement of the peace bridge plaza,
36 reimbursement from the proceeds of notes or bonds issued by the urban
37 development corporation for a capital appropriation of \$130,000,000
38 authorized by a chapter of the laws of 2012 to the urban development
39 corporation for services and expenses related to the regional economic
40 development council initiative, reimbursement from the proceeds of notes
41 or bonds issued by the urban development corporation for a capital
42 appropriation of \$75,000,000 authorized by a chapter of the laws of 2012
43 to the urban development corporation for services and expenses related
44 to the New York works economic development fund, reimbursement from the
45 proceeds of notes or bonds issued by the urban development corporation
46 for a capital appropriation of \$75,000,000 authorized by a chapter of
47 the laws of 2012 to the urban development corporation for services and
48 expenses related to the buffalo regional innovation cluster, reimburse-
49 ment from the proceeds of notes or bonds issued by the urban development
50 corporation for a capital appropriation of \$250,000,000 authorized by a
51 chapter of the laws of 2012 to the urban development corporation for
52 services and expenses related to the state university of New York
53 college for nanoscale and science engineering project, reimbursements
54 from the proceeds of notes or bonds issued by the urban development
55 corporation for disbursements of up to \$26,000,000 from any capital

1 appropriation or reappropriation authorized by a chapter of the laws of
2 2012 to the office of general services for various purposes.

3 S 37. Notwithstanding any other law, rule, or regulation to the
4 contrary, the comptroller is hereby authorized and directed to deposit
5 to the credit of the capital projects fund, reimbursement from the
6 proceeds of notes or bonds issued by the environmental facilities corpo-
7 ration for a capital appropriation of \$35,000,000 authorized by a chap-
8 ter of the laws of 2013 to the department of environmental conservation
9 for payment of a portion of the state's match for federal capitalization
10 grants for the water pollution control revolving loan fund, reimburse-
11 ment from the proceeds of notes or bonds issued by the environmental
12 facilities corporation for disbursements of up to \$12,000,000 from any
13 capital appropriations or reappropriations authorized by a chapter of
14 the laws of 2013 to the department of environmental conservation for
15 environmental purposes, reimbursement from the proceeds of notes or
16 bonds issued by the urban development corporation for capital disburse-
17 ments of up to \$3,000,000 from any capital appropriation or reappropri-
18 ation authorized by a chapter of the laws of 2013 to the division of
19 military and naval affairs for various purposes, reimbursement from the
20 proceeds of notes or bonds issued by the urban development corporation
21 for a capital appropriation of \$7,000,000 authorized by a chapter of the
22 laws of 2013 to the division of state police for rehabilitation of
23 facilities, reimbursement from the proceeds of notes or bonds issued by
24 the urban development corporation for a capital appropriation of
25 \$12,500,000 authorized by a chapter of the laws of 2013 to the division
26 of state police for aviation equipment, reimbursement from the proceeds
27 of notes or bonds issued by the urban development corporation for a
28 capital appropriation of \$32,740,000 authorized by a chapter of the laws
29 of 2013 to the division of state police for a pistol permit database,
30 reimbursement from the proceeds of notes or bonds issued by the dormito-
31 ry authority of the state of New York or other financing source for a
32 capital appropriation of \$14,000,000 authorized by a chapter of the laws
33 of 2013 to the state education department for library construction,
34 reimbursement from the proceeds of notes or bonds issued by the urban
35 development corporation for a capital appropriation of \$150,000,000
36 authorized by a chapter of the laws of 2013 to the urban development
37 corporation for services and expenses related to the regional economic
38 development council initiative, reimbursement from the proceeds of notes
39 or bonds issued by the urban development corporation for a capital
40 appropriation of \$75,000,000 authorized by a chapter of the laws of 2013
41 to the urban development corporation for services and expenses related
42 to the buffalo regional innovation cluster, reimbursement from the
43 proceeds of notes or bonds issued by the urban development corporation
44 for a capital appropriation of \$2,166,000 authorized by a chapter of the
45 laws of 2013 to the urban development corporation for services and
46 expenses related to the retention of professional football in Western
47 New York, reimbursements from the proceeds of notes or bonds issued by
48 the urban development corporation for disbursements of up to \$26,000,000
49 from any capital appropriation or reappropriation authorized by a chap-
50 ter of the laws of 2013 to the office of general services for various
51 purposes, reimbursement from the proceeds of notes or bonds issued by
52 the urban development corporation for a capital appropriation of
53 \$53,891,000 authorized by a chapter of the laws of 2013 to the urban
54 development corporation for services and expenses related to capital
55 improvements at Ralph Wilson Stadium, reimbursement from the proceeds of
56 notes or bonds issued by the urban development corporation for a capital

1 appropriation of \$165,000,000 authorized by a chapter of the laws of
2 2013 to the urban development corporation for services and expenses
3 related to the New York works economic development fund, reimbursement
4 from the proceeds of notes or bonds issued by the thruway authority for
5 a capital appropriation of \$100,000,000 authorized by a chapter of the
6 laws of 2013 to the department of transportation for transportation
7 infrastructure projects, reimbursement from the proceeds of notes or
8 bonds issued by the thruway authority for a capital appropriation of
9 \$200,000,000 authorized by a chapter of the laws of 2013 to the depart-
10 ment of transportation for various purposes.

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

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

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

32 S 41. Notwithstanding any other law, rule, or regulation to the
33 contrary, the state comptroller is hereby authorized and directed to use
34 any balance remaining in the mental health services fund debt service
35 appropriation, after payment by the state comptroller of all obligations
36 required pursuant to any lease, sublease, or other financing arrangement
37 between the dormitory authority of the state of New York as successor to
38 the New York state medical care facilities finance agency, and the
39 facilities development corporation pursuant to chapter 83 of the laws of
40 1995 and the department of mental hygiene for the purpose of making
41 payments to the dormitory authority of the state of New York for the
42 amount of the earnings for the investment of monies deposited in the
43 mental health services fund that such agency determines will or may have
44 to be rebated to the federal government pursuant to the provisions of
45 the internal revenue code of 1986, as amended, in order to enable such
46 agency to maintain the exemption from federal income taxation on the
47 interest paid to the holders of such agency's mental services facilities
48 improvement revenue bonds. On or before June 30, 2013, such agency shall
49 certify to the state comptroller its determination of the amounts
50 received in the mental health services fund as a result of the invest-
51 ment of monies deposited therein that will or may have to be rebated to
52 the federal government pursuant to the provisions of the internal reven-
53 ue code of 1986, as amended.

54 S 42. (1) Notwithstanding any other law, rule, or regulation to the
55 contrary, the state comptroller shall at the commencement of each month
56 certify to the director of the budget, the commissioner of environmental

1 conservation, the chair of the senate finance committee, and the chair
2 of the assembly ways and means committee the amounts disbursed from all
3 appropriations for hazardous waste site remediation disbursements for
4 the month preceding such certification.

5 (2) Notwithstanding any law to the contrary, prior to the issuance by
6 the comptroller of bonds authorized pursuant to subdivision a of section
7 4 of the environmental quality bond act of nineteen hundred eighty-six,
8 as enacted by chapter 511 of the laws of 1986, disbursements from all
9 appropriations for that purpose shall first be reimbursed from moneys
10 credited to the hazardous waste remedial fund, site investigation and
11 construction account, to the extent moneys are available in such
12 account. For purposes of determining moneys available in such account,
13 the commissioner of environmental conservation shall certify to the
14 comptroller the amounts required for administration of the hazardous
15 waste remedial program.

16 (3) The comptroller is hereby authorized and directed to transfer any
17 balance above the amounts certified by the commissioner of environmental
18 conservation to reimburse disbursements pursuant to all appropriations
19 from such site investigation and construction account; provided, howev-
20 er, that if such transfers are determined by the comptroller to be
21 insufficient to assure that interest paid to holders of state obli-
22 gations issued for hazardous waste purposes pursuant to the environ-
23 mental quality bond act of nineteen hundred eighty-six, as enacted by
24 chapter 511 of the laws of 1986, is exempt from federal income taxation,
25 the comptroller is hereby authorized and directed to transfer, from such
26 site investigation and construction account to the general fund, the
27 amount necessary to redeem bonds in an amount necessary to assure the
28 continuation of such tax exempt status. Prior to the making of any such
29 transfers, the comptroller shall notify the director of the budget of
30 the amount of such transfers.

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

34 2. "Authorized purpose" for purposes of this article and section nine-
35 ty-two-z of this chapter shall mean any purposes for which state-sup-
36 ported debt, as defined by section sixty-seven-a of this chapter, may or
37 has been issued except debt for which the state is constitutionally
38 obligated thereunder to pay debt service and related expenses[, and
39 except (a) as authorized in paragraph (b) of subdivision one of section
40 three hundred eighty-five of the public authorities law, (b) as author-
41 ized for the department of health of the state of New York facilities as
42 specified in paragraph a of subdivision two of section sixteen hundred
43 eighty of the public authorities law, (c) state university of New York
44 dormitory facilities as specified in subdivision eight of section
45 sixteen hundred seventy-eight of the public authorities law, and (d) as
46 authorized for mental health services facilities by section nine-a of
47 section one of chapter three hundred ninety-two of the laws of nineteen
48 hundred seventy-three constituting the New York state medical care
49 facilities financing act. Notwithstanding the provisions of clause (d)
50 of this subdivision, for the period April first, two thousand nine
51 through March thirty-first, two thousand thirteen, mental health
52 services facilities, as authorized by section nine-a of section one of
53 chapter three hundred ninety-two of the laws of nineteen hundred seven-
54 ty-three constituting the New York state medical care facilities financ-
55 ing act, shall constitute an authorized purpose].

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

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

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

22 5. A majority of the whole number of directors then in office shall
23 constitute a quorum for the transaction of any business or the exercise
24 of any power of the corporation. Except as otherwise specified in this
25 title, for the transaction of any business or the exercise of any power
26 of the corporation, the corporation shall have power to act by a majori-
27 ty of the directors present at any meeting at which a quorum is in
28 attendance; provided that one or more directors may participate in a
29 meeting by means of conference telephone or similar communications
30 equipment allowing all directors participating in the meeting to hear
31 each other at the same time and participation by such means shall
32 constitute presence in person at a meeting. A unanimous vote of all
33 directors THEN IN OFFICE shall be required for approval of a resolution
34 authorizing the issuance of bonds or notes or any supplemental or amen-
35 datory resolution. The corporation may delegate to one or more of its
36 directors, or officers, agents and employees, such powers and duties as
37 the directors may deem proper. Five days notice shall be given to each
38 director and nonvoting representative prior to any meeting of the corpo-
39 ration.

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

43 S 46. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE
44 CONTRARY, THE DORMITORY AUTHORITY AND THE CORPORATION ARE HEREBY AUTHOR-
45 IZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF
46 FUNDING PROJECT COSTS FOR THE NEW YORK STATE TRANSFORMATIVE CAPITAL FUND
47 AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS. THE AGGRE-
48 GATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS
49 SECTION SHALL NOT EXCEED ONE BILLION ONE HUNDRED SEVENTY MILLION
50 DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE
51 FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED
52 TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH
53 BONDS AND NOTES OF THE DORMITORY AUTHORITY AND THE CORPORATION SHALL NOT
54 BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR
55 SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY
56 THE STATE TO THE DORMITORY AUTHORITY AND THE CORPORATION FOR PRINCIPAL,

1 INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH
2 BONDS AND NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH
3 EFFECT. EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE,
4 ANY INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY
5 DEBT SERVICE ON SUCH BONDS.

6 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
7 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE CORPORATION IN UNDERTAK-
8 ING THE FINANCING FOR PROJECT COSTS FOR THE NEW YORK STATE TRANSFORM-
9 ATIVE CAPITAL FUND AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL
10 PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO
11 ONE OR MORE SERVICE CONTRACTS WITH THE DORMITORY AUTHORITY AND THE
12 CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON
13 SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE DORMITO-
14 RY AUTHORITY AND THE CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE TO THE
15 DORMITORY AUTHORITY AND THE CORPORATION, IN THE AGGREGATE, A SUM NOT TO
16 EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH
17 BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS
18 SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT
19 THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE
20 MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED
21 EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY
22 SHALL BE INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH
23 PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH
24 CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED
25 AND PLEDGED BY THE DORMITORY AUTHORITY AND THE CORPORATION AS SECURITY
26 FOR ITS BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

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

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

35 S 47. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE
36 CONTRARY, THE DORMITORY AUTHORITY AND THE CORPORATION ARE HEREBY AUTHOR-
37 IZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF
38 FUNDING PROJECT COSTS FOR THE OFFICE OF INFORMATION TECHNOLOGY SERVICES
39 AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS. THE AGGRE-
40 GATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS
41 SECTION SHALL NOT EXCEED SIXTY MILLION DOLLARS, EXCLUDING BONDS ISSUED
42 TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE
43 OF SUCH BONDS, AND BONDS OR NOTES ISSUED TO REFUND OR OTHERWISE REPAY
44 SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH BONDS AND NOTES OF THE
45 DORMITORY AUTHORITY AND THE CORPORATION SHALL NOT BE A DEBT OF THE
46 STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE
47 PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO
48 THE DORMITORY AUTHORITY AND THE CORPORATION FOR PRINCIPAL, INTEREST, AND
49 RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES
50 SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR
51 PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE, ANY INTEREST
52 INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON
53 SUCH BONDS.

54 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
55 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE CORPORATION IN UNDERTAK-
56 ING THE FINANCING FOR PROJECT COSTS FOR THE OFFICE OF INFORMATION TECH-

1 NOLOGY SERVICES AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL
2 PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO
3 ONE OR MORE SERVICE CONTRACTS WITH THE DORMITORY AUTHORITY AND THE
4 CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON
5 SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE DORMITO-
6 RY AUTHORITY AND THE CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE TO THE
7 DORMITORY AUTHORITY AND THE CORPORATION, IN THE AGGREGATE, A SUM NOT TO
8 EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH
9 BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS
10 SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT
11 THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE
12 MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED
13 EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY
14 SHALL BE INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH
15 PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH
16 CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED
17 AND PLEDGED BY THE DORMITORY AUTHORITY AND THE CORPORATION AS SECURITY
18 FOR ITS BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

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

24 S 48. Subdivision (a) of section 28 of part Y of chapter 61 of the
25 laws of 2005, relating to providing for the administration of certain
26 funds and accounts related to the 2005-2006 budget, as amended by
27 section 39 of part U of chapter 59 of the laws of 2012, is amended to
28 read as follows:

29 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
30 notwithstanding any provisions of law to the contrary, one or more
31 authorized issuers as defined by section 68-a of the state finance law
32 are hereby authorized to issue bonds or notes in one or more series in
33 an aggregate principal amount not to exceed [\$24,000,000] \$27,000,000,
34 excluding bonds issued to finance one or more debt service reserve
35 funds, to pay costs of issuance of such bonds, and bonds or notes issued
36 to refund or otherwise repay such bonds or notes previously issued, for
37 the purpose of financing capital projects for public protection facili-
38 ties in the Division of Military and Naval Affairs, debt service and
39 leases; and to reimburse the state general fund for disbursements made
40 therefor. Such bonds and notes of such authorized issuer shall not be a
41 debt of the state, and the state shall not be liable thereon, nor shall
42 they be payable out of any funds other than those appropriated by the
43 state to such authorized issuer for debt service and related expenses
44 pursuant to any service contract executed pursuant to subdivision (b) of
45 this section and such bonds and notes shall contain on the face thereof
46 a statement to such effect. Except for purposes of complying with the
47 internal revenue code, any interest income earned on bond proceeds shall
48 only be used to pay debt service on such bonds.

49 S 49. Subdivision 1 of section 16 of part D of chapter 389 of the laws
50 of 1997, relating to the financing of the correctional facilities
51 improvement fund and the youth facility improvement fund, as amended by
52 section 40 of part U of chapter 59 of the laws of 2012, is amended to
53 read as follows:

54 1. Subject to the provisions of chapter 59 of the laws of 2000, but
55 notwithstanding the provisions of section 18 of section 1 of chapter 174
56 of the laws of 1968, the New York state urban development corporation is

1 hereby authorized to issue bonds, notes and other obligations in an
2 aggregate principal amount not to exceed [six] SEVEN billion [eight] ONE
3 hundred [sixteen] THIRTY-THREE million [eight hundred] sixty-nine thou-
4 sand dollars [\$6,816,869,000] \$7,133,069,000, and shall include all
5 bonds, notes and other obligations issued pursuant to chapter 56 of the
6 laws of 1983, as amended or supplemented. The proceeds of such bonds,
7 notes or other obligations shall be paid to the state, for deposit in
8 the correctional facilities capital improvement fund to pay for all or
9 any portion of the amount or amounts paid by the state from appropri-
10 ations or reappropriations made to the department of corrections and
11 community supervision from the correctional facilities capital improve-
12 ment fund for capital projects. The aggregate amount of bonds, notes or
13 other obligations authorized to be issued pursuant to this section shall
14 exclude bonds, notes or other obligations issued to refund or otherwise
15 repay bonds, notes or other obligations theretofore issued, the proceeds
16 of which were paid to the state for all or a portion of the amounts
17 expended by the state from appropriations or reappropriations made to
18 the department of corrections and community supervision; provided,
19 however, that upon any such refunding or repayment the total aggregate
20 principal amount of outstanding bonds, notes or other obligations may be
21 greater than [six] SEVEN billion [eight] ONE hundred [sixteen]
22 THIRTY-THREE million [eight hundred] sixty-nine thousand dollars
23 [\$6,816,869,000] \$7,133,069,000, only if the present value of the aggre-
24 gate debt service of the refunding or repayment bonds, notes or other
25 obligations to be issued shall not exceed the present value of the
26 aggregate debt service of the bonds, notes or other obligations so to be
27 refunded or repaid. For the purposes hereof, the present value of the
28 aggregate debt service of the refunding or repayment bonds, notes or
29 other obligations and of the aggregate debt service of the bonds, notes
30 or other obligations so refunded or repaid, shall be calculated by
31 utilizing the effective interest rate of the refunding or repayment
32 bonds, notes or other obligations, which shall be that rate arrived at
33 by doubling the semi-annual interest rate (compounded semi-annually)
34 necessary to discount the debt service payments on the refunding or
35 repayment bonds, notes or other obligations from the payment dates ther-
36 eof to the date of issue of the refunding or repayment bonds, notes or
37 other obligations and to the price bid including estimated accrued
38 interest or proceeds received by the corporation including estimated
39 accrued interest from the sale thereof.

40 S 50. Paragraph (a) of subdivision 2 of section 47-e of the private
41 housing finance law, as amended by section 41 of part U of chapter 59 of
42 the laws of 2012, is amended to read as follows:

43 (a) Subject to the provisions of chapter fifty-nine of the laws of two
44 thousand, in order to enhance and encourage the promotion of housing
45 programs and thereby achieve the stated purposes and objectives of such
46 housing programs, the agency shall have the power and is hereby author-
47 ized from time to time to issue negotiable housing program bonds and
48 notes in such principal amount as shall be necessary to provide suffi-
49 cient funds for the repayment of amounts disbursed (and not previously
50 reimbursed) pursuant to law or any prior year making capital appropri-
51 ations or reappropriations for the purposes of the housing program;
52 provided, however, that the agency may issue such bonds and notes in an
53 aggregate principal amount not exceeding two billion [seven] EIGHT
54 hundred [forty] FORTY-FOUR million [six] EIGHT hundred ninety-nine thou-
55 sand dollars, plus a principal amount of bonds issued to fund the debt
56 service reserve fund in accordance with the debt service reserve fund

1 requirement established by the agency and to fund any other reserves
2 that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other
3 charges and expenses, including underwriters' discount, trustee and
4 rating agency fees, bond insurance, credit enhancement and liquidity
5 enhancement related to the issuance of such bonds and notes. No reserve
6 fund securing the housing program bonds shall be entitled or eligible to
7 receive state funds apportioned or appropriated to maintain or restore
8 such reserve fund at or to a particular level, except to the extent of
9 any deficiency resulting directly or indirectly from a failure of the
10 state to appropriate or pay the agreed amount under any of the contracts
11 provided for in subdivision four of this section.

12
13 S 51. Subdivision (b) of section 11 of chapter 329 of the laws of
14 1991, amending the state finance law and other laws relating to the
15 establishment of the dedicated highway and bridge trust fund, as amended
16 by section 42 of part U of chapter 59 of the laws of 2012, is amended to
17 read as follows:

18 (b) Any service contract or contracts for projects authorized pursuant
19 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
20 14-k of the transportation law, and entered into pursuant to subdivision
21 (a) of this section, shall provide for state commitments to provide
22 annually to the thruway authority a sum or sums, upon such terms and
23 conditions as shall be deemed appropriate by the director of the budget,
24 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
25 cost not in excess of [\$7,106,022,000] \$7,516,875,000 cumulatively by
26 the end of fiscal year [2012-13] 2013-14.

27
28 S 52. Subdivision 1 of section 1689-i of the public authorities law,
29 as amended by section 50 of part U of chapter 59 of the laws of 2012, is
30 amended to read as follows:

31 1. The dormitory authority is authorized to issue bonds, at the
32 request of the commissioner of education, to finance eligible library
33 construction projects pursuant to section two hundred seventy-three-a of
34 the education law, in amounts certified by such commissioner not to
35 exceed a total principal amount of [ninety-eight] ONE HUNDRED TWELVE
36 million dollars.

37 S 53. Subdivision (a) of section 27 of part Y of chapter 61 of the
38 laws of 2005, providing for the administration of certain funds and
39 accounts related to the 2005-2006 budget, as amended by section 43 of
40 part PP of chapter 56 of the laws of 2009, is amended to read as
41 follows:

42 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
43 notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one
44 or more series in an aggregate principal amount not to exceed
45 [\$114,100,000] \$166,340,000, excluding bonds issued to finance one or
46 more debt service reserve funds, to pay costs of issuance of such bonds,
47 and bonds or notes issued to refund or otherwise repay such bonds or
48 notes previously issued, for the purpose of financing capital projects
49 for THE division of state police [facilities], debt service and leases;
50 and to reimburse the state general fund for disbursements made therefor.
51 Such bonds and notes of such authorized issuer shall not be a debt of
52 the state, and the state shall not be liable thereon, nor shall they be
53 payable out of any funds other than those appropriated by the state to
54 such authorized issuer for debt service and related expenses pursuant to
55 any service contract executed pursuant to subdivision (b) of this
56

1 section and such bonds and notes shall contain on the face thereof a
2 statement to such effect. Except for purposes of complying with the
3 internal revenue code, any interest income earned on bond proceeds shall
4 only be used to pay debt service on such bonds.

5 S 54. Section 44 of section 1 of chapter 174 of the laws of 1968,
6 constituting the New York state urban development corporation act, as
7 amended by section 43 of part U of chapter 59 of the laws of 2012, is
8 amended to read as follows:

9 S 44. ISSUANCE OF CERTAIN BONDS OR NOTES. 1. Notwithstanding the
10 provisions of any other law to the contrary, the dormitory authority and
11 the corporation are hereby authorized to issue bonds or notes in one or
12 more series for the purpose of funding project costs for the regional
13 economic development council initiative, the economic transformation
14 program, state university of New York college for nanoscale and science
15 engineering, projects within the city of Buffalo or surrounding envi-
16 rons, [and] the New York works economic development fund, PROJECTS FOR
17 THE RETENTION OF PROFESSIONAL FOOTBALL IN WESTERN NEW YORK, and other
18 state costs associated with such projects. The aggregate principal
19 amount of bonds authorized to be issued pursuant to this section shall
20 not exceed [seven hundred ten million five hundred fifty] ONE BILLION
21 ONE HUNDRED FIFTY-SIX MILLION SIX HUNDRED SEVEN thousand dollars,
22 excluding bonds issued to fund one or more debt service reserve funds,
23 to pay costs of issuance of such bonds, and bonds or notes issued to
24 refund or otherwise repay such bonds or notes previously issued. Such
25 bonds and notes of the dormitory authority and the corporation shall not
26 be a debt of the state, and the state shall not be liable thereon, nor
27 shall they be payable out of any funds other than those appropriated by
28 the state to the dormitory authority and the corporation for principal,
29 interest, and related expenses pursuant to a service contract and such
30 bonds and notes shall contain on the face thereof a statement to such
31 effect. Except for purposes of complying with the internal revenue code,
32 any interest income earned on bond proceeds shall only be used to pay
33 debt service on such bonds.

34 2. Notwithstanding any other provision of law to the contrary, in
35 order to assist the dormitory authority and the corporation in undertak-
36 ing the financing for project costs for the regional economic develop-
37 ment council initiative, the economic transformation program, state
38 university of New York college for nanoscale and science engineering,
39 projects within the city of Buffalo or surrounding environs [and], the
40 New York works economic development fund, PROJECTS FOR THE RETENTION OF
41 PROFESSIONAL FOOTBALL IN WESTERN NEW YORK, and other state costs associ-
42 ated with such projects, the director of the budget is hereby authorized
43 to enter into one or more service contracts with the dormitory authority
44 and the corporation, none of which shall exceed thirty years in dura-
45 tion, upon such terms and conditions as the director of the budget and
46 the dormitory authority and the corporation agree, so as to annually
47 provide to the dormitory authority and the corporation, in the aggre-
48 gate, a sum not to exceed the principal, interest, and related expenses
49 required for such bonds and notes. Any service contract entered into
50 pursuant to this section shall provide that the obligation of the state
51 to pay the amount therein provided shall not constitute a debt of the
52 state within the meaning of any constitutional or statutory provision
53 and shall be deemed executory only to the extent of monies available and
54 that no liability shall be incurred by the state beyond the monies
55 available for such purpose, subject to annual appropriation by the
56 legislature. Any such contract or any payments made or to be made there-

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

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

8 1. Subject to chapter fifty-nine of the laws of two thousand, but
9 notwithstanding any other provisions of law to the contrary, in order to
10 assist the corporation in undertaking the administration and the financ-
11 ing of the design, acquisition, construction, improvement, installation,
12 and related work for all or any portion of any of the following environ-
13 mental infrastructure projects and for the provision of funds to the
14 state for any amounts disbursed therefor: (a) projects authorized under
15 the environmental protection fund, or for which appropriations are made
16 to the environmental protection fund including, but not limited to
17 municipal parks and historic preservation, stewardship, farmland
18 protection, non-point source, pollution control, Hudson River Park, land
19 acquisition, and waterfront revitalization; (b) department of environ-
20 mental conservation capital appropriations for Onondaga Lake for certain
21 water quality improvement projects in the same manner as set forth in
22 paragraph (d) of subdivision one of section 56-0303 of the environmental
23 conservation law; (c) for the purpose of the administration, management,
24 maintenance, and use of the real property at the western New York nucle-
25 ar service center; and (d) department of environmental conservation
26 capital appropriations for the administration, design, acquisition,
27 construction, improvement, installation, and related work on department
28 of environmental conservation environmental infrastructure projects; and
29 (e) office of parks, recreation and historic preservation appropriations
30 or reappropriations from the state parks infrastructure fund[,]; AND (F)
31 CAPITAL GRANTS FOR THE CLEANER, GREENER COMMUNITIES PROGRAM the director
32 of the division of budget and the corporation are each authorized to
33 enter into one or more service contracts, none of which shall exceed
34 twenty years in duration, upon such terms and conditions as the director
35 and the corporation may agree, so as to annually provide to the corpo-
36 ration in the aggregate, a sum not to exceed the annual debt service
37 payments and related expenses required for any bonds and notes author-
38 ized pursuant to section twelve hundred ninety of this title. Any
39 service contract entered into pursuant to this section shall provide
40 that the obligation of the state to fund or to pay the amounts therein
41 provided for shall not constitute a debt of the state within the meaning
42 of any constitutional or statutory provision and shall be deemed execu-
43 tory only to the extent of moneys available for such purposes, subject
44 to annual appropriation by the legislature. Any such service contract or
45 any payments made or to be made thereunder may be assigned and pledged
46 by the corporation as security for its bonds and notes, as authorized
47 pursuant to section twelve hundred ninety of this title.

48 3. The maximum amount of bonds that may be issued for the purpose of
49 financing environmental infrastructure projects authorized by this
50 section shall be one billion [one hundred eighteen] TWO HUNDRED
51 SIXTY-FIVE million seven hundred sixty thousand dollars, exclusive of
52 bonds issued to fund any debt service reserve funds, pay costs of issu-
53 ance of such bonds, and bonds or notes issued to refund or otherwise
54 repay bonds or notes previously issued. Such bonds and notes of the
55 corporation shall not be a debt of the state, and the state shall not be
56 liable thereon, nor shall they be payable out of any funds other than

1 those appropriated by the state to the corporation for debt service and
2 related expenses pursuant to any service contracts executed pursuant to
3 subdivision one of this section, and such bonds and notes shall contain
4 on the face thereof a statement to such effect.

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

7 S 92-H. SALES TAX REVENUE BOND TAX FUND. 1. THERE IS HEREBY ESTAB-
8 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
9 ER OF TAXATION AND FINANCE A FUND WITHIN THE GENERAL DEBT SERVICE FUND
10 TO BE KNOWN AS THE "SALES TAX REVENUE BOND TAX FUND".

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

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

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

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

1 MENTS OF SUCH AUTHORIZED ISSUERS FOR SUCH FISCAL YEAR. SUBJECT TO THE
2 RIGHTS OF HOLDERS OF DEBT OF THE STATE, IN NO EVENT SHALL THE STATE
3 COMPTROLLER PAY OVER AND DISTRIBUTE ANY MONEYS ON DEPOSIT IN THE SALES
4 TAX REVENUE BOND TAX FUND TO ANY PERSON OTHER THAN AN AUTHORIZED ISSUER
5 PURSUANT TO SUCH CERTIFICATE OR CERTIFICATES (I) UNLESS AND UNTIL THE
6 AGGREGATE OF ALL CASH REQUIREMENTS CERTIFIED TO THE STATE COMPTROLLER AS
7 REQUIRED BY SUCH AUTHORIZED ISSUERS TO BE SET ASIDE PURSUANT TO PARA-
8 GRAPH (B) OF THIS SUBDIVISION FOR SUCH FISCAL YEAR SHALL HAVE BEEN
9 APPROPRIATED TO SUCH AUTHORIZED ISSUERS IN ACCORDANCE WITH THE SCHEDULE
10 SPECIFIED IN THE CERTIFICATE OR CERTIFICATES FILED BY THE DIRECTOR OF
11 THE BUDGET OR (II) IF, AFTER HAVING BEEN SO CERTIFIED AND APPROPRIATED,
12 ANY PAYMENT REQUIRED TO BE MADE PURSUANT TO PARAGRAPH (B) OF THIS SUBDI-
13 VISION HAS NOT BEEN MADE TO THE AUTHORIZED ISSUERS PURSUANT TO SUCH
14 CERTIFICATE OR CERTIFICATES; PROVIDED, HOWEVER, THAT NO PERSON, INCLUD-
15 ING SUCH AUTHORIZED ISSUERS OR THE HOLDERS OF REVENUE BONDS, SHALL HAVE
16 ANY LIEN ON MONEYS ON DEPOSIT IN THE SALES TAX REVENUE BOND TAX FUND.
17 ANY AGREEMENT ENTERED INTO PURSUANT TO SECTION SIXTY-NINE-O OF THIS
18 CHAPTER RELATED TO ANY PAYMENT AUTHORIZED BY THIS SECTION SHALL BE
19 EXECUTORY ONLY TO THE EXTENT OF SUCH REVENUES AVAILABLE TO THE STATE IN
20 SUCH FUND. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION,
21 IN THE EVENT THE AGGREGATE OF ALL CASH REQUIREMENTS CERTIFIED TO THE
22 STATE COMPTROLLER AS REQUIRED BY SUCH AUTHORIZED ISSUERS TO BE SET ASIDE
23 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION FOR THE FISCAL YEAR BEGIN-
24 NING ON APRIL FIRST SHALL NOT HAVE BEEN APPROPRIATED TO SUCH AUTHORIZED
25 ISSUERS IN ACCORDANCE WITH THE SCHEDULE SPECIFIED IN THE CERTIFICATE OR
26 CERTIFICATES FILED BY THE DIRECTOR OF THE BUDGET OR, IF, HAVING BEEN SO
27 CERTIFIED AND APPROPRIATED, ANY PAYMENT REQUIRED TO BE MADE PURSUANT TO
28 PARAGRAPH (B) OF THIS SUBDIVISION HAS NOT BEEN MADE PURSUANT TO SUCH
29 CERTIFICATE OR CERTIFICATES, ALL RECEIPTS COLLECTED AND DEPOSITED IN THE
30 SALES TAX REVENUE BOND TAX FUND SHALL REMAIN IN SUCH FUND. NOTWITHSTAND-
31 ING ANY OTHER PROVISION OF LAW, IF THE STATE HAS APPROPRIATED AND PAID
32 TO THE AUTHORIZED ISSUERS ALL AMOUNTS NECESSARY FOR THE AUTHORIZED
33 ISSUERS TO MEET THEIR CASH REQUIREMENTS FOR THE CURRENT FISCAL YEAR
34 PURSUANT TO THE CERTIFICATE OR CERTIFICATES SUBMITTED BY THE DIRECTOR OF
35 THE BUDGET PURSUANT TO PARAGRAPH (B) OF THIS SECTION, THE STATE COMP-
36 TROLLER SHALL, ON THE LAST DAY OF EACH FISCAL YEAR, PAY TO THE GENERAL
37 FUND OF THE STATE ALL SUMS REMAINING IN THE SALES TAX REVENUE BOND TAX
38 FUND ON SUCH DATE EXCEPT SUCH AMOUNTS AS THE DIRECTOR OF THE BUDGET MAY
39 CERTIFY ARE NEEDED TO MEET THE CASH REQUIREMENTS OF AUTHORIZED ISSUERS
40 DURING THE SUBSEQUENT FISCAL YEAR.

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

1 THE INTEREST DUE ON SUCH OBLIGATIONS ON THE NEXT SUCCEEDING INTEREST
2 PAYMENT DATE MULTIPLIED BY THE NUMBER OF MONTHS FROM THE LAST SUCH
3 PAYMENT AND ONE-ELEVENTH OF THE NEXT PRINCIPAL INSTALLMENT DUE ON SUCH
4 OBLIGATIONS MULTIPLIED BY THE NUMBER OF MONTHS FROM THE LAST SUCH PRIN-
5 CIPAL INSTALLMENT WHERE PRINCIPAL IS DUE ON AN ANNUAL BASIS OR ONE-FIFTH
6 OF THE NEXT PRINCIPAL INSTALLMENT DUE ON SUCH OBLIGATIONS MULTIPLIED BY
7 THE NUMBER OF MONTHS FROM THE LAST SUCH PRINCIPAL INSTALLMENT WHERE
8 PRINCIPAL IS DUE ON A SEMIANNUAL BASIS. FOR THE PURPOSE OF MEETING CASH
9 REQUIREMENTS OF AN AUTHORIZED ISSUER THAT ARE DUE ON A MONTHLY BASIS OR
10 MORE FREQUENTLY, THE COMPTROLLER SHALL SET ASIDE ALL REVENUES DEPOSITED
11 PURSUANT TO SUBDIVISION TWO OF THIS SECTION AS RECEIVED UNTIL THE AMOUNT
12 SO SET ASIDE IS, IN THE REASONABLE JUDGMENT OF THE DIRECTOR OF THE BUDG-
13 ET AS SET FORTH IN SUCH CERTIFICATE, SUFFICIENT TO MAKE THE REQUIRED
14 PAYMENT ON OR BEFORE SUCH PAYMENT DATE. NOTWITHSTANDING SUBDIVISION
15 THREE OF, SECTION SEVENTY-TWO OF THIS ARTICLE OR ANY OTHER PROVISION OF
16 LAW, ALL MONEYS SET ASIDE IN THE SALES TAX REVENUE BOND TAX FUND TO MEET
17 THE ANNUAL CASH REQUIREMENTS OF AUTHORIZED ISSUERS PURSUANT TO A CERTIF-
18 ICATE OR CERTIFICATES AS REQUIRED IN THIS PARAGRAPH SHALL REMAIN IN THE
19 SALES TAX REVENUE BOND TAX FUND UNTIL NEEDED FOR PAYMENT TO AUTHORIZED
20 ISSUERS, AS PROVIDED IN THIS SECTION. IN THE EVENT THAT THE AMOUNT SET
21 ASIDE BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH IS NOT SUFFI-
22 CIENT TO MEET THE CASH REQUIREMENTS REQUIRED PURSUANT TO A CERTIFICATE
23 OR CERTIFICATES SUBMITTED BY THE DIRECTOR OF THE BUDGET, THE STATE COMP-
24 TROLLER SHALL IMMEDIATELY TRANSFER FROM THE GENERAL FUND TO THE SALES
25 TAX REVENUE BOND TAX FUND AN AMOUNT WHICH, WHEN COMBINED WITH THE AMOUNT
26 SET ASIDE PURSUANT TO THIS PARAGRAPH, SHALL BE SUFFICIENT TO MEET THE
27 PAYMENT REQUIRED PURSUANT TO SUCH CERTIFICATE OR CERTIFICATES. THE
28 DIRECTOR OF THE BUDGET MAY REVISE SUCH CERTIFICATION AT SUCH TIMES AS
29 SHALL BE NECESSARY, PROVIDED, HOWEVER, THAT THE DIRECTOR OF THE BUDGET
30 SHALL, AS NECESSARY, REVISE SUCH CERTIFICATION NOT LATER THAN THIRTY
31 DAYS AFTER THE ISSUANCE OF ANY REVENUE BONDS, INCLUDING REFUNDING BONDS,
32 AND AFTER THE ADOPTION OF ANY INTEREST RATE EXCHANGE OR OTHER FINANCIAL
33 ARRANGEMENT AFFECTING THE CASH REQUIREMENTS OF THE AUTHORIZED ISSUERS.
34 IN NO EVENT SHALL THE STATE COMPTROLLER BE HELD LIABLE FOR THE FAILURE
35 TO SET ASIDE AN AMOUNT SUFFICIENT TO PAY ANY REQUIRED PAYMENT OF AN
36 AUTHORIZED ISSUER.

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

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

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

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

55 ARTICLE 5-F

56 SALES TAX REVENUE BOND FINANCING PROGRAM

1 SECTION 69-M. DEFINITIONS.

2 69-N. ISSUANCE OF BONDS AND NOTES.

3 69-O. PAYMENTS TO AUTHORIZED ISSUERS.

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

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

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

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

25 (B) THE AUTHORIZED ISSUERS SHALL HAVE THE POWER AND ARE HEREBY AUTHOR-
26 IZED FROM TIME TO TIME TO ISSUE (I) REVENUE BONDS TO RENEW NOTES, (II)
27 REVENUE BONDS TO PAY NOTES, AND (III) WHENEVER IT DEEMS REFUNDING EXPE-
28 DIENT, TO REFUND ANY BONDS, NOTES OR OTHER OBLIGATIONS ISSUED FOR AN
29 AUTHORIZED PURPOSE OR PURPOSES, INCLUDING BONDS, NOTES OR OTHER OBLI-
30 GATIONS THAT WERE ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, BY
31 THE ISSUANCE OF NEW REVENUE BONDS, WHETHER THE BONDS, NOTES, OR OTHER
32 OBLIGATIONS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND TO ISSUE REVEN-
33 UE BONDS IN PART TO REFUND BONDS, NOTES, OR OTHER OBLIGATIONS THEN
34 OUTSTANDING AND IN PART FOR ANY OF ITS OTHER AUTHORIZED PURPOSES. THE
35 REFUNDING REVENUE BONDS MAY BE EXCHANGED FOR BONDS, NOTES, OR OTHER
36 OBLIGATIONS TO BE REFUNDED, OR SOLD AND THE PROCEEDS APPLIED TO THE
37 PURCHASE, REDEMPTION OR PAYMENT OF SUCH BONDS, NOTES, OR OTHER OBLI-
38 GATIONS.

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

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

49 (E) THE REVENUE BONDS OF THE AUTHORIZED ISSUERS AUTHORIZED BY THIS
50 SECTION SHALL NOT BE A DEBT OF THE STATE AND THE STATE SHALL NOT BE
51 LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN
52 THOSE OF THE AUTHORIZED ISSUERS PLEDGED THEREFOR; AND SUCH REVENUE BONDS
53 SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. IN ADDI-
54 TION, ANY AGREEMENTS ENTERED INTO BY ANY ENTITY PURSUANT TO SECTIONS
55 SIXTY-NINE-O AND NINETY-TWO-H OF THIS CHAPTER ON BEHALF OF THE STATE TO
56 EFFECT THE IMPLEMENTATION OF ANY OF THE ACTIVITIES FINANCED IN WHOLE OR

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

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

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

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

22 2. CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, AND SUBJECT TO THE
23 APPROVAL OF THE DIRECTOR OF THE BUDGET, ANY RESOLUTION OR OTHER AGREE-
24 MENT AUTHORIZING REVENUE BONDS OR ANY ISSUE THEREOF MAY CONTAIN
25 PROVISIONS, WHICH SHALL BE A PART OF THE CONTRACT WITH THE HOLDERS THER-
26 EOF, AS TO:

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

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

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

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

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

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

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

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

1 THE REVENUE BONDS AND PROVIDING FOR THE RIGHTS AND REMEDIES OF THE HOLD-
2 ERS OF THE REVENUE BONDS IN EVENT OF SUCH DEFAULT, INCLUDING THE RIGHT
3 TO APPOINTMENT OF A RECEIVER; PROVIDED, HOWEVER, THAT SUCH RIGHTS AND
4 REMEDIES SHALL NOT BE INCONSISTENT WITH THE OTHER PROVISIONS OF THIS
5 ARTICLE;

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

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

11 NOTWITHSTANDING THE FOREGOING, THE AUTHORIZED ISSUERS SHALL NOT BE
12 AUTHORIZED TO MAKE ANY COVENANT, PLEDGE, PROMISE, OR AGREEMENT PURPORT-
13 ING TO BIND THE STATE EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED BY
14 THIS ARTICLE.

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

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

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

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

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

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

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

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

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

6 9. EXCEPT UPON THE AMENDMENT OF THE NEW YORK STATE CONSTITUTION ALLOW-
7 ING THE ISSUANCE OR ASSUMPTION OF BONDS, NOTES OR OTHER OBLIGATIONS
8 SECURED BY REVENUES, WHICH MAY INCLUDE THE REVENUES SECURING REVENUE
9 BONDS OF AUTHORIZED ISSUERS, AND THE AFFIRMATIVE ASSUMPTION OF SUCH
10 BONDS, NOTES OR OTHER OBLIGATIONS BY THE STATE, THE REVENUE BONDS OF THE
11 AUTHORIZED ISSUERS AUTHORIZED BY THIS SECTION SHALL NOT BE A DEBT OF THE
12 STATE AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYA-
13 BLE OUT OF ANY FUNDS OTHER THAN THOSE OF THE AUTHORIZED ISSUERS PLEDGED
14 THEREFOR; AND SUCH REVENUE BONDS SHALL CONTAIN ON THE FACE THEREOF A
15 STATEMENT TO SUCH EFFECT. IN ADDITION, ANY AGREEMENTS ENTERED INTO BY
16 ANY ENTITY PURSUANT TO SECTIONS SIXTY-NINE-O AND NINETY-TWO-H OF THIS
17 CHAPTER ON BEHALF OF THE STATE TO EFFECT THE IMPLEMENTATION OF ANY OF
18 THE ACTIVITIES FINANCED IN WHOLE OR IN PART WITH PROCEEDS OF THE OBLI-
19 GATIONS OF THE AUTHORIZED ISSUERS AUTHORIZED IN THIS SECTION DO NOT
20 CONSTITUTE OR CREATE A DEBT OF THE STATE, NOR A CONTRACTUAL OBLIGATION
21 IN EXCESS OF THE AMOUNTS APPROPRIATED THEREFOR AND THE STATE HAS NO
22 CONTINUING LEGAL OR MORAL OBLIGATION TO APPROPRIATE MONEY FOR PAYMENTS
23 DUE UNDER ANY SUCH AGREEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 a. Moneys in the dedicated highway and bridge trust fund shall,
2 following appropriation by the legislature, be utilized for: recon-
3 struction, replacement, reconditioning, restoration, rehabilitation and
4 preservation of state, county, town, city and village roads, highways,
5 parkways, and bridges thereon, to restore such facilities to their
6 intended functions; construction, reconstruction, enhancement and
7 improvement of state, county, town, city, and village roads, highways,
8 parkways, and bridges thereon, to address current and projected capacity
9 problems including costs for traffic mitigation activities; aviation
10 projects authorized pursuant to section fourteen-j of the transportation
11 law and for payments to the general debt service fund of amounts equal
12 to amounts required for service contract payments related to aviation
13 projects as provided and authorized by section three hundred eighty-six
14 of the public authorities law; programs to assist small and minority and
15 women-owned firms engaged in transportation construction and recon-
16 struction projects, including a revolving fund for working capital
17 loans, and a bonding guarantee assistance program in accordance with
18 provisions of this chapter; matching federal grants or apportionments to
19 the state for highway, parkway and bridge capital projects; the acquisi-
20 tion of real property and interests therein required or expected to be
21 required in connection with such projects; preventive maintenance activ-
22 ities necessary to ensure that highways, parkways and bridges meet or
23 exceed their optimum useful life; expenses of control of snow and ice on
24 state highways by the department of transportation including but not
25 limited to personal services, nonpersonal services and fringe benefits,
26 payment of emergency aid for control of snow and ice in municipalities
27 pursuant to section fifty-five of the highway law, expenses of control
28 of snow and ice on state highways by municipalities pursuant to section
29 twelve of the highway law, and for expenses of arterial maintenance
30 agreements with cities pursuant to section three hundred forty-nine of
31 the highway law; personal services and fringe benefit costs of the
32 department of transportation for bus safety inspection activities; costs
33 of the department of motor vehicles, including but not limited to
34 personal and nonpersonal services; costs of engineering and administra-
35 tive services of the department of transportation, including but not
36 limited to fringe benefits; the contract services provided by private
37 firms in accordance with section fourteen of the transportation law;
38 personal services and nonpersonal services, for activities including but
39 not limited to the preparation of designs, plans, specifications and
40 estimates; construction management and supervision activities; costs of
41 appraisals, surveys, testing and environmental impact statements for
42 transportation projects; expenses in connection with buildings, equip-
43 ment, materials and facilities used or useful in connection with the
44 maintenance, operation, and repair of highways, parkways and bridges
45 thereon; and project costs for: construction, reconstruction, improve-
46 ment, reconditioning and preservation of rail freight facilities and
47 intercity rail passenger facilities and equipment; construction, recon-
48 struction, improvement, reconditioning and preservation of state, munic-
49 ipal and privately owned ports; construction, reconstruction, improve-
50 ment, reconditioning and preservation of municipal airports; privately
51 owned airports and aviation capital facilities, excluding airports oper-
52 ated by the state or operated by a bi-state municipal corporate instru-
53 mentality for which federal funding is not available provided the
54 project is consistent with an approved airport layout plan; and
55 construction, reconstruction, enhancement, improvement, replacement,
56 reconditioning, restoration, rehabilitation and preservation of state,

1 county, town, city and village roads, highways, parkways and bridges;
2 and construction, reconstruction, improvement, reconditioning and pres-
3 ervation of fixed ferry facilities of municipal and privately owned
4 ferry lines for transportation purposes, and the payment of debt service
5 required on any bonds, notes or other obligations and related expenses
6 for highway, parkway, bridge and project costs for: construction, recon-
7 struction, improvement, reconditioning and preservation of rail freight
8 facilities and intercity rail passenger facilities and equipment;
9 construction, reconstruction, improvement, reconditioning and preserva-
10 tion of state, municipal and privately owned ports; construction, recon-
11 struction, improvement, reconditioning and preservation of municipal
12 airports; privately owned airports and aviation capital facilities,
13 excluding airports operated by the state or operated by a bi-state
14 municipal corporate instrumentality for which federal funding is not
15 available provided the project is consistent with an approved airport
16 layout plan; construction, reconstruction, enhancement, improvement,
17 replacement, reconditioning, restoration, rehabilitation and preserva-
18 tion of state, county, town, city and village roads, highways, parkways
19 and bridges; and construction, reconstruction, improvement, recondition-
20 ing and preservation of fixed ferry facilities of municipal and private-
21 ly owned ferry lines for transportation purposes, purposes authorized on
22 or after the effective date of this section. Beginning with disburse-
23 ments made on and after the first day of April, nineteen hundred nine-
24 ty-three, moneys in such fund shall be available to pay such costs or
25 expenses made pursuant to appropriations or reappropriations made during
26 the state fiscal year which began on the first of April, nineteen
27 hundred ninety-two. Beginning the first day of April, nineteen hundred
28 ninety-three, moneys in such fund shall also be used for [payments]
29 TRANSFERS to the general debt service fund AND THE REVENUE BOND TAX FUND
30 of amounts equal to [amounts] THAT RESPECTIVELY required for service
31 contract AND FINANCING AGREEMENT payments as provided and authorized by
32 section three hundred eighty of the public authorities law [and by],
33 section eleven of chapter three hundred twenty-nine of the laws of nine-
34 teen hundred ninety-one, as amended, AND SECTIONS SIXTY-EIGHT-C AND
35 SIXTY-NINE-O OF THIS CHAPTER.

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

39 a. Moneys in the dedicated highway and bridge trust fund shall,
40 following appropriation by the legislature, be utilized for: recon-
41 struction, replacement, reconditioning, restoration, rehabilitation and
42 preservation of state, county, town, city and village roads, highways,
43 parkways, and bridges thereon, to restore such facilities to their
44 intended functions; construction, reconstruction, enhancement and
45 improvement of state, county, town, city, and village roads, highways,
46 parkways, and bridges thereon, to address current and projected capacity
47 problems including costs for traffic mitigation activities; aviation
48 projects authorized pursuant to section fourteen-j of the transportation
49 law and for payments to the general debt service fund of amounts equal
50 to amounts required for service contract payments related to aviation
51 projects as provided and authorized by section three hundred eighty-six
52 of the public authorities law; programs to assist small and minority and
53 women-owned firms engaged in transportation construction and recon-
54 struction projects, including a revolving fund for working capital
55 loans, and a bonding guarantee assistance program in accordance with
56 provisions of this chapter; matching federal grants or apportionments to

1 the state for highway, parkway and bridge capital projects; the acquisi-
2 tion of real property and interests therein required or expected to be
3 required in connection with such projects; preventive maintenance activ-
4 ities necessary to ensure that highways, parkways and bridges meet or
5 exceed their optimum useful life; expenses of control of snow and ice on
6 state highways by the department of transportation including but not
7 limited to personal services, nonpersonal services and fringe benefits,
8 payment of emergency aid for control of snow and ice in municipalities
9 pursuant to section fifty-five of the highway law, expenses of control
10 of snow and ice on state highways by municipalities pursuant to section
11 twelve of the highway law, and for expenses of arterial maintenance
12 agreements with cities pursuant to section three hundred forty-nine of
13 the highway law; personal services and fringe benefit costs of the
14 department of transportation for bus safety inspection activities; costs
15 of engineering and administrative services of the department of trans-
16 portation, including but not limited to fringe benefits; the contract
17 services provided by private firms in accordance with section fourteen
18 of the transportation law; personal services and nonpersonal services,
19 for activities including but not limited to the preparation of designs,
20 plans, specifications and estimates; construction management and super-
21 vision activities; costs of appraisals, surveys, testing and environ-
22 mental impact statements for transportation projects; expenses in
23 connection with buildings, equipment, materials and facilities used or
24 useful in connection with the maintenance, operation, and repair of
25 highways, parkways and bridges thereon; and project costs for:
26 construction, reconstruction, improvement, reconditioning and preserva-
27 tion of rail freight facilities and intercity rail passenger facilities
28 and equipment; construction, reconstruction, improvement, reconditioning
29 and preservation of state, municipal and privately owned ports;
30 construction, reconstruction, improvement, reconditioning and preserva-
31 tion of municipal airports; privately owned airports and aviation capi-
32 tal facilities, excluding airports operated by the state or operated by
33 a bi-state municipal corporate instrumentality for which federal funding
34 is not available provided the project is consistent with an approved
35 airport layout plan; and construction, reconstruction, enhancement,
36 improvement, replacement, reconditioning, restoration, rehabilitation
37 and preservation of state, county, town, city and village roads, high-
38 ways, parkways and bridges; and construction, reconstruction, improve-
39 ment, reconditioning and preservation of fixed ferry facilities of
40 municipal and privately owned ferry lines for transportation purposes,
41 and the payment of debt service required on any bonds, notes or other
42 obligations and related expenses for highway, parkway, bridge and
43 project costs for: construction, reconstruction, improvement, recondi-
44 tioning and preservation of rail freight facilities and intercity rail
45 passenger facilities and equipment; construction, reconstruction,
46 improvement, reconditioning and preservation of state, municipal and
47 privately owned ports; construction, reconstruction, improvement, recon-
48 ditioning and preservation of municipal airports; privately owned
49 airports and aviation capital facilities, excluding airports operated by
50 the state or operated by a bi-state municipal corporate instrumentality
51 for which federal funding is not available provided the project is
52 consistent with an approved airport layout plan; construction, recon-
53 struction, enhancement, improvement, replacement, reconditioning, resto-
54 ration, rehabilitation and preservation of state, county, town, city and
55 village roads, highways, parkways and bridges; and construction, recon-
56 struction, improvement, reconditioning and preservation of fixed ferry

1 facilities of municipal and privately owned ferry lines for transporta-
2 tion purposes, purposes authorized on or after the effective date of
3 this section. Beginning with disbursements made on and after the first
4 day of April, nineteen hundred ninety-three, moneys in such fund shall
5 be available to pay such costs or expenses made pursuant to appropri-
6 ations or reappropriations made during the state fiscal year which began
7 on the first of April, nineteen hundred ninety-two. Beginning the first
8 day of April, nineteen hundred ninety-three, moneys in such fund shall
9 also be used for [payments] TRANSFERS to the general debt service fund
10 AND THE REVENUE BOND TAX FUND of amounts equal to [amounts] THAT RESPEC-
11 TIVELY required for service contract AND FINANCING AGREEMENT payments as
12 provided and authorized by section three hundred eighty of the public
13 authorities law [and by], section eleven of chapter three hundred twen-
14 ty-nine of the laws of nineteen hundred ninety-one, as amended, AND
15 SECTIONS SIXTY-EIGHT-C AND SIXTY-NINE-O OF THIS CHAPTER.

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

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

27 S 62. Subdivision 3 of section 97-g of the state finance law, as
28 amended by section 1 of subpart A of part C of chapter 97 of the laws of
29 2011, is amended to read as follows:

30 3. Moneys of the fund shall be available to the commissioner of gener-
31 al services for the purchase of food, supplies and equipment for state
32 agencies, and for the purpose of furnishing or providing centralized
33 services to or for state agencies; provided further that such moneys
34 shall be available to the commissioner of general services for purposes
35 pursuant to items (d) and (f) of subdivision four of this section to or
36 for political subdivisions. Beginning the first day of April, two thou-
37 sand two, moneys in such fund shall also be transferred by the state
38 comptroller to the revenue bond tax fund account of the general debt
39 service fund in amounts equal to those required for payments to author-
40 ized issuers for revenue bonds issued pursuant to article five-C AND
41 ARTICLE FIVE-F of this chapter for the purpose of lease purchases and
42 installment purchases by or for state agencies and institutions for
43 personal or real property purposes.

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

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

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

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

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

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

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

13 2. USES OF FUNDS. (A) STORM RECOVERY ACCOUNT. FOLLOWING APPROPRIATION
14 BY THE LEGISLATURE, MONEYS IN THE STORM RECOVERY ACCOUNT SHALL BE AVAIL-
15 ABLE TO FINANCE THE REPAIR, REHABILITATION, OR REPLACEMENT OF CAPITAL
16 WORKS OR PURPOSES DAMAGED BY HURRICANE SANDY OR ANY FUTURE NATURAL
17 DISASTER EXPECTED TO BE ELIGIBLE FOR REIMBURSEMENT BY THE FEDERAL EMER-
18 GENCY MANAGEMENT AGENCY (FEMA), THE FEDERAL TRANSIT ADMINISTRATION
19 (FTA), THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND ANY OTHER FEDERAL
20 REIMBURSEMENT SOURCE. NO MONEY IN THIS ACCOUNT MAY BE EXPENDED FOR ANY
21 PROJECT UNTIL THE DIRECTOR OF THE BUDGET HAS DETERMINED THAT THERE IS A
22 SUBSTANTIAL LIKELIHOOD THAT THE COSTS OF SUCH PROJECT SHALL BE REIM-
23 BURSED BY FEDERAL SOURCES. THE DIRECTOR SHALL ISSUE FORMAL RULES THAT
24 SET FORTH THE PROCESS BY WHICH HE OR SHE WILL DETERMINE WHETHER THERE IS
25 A SUBSTANTIAL LIKELIHOOD OF REIMBURSEMENT BY FEDERAL SOURCES.

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

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

40 S 65. Subdivision 1 of section 45 of section 1 of chapter 174 of the
41 laws of 1968, constituting the New York state urban development corpo-
42 ration act, as amended by section 49 of part U of chapter 59 of the laws
43 of 2012, is amended to read as follows:

44 1. Notwithstanding the provisions of any other law to the contrary,
45 the urban development corporation of the state of New York is hereby
46 authorized to issue bonds or notes in one or more series for the purpose
47 of funding project costs for the implementation of a NY-SUNY AND NY-CUNY
48 2020 challenge grant program subject to the approval of a NY-SUNY AND
49 NY-CUNY 2020 plan or plans by the governor and EITHER the chancellor of
50 the state university of New York OR THE CHANCELLOR OF THE CITY UNIVERSI-
51 TY OF NEW YORK, AS APPLICABLE. The aggregate principal amount of bonds
52 authorized to be issued pursuant to this section shall not exceed
53 [\$110,000,000] \$220,000,000, excluding bonds issued to fund one or more
54 debt service reserve funds, to pay costs of issuance of such bonds, and
55 bonds or notes issued to refund or otherwise repay such bonds or notes
56 previously issued. Such bonds and notes of the corporation shall not be

1 a debt of the state, and the state shall not be liable thereon, nor
2 shall they be payable out of any funds other than those appropriated by
3 the state to the corporation for principal, interest, and related
4 expenses pursuant to a service contract and such bonds and notes shall
5 contain on the face thereof a statement to such effect. Except for
6 purposes of complying with the internal revenue code, any interest
7 income earned on bond proceeds shall only be used to pay debt service on
8 such bonds.

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

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

18 S 66. Subdivision 10-a of section 1680 of the public authorities law,
19 as amended by section 51 of part U of chapter 59 of the laws of 2012, is
20 amended to read as follows:

21 10-a. Subject to the provisions of chapter fifty-nine of the laws of
22 two thousand, but notwithstanding any other provision of the law to the
23 contrary, the maximum amount of bonds and notes to be issued after March
24 thirty-first, two thousand two, on behalf of the state, in relation to
25 any locally sponsored community college, shall be six hundred [twenty-
26 three] SIXTY-THREE million dollars. Such amount shall be exclusive of
27 bonds and notes issued to fund any reserve fund or funds, costs of issu-
28 ance and to refund any outstanding bonds and notes, issued on behalf of
29 the state, relating to a locally sponsored community college.

30 S 67. Paragraph (c) of subdivision 14 of section 1680 of the public
31 authorities law, as amended by section 39 of part PP of chapter 56 of
32 the laws of 2009, is amended to read as follows:

33 (c) Subject to the provisions of chapter fifty-nine of the laws of two
34 thousand, (i) the dormitory authority shall not deliver a series of
35 bonds for city university community college facilities, except to refund
36 or to be substituted for or in lieu of other bonds in relation to city
37 university community college facilities pursuant to a resolution of the
38 dormitory authority adopted before July first, nineteen hundred eighty-
39 five or any resolution supplemental thereto, if the principal amount of
40 bonds so to be issued when added to all principal amounts of bonds
41 previously issued by the dormitory authority for city university commu-
42 nity college facilities, except to refund or to be substituted in lieu
43 of other bonds in relation to city university community college facili-
44 ties will exceed the sum of four hundred twenty-five million dollars and
45 (ii) the dormitory authority shall not deliver a series of bonds issued
46 for city university facilities, including community college facilities,
47 pursuant to a resolution of the dormitory authority adopted on or after
48 July first, nineteen hundred eighty-five, except to refund or to be
49 substituted for or in lieu of other bonds in relation to city university
50 facilities and except for bonds issued pursuant to a resolution supple-
51 mental to a resolution of the dormitory authority adopted prior to July
52 first, nineteen hundred eighty-five, if the principal amount of bonds so
53 to be issued when added to the principal amount of bonds previously
54 issued pursuant to any such resolution, except bonds issued to refund or
55 to be substituted for or in lieu of other bonds in relation to city
56 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

1 shall be appointed by the governor, with the advice and consent of the
2 senate, and hold office at the pleasure of the governor. The directors
3 of the offices of counterterrorism, emergency management, fire
4 prevention and control, [cyber security,] and interoperable and emergen-
5 cy communications, and such other offices as may be established, shall
6 be appointed by, and hold office at the pleasure of, the governor and
7 they shall report to the commissioner of the division of homeland secu-
8 rity and emergency services.

9 5. The directors of the offices of counterterrorism, emergency manage-
10 ment, fire prevention and control, [cyber security,] interoperable and
11 emergency communications, and of such other offices as may be estab-
12 lished, shall, in consultation with the commissioner, have the authority
13 to promulgate rules and regulations to carry out the duties of their
14 office, including the establishment of fees necessary to compensate for
15 costs associated with the delivery of training and services.

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

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

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

25 10. To establish statewide technology policies, including but not
26 limited to preferred technology standards and security, INCLUDING STATE-
27 WIDE POLICIES, STANDARDS, PROGRAMS, AND SERVICES RELATING TO THE SECURI-
28 TY OF STATE GOVERNMENT NETWORKS AND GEOGRAPHIC INFORMATION SYSTEMS,
29 INCLUDING THE STATEWIDE COORDINATION OF GEOGRAPHICALLY REFERENCED CRIT-
30 ICAL INFRASTRUCTURE INFORMATION;

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

33 18. TO PROVIDE FOR THE PROTECTION OF THE STATE GOVERNMENT'S CYBER
34 SECURITY INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, THE IDENTIFICA-
35 TION AND MITIGATION OF VULNERABILITIES, DETERRING AND RESPONDING TO
36 CYBER EVENTS, AND PROMOTING CYBER SECURITY AWARENESS WITHIN THE STATE.

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

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

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

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

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

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

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

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

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

45 S 7. Any reference to the office of cyber security or to the office of
46 cyber security and critical infrastructure coordination in the laws of
47 New York state, executive orders or contracts entered into on behalf of
48 the state shall be deemed to refer to the office of information technol-
49 ogy services.

50 S 8. (a) Notwithstanding any provision of law to the contrary, any
51 person employed by the office of the Medicaid inspector general, the
52 office of mental health, the office for people with developmental disa-
53 bilities, the department of health and the division of state police and
54 any person employed in the exempt class positions of employee program
55 associate or employee relations associate by the governor's office of
56 employee relations immediately prior to being transferred to the office

1 of information technology services pursuant to subdivision 2 of section
2 70 of the civil service law effective November 22, 2012 and November 29,
3 2012, and who, immediately prior thereto was performing information
4 technology functions similar to persons employed in appropriate compet-
5 itive class positions, shall be given permanent competitive class rights
6 and status and shall continue to hold such position in the office of
7 information technology services without further examination. No such
8 employee transferred to the office of information technology services
9 shall be subject to a new probationary term, provided, however, that any
10 employee in probationary status at the time of the transfer shall be
11 required to complete that probationary term at the office of information
12 technology services under the same terms and conditions as were applica-
13 ble to them while employed at the office of the Medicaid inspector
14 general, the office of mental health, the office for people with devel-
15 opmental disabilities, the department of health, the division of state
16 police and the governor's office of employee relations.

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

30 (c) No employee whose position is re-classified pursuant to this
31 section or section nine or ten of this act shall suffer a reduction in
32 basic salary as a result of the re-classification and shall continue to
33 receive, at a minimum, the salary that such employee received while
34 employed by the office of the Medicaid inspector general, the office of
35 mental health, the office for people with developmental disabilities,
36 the department of health, the division of state police and the gover-
37 nor's office of employee relations. The director of the office of
38 information technology services shall also allow employees of the divi-
39 sion of state police whose positions are re-classified pursuant to this
40 section or section nine of this act credit for all of the annual leave,
41 sick leave, or personal leave standing to their credit at the time of
42 the transfer, but not in excess of the maximum accumulation permitted in
43 the office of information technology services.

44 S 9. Notwithstanding any provision of law to the contrary, the civil
45 service department may re-classify any person employed in a permanent,
46 classified, competitive position immediately prior to being transferred
47 to the office of information technology services effective November 22,
48 2012 and November 29, 2012, pursuant to subdivision 2 of section 70 of
49 the civil service law to align with the duties and responsibilities of
50 their positions upon transfer. Permanent employees whose positions are
51 subsequently re-classified to align with the duties and responsibilities
52 of their positions upon being transferred to the office of information
53 technology services effective November 22, 2012 and November 29, 2012,
54 pursuant to subdivision 2 of section 70 of the civil service law shall
55 hold such positions without further examination or qualification.
56 Notwithstanding any other provision of this act, the names of those

1 competitive permanent employees on promotion eligible lists in their
2 former agency or department shall be added and interfiled on a promotion
3 eligible list in the new department, as the state civil service depart-
4 ment deems appropriate.

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

19 S 11. This act shall take effect immediately.

20 PART O

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

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

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

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

44 10. The [chairman] CHAIR shall appoint for and with jurisdiction in
45 the entire state of New York a single psychology practice committee
46 composed of [two] THREE duly registered and licensed psychologists, at
47 least one of whom shall be a member in good standing of the New York
48 state psychological association recommended by the president of such
49 organization[, and one duly licensed physician of the state of New
50 York]. Each member of said committee shall receive compensation either
51 on an annual basis or on a per diem basis to be fixed by the [chairman]
52 CHAIR within amounts appropriated therefor. One of said psychologists
53 shall be designated by the [chairman] CHAIR as a [chairman] CHAIR of
54 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

1 appointed by the president of such organization, a physician designated
2 by the employer or carrier and a physician designated by the [chairman]
3 CHAIR of the workers' compensation board provided however, that the
4 [chairman] CHAIR finds that there are a sufficient number of physical
5 therapy arbitrations in a geographical area comprised of one or more
6 counties to warrant a committee so comprised. In all other cases where
7 the value of physical therapy services is at issue AND THE AMOUNT OF THE
8 DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, the arbitration committee
9 shall be similarly selected and identical in composition, provided that
10 the physical therapist member shall serve without remuneration, and
11 provided further that in the event a physical therapist is not avail-
12 able, the committee shall be comprised of three physicians designated in
13 the same manner as in cases where the value of medical aid is at issue.

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

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

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

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

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

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

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

24 (B) IF THE PARTIES FAIL TO AGREE AS TO THE VALUE OF PODIATRY CARE
25 RENDERED UNDER THIS CHAPTER TO A CLAIMANT, AND THE AMOUNT OF THE
26 DISPUTED BILL IS ONE THOUSAND DOLLARS OR LESS, OR WHERE THE AMOUNT OF
27 THE DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS AND THE PODIATRIST
28 EXPRESSLY SO REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRA-
29 TOR PROCESS, PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL
30 APPOINT A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL ASSOCI-
31 ATION REPRESENTING PODIATRISTS IN THE STATE OF NEW YORK TO DETERMINE THE
32 VALUE OF SUCH DISPUTED BILL. DECISIONS RENDERED UNDER THE SINGLE ARBI-
33 TRATOR PROCESS SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF
34 THE SERVICES IN DISPUTE.

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

47 (D) The board or the chair may make an award not in excess of the
48 established fee schedules for any such bill or part thereof which
49 remains unpaid in the same manner as an award for bills rendered under
50 subdivisions one and three of section thirteen-g of this article, and
51 such award may be collected in like manner as an [aware] AWARD of
52 compensation. Where a podiatrist's bill has been determined to be due
53 and owing in accordance with the provisions of this section the board
54 shall include in the amount of the award interest of not more than one
55 and one-half percent (1 1/2%) per month payable to the podiatrist in
56 accordance with the rules and regulations promulgated by the board. The

1 chair shall assess the sum of fifty dollars against the employer for
2 each such award made by the board, which sum shall be paid into the
3 state treasury.

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

15 S 6. Subdivision 6 of section 13-1 of the workers' compensation law,
16 as amended by chapter 639 of the laws of 1996, is amended to read as
17 follows:

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

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

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

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

54 (E) A provider initiating an arbitration, INCLUDING A SINGLE ARBITRA-
55 TOR PROCESS, pursuant to this section shall pay a fee, as determined by
56 regulations promulgated by the chair, to be used to cover the costs

1 related to the conduct of such arbitration. Upon resolution in favor of
2 such party, the amount due, based upon the bill in dispute, shall be
3 increased by the amount of the fee paid by such party. Where a partial
4 award is made, the amount due, based upon the bill in dispute, shall be
5 increased by a part of such fee.

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

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

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

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

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

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

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

55 (a) Compensation for permanent or temporary total disability due to an
56 accident or disablement resulting from an occupational disease that

1 occurs, (1) on or after January first, nineteen hundred seventy-eight,
2 shall not exceed one hundred twenty-five dollars per week, that occurs
3 (2) on or after July first, nineteen hundred seventy-eight, shall not
4 exceed one hundred eighty dollars per week, that occurs (3) on or after
5 January first, nineteen hundred seventy-nine, shall not exceed two
6 hundred fifteen dollars per week, that occurs (4) on or after July
7 first, nineteen hundred eighty-three, shall not exceed two hundred
8 fifty-five dollars per week, that occurs (5) on or after July first,
9 nineteen hundred eighty-four, shall not exceed two hundred seventy-five
10 dollars per week, that occurs (6) on or after July first, nineteen
11 hundred eighty-five, shall not exceed three hundred dollars per week,
12 that occurs (7) on or after July first, nineteen hundred ninety, shall
13 not exceed three hundred forty dollars per week; and in the case of
14 temporary total disability shall not be less than thirty dollars per
15 week and in the case of permanent total disability shall not be less
16 than twenty dollars per week except that if the employee's wages at the
17 time of injury are less than thirty or twenty dollars per week respec-
18 tively, he or she shall receive his or her full weekly wages. Compen-
19 sation for permanent or temporary partial disability due to an accident
20 or disablement resulting from an occupational disease that occurs (1) on
21 or after January first, nineteen hundred seventy-eight, shall not exceed
22 one hundred five dollars per week, that occurs (2) on or after July
23 first, nineteen hundred eighty-three, shall not exceed one hundred twen-
24 ty-five dollars per week, that occurs (3) on or after July first, nine-
25 teen hundred eighty-four, shall not exceed one hundred thirty-five
26 dollars per week, that occurs (4) on or after July first, nineteen
27 hundred eighty-five, shall not exceed one hundred fifty dollars per
28 week, that occurs (5) on or after July first, nineteen hundred ninety,
29 shall not exceed two hundred eighty dollars per week; nor be less than
30 twenty dollars per week; except that if the employee's wages at the time
31 of injury are less than twenty dollars per week, he or she shall receive
32 his or her full weekly wages. In no event shall compensation when
33 combined with decreased earnings or earning capacity exceed the amount
34 of wages which the employee was receiving at the time the injury
35 occurred. Compensation for permanent or temporary partial disability, or
36 for permanent or temporary total disability due to an accident or disa-
37 blement resulting from an occupational disease that occurs (1) on or
38 after July first, nineteen hundred ninety-one and prior to July first,
39 nineteen hundred ninety-two, shall not exceed three hundred fifty
40 dollars per week; (2) on or after July first, nineteen hundred ninety-
41 two, shall not exceed four hundred dollars per week; nor be less than
42 forty dollars per week except that if the employee's wages at the time
43 of injury are less than forty dollars per week, the employee shall
44 receive his or her full wages. Compensation for permanent or temporary
45 partial disability, or for permanent or temporary total disability due
46 to an accident or disablement resulting from an occupational disease
47 that occurs (1) on or after July first, two thousand seven shall not
48 exceed five hundred dollars per week, (2) on or after July first, two
49 thousand eight shall not exceed five hundred fifty dollars per week, (3)
50 on or after July first, two thousand nine shall not exceed six hundred
51 dollars per week, and (4) on or after July first, two thousand ten, and
52 on or after July first of each succeeding year, shall not exceed two-
53 thirds of the New York state average weekly wage for the year in which
54 it is reported. Compensation for permanent or temporary partial disabili-
55 ty, or for permanent or temporary total disability due to an accident
56 or disablement resulting from an occupational disease that occurs on or

1 after July first, two thousand seven shall not be less than one hundred
2 dollars per week except that if the employee's wages at the time of
3 injury are less than one hundred dollars per week, the employee shall
4 receive his or her full wages. COMPENSATION FOR PERMANENT OR TEMPORARY
5 PARTIAL DISABILITY, OR FOR PERMANENT OR TEMPORARY TOTAL DISABILITY DUE
6 TO AN ACCIDENT OR DISABLEMENT RESULTING FROM AN OCCUPATIONAL DISEASE
7 THAT OCCURS ON OR AFTER MAY FIRST, TWO THOUSAND THIRTEEN SHALL NOT BE
8 LESS THAN ONE HUNDRED FIFTY DOLLARS PER WEEK EXCEPT THAT IF THE EMPLOY-
9 EE'S WAGES AT THE TIME OF INJURY ARE LESS THAN ONE HUNDRED FIFTY DOLLARS
10 PER WEEK, THE EMPLOYEE SHALL RECEIVE HIS OR HER FULL WAGES. In no event
11 shall compensation when combined with decreased earnings or earning
12 capacity exceed the amount of wages the employee was receiving at the
13 time the injury occurred. Compensation for permanent or temporary
14 partial disability, or for permanent or temporary total disability due
15 to an accident or disablement resulting from an occupational disease or
16 injury that occurred as a result of World Trade Center rescue activity
17 by an employee of a private voluntary hospital, who passed a physical
18 examination upon employment as a rescue worker that failed to reveal
19 evidence of a condition that was the proximate cause of disablement or
20 occupational disease or injury, shall not exceed three-quarters of a
21 claimant's wage on September eleventh, two thousand one. In no event
22 shall compensation when combined with decreased earnings or earning
23 capacity exceed the amount of wages the employee was receiving on
24 September eleventh, two thousand one.

25 S 8. Paragraph (h) of subdivision 8 of section 15 of the workers'
26 compensation law, as amended by chapter 6 of the laws of 2007, subpara-
27 graph 4 as amended by section 1 of part QQ of chapter 56 of the laws of
28 2009, the opening paragraph and clauses (A) and (B) of subparagraph 4 as
29 amended by section 1 of part G of chapter 57 of the laws of 2011, and
30 clause (B) of subparagraph 4 as further amended by section 104 of part A
31 of chapter 62 of the laws of 2011, is amended to read as follows:

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

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

55 (B) All requests for reimbursement from the special disability fund
56 with a date of injury or date of disablement prior to July first, two

1 thousand seven as to which the board has determined that the special
2 disability fund is liable must be submitted to the special disability
3 fund by the later of (i) one year after the expense has been paid, or
4 (ii) one year from the effective date of this paragraph.

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

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

18 (4) As soon as practicable after May first in the year nineteen
19 hundred fifty-eight, and annually thereafter as soon as practicable
20 after January first in each succeeding year,] EFFECTIVE THE FIRST DAY OF
21 JANUARY, TWO THOUSAND FOURTEEN, AND ANNUALLY THEREAFTER, the chair of
22 the board shall [assess upon and] collect from all [self-insurers, the
23 state insurance fund, and all insurance carriers] AFFECTED EMPLOYERS (A)
24 a sum equal to one hundred fifty per centum of the total EXPECTED
25 disbursements made from the special disability fund during the [preced-
26 ing calendar] year (not including any disbursements made on account of
27 anticipated liabilities or waiver agreements funded by bond proceeds and
28 related earnings), less the ESTIMATED amount of the net assets in such
29 fund EXPECTED as of December thirty-first [of said preceding calendar
30 year,] and (B) a sum sufficient to cover debt service, and associated
31 costs (the "debt service assessment") to be paid during the calendar
32 year by the dormitory authority, as calculated in accordance with
33 subparagraph [five] FOUR of this paragraph. Such assessments shall be
34 [allocated to (i) self-insurers and the state insurance fund based upon
35 the proportion that the total compensation payments made by all self-in-
36 surers and the state insurance fund bore to the total compensation
37 payments made by all self-insurers, the state insurance fund, and all
38 insurance carriers, and (ii) insurance carriers based upon the propor-
39 tion that the total compensation payments made by all insurance carriers
40 bore to the total compensation payments by all self-insurers, the state
41 insurance fund and all insurance carriers during the fiscal year which
42 ended within said preceding calendar year. Insurance carriers and self-
43 insurers shall be liable for all such assessments regardless of the date
44 on which they came into existence, or whether they have made any claim
45 for reimbursement from the special disability fund. The portion of such
46 sum allocated to self-insurers and the state insurance fund that shall
47 be collected from each self-insurer and the state insurance fund shall
48 be a sum equal to the proportion of the amount which the total compen-
49 sation payments of each such self-insurer or the state insurance fund
50 bore to the total compensation payments made by all self-insurers and
51 the state insurance fund during the fiscal year which ended within said
52 preceding calendar year. The portion of such sum allocated to insurance
53 carriers that shall be collected from each insurance carrier shall be a
54 sum equal to that proportion of the amount which the total standard
55 premium by each such insurance carrier bore to the total standard premi-
56 um reported by all insurance carriers during the calendar year which

1 ended within said preceding fiscal year. The payments from the debt
2 service assessment, unless otherwise set forth in the special disability
3 fund financing agreement, are hereby pledged therefor and shall be
4 deemed the first monies received on account of assessments in each year.
5 For the purposes of this paragraph, "standard premium" shall mean the
6 premium as defined for the purposes of this assessment by the super-
7 intendent of financial services, in consultation with the chair of the
8 board and the workers' compensation rating board. An employer who has
9 ceased to be a self-insurer shall continue to be liable for any assess-
10 ments into said fund on account of any compensation payments made by him
11 or her on his or her account during such fiscal year, and the security
12 fund, created under the provisions of section one hundred seven of this
13 chapter, shall, in the event of the insolvency of any insurance company,
14 be liable for any assessments that would have been made against such
15 company except for its insolvency. No assessment shall be payable from
16 the aggregate trust fund, created under the provisions of section twen-
17 ty-seven of this article, but such fund shall continue to be liable for
18 all compensation that shall be payable under any award or order of the
19 board, the commuted value of which has been paid into such fund. Such
20 assessments when collected shall be deposited with the commissioner of
21 taxation and finance for the benefit of such fund. Unless otherwise
22 provided, such assessments, shall not constitute an element of loss for
23 the purpose of establishing rates for compensation insurance but shall
24 for the purpose of collection be treated as separate costs by carriers.
25 All insurance carriers and the state insurance fund, shall collect such
26 assessments, from their policyholders through a surcharge based on
27 premiums in accordance with rules set forth by the superintendent of
28 financial services in consultation with the New York workers' compen-
29 sation rating board and the chair of the board. Such surcharge shall be
30 considered as part of premium for purposes prescribed by law including,
31 but not limited to, computing premium tax, reporting to the superinten-
32 dent of financial services pursuant to section ninety-nine of this chap-
33 ter and section three hundred seven of the insurance law, determining
34 the limitation of expenditures for the administration of the state
35 insurance fund pursuant to section eighty-eight of this chapter and the
36 cancellation by an insurance carrier, including the state insurance
37 fund, of a policy for non-payment of premium. The provisions of this
38 paragraph shall not apply with respect to policies containing coverage
39 pursuant to subsection (j) of section three thousand four hundred twenty
40 of the insurance law relating to every policy providing comprehensive
41 personal liability insurance on a one, two, three or four family owner-
42 occupied dwelling. The state insurance fund shall notify its insureds
43 that such assessments, shall be, for the purpose of recoupment, treated
44 as separate costs, for the purpose of premiums billed on or after Octo-
45 ber first, nineteen hundred ninety-four. For the purposes of this
46 section, a "self-insurer" shall be: (i) an employer authorized to self-
47 insure under subdivision three of section fifty of this chapter, active
48 groups authorized pursuant to subdivision three-a of section fifty of
49 this chapter or a group of employers authorized to self-insure under
50 paragraph ten of subdivision three-a of section fifty of this chapter;
51 or (ii) a public employer authorized as set forth in paragraph a of
52 subdivision four of section fifty of this chapter to self-insure under
53 subdivision three, three-a or four of such section or article five of
54 this chapter, whether individually or as a group.

55 For the purposes of this paragraph, except as otherwise provided: the
56 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.

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

13 [(6)] (5) The commissioner of taxation and finance is hereby author-
14 ized to receive and credit to such special disability fund any sum or
15 sums that may at any time be contributed to the state by the United
16 States of America under any act of congress, or otherwise, to which the
17 state may be or become entitled by reason of any payments made out of
18 such fund.

19 [(7)] (6) The commissioner of taxation and finance shall be the custo-
20 dian of said fund and, unless otherwise provided for in the special
21 disability fund financing agreement, shall invest any surplus or reserve
22 moneys thereof in securities which constitute legal investments for
23 savings banks under the laws of this state and in interest bearing
24 certificates of deposit of a bank or trust company located and author-
25 ized to do business in this state or of a national bank located in this
26 state secured by a pledge of direct obligations of the United States or
27 of the state of New York in an amount equal to the amount of such
28 certificates of deposit, and may sell any of the securities or certif-
29 icates of deposit in which such fund is invested if necessary for the
30 proper administration or in the best interest of such fund. Disburse-
31 ments from such fund as provided by this subdivision shall be made by
32 the commissioner of taxation and finance upon vouchers signed by the
33 chair of the board unless the financing agreement provides for some
34 other means of authorizing such disbursements that is no less protective
35 of the fund.

36 The commissioner of taxation and finance, as custodian of such fund,
37 annually as soon as practicable after January first, shall furnish to
38 the chair of the workers' compensation board a statement of the fund,
39 setting forth the balance of moneys in the said fund as of the beginning
40 of the calendar year, the income of the fund, the summary of payments
41 out of the fund on account of reimbursements and other charges ordered
42 to be paid by the board, and all other charges against the fund, and
43 setting forth the balance of the fund remaining to its credit on Decem-
44 ber thirty-first. Such statement shall be open to public inspection in
45 the office of the secretary of the board. The chair, not less than nine-
46 ty days after the issuance of the dormitory authority's annual audit,
47 shall furnish to the temporary president of the senate and the speaker
48 of the assembly the following reports on the special disability fund: a
49 revenue and operating expense statement; a financing plan; a report
50 concerning the assets and liabilities; the number of waiver agreements
51 entered into by the waiver agreement management office; the number of
52 claimants remaining in the fund; the estimated current unfunded liabil-
53 ity of the fund with respect to such claims; and a debt issuance report
54 including but not limited to (i) pledged assessment revenue and securi-
55 tization coverage, (ii) debt service maturities, (iii) interest rate
56 exchange or similar agreements, and (iv) financing and issuance costs.

1 The commissioner of taxation and finance may establish within the
2 special disability fund such accounts and sub-accounts as he or she
3 deems useful for the operation of the fund, or as necessary to segregate
4 moneys within the fund, subject to the provisions of the financing
5 agreement. The waiver agreement management office, as defined in section
6 thirty-two of this article, shall make application to the chair on a
7 quarterly basis for any administrative costs incurred by the office.

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

11 (i) When an application for apportionment of compensation is made
12 under this subdivision, the chair of the workers' compensation board
13 shall appoint [a representative of] AN ATTORNEY TO REPRESENT AND DEFEND
14 such fund in such proceedings[, but whenever it shall appear that,
15 through any committee, board or organization representative of the
16 interest of employers or insurance carriers, an attorney has been
17 appointed to act for and on behalf of such employers and insurance
18 carriers generally to represent such fund in any proceedings brought
19 hereunder, the chair of the board may designate such attorney as the
20 representative of such special disability fund in proceedings involving
21 claims against such fund]. Such [representative] ATTORNEY shall there-
22 after be given notice of all proceedings involving the rights or obli-
23 gations of such fund. Such [representative] ATTORNEY may apply to the
24 chair of the board for authority to hire such medical and other experts
25 and to defray the expense thereof and of such witnesses as may be neces-
26 sary to a proper defense of any claim, within an amount in the
27 discretion of the chair and, if authorized, such amount shall be a
28 charge against such special disability fund.

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

34 S 10. Section 23 of the workers' compensation law, as amended by chap-
35 ter 6 of the laws of 2007, is amended to read as follows:

36 S 23. Appeals. An award or decision of the board shall be final and
37 conclusive upon all questions within its jurisdiction, as against the
38 state fund or between the parties, unless reversed or modified on appeal
39 therefrom as hereinafter provided. Any party may within thirty days
40 after notice of the filing of an award or decision of a referee, file
41 with the board an application in writing for a modification or rescis-
42 sion or review of such award or decision, as provided in this chapter.
43 The board shall render its decision upon such application in writing and
44 shall include in such decision a statement of the facts which formed the
45 basis of its action on the issues raised before it on such application.
46 Within thirty days after notice of the decision of the board upon such
47 application has been served upon the parties, or within thirty days
48 after notice of an administrative redetermination review decision by the
49 chair pursuant to subdivision five of section fifty-two, section one
50 hundred thirty-one or section one hundred forty-one-a of this chapter
51 has been served upon any party in interest, an appeal may be taken ther-
52 efrom to the appellate division of the supreme court, third department,
53 by any party in interest, including an employer insured in the state
54 fund; provided, however, that [if the decision or determination was that
55 of a panel of the board and there was a dissent from such decision or
56 determination other than a dissent the sole basis of which is to refer

1 the case to an impartial specialist,] any party in interest may within
2 thirty days after notice of the filing of the board panel's decision
3 with the secretary of the board, make application in writing for review
4 thereof by the full board, [and] RAISING ARGUMENTS RELATIVE TO THE
5 ALLEGED DEFICIENCIES OF THE BOARD PANEL DECISION. IF THE DECISION OR
6 DETERMINATION WAS THAT OF A PANEL OF THE BOARD AND THERE WAS A DISSENT
7 FROM SUCH DECISION OR DETERMINATION OTHER THAN A DISSENT THE SOLE BASIS
8 OF WHICH IS TO REFER THE CASE TO AN IMPARTIAL SPECIALIST, the full board
9 shall review and affirm, modify or rescind such decision or determi-
10 nation in the same manner as herein above provided for an award or deci-
11 sion of a referee. IF THE DECISION OR DETERMINATION WAS THAT OF A UNAN-
12 IMOUS PANEL OF THE BOARD, OR THERE WAS A DISSENT FROM SUCH DECISION OR
13 DETERMINATION THE SOLE BASIS OF WHICH IS TO REFER THE CASE TO AN IMPAR-
14 TIAL SPECIALIST, THE CHAIR AND OR THE FULL BOARD MAY IN ITS SOLE
15 DISCRETION REVIEW AND AFFIRM, MODIFY OR RESCIND SUCH DECISION OR DETER-
16 MINATION IN THE SAME MANNER AS HEREIN ABOVE PROVIDED FOR AN AWARD OR
17 DECISION OF A REFEREE. Failure to apply for review by the full board
18 shall not bar any party in interest from taking an appeal directly to
19 the court as above provided. The board may also, in its discretion
20 certify to such appellate division of the supreme court, questions of
21 law involved in its decision. Such appeals and the question so certified
22 shall be heard in a summary manner and shall have precedence over all
23 other civil cases in such court. The board shall be deemed a party to
24 every such appeal from its decision upon such application, and the chair
25 shall be deemed a party to every such appeal from an administrative
26 redetermination review decision pursuant to subdivision five of section
27 fifty-two of this chapter. The attorney general shall represent the
28 board and the chair thereon. An appeal may also be taken to the court of
29 appeals in the same manner and subject to the same limitations not
30 inconsistent herewith as is now provided in the civil practice law and
31 rules. It shall not be necessary to file exceptions to the rulings of
32 the board. An appeal to the appellate division of the supreme court,
33 third department, or to the court of appeals, shall not operate as a
34 stay of the payment of compensation required by the terms of the award
35 or of the payment of the cost of such medical, dental, surgical, optome-
36 tric or other attendance, treatment, devices, apparatus or other neces-
37 sary items the employer is required to provide pursuant to section thir-
38 teen of this article which are found to be fair and reasonable. Where
39 such award is modified or rescinded upon appeal, the appellant shall be
40 entitled to reimbursement in a sum equal to the compensation in dispute
41 paid to the respondent in addition to a sum equal to the cost of such
42 medical, dental, surgical, optometric or other attendance, treatment,
43 devices, apparatus or other necessary items the employer is required to
44 provide pursuant to section thirteen of this article paid by the appel-
45 lant pending adjudication of the appeal. Such reimbursement shall be
46 paid from administration expenses as provided in section one hundred
47 fifty-one of this chapter upon audit and warrant of the comptroller upon
48 vouchers approved by the chair. Where such award is subject to the
49 provisions of section twenty-seven of this article, the appellant shall
50 pay directly to the claimant all compensation as it becomes due during
51 the pendency of the appeal, and upon affirmance shall be entitled to
52 credit for such payments. Neither the chair, the board, the commission-
53 ers of the state insurance fund nor the claimant shall be required to
54 file a bond upon an appeal to the court of appeals. Upon final determi-
55 nation of such an appeal, the board or chair, as the case may be, shall
56 enter an order in accordance therewith. Whenever a notice of appeal is

1 served or an application made to the board by the employer or insurance
2 carrier for a modification or rescission or review of an award or deci-
3 sion, and the board shall find that such notice of appeal was served or
4 such application was made for the purpose of delay or upon frivolous
5 grounds, the board shall impose a penalty in the amount of five hundred
6 dollars upon the employer or insurance carrier, which penalty shall be
7 added to the compensation and paid to the claimant. The penalties
8 provided herein shall be collected in like manner as compensation. A
9 party against whom an award of compensation shall be made may appeal
10 from a part of such award. In such a case the payment of such part of
11 the award as is not appealed from shall not prejudice any rights of such
12 party on appeal, nor be taken as an admission against such party. Any
13 appeal by an employer from an administrative redetermination review
14 decision pursuant to subdivision five of section fifty-two of this chap-
15 ter shall in no way serve to relieve the employer from the obligation to
16 timely pay compensation and benefits otherwise payable in accordance
17 with the provisions of this chapter.

18 Nothing [herein] contained IN THIS SECTION shall be construed to
19 inhibit the continuing jurisdiction of the board as provided in section
20 one hundred twenty-three of this chapter.

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

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

31 S 12. The opening paragraph of subdivision 2 of section 142 of the
32 workers' compensation law, as amended by chapter 608 of the laws of
33 1989, is amended to read as follows:

34 Any review, hearing, rehearing, inquiry or investigation required or
35 authorized to be conducted or made by the workers' compensation board
36 may be conducted or made by any panel of the board consisting of not
37 less than three members thereof, and the order, decision or determi-
38 nation of a majority of the members of a panel shall be deemed the
39 order, decision or determination of the board from the date of filing
40 thereof with the secretary of the board, unless the board on its own
41 motion, or on application by a party in interest for a full board review
42 MADE IN ACCORDANCE WITH SECTION TWENTY-THREE OF THIS CHAPTER, shall
43 modify or rescind such order, decision or determination. Four panels
44 shall be constituted at all times, and the chair shall assign the
45 members to the panels upon which they shall serve. At least one member
46 on each panel shall be an attorney and counsellor-at-law, but the
47 absence of an attorney on any panel shall not invalidate the order,
48 decision or determination of a majority of the members of the panel if
49 at least two affirmative votes are cast in favor of such action. The
50 panels shall be constituted so that the members of the board shall
51 alternate in their periods of service together thereon. Whenever a
52 number of proceedings remains pending before the board for a period in
53 excess of thirty days, members of the board shall hold hearings and
54 otherwise act in the discharge of their duties evenings and at other
55 convenient times on all days of the week except Sundays, in addition to
56 the times when they would perform such duties in the ordinary conduct of

1 the business of the board, in order to expedite the disposal thereof.
2 The chair may and shall, when directed by the governor, prescribe the
3 hours and the times for such additional performance of duty by the
4 members of the board and the period or periods for the continuance ther-
5 eof.

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

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

31 1-A. Any award which shall be made against such special fund after the
32 effective date of this act upon such an application for compensation or
33 death benefits shall not be retroactive for a period of disability or
34 for death benefits longer than the two years immediately preceding the
35 date of filing of such application. NO APPLICATION BY A SELF-INSURED
36 EMPLOYER OR AN INSURANCE CARRIER FOR TRANSFER OF LIABILITY OF A CLAIM TO
37 THE FUND FOR REOPENED CASES SHALL BE ACCEPTED BY THE BOARD ON OR AFTER
38 THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN EXCEPT THAT THE BOARD
39 MAY MAKE A FINDING AFTER SUCH DATE PURSUANT TO SECTION TWENTY-THREE OF
40 THIS ARTICLE UPON A TIMELY APPLICATION FOR REVIEW.

41 3. Any awards so made shall be payable out of the special fund hereto-
42 fore created for such purpose, which fund is hereby continued and shall
43 be known as the fund for reopened cases. The employer, or, if insured,
44 his insurance carrier shall pay into such fund, or, in the case of
45 awards made on or after July first, nineteen hundred sixty-nine, either
46 into such fund or the uninsured employers' fund under section twenty-
47 six-a of this article in accordance with the provisions thereof, for
48 every case of injury causing death for which there are no persons enti-
49 tled to compensation the sum of three hundred dollars where such injury
50 occurred prior to July first, nineteen hundred forty and the sum of one
51 thousand dollars where such injury shall occur on or after said date and
52 prior to April first, nineteen hundred forty-five, and the sum of
53 fifteen hundred dollars where such injury shall occur on or after April
54 first, nineteen hundred forty-five and prior to September first, nine-
55 teen hundred seventy-eight and the sum of three thousand dollars where
56 such injury shall occur on or after September first, nineteen hundred

1 seventy-eight, and in each case of death resulting from injury sustained
2 on or after July first, nineteen hundred forty and prior to September
3 first, nineteen hundred seventy-eight, where there are persons entitled
4 to compensation but the total amount of such compensation is less than
5 two thousand dollars exclusive of funeral benefits, the employer, or, if
6 insured, his insurance carrier, shall pay into such fund, or, in the
7 case of awards made on or after July first, nineteen hundred sixty-nine
8 and prior to September first, nineteen hundred seventy-eight, either
9 into such fund or the uninsured employers' fund under section twenty-
10 six-a of this article in accordance with the provisions thereof, the
11 difference between the sum of two thousand dollars and the compensation,
12 exclusive of funeral benefits, and in each case of death resulting from
13 injury sustained on or after September first, nineteen hundred seventy-
14 eight, the employer, or if insured, his insurance carrier shall pay into
15 such fund or the uninsured employers' fund under section twenty-six-a of
16 this article in accordance with the provisions thereof, the difference
17 between the sum of five thousand dollars and the compensation, exclusive
18 of funeral benefits actually paid to or for the dependents of the
19 deceased employee together with any expense charge required by section
20 twenty-seven of this article; provided, however, that where death shall
21 occur subsequent to the periods limited by subdivision one of this
22 section no payment into such special fund nor to the special fund
23 provided by subdivision nine of section fifteen nor to the uninsured
24 employers' fund provided by section twenty-six-a of this article shall
25 be required. In addition to the assessments made against all insurance
26 carriers for the expenses of administering this chapter provided for
27 under the provisions of section one hundred fifty-one of this chapter,
28 and the payments above provided, the employer, or, if insured, his
29 insurance carrier, shall pay the sum of five dollars into said fund for
30 each case in which an award is made pursuant to the provisions of para-
31 graphs a to s inclusive of subdivision three of section fifteen of this
32 chapter, by reason of injury sustained between July first, nineteen
33 hundred forty and June thirtieth, nineteen hundred forty-two, both dates
34 inclusive, and the sum of ten dollars for each such case by reason of
35 injury sustained between July first, nineteen hundred forty-two and June
36 thirtieth, nineteen hundred fifty, both dates inclusive, which payment
37 shall be in addition to any payment of compensation to the injured
38 employee as provided in this chapter.

39 There shall be maintained in the special fund at all times assets at
40 least equal in value to the sum of (1) the value of awards charged
41 against such fund, (2) the value of all claims that have been reopened
42 by the board as a charge against such fund but as to which awards have
43 not yet been made, (3) effective January first, nineteen hundred seven-
44 ty-one, the VALUE OF total supplemental benefits TO BE paid from such
45 fund as reimbursement pursuant to subdivision nine of this section
46 [during the calendar year immediately preceding], and (4) a reserve
47 equal to ten per cent of the sum of items (1) [and], (2) AND (3) of this
48 paragraph. [For the purpose of accumulating funds for the payment of
49 supplemental benefits pursuant to subdivision nine of this section, the
50 chairman shall impose against all carriers an assessment in the sum of
51 five million dollars to be collected in the respective proportions
52 established in the fiscal year commencing April first, nineteen hundred
53 sixty-eight, under the provisions of section one hundred fifty-one of
54 this chapter for each carrier.] Annually, as soon as practicable after
55 January first in each year, the [chairman] CHAIR shall ascertain the
56 condition of the fund and whenever the assets shall fall below the

1 prescribed minimum as herein provided the [chairman] CHAIR shall [assess
2 and] collect [from all insurance carriers, in the respective proportions
3 established in the prior fiscal year under the provisions of section one
4 hundred fifty-one of this chapter for each carrier,] an amount suffi-
5 cient to restore the fund to the prescribed minimum. [The chairman
6 before making an assessment as provided in this section shall give thir-
7 ty days' notice to the representative of the fund, designated pursuant
8 to subdivision five of this section, that an itemized statement of the
9 condition of the fund is open for his inspection. The superintendent of
10 financial services may examine into the condition of the fund at any
11 time on his own initiative or on request of the chairman or represen-
12 tative of the fund.

13 Such assessment and the payments made into said fund shall not consti-
14 tute an element of loss for the purpose of establishing rates for work-
15 ers' compensation insurance as provided in the insurance law but shall
16 for the purpose of recoupment be treated as separate costs by carriers.
17 Carriers shall assess such costs on their policyholders in accordance
18 with rules set forth by the New York workers' compensation rating board,
19 as approved by the superintendent of financial services.] COMMENCING ON
20 THE FIRST OF JANUARY, TWO THOUSAND FOURTEEN, THE AMOUNT COLLECTED FROM
21 ALL EMPLOYERS REQUIRED TO OBTAIN WORKERS' COMPENSATION COVERAGE TO MAIN-
22 TAIN THE FINANCIAL INTEGRITY OF THE FUND MAY BE PAID OVER A PERIOD OF
23 TIME AT THE DISCRETION OF THE CHAIR BASED UPON AN ANALYSIS OF THE FINAN-
24 CIAL CONDITION OF THE FUND. SUCH PAYMENT AS DETERMINED BY THE CHAIR
25 SHALL BE INCLUDED IN THE ASSESSMENT RATE ESTABLISHED PURSUANT TO SUBDI-
26 VISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER. THE CHAIR
27 SHALL PROMULGATE REGULATIONS TO ADMINISTER CLAIMS WHOSE LIABILITY HAS
28 BEEN TRANSFERRED TO THE FUND FOR REOPENED CASES. SUCH REGULATIONS MAY
29 INCLUDE EXERCISE OF THE CHAIR'S AUTHORITY TO ADMINISTER EXISTING CLAIMS,
30 TO PROCURE MANAGEMENT FOR THOSE CLAIMS, OR TO SELL SUCH LIABILITY. THE
31 CHAIR MAY EXAMINE INTO THE CONDITION OF THE FUND AT ANY TIME ON HIS OR
32 HER OWN INITIATIVE OR ON REQUEST OF THE ATTORNEY OF THE FUND.

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

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

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

3 S 14. Subdivision 1 of section 27 of the workers' compensation law, as
4 amended by chapter 192 of the laws of 1949, is amended to read as
5 follows:

6 1. All payments made into the fund pursuant to the provisions of this
7 section shall constitute an indivisible and aggregate trust fund except
8 as hereinafter provided. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
9 CHAPTER, THE BOARD SHALL NOT DIRECT A MANDATORY DEPOSIT ON OR AFTER THE
10 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH
11 AMENDED THIS SUBDIVISION. THE CARRIER SHALL MAKE A MANDATORY DEPOSIT
12 INTO THE FUND AS DIRECTED IN A BOARD DECISION FILED PRIOR TO THE EFFEC-
13 TIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH
14 AMENDED THIS SUBDIVISION, IN THE AMOUNT SET FORTH IN A SUPPLEMENTAL
15 BOARD DECISION OF ANY DATE. THE CARRIER IS RESPONSIBLE FOR PAYMENTS TO
16 THE CLAIMANT AS DIRECTED UNTIL THE DEPOSIT IS MADE INTO THE FUND. IF THE
17 INSURANCE CARRIER SHALL FAIL TO MAKE A TIMELY MANDATORY DEPOSIT INTO THE
18 FUND THE CHAIR MAY IMPOSE A PENALTY EQUAL TO TWENTY PERCENT OF THE
19 UNPAID MANDATORY DEPOSIT AMOUNT WHICH SHALL BE PAID TO THE INJURED WORK-
20 ER OR HIS OR HER DEPENDENTS, AND THERE SHALL ALSO BE IMPOSED AN ASSESS-
21 MENT OF FIFTY DOLLARS, WHICH SHALL BE PAID INTO THE STATE TREASURY.

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

24 7. FOR THE PURPOSES OF INSURING THE SOLVENCY OF THE AGGREGATE TRUST
25 FUND SUBSEQUENT TO THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, THE
26 CHAIR MAY INCLUDE IN ITS COLLECTION OF ADMINISTRATION EXPENSES PURSUANT
27 TO SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER SUCH ADDITIONAL ASSESS-
28 MENT NECESSARY TO ENABLE THE AGGREGATE TRUST FUND TO MEET ITS OBLI-
29 GATIONS UNDER THIS SECTION FOR A PERIOD OF TIME NOT TO EXTEND TEN YEARS
30 FROM THE EFFECTIVE DATE OF THIS SUBDIVISION. IN THE EVENT THAT THE
31 AGGREGATE TRUST FUND DOES NOT HAVE THE ASSETS SUFFICIENT TO MEET ITS
32 OBLIGATIONS AFTER SUCH TEN YEAR PERIOD, THE FINANCIAL SHORTFALL SHALL
33 BECOME THE LIABILITY OF THE WORKERS' COMPENSATION SECURITY FUND PURSUANT
34 TO THE PROVISIONS OF SECTION ONE HUNDRED NINE-C OF THIS CHAPTER.

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

38 (e) The chair shall establish an office under his or her supervision
39 to be known as the "waiver agreement management office," to negotiate
40 and seek board approval for waiver agreements on behalf of the special
41 disability fund. The office shall operate in accordance with guidelines
42 or directives that the chair may issue, as approved by the special disa-
43 bility fund advisory committee, or in the absence of such guidelines or
44 directives, using such discounting factors as the office determines are
45 in the financial interest of the special disability fund. The waiver
46 agreement management office on behalf of the special disability fund may
47 enter into a waiver agreement with a claimant only when the special
48 disability fund has been found liable by the board to reimburse the
49 claimant's employer, insurance carrier or the state insurance fund.
50 Notwithstanding any other provisions of law, no consultation or approval
51 of any employer, insurance carrier, self-insurer[,] OR the state insur-
52 ance fund[, or the special funds conservation committee] shall be
53 required before such office may enter into any waiver agreement, or
54 before the board may approve such waiver agreement. The chair may, in
55 his or her discretion, and as approved by the special disability fund
56 advisory committee, terminate the operation of the waiver agreement

1 management office, if he or she believes it no longer serves the inter-
2 est of the special disability fund.

3 S 17. Clause 2 of subparagraph (a) of paragraph 10 of subdivision
4 3-a of section 50 of the workers' compensation law, as added by section
5 4 of part G of chapter 57 of the laws of 2011, is amended to read as
6 follows:

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

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

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

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

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

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

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

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

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

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

48 S 87. Investment of surplus or reserve. 1. Any of the [surplus or]
49 reserve funds belonging to the state insurance fund, by order of the
50 commissioners, approved by the superintendent of financial services, may
51 be invested in the types of securities described in subdivisions one,
52 two, three, four, five, six, eleven, twelve, twelve-a, thirteen, four-
53 teen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four,
54 twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section
55 two hundred thirty-five of the banking law or[, up to fifty percent of
56 such surplus or reserve funds, in the types of securities or investments

1 described] in [paragraphs] PARAGRAPH two[, three, eight and ten] of
2 subsection (a) of section one thousand four hundred four of the insur-
3 ance law except that up to [ten] FIVE percent of [the surplus and] SUCH
4 reserve funds [belonging to the state insurance fund that] may be
5 invested in the securities of any solvent American institution [or of an
6 investment company] as described in such [paragraphs may be invested]
7 PARAGRAPH irrespective of the rating of such institution's obligations
8 or other similar qualitative standards described [in paragraphs two,
9 three, eight and ten of such subsection, but shall not include any
10 derivative instrument or derivative transaction or any investment found
11 by the superintendent of financial services to be against public policy.
12 Any of the surplus or reserve funds belonging to the state insurance
13 fund, upon like approval of the superintendent of financial services,
14 may be loaned on the pledge of any such securities. The commissioners,
15 upon like approval of the superintendent of financial services, may also
16 sell any of such securities or investments] THEREIN.

17 2. ANY OF THE SURPLUS FUNDS BELONGING TO THE STATE INSURANCE FUND, BY
18 ORDER OF THE COMMISSIONERS, APPROVED BY THE SUPERINTENDENT OF FINANCIAL
19 SERVICES, MAY BE INVESTED IN THE TYPES OF SECURITIES DESCRIBED IN SUBDI-
20 VISIONS ONE, TWO, THREE, FOUR, FIVE, SIX, ELEVEN, TWELVE, TWELVE-A,
21 THIRTEEN, FOURTEEN, FIFTEEN, NINETEEN, TWENTY, TWENTY-ONE, TWENTY-ONE-A,
22 TWENTY-FOUR, TWENTY-FOUR-A, TWENTY-FOUR-B, TWENTY-FOUR-C AND TWENTY-FIVE
23 OF SECTION TWO HUNDRED THIRTY-FIVE OF THE BANKING LAW OR, UP TO FIFTY
24 PERCENT OF SURPLUS FUNDS, IN THE TYPES OF SECURITIES OR INVESTMENTS
25 DESCRIBED IN PARAGRAPHS TWO, THREE, EIGHT AND TEN OF SUBSECTION (A) OF
26 SECTION ONE THOUSAND FOUR HUNDRED FOUR OF THE INSURANCE LAW, EXCEPT THAT
27 UP TO TEN PERCENT OF SURPLUS FUNDS MAY BE INVESTED IN THE SECURITIES OF
28 ANY SOLVENT AMERICAN INSTITUTION AS DESCRIBED IN SUCH PARAGRAPHS IRRE-
29 SPECTIVE OF THE RATING OF SUCH INSTITUTION'S OBLIGATIONS OR OTHER SIMI-
30 LAR QUALITATIVE STANDARDS DESCRIBED THEREIN, AND UP TO FIFTEEN PERCENT
31 OF SURPLUS FUNDS IN SECURITIES OR INVESTMENTS WHICH DO NOT OTHERWISE
32 QUALIFY FOR INVESTMENT UNDER THIS SECTION AS SHALL BE MADE WITH THE
33 CARE, PRUDENCE AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING
34 THAT A PRUDENT PERSON ACTING IN A LIKE CAPACITY AND FAMILIAR WITH SUCH
35 MATTERS WOULD USE IN THE CONDUCT OF AN ENTERPRISE OF A LIKE CHARACTER
36 AND WITH LIKE AIMS AS PROVIDED FOR THE STATE INSURANCE FUND UNDER THIS
37 ARTICLE. NOTWITHSTANDING ANY OTHER PROVISION IN THIS SUBDIVISION, THE
38 AGGREGATE AMOUNT THAT THE STATE INSURANCE FUND MAY INVEST IN THE TYPES
39 OF SECURITIES OR INVESTMENTS DESCRIBED IN PARAGRAPHS THREE, EIGHT AND
40 TEN OF SUBSECTION (A) OF SECTION ONE THOUSAND FOUR HUNDRED FOUR OF THE
41 INSURANCE LAW AND AS A PRUDENT PERSON ACTING IN A LIKE CAPACITY WOULD
42 INVEST AS PROVIDED IN THIS SUBDIVISION SHALL NOT EXCEED FIFTY PERCENT OF
43 SUCH SURPLUS FUNDS.

44 3. ANY OF THE SURPLUS OR RESERVE FUNDS BELONGING TO THE STATE INSUR-
45 ANCE FUND, UPON LIKE APPROVAL OF THE SUPERINTENDENT OF FINANCIAL
46 SERVICES, MAY BE LOANED ON THE PLEDGE OF ANY SUCH SECURITIES. THE
47 COMMISSIONERS, UPON LIKE APPROVAL OF THE SUPERINTENDENT OF FINANCIAL
48 SERVICES, MAY ALSO SELL ANY OF SUCH SECURITIES OR INVESTMENTS.

49 [2.] 4. (a) Any securities belonging to the state insurance fund may,
50 by order of the commissioners, approved by the superintendent of finan-
51 cial services, be loaned under a security loan agreement, as defined in
52 paragraph (b) of this subdivision, entered into with a registered brok-
53 er-dealer, or a New York state or national bank or trust company, with
54 the custodial bank of the state insurance fund or another person or
55 entity, approved by the commissioner of taxation and finance, which
56 specializes in security loan transactions acting as the agent in arrang-

1 ing such agreement. The commissioners shall monitor the market value of
2 the loaned securities daily. In no event shall the commissioners allow
3 the value of the collateral posted to fall below the market value of the
4 loaned securities.

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

26 [3.] 5. All such securities or evidences of indebtedness shall be
27 placed in the hands of the commissioner of taxation and finance who
28 shall be the custodian thereof. He or she shall collect the principal
29 and interest thereof, when due, and pay the same into the state insur-
30 ance fund. The commissioner of taxation and finance shall pay all vouch-
31 ers drawn on the state insurance fund for the making of such investments
32 when signed by the chair of the commissioners, the executive director or
33 a deputy executive director of the state insurance fund upon delivery of
34 such securities or evidences of indebtedness to him or her, when there
35 is attached to such vouchers the approval of the state superintendent of
36 financial services.

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

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

48 S 21. Section 88 of the workers' compensation law, as amended by chap-
49 ter 6 of the laws of 2007, is REPEALED.

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

52 S 151. ASSESSMENTS AND SURCHARGES FOR ANNUAL EXPENSES. 1. THE ANNUAL
53 EXPENSES NECESSARY FOR THE BOARD TO ADMINISTER THE PROVISIONS OF THIS
54 CHAPTER, THE VOLUNTEER AMBULANCE WORKERS' BENEFITS LAW, THE VOLUNTEER
55 FIREFIGHTERS' BENEFITS LAW, THE DISABILITY BENEFITS LAW, AND THE WORK-
56 MEN'S COMPENSATION ACT FOR CIVIL DEFENSE VOLUNTEERS SHALL BE BORNE BY

1 AFFECTED EMPLOYERS SECURING COMPENSATION FOR THEIR EMPLOYEES PURSUANT TO
2 SECTION FIFTY OF THIS CHAPTER. THE BOARD SHALL COLLECT SUCH ANNUAL
3 EXPENSES FROM AFFECTED EMPLOYERS THROUGH ASSESSMENTS AND SURCHARGES AS
4 PROVIDED BY THE PROVISIONS OF THIS SECTION, INCLUDING FOR PURPOSES OF
5 THIS SUBDIVISION: (A) THE AGGREGATE ASSESSMENT AMOUNT DESCRIBED IN
6 SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION
7 FIFTEEN OF THIS CHAPTER FOR THE SPECIAL DISABILITY FUND IN ACCORDANCE
8 WITH EACH FINANCING AGREEMENT DESCRIBED IN SUCH SUBPARAGRAPH, (B) THE
9 AGGREGATE ASSESSMENT AMOUNT DESCRIBED IN SECTION FIFTY-C OF THIS CHAPTER
10 FOR THE SELF-INSURER OFFSET FUND IN ACCORDANCE WITH EACH FINANCING
11 AGREEMENT DESCRIBED IN SUCH SECTION, (C) THE ASSESSMENT AMOUNT
12 DESCRIBED IN SUBDIVISION THREE OF SECTION TWENTY-FIVE-A OF THIS CHAPTER
13 FOR THE FUND FOR REOPENED CASES AND (D) THE ASSESSMENT AMOUNT DESCRIBED
14 IN SECTION TWO HUNDRED FOURTEEN OF THIS CHAPTER FOR THE SPECIAL FUND FOR
15 DISABILITY BENEFITS; PROVIDED, THAT THE FOREGOING AND ANY OTHER
16 PROVISION OF THIS CHAPTER TO THE CONTRARY NOTWITHSTANDING, ASSESSMENT
17 RECEIPTS SHALL BE APPLIED FIRST TO FULLY FUND THE AMOUNT DESCRIBED IN
18 SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT OF SECTION
19 FIFTEEN OF THIS CHAPTER AND THEN TO FULLY FUND THE AMOUNT DESCRIBED IN
20 SECTION FIFTY-C OF THIS CHAPTER IN ACCORDANCE WITH EACH THEN APPLICABLE
21 FINANCING AGREEMENT PURSUANT TO SUCH PROVISIONS PRIOR TO APPLICATION TO
22 ANY OTHER PURPOSE OTHER THAN TO PAY ANY ACTUAL COSTS OF COLLECTING SUCH
23 ASSESSMENT THAT ARE NOT OTHERWISE FUNDED. FOR PURPOSES OF THIS SECTION,
24 AFFECTED EMPLOYER MEANS ALL EMPLOYERS REQUIRED TO OBTAIN WORKERS'
25 COMPENSATION COVERAGE PURSUANT TO THIS CHAPTER.

26 2. ON THE FIRST DAY OF NOVEMBER, TWO THOUSAND THIRTEEN, AND ANNUALLY
27 THEREAFTER, THE CHAIR SHALL ESTABLISH AN ASSESSMENT RATE FOR ALL
28 AFFECTED EMPLOYERS IN THE STATE OF NEW YORK IN AN AMOUNT EXPECTED TO BE
29 SUFFICIENT TO PRODUCE ASSESSMENT RECEIPTS AT LEAST SUFFICIENT TO FUND
30 ALL ESTIMATED ANNUAL EXPENSES PURSUANT TO SUBDIVISION ONE OF THIS
31 SECTION EXCEPT THOSE EXPENSES FOR WHICH AN ASSESSMENT IS AUTHORIZED FOR
32 SELF-INSURANCE PURSUANT TO SUBDIVISION FIVE OF SECTION FIFTY OF THIS
33 CHAPTER. SUCH RATE SHALL BE ASSESSED EFFECTIVE THE FIRST OF JANUARY OF
34 THE SUCCEEDING YEAR AND SHALL BE BASED UPON A SINGLE METHODOLOGY DETER-
35 MINED BY THE CHAIR. THE CHAIR MAY ALSO ISSUE A SUPPLEMENTAL RATE AS
36 PROVIDED UNDER SUBDIVISION SEVEN OF SECTION TWENTY-SEVEN OF THIS CHAPTER
37 WHEN NECESSARY. THE CHAIR MAY ALSO ESTABLISH AN ADDITIONAL ASSESSMENT
38 RATE, NOT TO EXCEED THIRTY PERCENT OF ANNUAL PREMIUMS, FOR THOSE
39 AFFECTED EMPLOYERS WHO ARE IN DEFAULT IN THE PAYMENT OF THEIR COMPEN-
40 SATION PURSUANT TO SUBPARAGRAPH (B) OF PARAGRAPH SEVEN OF SUBDIVISION
41 THREE-A OF SECTION 50 OF THIS CHAPTER. SUCH ADDITIONAL ASSESSMENT SHALL
42 BE COLLECTED AND REMITTED TO THE CHAIR CONSISTENT WITH SUBDIVISIONS FOUR
43 AND FIVE OF THIS SECTION. THE CHAIR SHALL MAKE AVAILABLE FOR PUBLIC
44 INSPECTION AN ITEMIZED STATEMENT OF THE ESTIMATED ANNUAL EXPENSES IN THE
45 OFFICE OF THE BOARD FOR THIRTY DAYS IMMEDIATELY AFTER THE RATE IS ESTAB-
46 LISHED.

47 3. THE CHAIR AND DEPARTMENT OF AUDIT AND CONTROL ANNUALLY AS SOON AS
48 PRACTICABLE AFTER THE FIRST OF APRIL OF EACH YEAR SHALL ASCERTAIN THE
49 ACTUAL TOTAL AMOUNT OF EXPENSES, INCLUDING IN ADDITION TO THE DIRECT
50 COSTS OF PERSONAL SERVICE, THE COST OF MAINTENANCE AND OPERATION, THE
51 COST OF RETIREMENT CONTRIBUTIONS MADE AND WORKERS' COMPENSATION PREMIUMS
52 PAID BY THE STATE FOR OR ON ACCOUNT OF PERSONNEL, RENTALS FOR SPACE
53 OCCUPIED IN STATE OWNED OR STATE LEASED BUILDINGS, SUCH ADDITIONAL SUM
54 AS MAY BE CERTIFIED TO THE CHAIR AND THE DEPARTMENT OF AUDIT AND CONTROL
55 AS A REASONABLE COMPENSATION FOR SERVICES RENDERED BY THE DEPARTMENT OF
56 LAW AND EXPENSES INCURRED BY SUCH DEPARTMENT, FOR TRANSFER INTO THE

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

26 4. FOR THOSE AFFECTED EMPLOYERS OBTAINING COVERAGE:

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

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

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

51 6. (A) EFFECTIVE THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, ALL
52 ASSESSMENT CYCLES IN PROGRESS WILL BE REPLACED WITH THE ASSESSMENT RATE
53 DETERMINED HEREIN. HOWEVER, SUCH NEW ASSESSMENT RATE SHALL NOT RELIEVE
54 ANY CARRIER OR SELF-INSURER FOR OUTSTANDING AMOUNTS DUE AS OF THE FIRST
55 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:

1 5. Cancellation and termination of insurance contracts. No contract of
2 insurance issued by an insurance carrier against liability arising under
3 this chapter shall be cancelled within the time limited in such contract
4 for its expiration unless notice is given as required by this section.
5 When cancellation is due to non-payment of premiums, OR NON-PAYMENT OF
6 ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, such cancellation
7 shall not be effective until at least ten days after a notice of cancel-
8 lation of such contract, on a date specified in such notice, shall be
9 filed in the office of the chair and also served on the employer. When
10 cancellation is due to any reason other than non-payment of premiums, OR
11 NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE,
12 such cancellation shall not be effective until at least thirty days
13 after a notice of cancellation of such contract, on a date specified in
14 such notice, shall be filed in the office of the chair and also served
15 on the employer; provided, however, in either case, that if the employer
16 has secured insurance with another insurance carrier which becomes
17 effective prior to the expiration of the time stated in such notice, the
18 cancellation shall be effective as of the date of such other coverage.
19 No insurer shall refuse to renew any policy insuring against liability
20 arising under this chapter unless at least thirty days prior to its
21 expiration notice of intention not to renew has been filed in the office
22 of the chair and also served on the employer.

23 Such notice shall be served on the employer by delivering it to him,
24 her or it or by sending it by mail, by certified or registered letter,
25 return receipt requested, addressed to the employer at his, her or its
26 last known place of business; provided that, if the employer be a part-
27 nership, then such notice may be so given to any of one of the partners,
28 and if the employer be a corporation then the notice may be given to any
29 agent or officer of the corporation upon whom legal process may be
30 served; and further provided that an employer may designate any person
31 or entity at any address to receive such notice including the design-
32 nation of one person or entity to receive notice on behalf of multiple
33 entities insured under one insurance policy and that service of notice
34 at the address so designated upon the person or entity so designated by
35 delivery or by mail, by certified or registered letter, return receipt
36 requested, shall satisfy the notice requirement of this section.
37 Provided, however, the right to cancellation of a policy of insurance in
38 the state fund shall be exercised only for non-payment of premiums, OR
39 NON-PAYMENT OF ASSESSMENTS AS REQUIRED IN THE CONTRACT OF INSURANCE, or
40 as provided in section ninety-four of this chapter.

41 The provisions of this subdivision shall not apply with respect to
42 policies containing coverage pursuant to subsection (j) of section three
43 thousand four hundred twenty of the insurance law relating to every
44 policy providing comprehensive personal liability insurance on a one,
45 two, three or four family owner-occupied dwelling.

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

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

55 S 93. Collection of premium in case of default. a. If a policyholder
56 shall default in any payment required to be made by him to the state

1 insurance fund after due notice, his insurance in the state fund may be
2 cancelled and the amount due from him shall be collected by civil action
3 brought against him in any county wherein the state insurance fund main-
4 tains an office in the name of the commissioners of the state insurance
5 fund and the same when collected, shall be paid into the state insurance
6 fund, and such policyholder's compliance with the provisions of this
7 chapter requiring payments to be made to the state insurance fund shall
8 date from the time of the payment of said money to the state insurance
9 fund.

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

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

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

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

31 S 26. Section 214 of the workers' compensation law, as added by chap-
32 ter 600 of the laws of 1949, the opening paragraph as amended by chapter
33 653 of the laws of 1958, subdivision 2 as amended by chapter 187 of the
34 laws of 1983, subdivision 3 as amended by chapter 629 of the laws of
35 1958, subdivision 4 as amended by chapter 727 of the laws of 1950 and as
36 further amended by section 104 of part A of chapter 62 of the laws of
37 2011, and subdivision 5 as added by chapter 18 of the laws of 2010, is
38 amended to read as follows:

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

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

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

6 2.] As promptly as practicable after April first, [nineteen hundred
7 fifty-eight and thereafter annually as soon as practicable after April
8 first] in each year, the chairman shall ascertain the condition of the
9 fund, and if as of any such date the net assets of the fund shall be one
10 million dollars or more below the sum of twelve million dollars, the
11 chairman shall assess and collect [from all carriers hereinafter speci-
12 fied] an amount sufficient to restore the fund to an amount equal to
13 twelve million dollars. [Carriers subject to this assessment shall be
14 such carriers as shall have covered employees in employment during the
15 preceding three calendar years or any portion or portions thereof. The
16 proportion of the total assessment to be assessed upon and collected
17 from each carrier shall be that proportion thereof that the total of the
18 payrolls covered by such carrier during said three calendar years bears
19 to the total of all such payrolls covered by all such carriers during
20 said three calendar years, except that the term "payrolls" as used here-
21 in shall be deemed limited to the first seven thousand dollars of earn-
22 ings of each employee during any calendar year and except that there
23 shall be excluded the payroll of employees of a class or classes for
24 whom plan benefits provided under this article are payable during unem-
25 ployment for a period not less than the period provided in section two
26 hundred seven under an agreement between the employer or an association
27 of employers and an association of the employees which has been accepted
28 as a plan under section two hundred eleven. The chairman, before making
29 an assessment as herein provided, shall give thirty days notice to all
30 such carriers, in the same manner provided in section two hundred twen-
31 ty-eight, that an itemized statement of the condition of the fund is
32 open for inspection]. SUCH ASSESSMENT SHALL BE INCLUDED IN THE ASSESS-
33 MENT RATE ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED
34 FIFTY-ONE OF THIS CHAPTER. SUCH ASSESSMENTS SHALL BE DEPOSITED WITH THE
35 COMMISSIONER OF TAXATION AND FINANCE AND TRANSFERRED TO THE BENEFIT OF
36 SUCH FUND UPON PAYMENT OF DEBT SERVICE, IF ANY, PURSUANT TO SECTION ONE
37 HUNDRED FIFTY-ONE OF THIS CHAPTER.

38 [3.] 2. Whenever the net assets of the fund shall be less than three
39 million dollars and the disability claims currently being paid shall
40 indicate the necessity of supplementing the assets of the fund [before
41 the next annual assessment can be made,] the chairman may [assess and
42 collect for all such carriers, in the same proportions established for
43 the last preceding annual assessment,] TRANSFER FROM MONIES COLLECTED
44 PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS
45 CHAPTER an amount sufficient in the discretion of the chairman for the
46 needs of the fund, but not in excess of an amount sufficient to restore
47 the fund to twelve million dollars. [Before making any such emergency
48 assessment the chairman shall give thirty days notice to such carriers
49 in the same manner as provided with respect to annual assessments, and
50 an itemized statement of the condition of the fund shall, in like
51 manner, be open for inspection.]

52 [4.] 3. All contributions and assessments received by the chairman
53 under the provisions of this section shall be credited to the fund here-
54 in established and deposited by the chairman to the credit of the
55 commissioner of taxation and finance for the benefit of the fund. The
56 superintendent of financial services may examine into the condition of

1 the fund at any time on his own initiative or upon the request of the
2 chairman.

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

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

11 S 228. ADMINISTRATIVE EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES
12 NECESSARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE
13 PROVISIONS OF THE DISABILITY BENEFITS LAW SHALL BE BORNE BY ALL AFFECTED
14 EMPLOYERS AND INCLUDED AS PART OF THE ASSESSMENT RATE GENERATED PURSUANT
15 TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER.

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

19 S 28. Subdivision 6 of section 3 of the volunteer firefighters' bene-
20 fit law is amended to read as follows:

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

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

31 S 60. ASSESSMENT FOR EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES NECES-
32 SARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE PROVISIONS OF
33 THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW SHALL BE BORNE BY ALL AFFECTED
34 EMPLOYERS AND INCLUDED AS PART OF THE ASSESSMENT RATE GENERATED PURSUANT
35 TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THE WORKERS'
36 COMPENSATION LAW.

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

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

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

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

51 S 60. ASSESSMENT FOR EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES NECES-
52 SARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE PROVISIONS OF
53 THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW SHALL BE BORNE BY ALL
54 AFFECTED EMPLOYERS AND INCLUDED AS PART OF THE ASSESSMENT RATE GENERATED
55 PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THE
56 WORKERS' COMPENSATION LAW.

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

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

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

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

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

20 S 34. The workers' compensation law is amended by adding a new section
21 50-c to read as follows:

22 S 50-C. SELF-INSURED BONDS. 1. THE CHAIR, WITH THE COMMISSIONER OF
23 TAXATION AND FINANCE, IS AUTHORIZED TO ENTER INTO A FINANCING AGREEMENT
24 WITH THE DORMITORY AUTHORITY, TO BE KNOWN AS THE "SELF-INSURED BOND
25 FINANCING AGREEMENT". SUCH AGREEMENT SHALL SET FORTH THE PROCESS FOR
26 CALCULATING THE ANNUAL DEBT SERVICE OF BONDS ISSUED BY THE DORMITORY
27 AUTHORITY AND ANY OTHER ASSOCIATED COSTS IN CONNECTION WITH THE SELF-IN-
28 SURER OFFSET FUND, AS SET FORTH IN SECTION SIXTEEN HUNDRED EIGHTY-Q OF
29 THE PUBLIC AUTHORITIES LAW. FOR PURPOSES OF THIS SECTION, "ASSOCIATED
30 COSTS" MAY INCLUDE A COVERAGE FACTOR, RESERVE FUND REQUIREMENTS, ALL
31 COSTS OF ANY NATURE INCURRED BY THE DORMITORY AUTHORITY IN CONNECTION
32 WITH THE SELF-INSURED BOND FINANCING AGREEMENT OR PURSUANT THERETO, THE
33 COSTS OF ANY INDEPENDENT AUDITS UNDERTAKEN UNDER THIS SECTION, AND ANY
34 OTHER COSTS FOR THE IMPLEMENTATION OF THIS SUBDIVISION AND THE ISSUANCE
35 OF BONDS BY THE DORMITORY AUTHORITY, INCLUDING INTEREST RATE EXCHANGE
36 PAYMENTS, REBATE PAYMENTS, LIQUIDITY FEES, CREDIT PROVIDER FEES, FIDUCI-
37 ARY FEES, REMARKETING, DEALER, AUCTION AGENT AND RELATED FEES AND OTHER
38 SIMILAR BOND-RELATED EXPENSES, UNLESS OTHERWISE FUNDED. BY SEPTEMBER
39 FIRST OF EACH YEAR, THE DORMITORY AUTHORITY SHALL PROVIDE TO THE CHAIR
40 THE CALCULATION OF THE AMOUNT EXPECTED TO BE PAID BY THE DORMITORY
41 AUTHORITY IN DEBT SERVICE AND ASSOCIATED COSTS FOR PURPOSES OF CALCULAT-
42 ING THE ASSESSMENTS FOR THE DEBT SERVICE PORTION OF THE ASSESSMENT
43 PROVIDED FOR UNDER THIS CHAPTER. ALL MONIES RECEIVED ON ACCOUNT OF SUCH
44 ASSESSMENTS SHALL BE APPLIED IN ACCORDANCE WITH THIS CHAPTER AND WITH
45 THE SELF-INSURED BOND FINANCING AGREEMENT UNTIL THE FINANCIAL OBLI-
46 GATIONS OF THE DORMITORY AUTHORITY IN RESPECT TO ITS CONTRACT WITH ITS
47 BONDHOLDERS ARE MET AND ALL ASSOCIATED COSTS PAYABLE TO OR BY THE DORMI-
48 TORY AUTHORITY HAVE BEEN PAID, NOTWITHSTANDING ANY OTHER PROVISION OF
49 LAW RESPECTING SECURED TRANSACTIONS. THIS PROVISION MAY BE INCLUDED BY
50 THE DORMITORY AUTHORITY IN ANY CONTRACT OF THE DORMITORY AUTHORITY WITH
51 ITS BONDHOLDERS. THE SELF-INSURED BOND FINANCING AGREEMENT MAY RESTRICT
52 DISBURSEMENTS, INVESTMENTS, OR REBATES, AND MAY PRESCRIBE A SYSTEM OF
53 ACCOUNTS APPLICABLE TO THE SELF-INSURER OFFSET FUND AS CONSISTENT WITH
54 THE PROVISIONS OF THIS CHAPTER GOVERNING SUCH FUND, INCLUDING CUSTODY OF
55 FUNDS AND ACCOUNTS WITH A TRUSTEE THAT MAY BE PRESCRIBED BY THE DORMITO-
56 RY AUTHORITY AS PART OF ITS CONTRACT WITH THE BONDHOLDERS. FOR PURPOSES

1 OF THIS SUBDIVISION, THE TERM "BONDS" SHALL INCLUDE NOTES ISSUED IN
2 ANTICIPATION OF THE ISSUANCE OF BONDS, OR NOTES ISSUED PURSUANT TO A
3 COMMERCIAL PAPER PROGRAM.

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

9 3. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE CHAIR SHALL BE
10 THE CUSTODIAN OF THE SELF-INSURER OFFSET FUND AND, UNLESS OTHERWISE
11 PROVIDED FOR IN THE SELF-INSURED BOND FINANCING AGREEMENT, THE COMMIS-
12 SIONER OF TAXATION AND FINANCE SHALL INVEST ANY SURPLUS OR RESERVE
13 MONEYS THEREOF IN SECURITIES WHICH CONSTITUTE LEGAL INVESTMENTS FOR
14 SAVINGS BANKS UNDER THE LAWS OF THIS STATE AND IN INTEREST BEARING
15 CERTIFICATES OF DEPOSIT OF A BANK OR TRUST COMPANY LOCATED AND AUTHOR-
16 IZED TO DO BUSINESS IN THIS STATE OR OF A NATIONAL BANK LOCATED IN THIS
17 STATE SECURED BY A PLEDGE OF DIRECT OBLIGATIONS OF THE UNITED STATES OR
18 OF THE STATE OF NEW YORK IN AN AMOUNT EQUAL TO THE AMOUNT OF SUCH
19 CERTIFICATES OF DEPOSIT, AND MAY SELL ANY OF THE SECURITIES OR CERTIF-
20 ICATES OF DEPOSIT IN WHICH SUCH FUND IS INVESTED IF NECESSARY FOR THE
21 PROPER ADMINISTRATION OR IN THE BEST INTEREST OF SUCH FUND. DISBURSE-
22 MENTS FROM SUCH FUND AS PROVIDED BY THIS SUBDIVISION SHALL BE MADE BY
23 THE COMMISSIONER OF TAXATION AND FINANCE UNLESS THE SELF-INSURED BOND
24 FINANCING AGREEMENT PROVIDES FOR SOME OTHER MEANS OF AUTHORIZING SUCH
25 DISBURSEMENTS THAT IS NO LESS PROTECTIVE OF THE FUND. THE COMMISSIONER
26 OF TAXATION AND FINANCE AS SOON AS PRACTICABLE AFTER JANUARY FIRST OF
27 EACH YEAR, SHALL FURNISH TO THE CHAIR A STATEMENT OF THE FUND, SETTING
28 FORTH THE BALANCE OF MONEYS IN THE SAID FUND AS OF THE BEGINNING OF THE
29 CALENDAR YEAR, THE INCOME OF THE FUND, THE SUMMARY OF PAYMENTS OUT OF
30 THE FUND ON ACCOUNT OF REIMBURSEMENTS AND OTHER CHARGES ORDERED TO BE
31 PAID BY THE BOARD, AND ALL OTHER CHARGES AGAINST THE FUND AND SETTING
32 FORTH THE BALANCE OF THE FUND REMAINING TO ITS CREDIT ON THE PRIOR
33 DECEMBER THIRTY-FIRST OF EACH YEAR. SUCH STATEMENT SHALL BE OPEN TO
34 PUBLIC INSPECTION IN THE OFFICE OF THE SECRETARY OF THE BOARD. THE
35 CHAIR SHALL INCLUDE IN THE REPORTS TO THE GOVERNOR, THE SPEAKER OF THE
36 ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AS REQUIRED BY
37 SECTION NINE OF PART G OF CHAPTER FIFTY-SEVEN OF THE LAWS OF TWO THOU-
38 SAND ELEVEN, A SUMMARY OF THE STATUS OF THE BONDING PROGRAM AUTHORIZED
39 BY THIS SECTION. THE COMMISSIONER OF TAXATION AND FINANCE MAY ESTABLISH
40 WITHIN THE SELF-INSURER OFFSET FUND SUCH ACCOUNTS AND SUB-ACCOUNTS AS HE
41 OR SHE DEEMS USEFUL FOR THE OPERATION OF THE FUND, OR AS NECESSARY TO
42 SEGREGATE MONEYS WITHIN THE FUND, SUBJECT TO THE PROVISIONS OF THE
43 SELF-INSURED BOND FINANCING AGREEMENT AND OF THIS CHAPTER.

44 S 35. The public authorities law is amended by adding a new section
45 1680-q to read as follows:

46 S 1680-Q. SELF-INSURED BOND FINANCING. 1. AS USED IN THIS SECTION THE
47 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

48 (A) "ANCILLARY BOND FACILITY" MEANS ANY INTEREST RATE EXCHANGE OR
49 SIMILAR AGREEMENT OR ANY BOND INSURANCE POLICY, LETTER OF CREDIT OR
50 OTHER CREDIT ENHANCEMENT FACILITY, LIQUIDITY FACILITY, GUARANTEED
51 INVESTMENT OR REINVESTMENT AGREEMENT, OR OTHER SIMILAR AGREEMENT,
52 ARRANGEMENT OR CONTRACT.

53 (B) "BENEFITED PARTY" MEANS ANY PERSON, FIRM OR CORPORATION THAT
54 ENTERS INTO AN ANCILLARY BOND FACILITY WITH THE AUTHORITY ACCORDING TO
55 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,

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

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

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

7 (T) "SELF-INSURED BOND FINANCING AGREEMENT" OR "FINANCING AGREEMENT"
8 MEANS AN AGREEMENT AUTHORIZED AND CREATED PURSUANT TO SUBDIVISION FOUR
9 OF THIS SECTION AND SECTION FIFTY-C OF THE WORKERS' COMPENSATION LAW, AS
10 SAME BY ITS TERMS AND BOND PROCEEDINGS, MAY BE AMENDED.

11 2. THE AUTHORITY IS HEREBY AUTHORIZED TO ISSUE BONDS TO REDUCE ASSESS-
12 MENTS IMPOSED ON SELF-INSURED EMPLOYERS UNDER SECTION FIFTY OF THE WORK-
13 ERS' COMPENSATION LAW AS A RESULT OF THE UNFUNDED CLAIMS OF INDIVIDUAL
14 AND GROUP SELF-INSURERS. THE AUTHORITY MAY ENTER INTO ONE OR MORE SELF-
15 INSURED BOND FINANCING AGREEMENTS DESCRIBED IN SECTION FIFTY-C OF THE
16 WORKERS' COMPENSATION LAW. ALL OF THE PROVISIONS OF THE PUBLIC AUTHORI-
17 TIES LAW RELATING TO BONDS AND NOTES OF THE DORMITORY AUTHORITY WHICH
18 ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION SHALL APPLY TO
19 OBLIGATIONS AUTHORIZED BY THIS SECTION, INCLUDING BUT NOT LIMITED TO THE
20 POWER TO ESTABLISH ADEQUATE RESERVES THEREFOR AND TO ISSUE RENEWAL NOTES
21 OR REFUNDING BONDS THEREOF. THE PROVISIONS OF THIS SECTION SHALL APPLY
22 SOLELY TO OBLIGATIONS AUTHORIZED BY THIS SECTION.

23 3. IT IS FOUND AND DECLARED THAT UNFUNDED CLAIMS IN EITHER THE INDI-
24 VIDUAL OR GROUP SELF-INSURANCE TRUST PROGRAM WILL, ABSENT PROVISION FOR
25 LONG-TERM FINANCING, RESULT IN IMPOSITION OF COSTS ON ALL SELF-INSURERS
26 THROUGH ASSESSMENTS; THAT SUCH UNFUNDED CLAIMS AND ASSESSMENTS MAY HAVE
27 A DETRIMENTAL IMPACT ON BUSINESSES AND NOT-FOR-PROFIT CORPORATIONS IN
28 NEW YORK STATE AND ON THE PROVISION OF SERVICES TO NEW YORK RESIDENTS;
29 THAT WITHOUT FINANCING THE BOARD MAY BE REQUIRED TO IMPOSE HIGHER
30 ASSESSMENTS TO PAY SUCH UNFUNDED CLAIMS; THAT FINANCING WILL ALLOW THE
31 WORKERS' COMPENSATION BOARD TO PURCHASE ONE OR MORE ASSUMPTIONS OF WORK-
32 ERS' COMPENSATION LIABILITY POLICIES THAT WILL LIMIT THE LONG TERM LOSS-
33 ES FROM THESE UNFUNDED CLAIMS; THAT THE BONDS WILL PROVIDE A MORE EFFI-
34 CIENT MEANS OF COVERING UNFUNDED CLAIMS THAN THE CURRENT SYSTEM OF
35 ASSESSMENT ON ALL SELF-INSURED; THAT BONDS ISSUED BY THE AUTHORITY AND
36 SECURED BY ASSESSMENTS LEVIED, FOR THE GOVERNMENTAL PURPOSE OF FUNDING
37 ASSUMPTION OF WORKERS' COMPENSATION LIABILITY POLICIES, AMORTIZED OVER A
38 SUBSTANTIAL PERIOD WOULD ALLOW THE STATE TO LIMIT LIABILITIES AND THE
39 ASSESSMENTS NEEDED TO PAY THEM, THEREBY FURTHERING THE POLICY OF THE
40 STATE TO REDUCE THE COSTS OF WORKERS' COMPENSATION AND TO IMPROVE THE
41 BUSINESS CLIMATE IN THE STATE AND THE ABILITY OF NOT-FOR-PROFIT CORPO-
42 RATIONS TO PERFORM ESSENTIAL SERVICES WHILE COMPENSATING INJURED WORK-
43 ERS; THAT ALL COSTS OF THE AUTHORITY IN RELATION TO THIS SECTION SHALL
44 BE PAID FROM ASSESSMENTS PROVIDED FOR IN THE WORKERS' COMPENSATION LAW;
45 AND THAT, THEREFORE, THE PROVISIONS OF THIS SECTION ARE FOR THE PUBLIC
46 BENEFIT AND GOOD AND THE AUTHORIZATION AS PROVIDED IN THIS SECTION FOR
47 THE ISSUANCE OF REVENUE OBLIGATIONS OF THE AUTHORITY IS DECLARED TO BE
48 FOR A PUBLIC PURPOSE AND THE EXERCISE OF AN ESSENTIAL GOVERNMENTAL FUNC-
49 TION.

50 4. (A) THE AUTHORITY, THE COMMISSIONER OF TAXATION AND FINANCE AND THE
51 CHAIR, IN CONSULTATION WITH THE DIRECTOR OF THE BUDGET SHALL EXECUTE A
52 FINANCING AGREEMENT PRIOR TO THE ISSUANCE OF ANY BONDS. SUCH AGREEMENT
53 SHALL CONTAIN SUCH TERMS AND CONDITIONS AS ARE NECESSARY TO CARRY OUT
54 AND EFFECTUATE THE PURPOSES OF THIS SECTION, INCLUDING COVENANTS WITH
55 RESPECT TO THE ASSESSMENTS AND ENFORCEMENT OF THE ASSESSMENTS, THE
56 APPLICATION AND USE OF THE PROCEEDS OF THE SALE OF BONDS TO PRESERVE THE

1 TAX EXEMPTION ON THE BONDS, THE INTEREST ON WHICH IS INTENDED TO BE
2 EXEMPT FROM TAXATION. THE STATE SHALL NOT BE AUTHORIZED TO MAKE ANY
3 COVENANT, PLEDGE, PROMISE OR AGREEMENT PURPORTING TO BIND THE STATE WITH
4 RESPECT TO PLEDGED REVENUES, EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED
5 BY THIS SECTION.

6 (B) THE NET PROCEEDS OF THE BONDS SHALL BE DEPOSITED IN ACCORDANCE
7 WITH THE SELF-INSURED BOND FINANCING AGREEMENT AND THIS SECTION. THE
8 SELF-INSURED BOND FINANCING AGREEMENT SHALL PROVIDE FOR THE APPLICATION
9 OF THE NET BOND PROCEEDS, AND SUCH BOND PROCEEDS SHALL BE USED, FOR ANY
10 OF THE FOLLOWING PURPOSES: (I) TO PAY UNMET COMPENSATION OR BENEFITS OF
11 INDIVIDUAL AND GROUP SELF-INSURED EMPLOYERS; (II) TO PURCHASE ONE OR
12 MORE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY POLICIES TO DISCHARGE
13 THE LIABILITIES INCURRED OR TO BE INCURRED UNDER SUBDIVISION THREE OR
14 THREE-A OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW; OR (III) TO
15 PAY FINANCING COSTS OF THE BONDS ISSUED UNDER THIS SECTION. NOT INCON-
16 SISTENT WITH THIS SECTION, THE AUTHORITY MAY PROVIDE RESTRICTIONS ON THE
17 USE AND INVESTMENT OF NET PROCEEDS OF THE BONDS AND OTHER AMOUNTS IN THE
18 SELF-INSURED BOND FINANCING AGREEMENT OR OTHERWISE IN A TAX REGULATORY
19 AGREEMENT AS NECESSARY OR DESIRABLE TO ASSURE THAT THEY ARE EXEMPT FROM
20 TAXATION.

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

35 (II) EACH ISSUANCE OF BONDS SHALL BE AUTHORIZED BY A RESOLUTION OF THE
36 AUTHORITY, PROVIDED, HOWEVER, THAT ANY SUCH RESOLUTION MAY DELEGATE TO
37 AN OFFICER OF THE AUTHORITY THE POWER TO ISSUE SUCH BONDS FROM TIME TO
38 TIME AND TO FIX THE DETAILS OF ANY SUCH ISSUES OF BONDS BY AN APPROPRI-
39 ATE CERTIFICATE OF SUCH AUTHORIZED OFFICER. EVERY ISSUE OF THE BONDS OF
40 THE AUTHORITY FOR THE SELF-INSURER OFFSET FUND SHALL BE SPECIAL REVENUE
41 OBLIGATIONS PAYABLE FROM AND SECURED BY A PLEDGE OF REVENUES AND OTHER
42 ASSETS, INCLUDING THOSE PROCEEDS OF SUCH BONDS DEPOSITED IN A RESERVE
43 FUND FOR THE BENEFIT OF BONDHOLDERS, EARNINGS ON SUCH FUNDS AND SUCH
44 OTHER FUNDS AND ASSETS AS MAY BECOME AVAILABLE, UPON SUCH TERMS AND
45 CONDITIONS AS SPECIFIED BY THE AUTHORITY IN THE RESOLUTION UNDER WHICH
46 THE BONDS ARE ISSUED OR IN A RELATED TRUST INDENTURE.

47 (III) THE AUTHORITY SHALL HAVE THE POWER AND IS HEREBY AUTHORIZED FROM
48 TIME TO TIME TO ISSUE BONDS, IN CONSULTATION WITH THE CHAIR, THE COMMIS-
49 SIONER OF TAXATION AND FINANCE AND THE DIRECTOR OF THE BUDGET, TO REFUND
50 ANY BONDS ISSUED UNDER THIS SECTION BY THE ISSUANCE OF NEW BONDS, WHETH-
51 ER THE BONDS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND TO ISSUE BONDS
52 PARTLY TO REFUND BONDS THEN OUTSTANDING AND PARTLY FOR ANY OF ITS OTHER
53 CORPORATE PURPOSES UNDER THIS SECTION. THE REFUNDING BONDS MAY BE
54 EXCHANGED FOR THE BONDS TO BE REFUNDED OR SOLD AND THE PROCEEDS APPLIED
55 TO THE PURCHASE, REDEMPTION OR PAYMENT OF SUCH BONDS.

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

22 (C) THE AUTHORITY MAY SELL SUCH BONDS, EITHER AT A PUBLIC OR PRIVATE
23 SALE AND EITHER ON A COMPETITIVE OR NEGOTIATED BASIS, PROVIDED NO SUCH
24 BONDS MAY BE SOLD BY THE AUTHORITY AT PRIVATE SALE UNLESS SUCH SALE AND
25 THE TERMS THEREOF HAVE BEEN APPROVED IN WRITING BY THE COMPTROLLER OF
26 THE STATE OF NEW YORK. THE PROCEEDS OF SUCH BONDS SHALL BE DISBURSED FOR
27 THE PURPOSES FOR WHICH SUCH BONDS WERE ISSUED UNDER SUCH RESTRICTIONS AS
28 THE FINANCING AGREEMENT AND THE RESOLUTION AUTHORIZING THE ISSUANCE OF
29 SUCH BONDS OR THE RELATED TRUST INDENTURE MAY PROVIDE. SUCH BONDS SHALL
30 BE ISSUED WITHOUT ANY OTHER APPROVALS, FILINGS, PROCEEDINGS OR THE
31 HAPPENING OF ANY OTHER CONDITIONS OTHER THAN ANY APPROVALS, FINDINGS,
32 PROCEEDINGS, OR OTHER CONDITIONS THAT ARE SPECIFIED AND EXPRESSLY
33 REQUIRED BY THIS SECTION; PROVIDED, HOWEVER, THAT ANY ISSUANCE OF BONDS
34 UNDER THE AUTHORITY OF THIS SECTION SHALL BE CONSIDERED A PROJECT FOR
35 THE PURPOSES OF SECTION FIFTY-ONE OF THIS CHAPTER AND SUBJECT TO
36 APPROVAL UNDER SUCH SECTION.

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

52 (E) WHETHER OR NOT THE BONDS OF THE AUTHORITY ARE OF SUCH FORM AND
53 CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER THE TERMS OF THE UNIFORM
54 COMMERCIAL CODE, THE BONDS ARE HEREBY MADE NEGOTIABLE INSTRUMENTS FOR
55 ALL PURPOSES, SUBJECT ONLY TO THE PROVISIONS OF THE BONDS FOR REGISTRA-
56 TION.

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

30 (G) THE AUTHORITY MAY ENTER INTO, AMEND OR TERMINATE, AS IT DETERMINES
31 TO BE NECESSARY OR APPROPRIATE, ANY ANCILLARY BOND FACILITY IN CONSULTA-
32 TION WITH THE CHAIR AND DIRECTOR OF THE BUDGET (I) TO FACILITATE THE
33 ISSUANCE, SALE, RESALE, PURCHASE, REPURCHASE OR PAYMENT OF BONDS, INTER-
34 EST RATE SAVINGS OR MARKET DIVERSIFICATION OR THE MAKING OR PERFORMANCE
35 OF INTEREST RATE EXCHANGE OR SIMILAR AGREEMENTS, INCLUDING WITHOUT LIMITATION
36 BOND INSURANCE, LETTERS OF CREDIT AND LIQUIDITY FACILITIES, (II)
37 TO ATTEMPT TO MANAGE OR HEDGE RISK OR ACHIEVE A DESIRABLE EFFECTIVE
38 INTEREST RATE OR CASH FLOW, OR (III) TO PLACE THE OBLIGATIONS OR INVEST-
39 MENTS OF THE AUTHORITY, AS REPRESENTED BY THE BONDS OR THE INVESTMENT OF
40 RESERVED BOND PROCEEDS OR OTHER PLEDGED REVENUES OR OTHER ASSETS, IN
41 WHOLE OR IN PART, ON THE INTEREST RATE, CASH FLOW OR OTHER BASIS DECIDED
42 IN CONSULTATION WITH THE CHAIR AND DIRECTOR OF THE BUDGET, WHICH FACILI-
43 TY MAY INCLUDE WITHOUT LIMITATION CONTRACTS COMMONLY KNOWN AS INTEREST
44 RATE EXCHANGE OR SIMILAR AGREEMENTS, FORWARD PURCHASE CONTRACTS OR GUAR-
45 ANTEED INVESTMENT CONTRACTS AND FUTURES OR CONTRACTS PROVIDING FOR
46 PAYMENTS BASED ON LEVELS OF, OR CHANGES IN, INTEREST RATES. THESE
47 CONTRACTS OR ARRANGEMENTS MAY BE ENTERED INTO BY THE AUTHORITY IN
48 CONNECTION WITH, OR INCIDENTAL TO, ENTERING INTO, OR MAINTAINING ANY
49 AGREEMENT WHICH SECURES BONDS OF THE AUTHORITY OR INVESTMENT, OR
50 CONTRACT PROVIDING FOR INVESTMENT OF RESERVES OR SIMILAR FACILITY GUAR-
51 ANTEEING AN INVESTMENT RATE FOR A PERIOD OF YEARS NOT TO EXCEED THE
52 UNDERLYING TERM OF THE BONDS. THE DETERMINATION BY THE AUTHORITY THAT AN
53 ANCILLARY BOND FACILITY OR THE AMENDMENT OR TERMINATION THEREOF IS
54 NECESSARY OR APPROPRIATE AS AFORESAID SHALL BE CONCLUSIVE. ANY ANCILLARY
55 BOND FACILITY MAY CONTAIN SUCH PAYMENT, SECURITY, DEFAULT, REMEDY, AND
56 TERMINATION PROVISIONS AND PAYMENTS AND OTHER TERMS AND CONDITIONS AS

1 DETERMINED BY THE AUTHORITY, AFTER GIVING DUE CONSIDERATION TO THE
2 CREDITWORTHINESS OF THE COUNTERPARTY OR OTHER OBLIGATED PARTY, INCLUDING
3 ANY RATING BY ANY NATIONALLY RECOGNIZED RATING AGENCY, AND ANY OTHER
4 CRITERIA AS MAY BE APPROPRIATE.

5 (H) THE AUTHORITY, SUBJECT TO SUCH AGREEMENTS WITH BONDHOLDERS AS MAY
6 THEN EXIST (INCLUDING PROVISIONS WHICH RESTRICT THE POWER OF THE AUTHOR-
7 ITY TO PURCHASE BONDS), OR WITH THE PROVIDERS OF ANY APPLICABLE ANCIL-
8 LARY BOND FACILITY, SHALL HAVE THE POWER OUT OF ANY FUNDS AVAILABLE
9 THEREFOR TO PURCHASE BONDS OF THE AUTHORITY, WHICH MAY OR MAY NOT THERE-
10 UPON BE CANCELLED, AT A PRICE NOT SUBSTANTIALLY EXCEEDING:

11 (I) IF THE BONDS ARE THEN REDEEMABLE, THE REDEMPTION PRICE THEN APPLI-
12 CABLE, INCLUDING ANY ACCRUED INTEREST; OR

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

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

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

22 6. NEITHER ANY BOND ISSUED PURSUANT TO THIS SECTION NOR ANY ANCILLARY
23 BOND FACILITY OF THE AUTHORITY SHALL CONSTITUTE A DEBT OR MORAL OBLI-
24 GATION OF THE STATE OR A STATE SUPPORTED OBLIGATION WITHIN THE MEANING
25 OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR A PLEDGE OF THE FAITH
26 AND CREDIT OF THE STATE OR OF THE TAXING POWER OF THE STATE, AND THE
27 STATE SHALL NOT BE LIABLE TO MAKE ANY PAYMENTS THEREON NOR SHALL ANY
28 BOND OR ANY ANCILLARY BOND FACILITY BE PAYABLE OUT OF ANY FUNDS OR
29 ASSETS OTHER THAN PLEDGED REVENUES AND OTHER ASSETS OF THE AUTHORITY AND
30 OTHER FUNDS AND ASSETS OF OR AVAILABLE TO THE AUTHORITY PLEDGED THERE-
31 FOR, AND THE BONDS AND ANY ANCILLARY BOND FACILITY OF THE AUTHORITY
32 SHALL CONTAIN ON THE FACE THEREOF OR OTHER PROMINENT PLACE THEREON A
33 STATEMENT TO THE FOREGOING EFFECT.

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

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

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

53 (II) BRING SUIT UPON SUCH BONDS;

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

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

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

11 (C) THE SUPREME COURT SHALL HAVE JURISDICTION OF ANY SUIT, ACTION OR
12 PROCEEDING BY THE TRUSTEE ON BEHALF OF SUCH BONDHOLDERS. THE VENUE OF
13 ANY SUCH SUIT, ACTION OR PROCEEDING SHALL BE LAID IN THE COUNTY OF ALBA-
14 NY.

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

17 8. ALL MONIES OF THE AUTHORITY FROM WHATEVER SOURCE DERIVED SHALL BE
18 PAID TO THE TREASURER OF THE AUTHORITY AND SHALL BE DEPOSITED FORTHWITH
19 IN A BANK OR BANKS DESIGNATED BY THE AUTHORITY. THE MONIES IN SUCH
20 ACCOUNTS SHALL BE PAID OUT OR WITHDRAWN ON THE ORDER OF SUCH PERSON OR
21 PERSONS AS THE AUTHORITY MAY AUTHORIZE TO MAKE SUCH REQUISITIONS. ALL
22 DEPOSITS OF SUCH MONIES SHALL EITHER BE SECURED BY OBLIGATIONS OF THE
23 UNITED STATES OR OF THE STATE OR OF ANY MUNICIPALITY OF A MARKET VALUE
24 EQUAL AT ALL TIMES TO THE AMOUNT ON DEPOSIT, OR MONIES OF THE AUTHORITY
25 MAY BE DEPOSITED IN MONEY MARKET FUNDS RATED IN THE HIGHEST SHORT-TERM
26 OR LONG-TERM RATING CATEGORY BY AT LEAST ONE NATIONALLY RECOGNIZED
27 RATING AGENCY. TO THE EXTENT PRACTICABLE, AND CONSISTENT WITH THE
28 REQUIREMENTS OF THE AUTHORITY, ALL SUCH MONIES SHALL BE DEPOSITED IN
29 INTEREST BEARING ACCOUNTS. THE AUTHORITY SHALL HAVE POWER, NOTWITHSTAND-
30 ING THE PROVISIONS OF THIS SECTION, TO CONTRACT WITH THE HOLDERS OF ANY
31 BONDS AS TO THE CUSTODY, COLLECTION, SECURITY, INVESTMENT AND PAYMENT OF
32 ANY MONIES OF THE AUTHORITY OR ANY MONIES HELD IN TRUST OR OTHERWISE FOR
33 THE PAYMENT OF BONDS OR ANY WAY TO SECURE BONDS, AND CARRY OUT ANY SUCH
34 CONTRACT NOTWITHSTANDING THAT SUCH CONTRACT MAY BE INCONSISTENT WITH THE
35 PROVISIONS OF THIS SECTION. MONIES HELD IN TRUST OR OTHERWISE FOR THE
36 PAYMENT OF BONDS OR IN ANY WAY TO SECURE BONDS AND DEPOSITS OF SUCH
37 MONEYS MAY BE SECURED IN THE SAME MANNER AS MONIES OF THE AUTHORITY AND
38 ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITY FOR
39 SUCH DEPOSITS. ANY MONIES OF THE AUTHORITY NOT REQUIRED FOR IMMEDIATE
40 USE OR DISBURSEMENT MAY, AT THE DISCRETION OF THE AUTHORITY, BE INVESTED
41 IN ACCORDANCE WITH LAW AND SUCH GUIDELINES AS ARE APPROVED BY THE
42 AUTHORITY.

43 9. (A) IT IS HEREBY DETERMINED THAT THE CARRYING OUT BY THE AUTHORITY
44 OF ITS CORPORATE PURPOSES UNDER THIS SECTION ARE IN ALL RESPECTS FOR THE
45 BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND ARE PUBLIC PURPOSES.
46 ACCORDINGLY, THE AUTHORITY SHALL BE REGARDED AS PERFORMING AN ESSENTIAL
47 GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY
48 THIS SECTION. THE PROPERTY OF THE AUTHORITY, ITS INCOME AND ITS OPER-
49 ATIONS SHALL BE EXEMPT FROM TAXATION, ASSESSMENTS, SPECIAL ASSESSMENTS
50 AND AD VALOREM LEVIES. THE AUTHORITY SHALL NOT BE REQUIRED TO PAY ANY
51 FEES, TAXES, SPECIAL AD VALOREM LEVIES OR ASSESSMENTS OF ANY KIND,
52 WHETHER STATE OR LOCAL, INCLUDING, BUT NOT LIMITED TO, REAL PROPERTY
53 TAXES, FRANCHISE TAXES, SALES TAXES OR OTHER TAXES, UPON OR WITH RESPECT
54 TO ANY PROPERTY OWNED BY IT OR UNDER ITS JURISDICTION, CONTROL OR SUPER-
55 VISION, OR UPON THE USES THEREOF, OR UPON OR WITH RESPECT TO ITS ACTIV-
56 ITIES OR OPERATIONS IN FURTHERANCE OF THE POWERS CONFERRED UPON IT BY

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

2 (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.

3 (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.

4 (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.

5 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:

6 (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;

7 (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

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

9 (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;

10 (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-IN-SURER 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:

1 a. "Employee" means any person holding a position by election,
2 appointment, or employment by a local government;

3 b. "Local government" means any county, city, town [or], village,
4 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES of the
5 state;

6 c. "Local emergency management director" means the local government
7 official responsible for emergency preparedness, response and recovery;

8 d. "Requesting local government" means the local government that asks
9 another local government for assistance during a declared emergency, or
10 for the purposes of conducting training, or undertaking a drill or exer-
11 cise;

12 e. "Assisting local government" means one or more local governments
13 that provide assistance pursuant to a request for assistance from a
14 requesting local government during a declared emergency, or for the
15 purposes of conducting training, or undertaking a drill or exercise;
16 [and]

17 f. "Disaster" shall have the same meaning as in section twenty of this
18 article;

19 G. "SCHOOL DISTRICT" SHALL HAVE THE SAME MEANING AS IN TITLE TWO OF
20 THE EDUCATION LAW, INCLUDING ANY PUBLIC SCHOOL DISTRICT AND ANY SPECIAL
21 ACT SCHOOL DISTRICT AS DEFINED IN SECTION FOUR THOUSAND ONE OF THE
22 EDUCATION LAW; AND

23 H. "BOARD OF COOPERATIVE EDUCATIONAL SERVICES" SHALL HAVE THE SAME
24 MEANING AS IN SECTION NINETEEN HUNDRED FIFTY OF THE EDUCATION LAW.

25 3. Intrastate mutual aid program committee established; meetings;
26 powers and duties. a. There is hereby created within the disaster
27 preparedness commission an intrastate mutual aid program committee, for
28 purposes of this section to be referred to as the committee, which shall
29 be chaired by the commissioner of the division of homeland security and
30 emergency services, and shall include the state fire administrator, the
31 commissioner of health, THE COMMISSIONER OF EDUCATION and the commis-
32 sioner of agriculture and markets, provided that each such official may
33 appoint a designee to serve in his or her place on the committee. The
34 committee shall also include five representatives from local public
35 safety or emergency response agencies AND ONE REPRESENTATIVE FROM A
36 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES. SUCH
37 REPRESENTATIVES, who shall serve a maximum two-year term, [to be] SHALL
38 BE appointed by the commissioner of the division of homeland security
39 and emergency services, with regard to a balance of geographic represen-
40 tation and discipline expertise.

41 b. The committee, on the call of the chairperson, shall meet at least
42 twice each year and at such other times as may be necessary. The agenda
43 and meeting place of all regular meetings shall be made available to the
44 public in advance of such meetings and all such meetings shall be open
45 to the public.

46 c. The committee shall have the following powers and responsibilities:
47 (1) to promulgate rules and regulations, acting through the division
48 of homeland security and emergency services, to implement the intrastate
49 mutual aid program as described in this section;

50 (2) to develop policies, procedures and guidelines associated with the
51 program, including a process for the reimbursement of assisting local
52 governments by requesting local governments;

53 (3) to evaluate the use of the intrastate mutual aid program;

54 (4) to examine issues facing participating local governments regarding
55 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

1 Section 1. Subdivision (a) of section 3 of part F of chapter 56 of the
2 laws of 2011, relating to permitting authorized state entities to
3 utilize the design-build method for infrastructure projects, is amended
4 to read as follows:

5 (a) "authorized state entity" shall mean [the New York state thruway
6 authority, the department of transportation, the office of parks, recre-
7 ation and historic preservation, the department of environmental conser-
8 vation and the New York state bridge authority] ANY STATE DEPARTMENT OR
9 DIVISION, BOARD, COMMISSION, BUREAU, OFFICE, COMMITTEE OR COUNCIL OF ANY
10 STATE DEPARTMENT, ANY PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY OR
11 COMMISSION, AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR,
12 BUT SHALL NOT INCLUDE THE STATE UNIVERSITY OF NEW YORK OR THE CITY
13 UNIVERSITY OF NEW YORK.

14 S 2. Section 3 of part F of chapter 56 of the laws of 2011, relating
15 to permitting authorized state entities to utilize the design-build
16 method for infrastructure projects, is amended by adding a new subdivi-
17 sion (e-1) to read as follows:

18 (E-1) "DESIGN-BUILD-FINANCE CONTRACT" SHALL MEAN A CONTRACT FOR THE
19 DESIGN, CONSTRUCTION AND FINANCING, WHICH MAY INCLUDE PRIVATE CAPITAL,
20 OF A CAPITAL PROJECT WITH A SINGLE ENTITY, WHICH MAY BE A TEAM COMPRISED
21 OF SEPARATE ENTITIES.

22 S 3. Section 4 of part F of chapter 56 of the laws of 2011, relating
23 to permitting authorized state entities to utilize the design-build
24 method for infrastructure projects, is amended to read as follows:

25 S 4. Notwithstanding the provisions of section 38 of the highway law,
26 section 136-a of the state finance law, section 359 of the public
27 authorities law, section 7210 of the education law, SECTION 8 OF THE
28 PUBLIC BUILDINGS LAW and the provisions of any other law to the contra-
29 ry, and in conformity with the requirements of this act, an authorized
30 state entity may utilize the alternative delivery [method] METHODS
31 referred to as design-build contracts AND DESIGN-BUILD-FINANCE CONTRACTS
32 for capital projects related to the state's physical infrastructure,
33 including, but not limited to, the state's highways, bridges, BUILDINGS,
34 dams, flood control projects, canals, and parks, including, but not
35 limited to, to repair damage caused by natural disaster, to correct
36 health and safety defects, to comply with federal and state laws, stand-
37 ards, and regulations, to extend the useful life of or replace the
38 state's highways, bridges, BUILDINGS, dams, flood control projects,
39 canals, and parks or to improve or add to the state's highways, bridges,
40 BUILDINGS, dams, flood control projects, canals, and parks; provided
41 that for the contracts executed by the department of transportation, the
42 office of parks, recreation and historic preservation, or the department
43 of environmental conservation, the total cost of each such project shall
44 not be less than one million two hundred thousand dollars (\$1,200,000).

45 S 4. Section 5 of part F of chapter 56 of the laws of 2011, relating
46 to permitting authorized state entities to utilize the design-build
47 method for infrastructure projects, is amended to read as follows:

48 S 5. An entity selected by an authorized state entity to enter into a
49 design-build contract OR A DESIGN-BUILD-FINANCE CONTRACT shall be
50 selected through a two-step method, as follows:

51 (a) Step one. Generation of a list of entities that have demonstrated
52 the general capability to perform the design-build contract OR
53 DESIGN-BUILD-FINANCE CONTRACT. Such list shall consist of a specified
54 number of entities, as determined by an authorized state entity, and
55 shall be generated based upon the authorized state entity's review of
56 responses to a publicly advertised request for qualifications. The

1 authorized state entity's request for qualifications shall include a
2 general description of the project, the maximum number of entities to be
3 included on the list, and the selection criteria to be used in generat-
4 ing the list. Such selection criteria shall include the qualifications
5 and experience of the design and construction team, organization, demon-
6 strated responsibility, ability of the team or of a member or members of
7 the team to comply with applicable requirements, including the
8 provisions of articles 145, 147 and 148 of the education law, past
9 record of compliance with the labor law, and such other qualifications
10 the authorized state entity deems appropriate which may include but are
11 not limited to project understanding, financial capability and record of
12 past performance. The authorized state entity shall evaluate and rate
13 all entities responding to the request for qualifications. Based upon
14 such ratings, the authorized state entity shall list the entities that
15 shall receive a request for proposals in accordance with subdivision (b)
16 of this section. To the extent consistent with applicable federal law,
17 the authorized state entity shall consider, when awarding any contract
18 pursuant to this section, the participation of: (i) firms certified
19 pursuant to article 15-A of the executive law as minority or women-owned
20 businesses and the ability of other businesses under consideration to
21 work with minority and women-owned businesses so as to promote and
22 assist participation by such businesses; and (ii) small business
23 concerns identified pursuant to subdivision (b) of section 139-g of the
24 state finance law.

25 (b) Step two. Selection of the proposal which is the best value to the
26 state. The authorized state entity shall issue a request for proposals
27 to the entities listed pursuant to subdivision (a) of this section. If
28 such an entity consists of a team of separate entities, the entities
29 that comprise such a team must remain unchanged from the entity as list-
30 ed pursuant to subdivision (a) of this section unless otherwise approved
31 by the authorized state entity. The request for proposals shall set
32 forth the project's scope of work, and other requirements, as determined
33 by the authorized state entity. The request for proposals shall specify
34 the criteria to be used to evaluate the responses and the relative
35 weight of each such criteria. Such criteria shall include the
36 proposal's cost, the quality of the proposal's solution, the qualifica-
37 tions and experience of the design-build OR DESIGN-BUILD-FINANCE entity,
38 and other factors deemed pertinent by the authorized state entity, which
39 may include, but shall not be limited to, the proposal's project imple-
40 mentation, ability to complete the work in a timely and satisfactory
41 manner, maintenance costs of the completed project, maintenance of traf-
42 fic approach, and community impact. Any contract awarded pursuant to
43 this act shall be awarded to a responsive and responsible entity that
44 submits the proposal, which, in consideration of these and other speci-
45 fied criteria deemed pertinent to the project, offers the best value to
46 the state, as determined by the authorized state entity. Nothing herein
47 shall be construed to prohibit the authorized entity from negotiating
48 final contract terms and conditions including cost.

49 S 5. Section 12 of part F of chapter 56 of the laws of 2011, relating
50 to permitting authorized state entities to utilize the design-build
51 method for infrastructure projects, is amended to read as follows:

52 S 12. The submission of a proposal or responses or the execution of a
53 design-build contract OR DESIGN-BUILD-FINANCE CONTRACT pursuant to this
54 act shall not be construed to be a violation of section 6512 of the
55 education law.

1 S 6. This act shall take effect immediately; provided, however, that
2 the amendments to sections 3, 4, 5 and 12 of part F of chapter 56 of the
3 laws of 2011 made by sections one through five of this act shall not
4 affect the repeal of such part and shall be deemed to be repealed there-
5 with.

6 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
7 sion, section or part of this act shall be adjudged by any court of
8 competent jurisdiction to be invalid, such judgment shall not affect,
9 impair, or invalidate the remainder thereof, but shall be confined in
10 its operation to the clause, sentence, paragraph, subdivision, section
11 or part thereof directly involved in the controversy in which such judg-
12 ment shall have been rendered. It is hereby declared to be the intent of
13 the legislature that this act would have been enacted even if such
14 invalid provisions had not been included herein.

15 S 3. This act shall take effect immediately provided, however, that
16 the applicable effective date of Parts A through S of this act shall be
17 as specifically set forth in the last section of such Parts.