

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

S. 2607--D

A. 3007--D

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to school district eligibility for an increase in apportionment of school aid and implementation of standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to contracts for excellence, school census in school districts, New York state school safety improvement teams, accountability of school districts, the financing of charter schools, annual professional performance review plans, apportionment of school aid, calculation of the gap elimination restoration amount, establishment of a community schools and extended learning time grant program, duties of school districts and the costs of certain tuition maintenance and transportation; to amend the general municipal law, in relation to the employee benefit accrued liability reserve fund; to amend the education law, in relation to transportation after 4 pm; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending certain provisions; to

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

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amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to amend chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, in relation to extending the provisions of such chapter; in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; to repeal subdivision 17 of section 1950 of the education law relating thereto; and to repeal section 3627 of the education law relating to transportation after 5 pm and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law and the public authorities law, in relation to the acquisition, design, construction, reconstruction, rehabilitation, improvement and financing of dormitory facilities for the state university of New York (Part B); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part C); to amend the education law, in relation to establishing the Next Generation NY Job Linkage Program Act (Part D); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part E); intentionally omitted (Part F); to amend the executive law and the social services law, in relation to consolidating the youth development and delinquency prevention program and the special delinquency prevention program; and to repeal certain provisions of the executive law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend the real property tax law, in relation to providing for the registration of recipients of STAR exemptions, and eliminating waste, fraud and abuse in the STAR program and relating to the powers of the state board of real property tax services (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to utilize reserves in the project pool insurance account of the mortgage insurance fund for

various housing purposes (Part M); to amend the labor law, in relation to the powers of the commissioner of labor and to repeal subdivision 17 of section 100 of the economic development law relating to the operation of the state data center (Part N); to amend the labor law, in relation to increasing unemployment insurance benefits and contributions, to entitlement and eligibility criteria, to work search requirements, to relieving employers of charges for separations caused by misconduct and voluntarily leaving employment without good cause, to reduction of benefits based on pensions and dismissal pay, to enhanced penalties, in relation to fraudulently obtained benefits and new penalties for employers who cause overpayments by failing to timely and accurately respond to information about claims, to approving employer shared work benefit plans, and to the interest assessment surcharge; and to amend chapter 62 of the laws of 2003, amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to the effectiveness thereof; to repeal certain provisions of the labor law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); to amend the labor law, in relation to the minimum wage and making technical corrections relating thereto (Part P); intentionally omitted (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to labor peace agreements (Part R); to amend the education law, in relation to dental health certificates for students (Part S); to amend the education law, in relation to the performance of medical services (Part T); to amend the education law, in relation to creating the graduation, achievement and placement program (Part U); to amend the education law, in relation to charges for non-resident students (Part V); to amend the tax law, the state finance law and the executive law, in relation to gifts for honor and remembrance of veterans, the establishment of the veterans remembrance and cemetery maintenance and operation fund, and to repeal certain provisions of the executive law relating thereto (Part W); to amend the public service law, in relation to strengthening the oversight and enforcement mechanisms of the Public Service Commission; to amend the general business law, in relation to increasing fines for violations relating to the protection of underground facilities (Part X); in relation to the repowering of existing power generation facilities (Part Y); to amend the labor law, in relation to the self-employment assistance program; and to amend chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, in relation to the effectiveness thereof (Part Z); to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work; chapter 676 of the laws of 2002 amending the education law relating to the practice of psychology; chapter 130 of the laws of 2010 amending the education law and other laws relating to the registration of entities providing certain professional services and the licensure of certain professions, in relation to reporting requirements and expiration dates; and to amend the education law, in relation to licensure of social workers and mental health counselors (Part AA); to amend the retirement and social security law, in relation to stable pensions; and to amend the education law, in relation to a stable contribution option for participating educational employers (Part BB); in relation to contracts for services and expenses of pay for success initiatives to improve program outcomes in the program areas of health care, early childhood development, child-

hood welfare and public safety (Part CC); to amend the private housing finance law, in relation to establishing the rural and urban community investment fund program (Part DD); to amend the state finance law, in relation to increasing state assistance to eligible cities and eligible municipalities in which a video lottery gaming facility is located (Part EE); to amend the penal law, in relation to making technical changes to such law relating to licensing of firearms; and to amend chapter 1 of the laws of 2013 amending the criminal procedure law and other laws relating to suspension and revocation of firearms licenses, in relation to the effectiveness thereof (Part FF); 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 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 GG); and 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 storm recovery 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 HH)

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 HH. 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, including
7 the effective date of the Part, which makes a 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. 1. As used in this section:
14 a. "base year" shall mean the base year as defined in paragraph b of
15 subdivision 1 of section 3602 of the education law; and

1 b. "current year" shall mean the current year as defined in paragraph
2 a of subdivision 1 of section 3602 of the education law.

3 2. Notwithstanding any inconsistent provision of law, no school
4 district shall be eligible for an apportionment of general support for
5 public schools from the funds appropriated for the 2013-14 school year
6 and thereafter in excess of the amount apportioned to such school
7 district in the base year unless such school district has submitted
8 documentation that has been approved by the commissioner of education by
9 September 1 of the current year, demonstrating that it has fully imple-
10 mented the standards and procedures for conducting annual professional
11 performance reviews of classroom teachers and building principals in
12 accordance with the requirements of section 3012-c of the education law
13 and the commissioner of education's regulations. Any apportionment
14 withheld pursuant to this section shall not occur prior to April 1 of
15 the current year and shall not have any effect on the base year calcu-
16 lation for use in the subsequent school year.

17 3. If any payments of ineligible amounts pursuant to subdivision 2 of
18 this section were made, and the school district has not submitted
19 documentation that has been approved by the commissioner of education by
20 September 1 of the current school year demonstrating that it has fully
21 implemented the standards and procedures for conducting annual profes-
22 sional performance reviews of classroom teachers and building principals
23 in accordance with the requirements of section 3012-c of the education
24 law and the regulations of the commissioner of education, the total
25 amount of such payments shall be deducted by the commissioner of educa-
26 tion from future payments to the school district; provided further that,
27 if the amount of the deduction is greater than the sum of the amounts
28 available for such deductions in the applicable school year, the remain-
29 der of the deduction shall be withheld from payments scheduled to be
30 made to the school district pursuant to section 3609-a of the education
31 law for the subsequent school year.

32 S 2. Paragraph e of subdivision 1 of section 211-d of the education
33 law, as amended by section 2 of part A of chapter 57 of the laws of
34 2012, is amended to read as follows:

35 e. Notwithstanding paragraphs a and b of this subdivision, a school
36 district that submitted a contract for excellence for the two thousand
37 eight--two thousand nine school year shall submit a contract for excel-
38 lence for the two thousand nine--two thousand ten school year in
39 conformity with the requirements of subparagraph (vi) of paragraph a of
40 subdivision two of this section unless all schools in the district are
41 identified as in good standing and provided further that, a school
42 district that submitted a contract for excellence for the two thousand
43 nine--two thousand ten school year, unless all schools in the district
44 are identified as in good standing, shall submit a contract for excel-
45 lence for the two thousand eleven--two thousand twelve school year which
46 shall, notwithstanding the requirements of subparagraph (vi) of para-
47 graph a of subdivision two of this section, provide for the expenditure
48 of an amount which shall be not less than the product of the amount
49 approved by the commissioner in the contract for excellence for the two
50 thousand nine--two thousand ten school year, multiplied by the
51 district's gap elimination adjustment percentage and provided further
52 that, a school district that submitted a contract for excellence for the
53 two thousand eleven--two thousand twelve school year, unless all schools
54 in the district are identified as in good standing, shall submit a
55 contract for excellence for the two thousand twelve--two thousand thir-
56 teen school year which shall, notwithstanding the requirements of

1 subparagraph (vi) of paragraph a of subdivision two of this section,
2 provide for the expenditure of an amount which shall be not less than
3 the amount approved by the commissioner in the contract for excellence
4 for the two thousand eleven--two thousand twelve school year AND
5 PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR
6 EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
7 YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD
8 STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND
9 THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING
10 THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO
11 OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE
12 NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT
13 FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
14 YEAR. For purposes of this paragraph, the "gap elimination adjustment
15 percentage" shall be calculated as the sum of one minus the quotient of
16 the sum of the school district's net gap elimination adjustment for two
17 thousand ten--two thousand eleven computed pursuant to chapter fifty-
18 three of the laws of two thousand ten, making appropriations for the
19 support of government, plus the school district's gap elimination
20 adjustment for two thousand eleven--two thousand twelve as computed
21 pursuant to chapter fifty-three of the laws of two thousand eleven,
22 making appropriations for the support of the local assistance budget,
23 including support for general support for public schools, divided by the
24 total aid for adjustment computed pursuant to chapter fifty-three of the
25 laws of two thousand eleven, making appropriations for the local assist-
26 ance budget, including support for general support for public schools.
27 Provided, further, that such amount shall be expended to support and
28 maintain allowable programs and activities approved in the two thousand
29 nine--two thousand ten school year or to support new or expanded allow-
30 able programs and activities in the current year.

31 S 2-a. Section 2215 of the education law is amended by adding a new
32 subdivision 17 to read as follows:

33 17. TO DETERMINE THE ADEQUACY AND APPROPRIATENESS OF THE FACILITIES
34 SPACE AVAILABLE TO HOUSE SPECIAL EDUCATION PROGRAMS IN THE GEOGRAPHIC
35 AREA SERVED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, CONSISTENT
36 WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENT AND TO ENSURE THE
37 STABILITY AND CONTINUITY OF PROGRAM PLACEMENTS FOR STUDENTS WITH DISA-
38 BILITIES, INCLUDING PROCEDURES THAT ENSURE THAT SPECIAL EDUCATION
39 PROGRAMS AND SERVICES LOCATED IN APPROPRIATE FACILITIES WILL NOT BE
40 RELOCATED WITHOUT ADEQUATE CONSIDERATION OF THE NEEDS OF PARTICIPATING
41 STUDENTS WITH DISABILITIES.

42 S 2-b. Subdivision 17 of section 1950 of the education law is
43 REPEALED.

44 S 3. Section 3242 of the education law, as amended by section 2 of
45 subpart F of part C of chapter 97 of the laws of 2011, is amended to
46 read as follows:

47 S 3242. School census in school districts. The trustees or board of
48 education of every school district may cause a census to be taken of all
49 children between birth and eighteen years of age, including all such
50 facts and information as are required in the census provided for in
51 section thirty-two hundred forty-one of this [chapter] PART. Such census
52 shall be prepared [annually] BIENNIALY for children between ages five
53 and eighteen who are entitled to attend the public schools without
54 payment of tuition in duplicate in their respective school districts,
55 and one copy thereof filed with the teacher or principal and the other
56 copy filed with the district superintendent or superintendent on or

before the fifteenth day of October. For pre-school students from birth to five years of age, such census may be prepared and filed biennially on or before the fifteenth day of October. Such census shall include the reports and information required from cities as provided in section thirty-two hundred forty-one OF THIS PART. All information regarding a student with a disability under the age of twenty-one years shall be filed annually with the superintendent of the board of cooperative educational services of which said district may be a part.

S 3-a. Section 2801-b of the education law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

S 2801-b. New York state school safety improvement teams. The governor shall establish New York state school safety improvement teams, which may be composed of representatives from the division of homeland security and emergency services, the division of state police, the division of criminal justice services, and the department. Such New York State School Safety Improvement Teams shall review and assess school safety plans submitted, on a voluntary basis, by school districts having a population of less than one hundred twenty-five thousand inhabitants, boards of cooperative educational services, NONPUBLIC SCHOOLS, and county vocational education and extension boards, and may make recommendations to improve such school safety plans.

S 4. Subdivision 2 of section 2116-b of the education law, as added by chapter 263 of the laws of 2005, is amended to read as follows:

2. School districts of less than eight teachers, school districts with actual general fund expenditures totaling less than five million dollars in the previous school year, or school districts with actual enrollment of less than [three hundred] ONE THOUSAND FIVE HUNDRED students in the previous school year shall be exempt from this requirement. Any school district claiming such exemption shall annually certify to the commissioner that such school district meets the requirements set forth in this subdivision.

S 5. Paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 21 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

(a) The enrollment of students attending charter schools shall be included in the enrollment, attendance, membership and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition, which shall be:

(i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school year, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year;

(ii) for the two thousand nine--two thousand ten school year, the charter school basic tuition shall be the amount payable by such

1 district as charter school basic tuition for the two thousand eight--two
2 thousand nine school year;

3 (iii) for the two thousand ten--two thousand eleven through [two thou-
4 sand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND
5 FOURTEEN school years, the charter school basic tuition shall be the
6 basic tuition computed for the two thousand ten--two thousand eleven
7 school year pursuant to the provisions of subparagraph (i) of this para-
8 graph.

9 S 6. Paragraph (a) of subdivision 1 of section 2856 of the education
10 law, as amended by section 22 of part A of chapter 58 of the laws of
11 2011, is amended to read as follows:

12 (a) The enrollment of students attending charter schools shall be
13 included in the enrollment, attendance and, if applicable, count of
14 students with disabilities of the school district in which the pupil
15 resides. The charter school shall report all such data to the school
16 districts of residence in a timely manner. Each school district shall
17 report such enrollment, attendance and count of students with disabili-
18 ties to the department. The school district of residence shall pay
19 directly to the charter school for each student enrolled in the charter
20 school who resides in the school district the charter school basic
21 tuition which shall be:

22 (i) for school years prior to the two thousand nine--two thousand ten
23 school year and for school years following the [two thousand twelve--two
24 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school
25 year, an amount equal to one hundred percent of the amount calculated
26 pursuant to paragraph f of subdivision one of section thirty-six hundred
27 two of this chapter for the school district for the year prior to the
28 base year increased by the percentage change in the state total approved
29 operating expense calculated pursuant to paragraph t of subdivision one
30 of section thirty-six hundred two of this chapter from two years prior
31 to the base year to the base year;

32 (ii) for the two thousand nine--two thousand ten school year, the
33 charter school basic tuition shall be the amount payable by such
34 district as charter school basic tuition for the two thousand eight--two
35 thousand nine school year;

36 (iii) for the two thousand ten--two thousand eleven through [two thou-
37 sand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND
38 FOURTEEN school years, the charter school basic tuition shall be the
39 basic tuition computed for the two thousand ten--two thousand eleven
40 school year pursuant to the provisions of subparagraph (i) of this para-
41 graph.

42 S 7. Subdivision 2 of section 3012-c of the education law is amended
43 by adding a new paragraph l to read as follows:

44 L. IN THE EVENT A SCHOOL DISTRICT DOES NOT HAVE AN ANNUAL PROFESSIONAL
45 PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER FOR THE APPLICABLE
46 SCHOOL YEAR AS OF SEPTEMBER FIRST OF THAT YEAR, THE COLLECTIVELY
47 BARGAINED PLAN MOST RECENTLY APPROVED OR THE PLAN DETERMINED BY THE
48 COMMISSIONER SHALL REMAIN IN EFFECT UNTIL A SUBSEQUENT PLAN IS AGREED TO
49 BY THE PARTIES IN ACCORDANCE WITH THIS SECTION AND IS APPROVED BY THE
50 COMMISSIONER.

51 S 7-a. Subdivision 2 of section 3012-c of the education law is amended
52 by adding a new paragraph m to read as follows:

53 M. (1) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE
54 CONTRARY, IF A SCHOOL DISTRICT THAT DID NOT HAVE AN ANNUAL PROFESSIONAL
55 PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER ON OR BEFORE JANU-
56 ARY SEVENTEENTH, TWO THOUSAND THIRTEEN, DOES NOT HAVE AN ANNUAL PROFES-

SIONAL PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARAGRAPH IN PLACE FOR THE FOLLOWING SCHOOL YEAR ON OR BEFORE THE WEDNESDAY FOLLOWING THE FIRST FRIDAY IN MAY, SUCH SCHOOL DISTRICT AND THE COLLECTIVE BARGAINING REPRESENTATIVES REPRESENTING CLASSROOM TEACHERS AND BUILDING PRINCIPALS SHALL SUBMIT WRITTEN EXPLANATIONS OF THEIR RESPECTIVE POSITIONS REGARDING SUCH ISSUES TO THE COMMISSIONER BY SUCH DATE.

(2) IF SUCH A SCHOOL DISTRICT DOES NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARAGRAPH IN PLACE ON OR BEFORE THE WEDNESDAY PRECEDING THE LAST FRIDAY IN MAY, THE COMMISSIONER SHALL CONDUCT AN ARBITRATION PROCEEDING AND SHALL HOLD NO MORE THAN TWO DAYS OF HEARINGS ON THE STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION. THE PARTIES MAY BE HEARD EITHER IN PERSON, BY COUNSEL, OR BY SUCH REPRESENTATIVES AS THEY MAY DESIGNATE. THE PARTIES MAY PRESENT, ORALLY OR IN WRITING, STATEMENTS OF FACT, SUPPORTING WITNESSES AND OTHER EVIDENCE, AND ARGUMENTS. THE COMMISSIONER MAY REQUIRE THE PRODUCTION OF SUCH ADDITIONAL EVIDENCE FROM THE PARTIES AND SHALL PROVIDE, AT THE REQUEST OF EITHER PARTY, THAT A FULL AND COMPLETE RECORD BE KEPT OF ANY SUCH HEARINGS, THE COST OF SUCH RECORD TO BE SHARED EQUALLY BY THE PARTIES.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, AFTER SUCH HEARING, THE COMMISSIONER SHALL RENDER A FINAL AND BINDING WRITTEN DETERMINATION ON OR BEFORE JUNE FIRST, PRESCRIBING SUCH STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION EFFECTIVE FOR THE FOLLOWING SCHOOL YEAR FOR A TERM TO BE DETERMINED BY THE COMMISSIONER. SUCH DETERMINATION SHALL BE LIMITED TO THE REQUIREMENTS OF THIS SECTION AND CONSISTENT WITH PLANS APPROVED BY THE COMMISSIONER PURSUANT TO PARAGRAPH K OF THIS SUBDIVISION. THE COMMISSIONER SHALL SPECIFY IN HIS OR HER DETERMINATION THE BASIS FOR HIS OR HER FINDINGS, TAKING INTO CONSIDERATION ALL RELEVANT FACTORS, INCLUDING THE BEST INTEREST OF STUDENTS. SUCH DETERMINATION SHALL BE DEEMED TO CONSTITUTE THE SUBMISSION BY SUCH SCHOOL DISTRICT OF DOCUMENTATION DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS AND BUILDING PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND FINAL APPROVAL OF SUCH SCHOOL DISTRICT'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN IN ACCORDANCE WITH PARAGRAPH K OF THIS SUBDIVISION.

(4) NO LATER THAN TEN DAYS AFTER RECEIPT OF THE COMMISSIONER'S DETERMINATION, THE PARTIES MAY MAKE AN APPLICATION TO THE NEW YORK STATE SUPREME COURT TO VACATE OR MODIFY THE DETERMINATION OF THE COMMISSIONER PURSUANT TO SECTION SEVENTY-FIVE HUNDRED ELEVEN OF THE CIVIL PRACTICE LAW AND RULES. THE COURT'S REVIEW SHALL BE LIMITED TO THE GROUNDS SET FORTH IN SUCH SECTION. THE COMMISSIONER'S DETERMINATION SHALL BE DEEMED TO BE FINAL FOR THE PURPOSE OF SUCH PROCEEDING. IN NO CASE SHALL THE FILING OR THE PENDENCY OF AN APPEAL DELAY THE IMPLEMENTATION OF THE COMMISSIONER'S DETERMINATION.

(5) NOTHING IN THIS PARAGRAPH SHALL RESTRICT THE ABILITY OF A SCHOOL DISTRICT SUBJECT TO ARBITRATION PURSUANT TO THIS PARAGRAPH AND COLLECTIVE BARGAINING REPRESENTATIVES REPRESENTING CLASSROOM TEACHERS AND BUILDING PRINCIPALS IN SUCH DISTRICT FROM ENTERING INTO A NEW OR AMENDED AGREEMENT TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION. ANY NEW OR AMENDED AGREEMENT MUST BE SUBMITTED TO THE COMMISSIONER PURSUANT TO PARAGRAPH K OF THIS SUBDIVISION FOR HIS OR HER APPROVAL AND SHALL BE APPROVED PROVIDED THAT SUCH TERMS OF THE

1 AGREEMENT ARE CONSISTENT WITH THIS SECTION AND THE REGULATIONS OF THE
2 COMMISSIONER.

3 S 8. The closing paragraph of subdivision 5-a of section 3602 of the
4 education law, as amended by section 27 of part A of chapter 58 of the
5 laws of 2011, is amended to read as follows:

6 For the two thousand eight--two thousand nine school year, each school
7 district shall be entitled to an apportionment equal to the product of
8 fifteen percent and the additional apportionment computed pursuant to
9 this subdivision for the two thousand seven--two thousand eight school
10 year. For the two thousand nine--two thousand ten through two thousand
11 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each
12 school district shall be entitled to an apportionment equal to the
13 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
14 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
15 computer listing produced by the commissioner in support of the budget
16 for the two thousand nine--two thousand ten school year and entitled
17 "SA0910".

18 S 8-a. The opening paragraph and paragraphs a and b of subdivision 4
19 of section 3602 of the education law, the opening paragraph, subpara-
20 graph 1 and the closing paragraph of subparagraph 2 of paragraph b as
21 amended by section 6-a of part A of chapter 57 of the laws of 2012,
22 paragraphs a and b as amended by section 26 of part A of chapter 58 of
23 the laws of 2011, are amended to read as follows:

24 In addition to any other apportionment pursuant to this chapter, a
25 school district, other than a special act school district as defined in
26 subdivision eight of section four thousand one of this chapter, shall be
27 eligible for total foundation aid equal to the product of total aidable
28 foundation pupil units multiplied by the district's selected foundation
29 aid, which shall be the greater of five hundred dollars (\$500) or foun-
30 dation formula aid, provided, however that for the two thousand seven--
31 two thousand eight through two thousand eight--two thousand nine school
32 years, no school district shall receive total foundation aid in excess
33 of the sum of the total foundation aid base for aid payable in the two
34 thousand seven--two thousand eight school year computed pursuant to
35 subparagraph (i) of paragraph j of subdivision one of this section, plus
36 the phase-in foundation increase computed pursuant to paragraph b of
37 this subdivision, and provided further that for the two thousand twelve-
38 -two thousand thirteen school year [and thereafter], no school district
39 shall receive total foundation aid in excess of the sum of the total
40 foundation aid base for aid payable in the two thousand eleven--two
41 thousand twelve school year computed pursuant to paragraph j of subdivi-
42 sion one of this section, plus the phase-in foundation increase computed
43 pursuant to paragraph b of this subdivision, AND PROVIDED FURTHER THAT
44 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND
45 THEREAFTER, NO SCHOOL DISTRICT SHALL RECEIVE TOTAL FOUNDATION AID IN
46 EXCESS OF THE SUM OF THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO
47 PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION, PLUS THE PHASE-IN FOUN-
48 DATION INCREASE COMPUTED PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION and
49 provided further that total foundation aid shall not be less than the
50 product of the total foundation aid base computed pursuant to paragraph
51 j of subdivision one of this section and THE DUE-MINIMUM PERCENT WHICH
52 SHALL BE, FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
53 YEAR, one hundred and six-tenths percent (1.006) AND FOR THE TWO THOU-
54 SAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR FOR CITY SCHOOL
55 DISTRICTS OF THOSE CITIES HAVING POPULATIONS IN EXCESS OF ONE HUNDRED
56 TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION INHABITANTS ONE HUNDRED

1 AND ONE AND ONE HUNDRED AND SEVENTY-SIX THOUSANDTHS PERCENT (1.01176),
2 AND FOR ALL OTHER DISTRICTS ONE HUNDRED AND THREE-TENTHS PERCENT
3 (1.003), subject to allocation pursuant to the provisions of subdivision
4 eighteen of this section and any provisions of a chapter of the laws of
5 New York as described therein, nor more than the product of such total
6 foundation aid base and one hundred fifteen percent, and provided
7 further that for the two thousand nine--two thousand ten through two
8 thousand eleven--two thousand twelve school years, each school district
9 shall receive total foundation aid in an amount equal to the amount
10 apportioned to such school district for the two thousand eight--two
11 thousand nine school year pursuant to this subdivision. Total aidable
12 foundation pupil units shall be calculated pursuant to paragraph g of
13 subdivision two of this section. For the purposes of calculating aid
14 pursuant to this subdivision, aid for the city school district of the
15 city of New York shall be calculated on a citywide basis.

16 a. Foundation formula aid. Foundation formula aid shall equal the
17 remainder when the expected minimum local contribution is subtracted
18 from the product of the foundation amount, the regional cost index, and
19 the pupil need index, or: (foundation amount x regional cost index x
20 pupil need index)- expected minimum local contribution.

21 (1) The foundation amount shall reflect the average per pupil cost of
22 general education instruction in successful school districts, as deter-
23 mined by a statistical analysis of the costs of special education and
24 general education in successful school districts, provided that the
25 foundation amount shall be adjusted annually to reflect the percentage
26 increase in the consumer price index as computed pursuant to section two
27 thousand twenty-two of this chapter, provided that for the two thousand
28 eight--two thousand nine school year, for the purpose of such adjust-
29 ment, the percentage increase in the consumer price index shall be
30 deemed to be two and nine-tenths percent (0.029), and provided further
31 that the foundation amount for the two thousand seven--two thousand
32 eight school year shall be five thousand two hundred fifty-eight
33 dollars, and provided further that for the two thousand seven--two thou-
34 sand eight through two thousand fifteen--two thousand sixteen school
35 years, the foundation amount shall be further adjusted by the phase-in
36 foundation percent established pursuant to paragraph b of this subdivi-
37 sion.

38 (2) The regional cost index shall reflect an analysis of labor market
39 costs based on median salaries in professional occupations that require
40 similar credentials to those of positions in the education field, but
41 not including those occupations in the education field, provided that
42 the regional cost indices for the two thousand seven--two thousand eight
43 school year and thereafter shall be as follows:

44	Labor Force Region	Index
45	Capital District	1.124
46	Southern Tier	1.045
47	Western New York	1.091
48	Hudson Valley	1.314
49	Long Island/NYC	1.425
50	Finger Lakes	1.141
51	Central New York	1.103
52	Mohawk Valley	1.000
53	North Country	1.000

54 (3) The pupil need index shall equal the sum of one plus the extraor-
55 dinary needs percent, provided, however, that the pupil need index shall
56 not be less than one nor more than two. The extraordinary needs percent

1 shall be calculated pursuant to paragraph w of subdivision one of this
2 section.

3 (4) The expected minimum local contribution shall equal the lesser of
4 (i) the product of (A) the quotient arrived at when the selected actual
5 valuation is divided by total wealth foundation pupil units, multiplied
6 by (B) the product of the local tax factor, multiplied by the income
7 wealth index, or (ii) the product of (A) the product of the foundation
8 amount, the regional cost index, and the pupil need index, multiplied by
9 (B) the positive difference, if any, of one minus the state sharing
10 ratio for total foundation aid. The local tax factor shall be estab-
11 lished by May first of each year by determining the product, computed to
12 four decimal places without rounding, of ninety percent multiplied by
13 the quotient of the sum of the statewide average tax rate as computed by
14 the commissioner for the current year in accordance with the provisions
15 of paragraph e of subdivision one of section thirty-six hundred nine-e
16 of this part plus the statewide average tax rate computed by the commis-
17 sioner for the base year in accordance with such provisions plus the
18 statewide average tax rate computed by the commissioner for the year
19 prior to the base year in accordance with such provisions, divided by
20 three, provided however that for the two thousand seven--two thousand
21 eight school year, such local tax factor shall be sixteen thousandths
22 (0.016), and provided further that for the two thousand eight--two thou-
23 sand nine school year, such local tax factor shall be one hundred
24 fifty-four ten thousandths (0.0154). The income wealth index shall be
25 calculated pursuant to paragraph d of subdivision three of this section,
26 provided, however, that for the purposes of computing the expected mini-
27 mum local contribution the income wealth index shall not be less than
28 sixty-five percent (0.65) and shall not be more than two hundred percent
29 (2.0) and provided however that such income wealth index shall not be
30 more than ninety-five percent (0.95) for the two thousand eight--two
31 thousand nine school year, AND PROVIDED FURTHER THAT SUCH INCOME WEALTH
32 INDEX SHALL NOT BE LESS THAN ZERO FOR THE TWO THOUSAND THIRTEEN--TWO
33 THOUSAND FOURTEEN SCHOOL YEAR. The selected actual valuation shall be
34 calculated pursuant to paragraph c of subdivision one of this section.
35 Total wealth foundation pupil units shall be calculated pursuant to
36 paragraph h of subdivision two of this section.

37 b. Phase-in foundation increase. (1) The phase-in foundation increase
38 shall equal the product of the phase-in foundation increase factor
39 multiplied by the positive difference, if any, of (i) the product of the
40 total aidable foundation pupil units multiplied by the district's
41 selected foundation aid less (ii) the total foundation aid base for aid
42 payable in the two thousand eleven--two thousand twelve school year
43 computed pursuant to paragraph j of subdivision one of this section.

44 (2) The phase-in foundation percent shall equal one hundred thirteen
45 and fourteen one hundredths percent (1.1314) for the two thousand
46 eleven--two thousand twelve school year, one hundred ten and thirty-
47 eight hundredths percent (1.1038) for the two thousand twelve--two thou-
48 sand thirteen school year, one hundred seven and sixty-eight hundredths
49 percent (1.0768) for the two thousand thirteen--two thousand fourteen
50 school year, one hundred five and six hundredths percent (1.0506) for
51 the two thousand fourteen--two thousand fifteen school year, and one
52 hundred two and five tenths percent (1.0250) for the two thousand
53 fifteen--two thousand sixteen school year.

54 For the two thousand eleven--two thousand twelve school year, the
55 phase-in foundation increase factor shall equal thirty-seven and one-
56 half percent (0.375) and the phase-in due minimum percent shall equal

19 nineteen and forty-one hundredths percent (0.1941), for the two thousand
20 twelve--two thousand thirteen school year the phase-in foundation
21 increase factor shall equal one and seven-tenths percent (0.017), [and]
22 for the two thousand thirteen--two thousand fourteen school year THE
23 PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL (1) FOR A CITY SCHOOL
24 DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, FIVE AND
25 TWENTY-THREE HUNDREDTHS PERCENT (0.0523) OR (2) FOR ALL OTHER SCHOOL
26 DISTRICTS ZERO PERCENT, AND FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND
27 FIFTEEN SCHOOL YEAR and thereafter the commissioner shall annually
28 determine the phase-in foundation increase factor subject to allocation
29 pursuant to the provisions of subdivision eighteen of this section and
30 any provisions of a chapter of the laws of New York as described there-
31 in.

32 S 9. Subdivision 9 of section 3602 of the education law, as amended by
33 section 16 of part B of chapter 57 of the laws of 2007, is amended to
34 read as follows:

35 9. Aid for conversion to full day kindergarten. School districts may
36 make available full day kindergarten programs for all children wishing
37 to attend such programs[.].

38 A. For aid payable in the two thousand seven--two thousand eight
39 school year and thereafter, school districts which provided any half-day
40 kindergarten programs or had no kindergarten programs in the nineteen
41 hundred ninety-six--ninety-seven school year and in the base year, AND
42 WHICH HAVE NOT RECEIVED AN APPORTIONMENT PURSUANT TO THIS PARAGRAPH IN
43 ANY PRIOR SCHOOL YEAR, shall be eligible for aid equal to the product of
44 the district's selected foundation aid calculated pursuant to subdivi-
45 sion four of this section multiplied by the positive difference result-
46 ing when the full day kindergarten enrollment of children attending
47 programs in the district in the base year is subtracted from such
48 enrollment in the current year.

49 B. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION,
50 SCHOOL DISTRICTS THAT HAVE RECEIVED AN APPORTIONMENT PURSUANT TO THIS
51 SUBDIVISION IN A PRIOR SCHOOL YEAR SHALL BE ELIGIBLE FOR AN APPORTION-
52 MENT WHERE THE DEPARTMENT GRANTS A WAIVER UPON CAUSE SATISFACTORY TO THE
53 DEPARTMENT, INCLUDING BUT NOT LIMITED TO, SATISFACTORY DEMONSTRATION OF
54 SIGNIFICANT ECONOMIC HARDSHIP THAT WOULD IMPACT THE SCHOOL DISTRICT'S
55 ABILITY TO PROVIDE FULL DAY KINDERGARTEN FOR ALL CHILDREN WISHING TO
56 ATTEND SUCH PROGRAMS. NO SCHOOL DISTRICT MAY BE GRANTED SUCH A WAIVER
57 MORE THAN ONCE.

58 S 10. Subdivision 12 of section 3602 of the education law, as amended
59 by section 35 of part A of chapter 58 of the laws of 2011, is amended to
60 read as follows:

61 12. Academic enhancement aid. A school district that as of April first
62 of the base year has been continuously identified as a district in need
63 of improvement for at least five years shall, for the two thousand
64 eight--two thousand nine school year, be entitled to an additional
65 apportionment equal to the positive remainder, if any, of (a) the lesser
66 of fifteen million dollars or the product of the total foundation aid
67 base, as defined by paragraph j of subdivision one of this section,
68 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
69 the sum of the total foundation aid apportioned pursuant to subdivision
70 four of this section and the supplemental educational improvement grants
71 apportioned pursuant to subdivision eight of section thirty-six hundred
72 forty-one of this article, less (ii) the total foundation aid base.

73 For the two thousand nine--two thousand ten through two thousand
74 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each

1 school district shall be entitled to an apportionment equal to the
2 amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC
3 EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid comput-
4 er listing produced by the commissioner in support of the budget for the
5 two thousand nine--two thousand ten school year and entitled "SA0910",
6 and such apportionment shall be deemed to satisfy the state obligation
7 to provide an apportionment pursuant to subdivision eight of section
8 thirty-six hundred forty-one of this article.

9 S 11. The opening paragraph of subdivision 16 of section 3602 of the
10 education law, as amended by section 36 of part A of chapter 58 of the
11 laws of 2011, is amended to read as follows:

12 Each school district shall be eligible to receive a high tax aid
13 apportionment in the two thousand eight--two thousand nine school year,
14 which shall equal the greater of (i) the sum of the tier 1 high tax aid
15 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
16 tax aid apportionment or (ii) the product of the apportionment received
17 by the school district pursuant to this subdivision in the two thousand
18 seven--two thousand eight school year, multiplied by the due-minimum
19 factor, which shall equal, for districts with an alternate pupil wealth
20 ratio computed pursuant to paragraph b of subdivision three of this
21 section that is less than two, seventy percent (0.70), and for all other
22 districts, fifty percent (0.50). Each school district shall be eligible
23 to receive a high tax aid apportionment in the two thousand nine--two
24 thousand ten through two thousand twelve--two thousand thirteen school
25 years in the amount set forth for such school district as "HIGH TAX AID"
26 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
27 listing produced by the commissioner in support of the budget for the
28 two thousand nine--two thousand ten school year and entitled "SA0910".
29 EACH SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE A HIGH TAX AID APPOR-
30 TIONMENT IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR
31 AND THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR EQUAL TO
32 THE GREATER OF (1) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS
33 "HIGH TAX AID" UNDER THE HEADING "2008-09 BASE YEAR AIDS" IN THE SCHOOL
34 AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE
35 BUDGET FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND ENTI-
36 TLED "SA0910" OR (2) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS
37 "HIGH TAX AID" UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL
38 AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE
39 EXECUTIVE BUDGET FOR THE 2013-14 FISCAL YEAR AND ENTITLED "BT131-4"

40 S 12. Paragraph (e) of subdivision 17 of section 3602 of the education
41 law, as added by section 6 of part A of chapter 57 of the laws of 2012,
42 is amended and a new paragraph (f) is added to read as follows:

43 (e) The gap elimination adjustment restoration amount for the two
44 thousand thirteen--two thousand fourteen school year [and thereafter
45 shall equal the product of the gap elimination percentage for such
46 district and the gap elimination adjustment restoration allocation
47 established pursuant to subdivision eighteen of this section.] FOR A
48 SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE
49 COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN
50 UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE ENACTED BUDGET FOR THE
51 TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR END ENTI-
52 TLED "SA131-4" AND SHALL EQUAL THE GREATER OF ONE HUNDRED THOUSAND
53 DOLLARS (\$100,000) OR THE SUM OF:

54 (I) THE "TIER A RESTORATION" WHICH SHALL MEAN THE AMOUNT SET FORTH FOR
55 SUCH SCHOOL DISTRICT AS "GEA RESTORATION" UNDER THE HEADING "2013-14
56 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE

1 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR
2 THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND
3 ENTITLED "BT131-4"; AND

4 (II) THE "TIER B RESTORATION" WHICH SHALL MEAN FOR A DISTRICT WITH (1)
5 A COMBINED WEALTH RATIO OF LESS THAN ONE AND SEVEN-TENTHS (1.7) AND (2)
6 AN ENROLLMENT PER SQUARE MILE WHICH SHALL BE THE QUOTIENT, COMPUTED TO
7 TWO DECIMALS WITHOUT ROUNDING, OF THE PUBLIC SCHOOL ENROLLMENT OF THE
8 SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH
9 SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR DIVIDED BY THE SQUARE
10 MILES OF THE DISTRICT, AS DETERMINED BY THE COMMISSIONER, OF LESS THAN
11 ONE HUNDRED AND SEVENTY AND (3) A DESIGNATION AS HIGH NEED OR AVERAGE
12 NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDI-
13 VISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED
14 BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOU-
15 SAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", OR IN
16 THE CASE OF A REORGANIZED DISTRICT THAT HAD A PREDECESSOR DISTRICT THAT
17 WAS SO DESIGNATED AND (4) A TIER A RESTORATION WHICH EQUALS LESS THAN
18 TWENTY AND SEVEN-TENTHS PERCENT (0.207) OF THE GAP ELIMINATION ADJUST-
19 MENT FOR THE BASE YEAR, THE POSITIVE DIFFERENCE IF ANY, OF THE PRODUCT
20 OF TWENTY AND SEVEN-TENTHS PERCENT (0.207) MULTIPLIED BY THE GAP ELIMI-
21 NATION ADJUSTMENT FOR THE BASE YEAR MINUS THE TIER A RESTORATION; AND

22 (III) THE "TIER C RESTORATION" WHICH SHALL MEAN FOR A DISTRICT FOR
23 WHICH THE SUM OF THE TIER A RESTORATION AND THE TIER B RESTORATION IS
24 LESS THAN THE PRODUCT OF THE GAP ELIMINATION ADJUSTMENT FOR THE BASE
25 YEAR MULTIPLIED BY SIX PERCENT (0.06), THE POSITIVE DIFFERENCE OF THE
26 PRODUCT OF THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR MULTIPLIED
27 BY SIX PERCENT (0.06) MINUS THE SUM OF THE TIER A RESTORATION AND THE
28 TIER B RESTORATION; AND

29 (IV) THE "TIER D RESTORATION" WHICH SHALL MEAN FOR SCHOOL DISTRICTS
30 THAT WERE: (1) DESIGNATED AS LOW OR AVERAGE NEED PURSUANT TO CLAUSE (C)
31 OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION
32 FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
33 SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND
34 EIGHT SCHOOL YEAR AND ENTITLED "SA0708", OR IN THE CASE OF A REORGANIZED
35 DISTRICT THAT HAD A PREDECESSOR DISTRICT THAT WAS SO DESIGNATED AND (2)
36 DESIGNATED AS HIGH NEED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER
37 IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID COMPUTER
38 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET
39 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR
40 AND ENTITLED "SA131-4" KNOWN AS THE 2008 NEED RESOURCE CAPACITY Catego-
41 ry Code, THE PRODUCT OF (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE GAP
42 ELIMINATION ADJUSTMENT FOR SUCH DISTRICT FOR THE TWO THOUSAND
43 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR MINUS THE PRODUCT OF SIX AND
44 EIGHT TENTHS PERCENT (0.068) MULTIPLIED BY THE TOTAL GENERAL FUND
45 EXPENDITURES OF SUCH DISTRICT FOR THE TWO THOUSAND TEN--TWO THOUSAND
46 ELEVEN SCHOOL YEAR, MULTIPLIED BY (B) THIRTY-FIVE HUNDREDTHS (0.35); AND

47 (V) THE "TIER E RESTORATION" WHICH SHALL MEAN FOR DISTRICTS WITH (1) A
48 QUOTIENT OF THE POSITIVE DIFFERENCE OF THE GAP ELIMINATION ADJUSTMENT
49 FOR THE YEAR PRIOR TO THE BASE YEAR MINUS THE GAP ELIMINATION ADJUSTMENT
50 FOR THE BASE YEAR DIVIDED BY THE GAP ELIMINATION ADJUSTMENT FOR THE YEAR
51 PRIOR TO THE BASE YEAR IS LESS THAN SEVEN AND FIVE-TENTHS PERCENT
52 (0.075) AND (2) A COMBINED WEALTH RATIO OF LESS THAN ONE AND ONE-TENTH
53 (1.10), THE PRODUCT OF TWO AND FIVE-TENTHS PERCENT (0.025) MULTIPLIED BY
54 THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR; AND

55 (VI) THE "TIER F RESTORATION" WHICH SHALL MEAN FOR ANY DISTRICT (1)
56 DESIGNATED AS HIGH NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF

1 PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID
2 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
3 BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND
4 ENTITLED "SA0708", OR IN THE CASE OF A REORGANIZED DISTRICT THAT HAD A
5 PREDECESSOR DISTRICT THAT WAS SO DESIGNATED, WITH (2) A GEA/TGFE RATIO
6 GREATER THAN FOUR AND NINETY-ONE HUNDREDTHS PERCENT (.0491), WHERE THE
7 GEA/TGFE RATIO SHALL BE THE QUOTIENT OF THE GAP ELIMINATION ADJUSTMENT
8 FOR THE BASE YEAR FOR THE DISTRICT DIVIDED BY THE TOTAL GENERAL FUND
9 EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR, THE PRODUCT OF FIFTEEN
10 DOLLARS (\$15.00), MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT
11 ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF
12 THIS SECTION, BUT NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000);
13 AND

14 (VII) THE "TIER G RESTORATION" WHICH SHALL MEAN FOR A CITY SCHOOL
15 DISTRICT OF A CITY HAVING A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-
16 FIVE THOUSAND AND LESS THAN ONE HUNDRED AND SIXTY THOUSAND AND FOR CITY
17 SCHOOL DISTRICTS OF CITIES WITH POPULATIONS IN EXCESS OF TWO HUNDRED AND
18 FIVE THOUSAND AND LESS THAN THREE HUNDRED THOUSAND, THE PRODUCT OF TEN
19 DOLLARS (\$10.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT
20 ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF
21 THIS SECTION AND FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPU-
22 LATION IN EXCESS OF ONE HUNDRED SIXTY THOUSAND AND BELOW TWO HUNDRED
23 THOUSAND THE PRODUCT OF EIGHT DOLLARS (\$8.00) MULTIPLIED BY THE BASE
24 YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARA-
25 GRAPH N OF SUBDIVISION ONE OF THIS SECTION AND FOR A CITY SCHOOL
26 DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, THE PROD-
27 UCT OF FORTY-TWO DOLLARS AND TWO CENTS (\$42.02), MULTIPLIED BY THE BASE
28 YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARA-
29 GRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

30 (VIII) THE "TIER H RESTORATION" WHICH SHALL MEAN FOR DISTRICTS OTHER
31 THAN FOR CITY SCHOOL DISTRICTS OF CITIES HAVING POPULATIONS OF ONE
32 HUNDRED AND TWENTY-FIVE THOUSAND OR MORE, THE PRODUCT OF THE POSITIVE
33 DIFFERENCE OF ONE AND FORTY-THREE HUNDREDTHS (1.43) MINUS SUCH
34 DISTRICT'S REGIONAL COST INDEX PURSUANT TO SUBDIVISION FOUR OF THIS
35 SECTION, MULTIPLIED BY FIVE, MULTIPLIED BY THE THREE-YEAR AVERAGE FREE
36 AND REDUCED PRICE LUNCH PERCENT, MULTIPLIED BY ONE HUNDRED DOLLARS
37 (\$100.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT,
38 AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION;
39 AND

40 (IX) THE "TIER I RESTORATION" WHICH SHALL MEAN FOR ANY DISTRICT WITH A
41 COMBINED WEALTH RATIO GREATER THAN ONE AND ONE-TENTH (1.1) AND A THREE-
42 YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT GREATER THAN
43 SIX-TENTHS (0.6), THE PRODUCT OF ONE HUNDRED AND FIFTY DOLLARS (\$150.00)
44 MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS
45 COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

46 (X) THE "TIER J RESTORATION" WHICH SHALL MEAN FOR A DISTRICT WITH A
47 COMBINED WEALTH RATIO LESS THAN ONE AND ONE-TENTHS (1.1), THE PRODUCT OF
48 (A) TWO HUNDRED DOLLARS (\$200.00) MULTIPLIED BY (B) THE POSITIVE DIFFER-
49 ENCE, IF ANY, OF THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT LESS
50 THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE YEAR FOUR YEARS PRIOR TO
51 THE BASE YEAR, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF
52 THIS SECTION;

53 PROVIDED FURTHER, NOTWITHSTANDING ANY PORTION OF THIS PARAGRAPH TO THE
54 CONTRARY, THAT A DISTRICT'S GAP ELIMINATION ADJUSTMENT RESTORATION FOR
55 THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR SHALL NOT

1 EXCEED THE PRODUCT OF FORTY-THREE PERCENT (0.43) AND THE GAP ELIMINATION
2 ADJUSTMENT FOR THE BASE YEAR FOR THE DISTRICT.

3 (F) THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO
4 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER SHALL
5 EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT
6 AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED
7 PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

8 S 13. Intentionally omitted.

9 S 13-a. Clause (c) of subparagraph 5 of paragraph e of subdivision 6
10 of section 3602 of the education law, as amended by section 1 of part F
11 of chapter 383 of the laws of 2001, is amended to read as follows:

12 (c) [Periodically, but at least at] AT the end of each ten year
13 segment of an assumed amortization established pursuant to subparagraphs
14 two, three and four of this paragraph, OR IN THE TWO THOUSAND FOURTEEN
15 -- TWO THOUSAND FIFTEEN SCHOOL YEAR IN THE CASE OF ASSUMED AMORTIZATIONS
16 WHOSE TEN YEAR SEGMENT ENDS PRIOR TO SUCH SCHOOL YEAR, the commissioner
17 shall revise the remaining scheduled semiannual payments of the
18 outstanding principal and interest of such assumed amortization, other
19 than the outstanding principal and interest of refunding bonds where the
20 district can demonstrate to the commissioner that it is precluded by
21 state or federal law, rule or regulation from refinancing such outstand-
22 ing principal and interest, based on the interest rates applicable for
23 the current year if the difference of the interest rate upon which the
24 existing assumed amortization is based minus such interest rate applica-
25 ble for the current year is equal to or greater than one quarter of
26 one-one hundredth. PROVIDED HOWEVER, IN THE CASE OF ASSUMED AMORTI-
27 ZATION WHOSE TEN YEAR SEGMENT ENDED PRIOR TO THE TWO THOUSAND FOURTEEN
28 -- TWO THOUSAND FIFTEEN SCHOOL YEAR THE NEXT TEN YEAR SEGMENT SHALL BE
29 DEEMED TO COMMENCE WITH THE TWO THOUSAND FOURTEEN -- TWO THOUSAND
30 FIFTEEN SCHOOL YEAR. THE DEPARTMENT SHALL NOTIFY SCHOOL DISTRICTS OF
31 PROJECTS SUBJECT TO THE PROVISIONS OF THIS CLAUSE BY NO LATER THAN
32 DECEMBER FIRST NEXT PRECEDING THE SCHOOL YEAR IN WHICH THE ASSUMED AMOR-
33 TIZATION IS SCHEDULED TO BE REVISED PURSUANT TO THIS CLAUSE.

34 S 14. The opening paragraph of section 3609-a of the education law, as
35 amended by section 9 of part A of chapter 57 of the laws of 2012, is
36 amended to read as follows:

37 For aid payable in the two thousand seven--two thousand eight school
38 year and thereafter, "moneys apportioned" shall mean the lesser of (i)
39 the sum of one hundred percent of the respective amount set forth for
40 each school district as payable pursuant to this section in the school
41 aid computer listing for the current year produced by the commissioner
42 in support of the budget which includes the appropriation for the gener-
43 al support for public schools for the prescribed payments and individ-
44 ualized payments due prior to April first for the current year plus the
45 apportionment payable during the current school year pursuant to subdi-
46 vision six-a and subdivision fifteen of section thirty-six hundred two
47 of this part minus any reductions to current year aids pursuant to
48 subdivision seven of section thirty-six hundred four of this part or any
49 deduction from apportionment payable pursuant to this chapter for
50 collection of a school district basic contribution as defined in subdi-
51 vision eight of section forty-four hundred one of this chapter, less any
52 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
53 vision four of section ninety-two-c of the state finance law, less any
54 grants provided pursuant to subdivision twelve of section thirty-six
55 hundred forty-one of this article, or (ii) the apportionment calculated
56 by the commissioner based on data on file at the time the payment is

1 processed; provided however, that for the purposes of any payments made
2 pursuant to this section prior to the first business day of June of the
3 current year, moneys apportioned shall not include any aids payable
4 pursuant to subdivisions six and fourteen, if applicable, of section
5 thirty-six hundred two of this part as current year aid for debt service
6 on bond anticipation notes and/or bonds first issued in the current year
7 or any aids payable for full-day kindergarten for the current year
8 pursuant to subdivision nine of section thirty-six hundred two of this
9 part. The definitions of "base year" and "current year" as set forth in
10 subdivision one of section thirty-six hundred two of this part shall
11 apply to this section. For aid payable in the [two thousand twelve--two
12 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school
13 year, reference to such "school aid computer listing for the current
14 year" shall mean the printouts entitled ["SA121-3"] "SA131-4".

15 S 15. Paragraph b of subdivision 2 of section 3612 of the education
16 law, as amended by section 10 of part A of chapter 57 of the laws of
17 2012, is amended to read as follows:

18 b. Such grants shall be awarded to school districts, within the limits
19 of funds appropriated therefor, through a competitive process that takes
20 into consideration the magnitude of any shortage of teachers in the
21 school district, the number of teachers employed in the school district
22 who hold temporary licenses to teach in the public schools of the state,
23 the number of provisionally certified teachers, the fiscal capacity and
24 geographic sparsity of the district, the number of new teachers the
25 school district intends to hire in the coming school year and the number
26 of summer in the city student internships proposed by an eligible school
27 district, if applicable. Grants provided pursuant to this section shall
28 be used only for the purposes enumerated in this section. Notwithstand-
29 ing any other provision of law to the contrary, a city school district
30 in a city having a population of one million or more inhabitants receiv-
31 ing a grant pursuant to this section may use no more than eighty percent
32 of such grant funds for any recruitment, retention and certification
33 costs associated with transitional certification of teacher candidates
34 for the school years two thousand one--two thousand two through [two
35 thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOU-
36 SAND FOURTEEN.

37 S 16. Section 3641 of the education law is amended by adding a new
38 subdivision 6-a to read as follows:

39 6-A. COMMUNITY SCHOOL GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR
40 SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED BY THE STATE COUNCIL ON CHIL-
41 DREN AND FAMILIES IN COORDINATION WITH THE COMMISSIONER AND APPROVED BY
42 THE DIRECTOR OF THE BUDGET, THE COMMISSIONER SHALL AWARD COMPETITIVE
43 GRANTS PURSUANT TO THIS SUBDIVISION TO ELIGIBLE SCHOOL DISTRICTS OR IN A
44 CITY WITH A POPULATION OF ONE MILLION OR MORE AN ELIGIBLE ENTITY TO
45 IMPLEMENT, BEGINNING IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
46 SCHOOL YEAR, A PLAN THAT TARGETS SCHOOL BUILDINGS AS COMMUNITY HUBS TO
47 DELIVER CO-LOCATED OR SCHOOL-LINKED ACADEMIC, HEALTH, MENTAL HEALTH,
48 NUTRITION, COUNSELING, LEGAL AND/OR OTHER SERVICES TO STUDENTS AND THEIR
49 FAMILIES IN A MANNER THAT WILL LEAD TO IMPROVED EDUCATIONAL AND OTHER
50 OUTCOMES. IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, ELIGIBLE
51 ENTITIES SHALL MEAN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, OR
52 NOT-FOR-PROFIT ORGANIZATIONS, WHICH SHALL INCLUDE NOT-FOR-PROFIT COMMU-
53 NITY BASED ORGANIZATIONS. AN ELIGIBLE ENTITY THAT IS A NOT-FOR-PROFIT
54 MAY APPLY FOR A COMMUNITY SCHOOL GRANT PROVIDED THAT IT COLLABORATES
55 WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND RECEIVES THE

1 APPROVAL OF THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF
2 NEW YORK.

3 (1) SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

4 (I) THE PROCESS BY WHICH A REQUEST FOR PROPOSALS WILL BE DEVELOPED;

5 (II) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED,
6 PROVIDED THAT SUCH GRANTS SHALL BE AWARDED BASED ON FACTORS INCLUDING,
7 BUT NOT LIMITED TO: MEASURES OF SCHOOL DISTRICT NEED; MEASURES OF THE
8 NEED OF STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS; THE
9 SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND
10 STUDENTS; THE SUSTAINABILITY OF THE PROPOSED COMMUNITY SCHOOLS PROGRAM;
11 AND PROPOSAL QUALITY;

12 (III) THE FORM AND MANNER BY WHICH APPLICATIONS WILL BE SUBMITTED;

13 (IV) THE MANNER BY WHICH CALCULATION OF THE AMOUNT OF THE AWARD WILL
14 BE DETERMINED;

15 (V) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS; AND

16 (VI) PROGRAM IMPLEMENTATION PHASES THAT WILL TRIGGER PAYMENT OF SET
17 PERCENTAGES OF THE TOTAL AWARD.

18 (2) IN ASSESSING PROPOSAL QUALITY, THE COMMISSIONER SHALL TAKE INTO
19 ACCOUNT FACTORS INCLUDING, BUT NOT LIMITED TO:

20 (I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PROPOSAL WOULD PROVIDE
21 SUCH COMMUNITY SERVICES THROUGH PARTNERSHIPS WITH LOCAL GOVERNMENTS AND
22 NON-PROFIT ORGANIZATIONS;

23 (II) THE EXTENT TO WHICH THE PROPOSAL WOULD PROVIDE FOR DELIVERY OF
24 SUCH SERVICES DIRECTLY IN SCHOOL BUILDINGS;

25 (III) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES HOW SUCH SERVICES
26 WOULD FACILITATE MEASURABLE IMPROVEMENT IN STUDENT AND FAMILY OUTCOMES;

27 (IV) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES AND IDENTIFIES HOW
28 EXISTING FUNDING STREAMS AND PROGRAMS WOULD BE USED TO PROVIDE SUCH
29 COMMUNITY SERVICES; AND

30 (V) THE EXTENT TO WHICH THE PROPOSAL ENSURES THE SAFETY OF ALL
31 STUDENTS, STAFF AND COMMUNITY MEMBERS IN SCHOOL BUILDINGS USED AS COMMU-
32 NITY HUBS.

33 B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS
34 SUBDIVISION MAY BE SUBMITTED BY A SINGLE SCHOOL DISTRICT OR JOINTLY BY A
35 CONSORTIUM OF TWO OR MORE SCHOOL DISTRICTS, OR IN A CITY WITH A POPU-
36 LATION OF ONE MILLION OR MORE, AN ELIGIBLE ENTITY.

37 C. THE AMOUNT OF THE GRANT AWARD SHALL BE DETERMINED BY THE COMMIS-
38 SIONER, CONSISTENT WITH THE PLAN DEVELOPED PURSUANT TO PARAGRAPH A OF
39 THIS SUBDIVISION, EXCEPT THAT NO SINGLE DISTRICT MAY BE AWARDED MORE
40 THAN FORTY PERCENT OF THE TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO
41 THIS SUBDIVISION; AND PROVIDED FURTHER THAT THE MAXIMUM AWARD TO ANY
42 INDIVIDUAL COMMUNITY SCHOOL SITE SHALL BE FIVE HUNDRED THOUSAND DOLLARS;
43 AND PROVIDED FURTHER THAT THE AMOUNT AWARDED WILL BE PAID OUT IN SET
44 PERCENTAGES OVER TIME UPON SUCCESSFUL IMPLEMENTATION OF EACH PHASE OF A
45 SCHOOL DISTRICT'S APPROVED PROPOSAL SET FORTH PURSUANT TO PARAGRAPH A OF
46 THIS SUBDIVISION; AND PROVIDED FURTHER THAT NONE OF THE GRANTS AWARDED
47 PURSUANT TO THIS SUBDIVISION MAY BE USED TO SUPPLANT EXISTING FUNDING.

48 S 17. Section 3641 of the education law is amended by adding a new
49 subdivision 6-b to read as follows:

50 6-B. EXTENDED LEARNING GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR
51 SUCH PURPOSE, SUBJECT TO A PLAN THAT IS DEVELOPED BY THE COMMISSIONER,
52 AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER SHALL AWARD
53 COMPETITIVE PLANNING AND IMPLEMENTATION GRANTS PURSUANT TO THIS SUBDIVI-
54 SION TO ELIGIBLE SCHOOL DISTRICTS OR SCHOOL DISTRICTS IN COLLABORATION
55 WITH NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS THAT PUT FORWARD A
56 PROPOSAL TO IMPROVE STUDENT OUTCOMES BY ADDING AT LEAST TWENTY-FIVE

1 PERCENT MORE TIME TO THE ACADEMIC CALENDAR BY EXTENDING THE SCHOOL DAY,
2 SCHOOL YEAR, OR SOME COMBINATION THEREOF, EITHER DISTRICT-WIDE OR IN
3 SELECTED SCHOOL BUILDINGS.

4 (1) SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

5 (I) THE PROCESS BY WHICH A REQUEST FOR PROPOSALS WILL BE DEVELOPED;

6 (II) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED,
7 PROVIDED THAT PRIORITY SHALL BE GIVEN TO APPLICANTS BASED UPON THE
8 SCHOOL DISTRICT'S PROPOSAL TO TARGET THE SCHOOLS AND STUDENTS WITH THE
9 GREATEST NEED AND UPON PROPOSAL QUALITY;

10 (III) THE FORM AND MANNER BY WHICH APPLICATIONS WILL BE SUBMITTED;

11 (IV) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS; AND

12 (V) A REQUIREMENT THAT SCHOOL DISTRICTS AWARDED GRANTS UNDER THIS
13 SUBDIVISION SUBMIT TO AN ANNUAL EVALUATION OF PERFORMANCE AND IMPACT AS
14 REQUIRED BY THE COMMISSIONER.

15 (2) IN ASSESSING PROPOSAL QUALITY IN ORDER TO AWARD IMPLEMENTATION
16 GRANT FUNDING, THE COMMISSIONER SHALL TAKE INTO ACCOUNT FACTORS INCLUD-
17 ING, BUT NOT LIMITED TO:

18 (I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PROPOSAL WOULD MAXIMIZE
19 THE USE OF THE ADDITIONAL LEARNING TIME THROUGH A COMPREHENSIVE RESTRUC-
20 TURING OF THE SCHOOL DAY AND/OR YEAR;

21 (II) HOW THE ADDITIONAL LEARNING TIME WOULD BE UTILIZED, INCLUDING BUT
22 NOT LIMITED TO ADDITIONAL TIME SPENT ON CORE ACADEMICS; AND

23 (III) THE EXTENT TO WHICH THE PROPOSAL WOULD PROVIDE ADDITIONAL LEARN-
24 ING TIME FOR STUDENTS IN GRADES SIX THROUGH EIGHT.

25 B. A SCHOOL DISTRICT'S SCHOOL-WIDE EXTENDED LEARNING IMPLEMENTATION
26 GRANT AWARD SHALL EQUAL ITS AVERAGE DAILY ATTENDANCE IN THE SCHOOL-WIDE
27 EXTENDED LEARNING PROGRAM MULTIPLIED BY THE EXPECTED COST PER PUPIL OF
28 THE ADDITIONAL LEARNING TIME. FOR PURPOSES OF THIS SUBDIVISION, THE
29 EXPECTED COST PER PUPIL OF THE ADDITIONAL LEARNING TIME SHALL EQUAL THE
30 GREATER OF FIFTEEN HUNDRED DOLLARS OR (1) THE QUOTIENT OF (I) THE SCHOOL
31 DISTRICT'S APPROVED OPERATING EXPENSE PURSUANT TO PARAGRAPH T OF SUBDI-
32 VISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE FOR THE
33 YEAR PRIOR TO THE BASE YEAR DIVIDED BY (II) THE DISTRICT'S PUBLIC SCHOOL
34 DISTRICT ENROLLMENT PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUCH
35 SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR MULTIPLIED BY (2) TEN
36 PERCENT (0.10), MULTIPLIED BY (3) THE QUOTIENT OF (I) THE AVERAGE OF THE
37 NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPART-
38 MENT OF LABOR FOR THE TWELVE MONTH PERIOD PRECEDING JANUARY FIRST OF THE
39 BASE YEAR, DIVIDED BY (II) THE AVERAGE OF THE NATIONAL CONSUMER PRICE
40 INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE
41 TWELVE MONTH PERIOD PRECEDING JANUARY FIRST OF THE YEAR TWO YEARS PRIOR
42 TO THE BASE YEAR.

43 C. IN EXTRAORDINARY CASES, THE COMMISSIONER MAY AWARD A GRANT THAT
44 EXCEEDS THE PER PUPIL LIMIT CALCULATED PURSUANT TO PARAGRAPH B OF THIS
45 SUBDIVISION.

46 D. NO DISTRICT SHALL RECEIVE A GRANT IN EXCESS OF THE TOTAL ACTUAL
47 GRANT EXPENDITURES INCURRED BY THE DISTRICT IN THE CURRENT YEAR AS
48 APPROVED BY THE COMMISSIONER.

49 E. NO SINGLE DISTRICT MAY BE AWARDED MORE THAN FORTY PERCENT OF THE
50 TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO THIS SUBDIVISION.

51 S 18. Subdivision 16 of section 3602-e of the education law, as
52 amended by section 19 of part B of chapter 57 of the laws of 2007, is
53 amended to read as follows:

54 16. The grant payable to a school district pursuant to this section in
55 the current year shall be reduced by one one-hundred eightieth for each
56 day less than one hundred eighty days that the universal prekindergarten

1 classes of the district were actually in session, except that the
2 commissioner may disregard such reduction for any deficiency that may be
3 disregarded in computing total foundation aid pursuant to subdivision
4 seven or eight of section thirty-six hundred four of this chapter AND IN
5 ADDITION MAY DISREGARD A REDUCTION FOR ANY DEFICIENCY THAT IS CAUSED BY
6 A DELAY IN THE OPENING OF PUBLIC SCHOOL CLASSES DUE TO EXTRAORDINARILY
7 ADVERSE WEATHER CONDITIONS OR OTHER CAUSE CITED IN SUCH SUBDIVISION
8 SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR THAT RESULTS IN CANCELLATION OF
9 THE PREKINDERGARTEN PROGRAM OR OF TRANSPORTATION TO SUCH PROGRAM.

10 S 19. Clause (b) of subparagraph 3 of paragraph e of subdivision 6 of
11 section 3602 of the education law, as amended by section 31-a of part A
12 of chapter 57 of the laws of 2012, is amended to read as follows:

13 (b) Such assumed amortization for a project approved by the commis-
14 sioner on or after the later of the first day of December, two thousand
15 one or thirty days after the date upon which this subdivision shall have
16 become a law and prior to the first day of July, two thousand eleven or
17 for any debt service related to projects approved by the commissioner
18 prior to such date where a bond, capital note or bond anticipation note
19 is first issued on or after the first day of December, two thousand one
20 to fund such projects, shall commence: (i) eighteen months after such
21 approval or (ii) on the date of receipt by the commissioner of a certif-
22 ication by the district that a general construction contract has been
23 awarded for such project by the district, whichever is later, and such
24 assumed amortization for a project approved by the commissioner on or
25 after the first day of July, two thousand eleven shall commence: (iii)
26 eighteen months after such approval or (iv) on the date of receipt by
27 the commissioner of both the final certificate of substantial completion
28 of the project issued by the architect or engineer and the final cost
29 report for such project, whichever is later or (v) upon the effective
30 date of a waiver based on a finding by the commissioner, pursuant to a
31 process set forth by the commissioner, that the district is unable to
32 submit a final certificate of substantial completion for the project
33 and/or complete the final cost report because of circumstances beyond
34 the control of the district, WHICH SHALL INCLUDE BUT SHALL NOT BE LIMIT-
35 ED TO THE INABILITY OF THE DISTRICT TO COMPLETE A COMPLEX PROJECT WITHIN
36 EIGHTEEN MONTHS. Such assumed amortization shall provide for equal
37 semiannual payments of principal and interest based on an interest rate
38 established pursuant to subparagraph five of this paragraph for such
39 purpose for the school year during which such certification is received.
40 The first installment of obligations issued by the school district in
41 support of such projects may mature not later than the dates established
42 pursuant to sections 21.00 and 22.10 of the local finance law.

43 S 20. Section 2556 of the education law is amended by adding a new
44 subdivision 15 to read as follows:

45 15. A. THE CHANCELLOR OF A CITY SCHOOL DISTRICT IN A CITY HAVING A
46 POPULATION OF ONE MILLION OR MORE SHALL COMPILE AN INVENTORY OF AND
47 ISSUE A WRITTEN REPORT AND DEVELOP RECOMMENDATIONS REGARDING TRANSPORT-
48 ABLE CLASSROOM UNITS ("TCU" OR ALSO COMMONLY KNOWN AS A "TRAILER"). SUCH
49 INVENTORY, REPORT AND RECOMMENDATIONS SHALL:

50 (I) IDENTIFY EACH TRANSPORTABLE CLASSROOM UNIT LOCATED IN THE CITY
51 SCHOOL DISTRICT. EACH TRANSPORTABLE CLASSROOM UNIT SHALL BE IDENTIFIED
52 BY THE COMMUNITY SCHOOL DISTRICT IN WHICH IT IS LOCATED, ITS ADDRESS
53 WITH IDENTIFICATION OF ANY SCHOOL BUILDING IT IS PART OF OR ASSOCIATED
54 WITH, ITS APPROXIMATE SIZE, ITS AGE, AND A DESCRIPTION OF ITS PHYSICAL
55 CONDITION;

(II) IDENTIFY THE NUMBER OF STUDENTS SERVED WITHIN EACH TRANSPORTABLE CLASSROOM UNIT, INCLUDING THE GRADE LEVEL OF SUCH STUDENTS, IF APPLICABLE, THE AVERAGE CLASS SIZE WITHIN EACH TRANSPORTABLE CLASSROOM UNIT, AND A DESCRIPTION OF THE AMOUNT OF THE SCHOOL DAY THE STUDENTS SPEND WITHIN EACH TRANSPORTABLE CLASSROOM UNIT;

(III) PROVIDE RECOMMENDATIONS TO MINIMIZE THE NUMBER OF TRANSPORTABLE CLASSROOM UNITS WITHIN THE CITY SCHOOL DISTRICT.

B. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN, THE CHANCELLOR SHALL SUBMIT THE INVENTORY, REPORT, AND THE RECOMMENDATIONS TO MINIMIZE THE NUMBER OF TRANSPORTABLE CLASSROOM UNITS WITHIN THE CITY SCHOOL DISTRICT, COMPILED AND DEVELOPED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION, AND THE DEPARTMENT.

S 20-a. Section 2590-h of the education law is amended by adding a new subdivision 53 to read as follows:

53. TO COMPILE AN INVENTORY OF, ISSUE A WRITTEN REPORT, AND PROVIDE RECOMMENDATIONS AS REQUIRED BY SUBDIVISION FIFTEEN OF SECTION TWENTY-FIVE HUNDRED FIFTY-SIX OF THIS TITLE REGARDING TRANSPORTABLE CLASSROOM UNITS IN THE CITY SCHOOL DISTRICT.

S 21. Subdivision 6 of section 4402 of the education law, as amended by section 12 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [thirteen] FOURTEEN of the [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to

1 this subdivision to be prescribed by the commissioner. Upon at least
2 thirty days notice to the board of education, after conclusion of the
3 school year in which such board increases class sizes as provided pursu-
4 ant to this subdivision, the commissioner shall be authorized to termi-
5 nate such authorization upon a finding that the board has failed to
6 develop or implement an approved corrective action plan.

7 S 21-a. Paragraph d of subdivision 15 of section 3641 of the education
8 law, as added by section 22-b of part A of chapter 57 of the laws of
9 2012, is amended to read as follows:

10 d. Approved additional expenses for annual professional performance
11 reviews transition grants pursuant to this subdivision FOR THE TWO THOU-
12 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR shall CONTINUE TO be
13 eligible for reimbursement. Such approved expenses shall be eligible for
14 payment on or after September first following the end of the school year
15 in which such expenses were approved. In the event the appropriation
16 for purposes of this subdivision in any year is insufficient to pay all
17 approved claims pursuant to this subdivision, the commissioner shall pay
18 such claims on a prorated basis among all districts filing such claims
19 until the appropriation is exhausted. The commissioner shall promulgate
20 rules and regulations necessary to implement the provisions of this
21 subdivision within sixty days of the effective date of the chapter of
22 the laws of two thousand [twelve] THIRTEEN that [added] AMENDED this
23 [subdivision] PARAGRAPH.

24 S 22. Intentionally omitted.

25 S 22-a. Section 3604 of the education law is amended by adding a new
26 subdivision 7-b to read as follows:

27 7-B. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION SEVEN OF THIS
28 SECTION, FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR,
29 THE COMMISSIONER SHALL DISREGARD SUCH REDUCTION, UP TO TEN DAYS, IN THE
30 APPORTIONMENT OF PUBLIC MONEY, IF THE SCHOOLS OF THE DISTRICT WERE NOT
31 IN SESSION FOR ONE HUNDRED EIGHTY DAYS BECAUSE OF EXTRAORDINARILY
32 ADVERSE WEATHER CONDITIONS, FEDERAL DECLARATIONS OF NATURAL DISASTERS, A
33 STATE DISASTER EMERGENCY AS DEFINED IN SECTION TWENTY OF THE EXECUTIVE
34 LAW, THE CLOSING OF TRANSPORTATION ROUTES PURSUANT TO A DECLARED LOCAL
35 STATE OF EMERGENCY, IMPAIRMENT OF HEATING FACILITIES, INSUFFICIENCY OF
36 WATER SUPPLY, SHORTAGE OF FUEL, LACK OF ELECTRICITY, OR THE DESTRUCTION
37 OF A SCHOOL BUILDING EITHER IN WHOLE OR IN PART, AND IF, FURTHER, THE
38 DISTRICT SUPERINTENDENT CERTIFIES THAT SUCH DISTRICT CANNOT MAKE UP SUCH
39 DAYS OF INSTRUCTION BY USING FOR THE SECONDARY GRADES ALL SCHEDULED
40 VACATION DAYS WHICH OCCUR PRIOR TO THE FIRST SCHEDULED REGENTS EXAMINA-
41 TION DAY IN JUNE, AND FOR THE ELEMENTARY GRADES ALL SCHEDULED VACATION
42 DAYS WHICH OCCUR PRIOR TO THE LAST SCHEDULED REGENTS EXAMINATION DAY IN
43 JUNE; AND IF, FURTHER, THE DISTRICT SUPERINTENDENT CERTIFIES TO THE
44 COMMISSIONER THAT TO DO SO WOULD IMPERIL STUDENTS, FACULTY AND STAFF
45 WHILE REPAIRS CONTINUE. FOR THE PURPOSES OF THIS SUBDIVISION, "SCHEDULED
46 VACATION DAYS" SHALL MEAN DAYS ON WHICH THE SCHOOLS OF THE DISTRICT ARE
47 NOT IN SESSION AND FOR WHICH NO PROHIBITION EXISTS IN SUBDIVISION EIGHT
48 OF THIS SECTION FOR THEM TO BE IN SESSION.

49 S 23. Section 3627 of the education law is REPEALED, and a new section
50 3627 is added to read as follows:

51 S 3627. TRANSPORTATION AFTER 4PM. 1. NOTWITHSTANDING ANY OTHER
52 PROVISIONS OF THIS SECTION TO THE CONTRARY, FOR THE TWO THOUSAND THIR-
53 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, A CITY SCHOOL DISTRICT LOCATED
54 IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPOR-
55 TATION PURSUANT TO THIS CHAPTER SHALL BE RESPONSIBLE FOR:

1 (A) PROVIDING TRANSPORTATION FOR THOSE CHILDREN ATTENDING PUBLIC AND
2 NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE
3 SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC
4 CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FOUR
5 O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE
6 MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND
7 AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES
8 KINDERGARTEN THROUGH TWO OR

9 (B) REIMBURSING THE COST INCURRED BY LICENSED TRANSPORTATION CARRIERS
10 PURSUANT TO CONTRACTS WITH SUCH SCHOOL DISTRICT FOR PROVIDING TRANSPOR-
11 TATION FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN
12 GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH
13 THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM
14 HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FOUR O'CLOCK IN
15 THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM
16 THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST
17 ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN
18 THROUGH TWO.

19 2. NOTHING HEREIN SHALL PROHIBIT THE SCHOOL DISTRICT FROM REIMBURSING
20 FOR COSTS INCURRED FOR CONTRACTS BETWEEN THE SCHOOL DISTRICT AND ANY
21 ENTITY PROVIDING OR CONTRACTING FOR SUCH TRANSPORTATION SERVICE.

22 3. A DISTRICT SHALL NOT BE DEEMED TO HAVE SATISFIED ITS OBLIGATION
23 UNDER THIS SECTION BY PROVIDING PUBLIC SERVICE TRANSPORTATION.

24 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
25 EXPENDITURES FOR TRANSPORTATION PROVIDED PURSUANT TO THIS SECTION IN THE
26 TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND OTHERWISE
27 ELIGIBLE FOR TRANSPORTATION AID PURSUANT TO SUBDIVISION SEVEN OF SECTION
28 THIRTY-SIX HUNDRED TWO OF THIS ARTICLE SHALL BE CONSIDERED APPROVED
29 TRANSPORTATION EXPENSES ELIGIBLE FOR TRANSPORTATION AID, PROVIDED
30 FURTHER THAT SUCH AID SHALL BE LIMITED TO FIVE MILLION SIX HUNDRED THOU-
31 SAND DOLLARS. AND PROVIDED FURTHER THAT SUCH EXPENDITURES ELIGIBLE FOR
32 AID UNDER THIS SECTION SHALL SUPPLEMENT NOT SUPPLANT LOCAL EXPENDITURES
33 FOR SUCH TRANSPORTATION IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
34 TEEN SCHOOL YEAR.

35 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
36 RY, IN NO EVENT SHALL SUCH CITY SCHOOL DISTRICT, IN ORDER TO COMPLY WITH
37 THE REQUIREMENTS OF THIS SECTION, BE REQUIRED TO INCUR ANY COSTS IN
38 EXCESS OF THE AMOUNT ELIGIBLE FOR TRANSPORTATION AID PURSUANT TO SUBDI-
39 VISION FOUR OF THIS SECTION. IN THE EVENT SUCH AMOUNT IS INSUFFICIENT,
40 THE CITY SCHOOL DISTRICT OF NEW YORK SHALL PROVIDE TRANSPORTATION
41 SERVICES WITHIN SUCH AMOUNT ON AN EQUITABLE BASIS, UNTIL SUCH APPORTION-
42 MENT IS EXHAUSTED.

43 6. THE CHANCELLOR OF SUCH SCHOOL DISTRICT, IN CONSULTATION WITH THE
44 COMMISSIONER, SHALL PRESCRIBE THE MOST COST EFFECTIVE SYSTEM FOR IMPL-
45 MENTING THE REQUIREMENTS OF THIS SECTION, TAKING INTO CONSIDERATION: (A)
46 THE COSTS ASSOCIATED WITH PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE OF
47 THIS SECTION, AND (B) POLICIES THAT ATTEMPT TO MAXIMIZE STUDENT SAFETY
48 FOR THE STUDENT TO BE TRANSPORTED, WHICH FOR PURPOSES OF THIS SECTION
49 SHALL INCLUDE WHETHER THE PICK UP OR DROP OFF SITE OF THE TRANSPORTATION
50 IS:

51 (I) NOT FURTHER THAN 600 FEET FROM THE STUDENT'S RESIDENCE; AND/OR

52 (II) AT THE SAME LOCATIONS FOR ANY FAMILY THAT HAVE CHILDREN AT THE
53 SAME RESIDENCE WHO ATTEND TWO OR MORE DIFFERENT SCHOOLS.

54 7. (A) IN THE EVENT THE CHANCELLOR HAS NOT SATISFIED A DISTRICT'S
55 OBLIGATION UNDER THIS SECTION, A PARENT OR GUARDIAN OR ANY REPRESENTATIVE
56 AUTHORIZED BY SUCH PARENT OR GUARDIAN OF A CHILD ELIGIBLE TO

1 RECEIVE TRANSPORTATION UNDER THIS SECTION MAY REQUEST THE COMMISSIONER
2 TO ARRANGE FOR THE PROVISION OF THE TRANSPORTATION TO SO SATISFY THE
3 REQUIREMENTS OF THIS SECTION.

4 (B) IF WITHIN SIXTY DAYS OF RECEIVING A REQUEST FROM SUCH A PARENT OR
5 GUARDIAN OR ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR GUARDIAN,
6 THE COMMISSIONER DETERMINES THAT THE CHANCELLOR HAS NOT SATISFIED A
7 DISTRICT'S OBLIGATION UNDER THIS SECTION, THEN THE COMMISSIONER SHALL
8 IMMEDIATELY DIRECT THE CHANCELLOR TO CONTRACT WITH A LICENSED TRANSPOR-
9 TATION CARRIER TO PROVIDE THE TRANSPORTATION REQUIRED PURSUANT TO THIS
10 SECTION.

11 (C) IN THE EVENT THE CHANCELLOR IS DIRECTED BY THE COMMISSIONER TO
12 CONTRACT WITH A LICENSED TRANSPORTATION CARRIER TO PROVIDE THE TRANSPOR-
13 TATION REQUIRED PURSUANT TO THIS SECTION, THE CHANCELLOR SHALL PROVIDE
14 THE COMMISSIONER WITH A COPY OF SUCH PROPOSED CONTRACT, BEFORE IT
15 BECOMES EFFECTIVE, AND THE COMMISSIONER SHALL HAVE THE POWER TO APPROVE,
16 DISAPPROVE OR REQUIRE AMENDMENTS TO SUCH CONTRACT BEFORE IT SHALL BECOME
17 EFFECTIVE.

18 (D) A DISTRICT, DETERMINED BY THE COMMISSIONER TO NOT BE IN COMPLIANCE
19 WITH THE REQUIREMENTS OF THIS SECTION, SHALL BE RESPONSIBLE FOR THE COST
20 OF ANY TRANSPORTATION CONTRACT AWARDED BY THE CHANCELLOR.

21 8. THE PARENT OR GUARDIAN, OR ANY REPRESENTATIVE AUTHORIZED BY SUCH
22 PARENT OR GUARDIAN, MAY SUBMIT A WRITTEN REQUEST FOR TRANSPORTATION
23 UNDER THIS SECTION, IN THE SAME MANNER AND UPON THE SAME DATES AS ARE
24 REQUIRED FOR A REQUEST FOR TRANSPORTATION PURSUANT TO SUBDIVISION TWO OF
25 SECTION THIRTY-SIX HUNDRED THIRTY-FIVE OF THIS ARTICLE.

26 S 23-a. Intentionally omitted.

27 S 23-b. Subdivision a of section 5 of chapter 121 of the laws of 1996,
28 relating to authorizing the Roosevelt union free school district to
29 finance deficits by the issuance of serial bonds, as amended by section
30 27-b of part A of chapter 57 of the laws of 2012, is amended to read as
31 follows:

32 a. Notwithstanding any other provisions of law, upon application to
33 the commissioner of education submitted not sooner than April first and
34 not later than June thirtieth of the applicable school year, the Roose-
35 velt union free school district shall be eligible to receive an appor-
36 tionment pursuant to this chapter for salary expenses, including related
37 benefits, incurred between April first and June thirtieth of such school
38 year. Such apportionment shall not exceed: for the 1996-97 school year
39 through the [2012-13] 2013-14 school year, four million dollars
40 (\$4,000,000); for the [2013-14] 2014-15 school year, three million
41 dollars (\$3,000,000); for the [2014-2015] 2015-16 school year, two
42 million dollars (\$2,000,000); for the [2015-16] 2016-17 school year, one
43 million dollars (\$1,000,000); and for the [2016-17] 2017-18 school year,
44 zero dollars. Such annual application shall be made after the board of
45 education has adopted a resolution to do so with the approval of the
46 commissioner of education.

47 S 24. Subparagraphs (i) and (ii) of paragraph c of subdivision 11 of
48 section 4410 of the education law, subparagraph (i) as amended by chap-
49 ter 82 of the laws of 1995 and subparagraph (ii) as amended by chapter
50 205 of the laws of 2009, are amended to read as follows:

51 (i) Each municipality, or, in addition, in the case of a city of one
52 million or more persons, the board, may perform a fiscal audit of such
53 services or programs for which it bears fiscal responsibility in accord-
54 ance with audit standards established by the commissioner, which may
55 include site visitation. THE DEPARTMENT SHALL PROVIDE GUIDELINES ON
56 STANDARDS AND PROCEDURES TO MUNICIPALITIES AND BOARDS, FOR FISCAL AUDITS

1 OF SERVICES OR PROGRAMS PURSUANT TO THIS SECTION. Prior to commencing a
2 fiscal audit pursuant to this subparagraph, a municipality shall ascer-
3 tain that neither the state nor any other municipality has performed a
4 fiscal audit of the same services or programs within the current fiscal
5 year for such program. If it is determined that no such audit has been
6 performed, the municipality shall inquire with the department to deter-
7 mine which other municipalities, if any, bear financial responsibility
8 for the services or programs to be audited and shall afford such other
9 municipalities an opportunity to recommend issues to be examined through
10 the audit. Municipalities completing audits pursuant to this subpara-
11 graph shall provide copies to the department, the provider of the
12 services and programs and all other municipalities previously determined
13 to bear financial responsibility for the audited services and programs.
14 No other municipality may conduct an additional fiscal audit of the same
15 services or programs during such current fiscal year for such program.

16 (ii) Payments made pursuant to this section by a municipality shall,
17 upon conclusion of the July first to June thirtieth school year for
18 which such payment was made, be subject to audit against the actual
19 difference between such audited expenditures and revenues. The munici-
20 pality shall submit the results of any such audit to the commissioner
21 and the commissioner of social services, if appropriate, for review and,
22 if warranted, adjustment of the tuition and/or maintenance rates. The
23 municipality is authorized to recover overpayments made to a provider of
24 special services or programs pursuant to this section as determined by
25 the commissioner or the commissioner of health based upon their adjust-
26 ment of a tuition and/or maintenance rate, PROVIDED THAT FOR PURPOSES OF
27 MAKING SUCH ADJUSTMENT AND RECOVERY, THE MUNICIPALITY SHALL BE DEEMED TO
28 HAVE PAID ONE HUNDRED PERCENT OF THE DISALLOWED COSTS. Such recovery
29 may be accomplished by withholding such amount from any moneys due the
30 provider in the current year, or by direct reimbursement. THE COMMIS-
31 SIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE
32 PROVISIONS OF THIS PARAGRAPH WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF
33 THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS
34 SUBPARAGRAPH.

35 S 24-a. Notwithstanding any provision of the law to the contrary, for
36 a school district with a penalty arising from the late filing of a final
37 cost report pursuant to section 31 of part A of chapter 57 of the laws
38 of 2012 where such penalty exceeds \$4,000,000 and also exceeds 30
39 percent of such district's total general fund expenditures for 2010-11
40 school year, the commissioner shall recover such penalty in ten equal
41 annual installments beginning the later of June 2014 or June of the
42 school year in which such district is notified of the penalty. Provided
43 further that such district may elect to make an initial payment no later
44 than thirty days in advance of the first annual installment which shall
45 reduce the amount of each annual installment.

46 S 25. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
47 tion law, as amended by section 7 of part A of chapter 57 of the laws of
48 2012, is amended to read as follows:

49 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
50 sion, for aid payable in the school years two thousand--two thousand one
51 through two thousand nine--two thousand ten, and two thousand eleven--
52 two thousand twelve through two thousand [twelve] THIRTEEN--two thousand
53 [thirteen] FOURTEEN, the commissioner may set aside an amount not to
54 exceed two million five hundred thousand dollars from the funds appro-
55 priated for purposes of this subdivision for the purpose of serving
56 persons twenty-one years of age or older who have not been enrolled in

1 any school for the preceding school year, including persons who have
2 received a high school diploma or high school equivalency diploma but
3 fail to demonstrate basic educational competencies as defined in regu-
4 lation by the commissioner, when measured by accepted standardized
5 tests, and who shall be eligible to attend employment preparation educa-
6 tion programs operated pursuant to this subdivision.

7 S 25-a. Subdivision 8 of section 4401 of the education law, as amended
8 by chapter 57 of the laws of 1993, is amended to read as follows:

9 8. "School district basic contribution" shall mean an amount equal to
10 the total school district local property and non-property tax levy for
11 the base year divided by the base year public school district enrollment
12 of resident pupils of the school district as defined in paragraph n of
13 subdivision one of section thirty-six hundred two of this chapter,
14 EXCEPT THAT FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL
15 YEAR, FOR SCHOOL DISTRICTS OTHER THAN CENTRAL HIGH SCHOOL DISTRICTS AND
16 THEIR COMPONENTS, SUCH TAX LEVY FOR THE BASE YEAR SHALL BE DIVIDED BY
17 THE YEAR PRIOR TO THE BASE YEAR PUPIL COUNT AS DETERMINED BY THE COMMIS-
18 SIONER PURSUANT TO PARAGRAPH F OF SUBDIVISION TWO OF SECTION THIRTY-SIX
19 HUNDRED TWO OF THIS CHAPTER FOR ANY SCHOOL DISTRICT IN WHICH SUCH YEAR
20 PRIOR TO THE BASE YEAR PUPIL COUNT EXCEEDS ONE HUNDRED FIFTY PERCENT OF
21 SUCH BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT OF RESIDENT PUPILS.

22 S 26. Section 7 of chapter 472 of the laws of 1998 amending the educa-
23 tion law relating to the lease of school buses by school districts, as
24 amended by section 71 of part A of chapter 58 of the laws of 2011, is
25 amended to read as follows:

26 S 7. This act shall take effect September 1, 1998, and shall expire
27 and be deemed repealed September 1, [2013] 2015.

28 S 27. Subdivision b of section 2 of chapter 756 of the laws of 1992,
29 relating to funding a program for work force education conducted by the
30 consortium for worker education in New York city, as amended by section
31 13 of part A of chapter 57 of the laws of 2012, is amended to read as
32 follows:

33 b. Reimbursement for programs approved in accordance with subdivision
34 a of this section [for the 2009-10 school year shall not exceed 64.1
35 percent of the lesser of such approvable costs per contact hour or elev-
36 en dollars and fifty cents per contact hour, reimbursement] for the
37 2010--2011 school year shall not exceed 62.6 percent of the lesser of
38 such approvable costs per contact hour or twelve dollars and five cents
39 per contact hour, reimbursement for the 2011--2012 school year shall not
40 exceed 62.9 percent of the lesser of such approvable costs per contact
41 hour or twelve dollars and fifteen cents per contact hour, [and]
42 reimbursement for the 2012--2013 school year shall not exceed 63.3
43 percent of the lesser of such approvable costs per contact hour or
44 twelve dollars and thirty-five cents per contact hour, AND REIMBURSEMENT
45 FOR THE 2013--2014 SCHOOL YEAR SHALL NOT EXCEED 62.3 PERCENT OF THE
46 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND
47 SIXTY-FIVE CENTS PER CONTACT HOUR, where a contact hour represents sixty
48 minutes of instruction services provided to an eligible adult. Notwith-
49 standing any other provision of law to the contrary, [for the 2009-10
50 school year such contact hours shall not exceed one million seven
51 hundred sixty--three thousand nine hundred seven (1,763,907) hours;
52 whereas] for the 2010--2011 school year such contact hours shall not
53 exceed one million five hundred twenty-five thousand one hundred nine-
54 ty-eight (1,525,198) hours; whereas for the 2011--2012 school year such
55 contact hours shall not exceed one million seven hundred one thousand
56 five hundred seventy (1,701,570) hours; whereas for the 2012--2013

1 school year such contact hours shall not exceed one million six hundred
2 sixty-four thousand five hundred thirty-two (1,664,532) hours; WHEREAS
3 FOR THE 2013--2014 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE
4 MILLION SIX HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED FORTY-SIX
5 (1,649,746) HOURS. Notwithstanding any other provision of law to the
6 contrary, the apportionment calculated for the city school district of
7 the city of New York pursuant to subdivision 11 of section 3602 of the
8 education law shall be computed as if such contact hours provided by the
9 consortium for worker education, not to exceed the contact hours set
10 forth herein, were eligible for aid in accordance with the provisions of
11 such subdivision 11 of section 3602 of the education law.

12 S 28. Section 4 of chapter 756 of the laws of 1992, relating to fund-
13 ing a program for work force education conducted by the consortium for
14 worker education in New York city, is amended by adding a new subdivi-
15 sion r to read as follows:

16 R. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
17 COMPLETION OF PAYMENTS FOR THE 2013--2014 SCHOOL YEAR. NOTWITHSTANDING
18 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
19 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
20 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
21 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
22 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
23 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

24 S 29. Section 6 of chapter 756 of the laws of 1992, relating to fund-
25 ing a program for work force education conducted by the consortium for
26 worker education in New York city, as amended by section 15 of part A of
27 chapter 57 of the laws of 2012, is amended to read as follows:

28 S 6. This act shall take effect July 1, 1992, and shall be deemed
29 repealed on June 30, [2013] 2014.

30 S 30. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
31 relating to certain provisions related to the 1994-95 state operations,
32 aid to localities, capital projects and debt service budgets, as amended
33 by section 17 of part A of chapter 57 of the laws of 2012, is amended to
34 read as follows:

35 1. Sections one through seventy of this act shall be deemed to have
36 been in full force and effect as of April 1, 1994 provided, however,
37 that sections one, two, twenty-four, twenty-five and twenty-seven
38 through seventy of this act shall expire and be deemed repealed on March
39 31, 2000; provided, however, that section twenty of this act shall apply
40 only to hearings commenced prior to September 1, 1994, and provided
41 further that section twenty-six of this act shall expire and be deemed
42 repealed on March 31, 1997; and provided further that sections four
43 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
44 twenty-one-a of this act shall expire and be deemed repealed on March
45 31, 1997; and provided further that sections three, fifteen, seventeen,
46 twenty, twenty-two and twenty-three of this act shall expire and be
47 deemed repealed on March 31, [2014] 2015.

48 S 31. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
49 of 1995, amending the education law and certain other laws relating to
50 state aid to school districts and the appropriation of funds for the
51 support of government, as amended by section 18 of part A of chapter 57
52 of the laws of 2012, are amended to read as follows:

53 (22) sections one hundred twelve, one hundred thirteen, one hundred
54 fourteen, one hundred fifteen and one hundred sixteen of this act shall
55 take effect on July 1, 1995; provided, however, that section one hundred

thirteen of this act shall remain in full force and effect until July 1, [2013] 2014 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred nineteen of this act shall be deemed to be repealed on and after July 1, [2013] 2014;

S 32. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 20 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2013] 2014 when upon such date the provisions of this act shall be deemed repealed.

S 32-a. Subdivision 10 of section 6-p of the general municipal law, as amended by section 30-a of part A of chapter 57 of the laws of 2012, is amended to read as follows:

10. Notwithstanding any provision of law to the contrary, the governing board of a school district may, during the [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school year, authorize a withdrawal from this fund in an amount not to exceed the lesser of: (a) the dollar value of excess funding in the fund as determined by the comptroller pursuant to section thirty-three of this chapter or (b) the amount of the school district's remaining gap elimination adjustment as calculated by the commissioner of education pursuant to subdivision seventeen of section thirty-six hundred two of the education law. Funds withdrawn pursuant to this subdivision may only be used for the purpose of maintaining educational programming during the [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school year which otherwise would have been reduced as a result of such gap elimination adjustment. Governing boards which make such a withdrawal shall submit, in a form prescribed by the commissioner of education, relevant information about the withdrawal, which shall include but not be limited to, the amount of such withdrawal, the date of withdrawal, and the use of such withdrawn funds.

S 33. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 21 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2013] 2014.

S 34. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by section 22 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2013] 2014.

S 35. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2013--2014 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative education services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-pro-

1 fit educational organizations for the purposes of this section. Such
2 payments shall not exceed four hundred thousand dollars (\$400,000) per
3 school year.

4 S 36. Support of public libraries. The moneys appropriated for the
5 support of public libraries by the chapter of the laws of 2013 enacting
6 the aid to localities budget shall be apportioned for the 2013--2014
7 state fiscal year in accordance with the provisions of sections 271,
8 272, 273, 282, 284, and 285 of the education law as amended by the
9 provisions of this chapter and the provisions of this act, provided that
10 library construction aid pursuant to section 273-a of the education law
11 shall not be payable from the appropriations for the support of public
12 libraries and provided further that no library, library system or
13 program, as defined by the commissioner of education, shall receive less
14 total system or program aid than it received for the year 2001--2002
15 except as a result of a reduction adjustment necessary to conform to the
16 appropriations for support of public libraries.

17 Notwithstanding any other provision of law to the contrary the moneys
18 appropriated for the support of public libraries for the year 2013--2014
19 by a chapter of the laws of 2013 enacting the aid to localities budget
20 shall fulfill the state's obligation to provide such aid and, pursuant
21 to a plan developed by the commissioner of education and approved by the
22 director of the budget, the aid payable to libraries and library systems
23 pursuant to such appropriations shall be reduced proportionately to
24 assure that the total amount of aid payable does not exceed the total
25 appropriations for such purpose.

26 S 37. Special apportionment for salary expenses. a. Notwithstanding
27 any other provision of law, upon application to the commissioner of
28 education, not sooner than the first day of the second full business
29 week of June, 2014 and not later than the last day of the third full
30 business week of June, 2014, a school district eligible for an appor-
31 tionment pursuant to section 3602 of the education law shall be eligible
32 to receive an apportionment pursuant to this section, for the school
33 year ending June 30, 2014, for salary expenses incurred between April 1
34 and June 30, 2014 and such apportionment shall not exceed the sum of (i)
35 the deficit reduction assessment of 1990--1991 as determined by the
36 commissioner of education, pursuant to paragraph f of subdivision 1 of
37 section 3602 of the education law, as in effect through June 30, 1993,
38 plus (ii) 186 percent of such amount for a city school district in a
39 city with a population in excess of 1,000,000 inhabitants, plus (iii)
40 209 percent of such amount for a city school district in a city with a
41 population of more than 195,000 inhabitants and less than 219,000 inhab-
42 itants according to the latest federal census, plus (iv) the net gap
43 elimination adjustment for 2010--2011, as determined by the commissioner
44 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
45 gap elimination adjustment for 2011--2012 as determined by the commis-
46 sioner of education pursuant to subdivision 17 of section 3602 of the
47 education law, and provided further that such apportionment shall not
48 exceed such salary expenses. Such application shall be made by a school
49 district, after the board of education or trustees have adopted a resol-
50 ution to do so and in the case of a city school district in a city with
51 a population in excess of 125,000 inhabitants, with the approval of the
52 mayor of such city.

53 b. The claim for an apportionment to be paid to a school district
54 pursuant to subdivision a of this section shall be submitted to the
55 commissioner of education on a form prescribed for such purpose, and
56 shall be payable upon determination by such commissioner that the form

1 has been submitted as prescribed. Such approved amounts shall be payable
2 on the same day in September of the school year following the year in
3 which application was made as funds provided pursuant to subparagraph
4 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
5 law, on the audit and warrant of the state comptroller on vouchers
6 certified or approved by the commissioner of education in the manner
7 prescribed by law from moneys in the state lottery fund and from the
8 general fund to the extent that the amount paid to a school district
9 pursuant to this section exceeds the amount, if any, due such school
10 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
11 section 3609-a of the education law in the school year following the
12 year in which application was made.

13 c. Notwithstanding the provisions of section 3609-a of the education
14 law, an amount equal to the amount paid to a school district pursuant to
15 subdivisions a and b of this section shall first be deducted from the
16 following payments due the school district during the school year
17 following the year in which application was made pursuant to subpara-
18 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
19 section 3609-a of the education law in the following order: the lottery
20 apportionment payable pursuant to subparagraph (2) of such paragraph
21 followed by the fixed fall payments payable pursuant to subparagraph (4)
22 of such paragraph and then followed by the district's payments to the
23 teachers' retirement system pursuant to subparagraph (1) of such para-
24 graph, and any remainder to be deducted from the individualized payments
25 due the district pursuant to paragraph b of such subdivision shall be
26 deducted on a chronological basis starting with the earliest payment due
27 the district.

28 S 38. Special apportionment for public pension accruals. a. Notwith-
29 standing any other provision of law, upon application to the commission-
30 er of education, not later than June 30, 2014, a school district eligi-
31 ble for an apportionment pursuant to section 3602 of the education law
32 shall be eligible to receive an apportionment pursuant to this section,
33 for the school year ending June 30, 2014 and such apportionment shall
34 not exceed the additional accruals required to be made by school
35 districts in the 2004--2005 and 2005--2006 school years associated with
36 changes for such public pension liabilities. The amount of such addi-
37 tional accrual shall be certified to the commissioner of education by
38 the president of the board of education or the trustees or, in the case
39 of a city school district in a city with a population in excess of
40 125,000 inhabitants, the mayor of such city. Such application shall be
41 made by a school district, after the board of education or trustees have
42 adopted a resolution to do so and in the case of a city school district
43 in a city with a population in excess of 125,000 inhabitants, with the
44 approval of the mayor of such city.

45 b. The claim for an apportionment to be paid to a school district
46 pursuant to subdivision a of this section shall be submitted to the
47 commissioner of education on a form prescribed for such purpose, and
48 shall be payable upon determination by such commissioner that the form
49 has been submitted as prescribed. Such approved amounts shall be payable
50 on the same day in September of the school year following the year in
51 which application was made as funds provided pursuant to subparagraph
52 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
53 law, on the audit and warrant of the state comptroller on vouchers
54 certified or approved by the commissioner of education in the manner
55 prescribed by law from moneys in the state lottery fund and from the
56 general fund to the extent that the amount paid to a school district

1 pursuant to this section exceeds the amount, if any, due such school
2 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
3 section 3609-a of the education law in the school year following the
4 year in which application was made.

5 c. Notwithstanding the provisions of section 3609-a of the education
6 law, an amount equal to the amount paid to a school district pursuant to
7 subdivisions a and b of this section shall first be deducted from the
8 following payments due the school district during the school year
9 following the year in which application was made pursuant to subpara-
10 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
11 section 3609-a of the education law in the following order: the lottery
12 apportionment payable pursuant to subparagraph (2) of such paragraph
13 followed by the fixed fall payments payable pursuant to subparagraph (4)
14 of such paragraph and then followed by the district's payments to the
15 teachers' retirement system pursuant to subparagraph (1) of such para-
16 graph, and any remainder to be deducted from the individualized payments
17 due the district pursuant to paragraph b of such subdivision shall be
18 deducted on a chronological basis starting with the earliest payment due
19 the district.

20 S 39. a. Notwithstanding any other law, rule or regulation to the
21 contrary, any moneys appropriated to the state education department may
22 be suballocated to other state departments or agencies, as needed, to
23 accomplish the intent of the specific appropriations contained therein.

24 b. Notwithstanding any other law, rule or regulation to the contrary,
25 moneys appropriated to the state education department from the general
26 fund/aid to localities, local assistance account-001, shall be for
27 payment of financial assistance, as scheduled, net of disallowances,
28 refunds, reimbursement and credits.

29 c. Notwithstanding any other law, rule or regulation to the contrary,
30 all moneys appropriated to the state education department for aid to
31 localities shall be available for payment of aid heretofore or hereafter
32 to accrue and may be suballocated to other departments and agencies to
33 accomplish the intent of the specific appropriations contained therein.

34 d. Notwithstanding any other law, rule or regulation to the contrary,
35 moneys appropriated to the state education department for general
36 support for public schools may be interchanged with any other item of
37 appropriation for general support for public schools within the general
38 fund local assistance account office of prekindergarten through grade
39 twelve education programs.

40 S 40. Notwithstanding the provision of any law, rule, or regulation to
41 the contrary, the city school district of the city of Rochester, upon
42 the consent of the board of cooperative educational services of the
43 supervisory district serving its geographic region may purchase from
44 such board for the 2013--2014 school year, as a non-component school
45 district, services required by article 19 of the education law.

46 S 41. The amounts specified in this section shall be a setaside from
47 the state funds which each such district is receiving from the total
48 foundation aid:

49 a. for the purpose of the development, maintenance or expansion of
50 magnet schools or magnet school programs for the 2013--2014 school year.
51 To the city school district of the city of New York there shall be paid
52 forty-eight million one hundred seventy-five thousand dollars
53 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the
54 Andrew Jackson High School; to the Buffalo city school district, twen-
55 ty-one million twenty-five thousand dollars (\$21,025,000); to the
56 Rochester city school district, fifteen million dollars (\$15,000,000);

1 to the Syracuse city school district, thirteen million dollars
2 (\$13,000,000); to the Yonkers city school district, forty-nine million
3 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
4 district, four million six hundred forty-five thousand dollars
5 (\$4,645,000); to the Poughkeepsie city school district, two million four
6 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
7 city school district, two million dollars (\$2,000,000); to the New
8 Rochelle city school district, one million four hundred ten thousand
9 dollars (\$1,410,000); to the Schenectady city school district, one
10 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
11 city school district, one million one hundred fifty thousand dollars
12 (\$1,150,000); to the White Plains city school district, nine hundred
13 thousand dollars (\$900,000); to the Niagara Falls city school district,
14 six hundred thousand dollars (\$600,000); to the Albany city school
15 district, three million five hundred fifty thousand dollars
16 (\$3,550,000); to the Utica city school district, two million dollars
17 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
18 thousand dollars (\$566,000); to the Middletown city school district,
19 four hundred thousand dollars (\$400,000); to the Freeport union free
20 school district, four hundred thousand dollars (\$400,000); to the Green-
21 burgh central school district, three hundred thousand dollars
22 (\$300,000); to the Amsterdam city school district, eight hundred thou-
23 sand dollars (\$800,000); to the Peekskill city school district, two
24 hundred thousand dollars (\$200,000); and to the Hudson city school
25 district, four hundred thousand dollars (\$400,000).

26 b. notwithstanding the provisions of subdivision a of this section, a
27 school district receiving a grant pursuant to this section may use such
28 grant funds for: (i) any instructional or instructional support costs
29 associated with the operation of a magnet school; or (ii) any instruc-
30 tional or instructional support costs associated with implementation of
31 an alternative approach to reduction of racial isolation and/or enhance-
32 ment of the instructional program and raising of standards in elementary
33 and secondary schools of school districts having substantial concen-
34 trations of minority students. The commissioner of education shall not
35 be authorized to withhold magnet grant funds from a school district that
36 used such funds in accordance with this paragraph, notwithstanding any
37 inconsistency with a request for proposals issued by such commissioner.

38 c. for the purpose of attendance improvement and dropout prevention
39 for the 2013--2014 school year, for any city school district in a city
40 having a population of more than one million, the setaside for attend-
41 ance improvement and dropout prevention shall equal the amount set aside
42 in the base year. For the 2013--2014 school year, it is further provided
43 that any city school district in a city having a population of more than
44 one million shall allocate at least one-third of any increase from base
45 year levels in funds set aside pursuant to the requirements of this
46 subdivision to community-based organizations. Any increase required
47 pursuant to this subdivision to community-based organizations must be in
48 addition to allocations provided to community-based organizations in the
49 base year.

50 d. for the purpose of teacher support for the 2013--2014 school year:
51 to the city school district of the city of New York, sixty-two million
52 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city
53 school district, one million seven hundred forty-one thousand dollars
54 (\$1,741,000); to the Rochester city school district, one million seven-
55 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
56 district, one million one hundred forty-seven thousand dollars

1 (\$1,147,000); and to the Syracuse city school district, eight hundred
2 nine thousand dollars (\$809,000). All funds made available to a school
3 district pursuant to this subdivision shall be distributed among teach-
4 ers including prekindergarten teachers and teachers of adult vocational
5 and academic subjects in accordance with this subdivision and shall be
6 in addition to salaries heretofore or hereafter negotiated or made
7 available; provided, however, that all funds distributed pursuant to
8 this section for the current year shall be deemed to incorporate all
9 funds distributed pursuant to former subdivision 27 of section 3602 of
10 the education law for prior years. In school districts where the teach-
11 ers are represented by certified or recognized employee organizations,
12 all salary increases funded pursuant to this section shall be determined
13 by separate collective negotiations conducted pursuant to the provisions
14 and procedures of article 14 of the civil service law, notwithstanding
15 the existence of a negotiated agreement between a school district and a
16 certified or recognized employee organization.

17 S 42. Severability. The provisions of this act shall be severable, and
18 if the application of any clause, sentence, paragraph, subdivision,
19 section or part of this act to any person or circumstance shall be
20 adjudged by any court of competent jurisdiction to be invalid, such
21 judgment shall not necessarily affect, impair or invalidate the applica-
22 tion of any such clause, sentence, paragraph, subdivision, section, part
23 of this act or remainder thereof, as the case may be, to any other
24 person or circumstance, but shall be confined in its operation to the
25 clause, sentence, paragraph, subdivision, section or part thereof
26 directly involved in the controversy in which such judgment shall have
27 been rendered.

28 S 43. This act shall take effect immediately, and shall be deemed to
29 have been in full force and effect on and after April 1, 2013, provided,
30 however, that:

31 1. Section five of this act shall take effect immediately and shall be
32 deemed to have been in full force and effect on and after July 1, 2010;
33 provided, further, that the amendments to subdivision 1 of section 2856
34 of the education law made by section five of this act shall be subject
35 to the expiration and reversion of such subdivision pursuant to section
36 27 of chapter 378 of the laws of 2007, as amended, when upon such date
37 the provisions of section six of this act shall take effect;

38 2. Section seven-a of this act shall expire and be deemed repealed May
39 1, 2014; provided that the expiration and repeal of such section shall
40 not affect the duration of any annual professional performance review
41 plan implemented on or before the expiration and repeal of such section
42 or the ability of school districts and collective bargaining represen-
43 tatives representing classroom teachers and building principals to enter
44 into a new or amended agreement pursuant to section 3012-c of the educa-
45 tion law;

46 3. Section nine of this act shall take effect July 1, 2014;

47 4. Sections one, eight-a, eleven, twelve, fourteen, fifteen, nineteen,
48 twenty-one, twenty-three, twenty-five, twenty-seven, twenty-eight, thir-
49 ty-two-a, thirty-five and forty-one of this act shall take effect July
50 1, 2013;

51 5. The amendments to section 2590-h of the education law made by
52 section twenty-a of this act shall not affect the expiration of such
53 section and shall be deemed to expire therewith;

54 6. The amendments to subdivision 6 of section 4402 of the education
55 law made by section twenty-one of this act shall not affect the repeal
56 of such subdivision and shall be deemed repealed therewith;

1 7. The amendments to chapter 756 of the laws of 1992, relating to
2 funding a program for work force education conducted by a consortium for
3 worker education in New York city, made by sections twenty-seven and
4 twenty-eight of this act shall not affect the repeal of such chapter and
5 shall be deemed repealed therewith;

6 8. Section thirty-nine of this act shall expire and be deemed repealed
7 June 30, 2014; and

8 9. Section eighteen of this act shall be deemed to have been in full
9 force and effect on and after July 1, 2012.

10 PART B

11 Section 1. Section 350 of the education law is amended by adding four
12 new subdivisions 10, 11, 12 and 13 to read as follows:

13 10. "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED
14 PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES
15 LAW.

16 11. "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS,
17 FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILI-
18 TIES.

19 12. "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN
20 PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX
21 OF THE PUBLIC AUTHORITIES LAW.

22 13. "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE
23 DORMITORY AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO
24 THOUSAND THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR
25 REFINANCING NOTES OR BONDS PREVIOUSLY ISSUED IN CONNECTION WITH DORMITO-
26 RY FACILITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN
27 CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE
28 FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS OR NOTES, TO FUND ANY
29 RESERVE ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPER-
30 ATIONS OF DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF
31 ANY NOTE OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS
32 PAYABLE FROM MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND
33 AND IS NOT PAYABLE FROM ANY REVENUE OF THE STATE.

34 S 2. Subdivision 2 of section 355 of the education law is amended by
35 adding a new paragraph y to read as follows:

36 Y. TO BETTER SECURE DORMITORY AUTHORITY BONDS ISSUED IN CONNECTION
37 WITH DORMITORY FACILITIES, INCLUDING DORMITORY FACILITY REVENUE BONDS,
38 THE STATE UNIVERSITY OF NEW YORK IS HEREBY AUTHORIZED, IN ITS OWN NAME,
39 TO ASSIGN OR OTHERWISE TRANSFER TO THE DORMITORY AUTHORITY ANY OR ALL OF
40 THE STATE UNIVERSITY'S RIGHTS, TITLE AND INTEREST IN AND TO THE DORMITO-
41 RY FACILITY REVENUES, AND TO ENTER INTO AGREEMENTS WITH THE DORMITORY
42 AUTHORITY PURSUANT TO SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHT-
43 Y-Q OF THE PUBLIC AUTHORITIES LAW IN FURTHERANCE OF SUCH ASSIGNMENT OR
44 TRANSFER. ANY ASSIGNMENT OR TRANSFER MADE PURSUANT TO THIS PARAGRAPH
45 SHALL CONSTITUTE A TRUE SALE AND ABSOLUTE TRANSFER OF THE DORMITORY
46 FACILITIES REVENUES. THE CHARACTERIZATION OF SUCH ASSIGNMENT OR TRANSFER
47 SHALL NOT BE NEGATED OR ADVERSELY AFFECTED BY THE RETENTION BY THE STATE
48 UNIVERSITY OF NEW YORK OF ANY OWNERSHIP INTEREST IN THE DORMITORY FACIL-
49 ITIES REVENUES OR OF ANY RESIDUAL RIGHT TO PAYMENT OF ANY DORMITORY
50 FACILITY REVENUES REMAINING IN THE DORMITORY FACILITIES REVENUE FUND
51 AFTER THE MONEYS THEREIN HAVE BEEN APPLIED IN ACCORDANCE WITH PARAGRAPH
52 (B) OF SUBDIVISION THREE OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE
53 PUBLIC AUTHORITIES LAW. ALL RIGHTS, TITLE AND INTEREST IN AND TO ANY
54 MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY OF NEW YORK

PURSUANT TO ANY AGREEMENT BY AND BETWEEN THE DORMITORY AUTHORITY AND THE STATE UNIVERSITY OF NEW YORK ENTERED INTO PURSUANT TO SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW OR PURSUANT TO ANY AGREEMENT ENTERED INTO PURSUANT TO PARAGRAPH J OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHTY OF THE PUBLIC AUTHORITIES LAW SHALL VEST IN THE STATE UNIVERSITY OF NEW YORK AND BE THE ABSOLUTE PROPERTY OF THE STATE UNIVERSITY OF NEW YORK, AND THE DORMITORY AUTHORITY SHALL NO LONGER HAVE ANY INTEREST IN SUCH MONEYS.

S 3. Subdivision 8 of section 355 of the education law, as amended by chapter 553 of the laws of 1985, is amended to read as follows:

8. [All] EXCEPT AS OTHERWISE PROVIDED HEREIN, ALL moneys received by the state university of New York and by state-operated institutions thereof from appropriations, tuition, fees, user charges, sales of products and services and from all other sources, including sources and activities of the state university which are intended by law to be self-supporting may be credited to an appropriate fund or funds to be designated by the state comptroller. The amounts so paid into such fund or funds which were received by or for the state university shall be used for expenses of the state university in carrying out any of its objects and purposes and such amounts received by or for state-operated institutions of the state university shall be used for expenses of the state university under regulations prescribed by the state university trustees. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, ALL DORMITORY FACILITIES REVENUES TRANSFERRED TO THE DORMITORY AUTHORITY BY ASSIGNMENT OR OTHERWISE PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF THIS SECTION SHALL UPON RECEIPT BY THE STATE UNIVERSITY ACTING AS AGENT FOR THE DORMITORY AUTHORITY BE TRANSFERRED AND IMMEDIATELY PAID WITHOUT APPROPRIATION THEREOF TO THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO SUBDIVISION FOUR OF SECTION FOUR OF THE STATE FINANCE LAW FOR DEPOSIT TO THE DORMITORY FACILITIES REVENUE FUND.

S 4. The public authorities law is amended by adding a new section 1680-q to read as follows:

S 1680-Q. STATE UNIVERSITY OF NEW YORK DORMITORY FACILITIES. 1. AS USED IN OR REFERRED TO IN THIS SECTION, UNLESS A DIFFERENT MEANING APPEARS FROM THE CONTEXT, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING RESPECTIVE MEANINGS:

(A) "AGREEMENT" MEANS AN AGREEMENT BY AND BETWEEN THE AUTHORITY AND THE STATE UNIVERSITY ENTERED INTO PURSUANT TO THIS SECTION.

(B) "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

(C) "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS, FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILITIES.

(D) "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX OF THIS TITLE.

(E) "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO THOUSAND THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR REFINANCING NOTES OR BONDS ISSUED PREVIOUSLY IN CONNECTION WITH DORMITORY FACILITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS, TO FUND ANY RESERVE ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPERATIONS OF DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF ANY NOTE OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS PAYABLE FROM

1 MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND AND IS NOT
2 PAYABLE FROM ANY REVENUE OF THE STATE.

3 (F) "PRIOR DORMITORY FACILITY BOND" MEANS ANY NOTE OR BOND OF THE
4 AUTHORITY ISSUED PRIOR TO APRIL FIRST, TWO THOUSAND THIRTEEN IN
5 CONNECTION WITH DORMITORY FACILITIES.

6 (G) "STATE UNIVERSITY" MEANS THE STATE UNIVERSITY OF NEW YORK, A
7 CORPORATION WITHIN THE STATE EDUCATION DEPARTMENT AND WITHIN THE UNIVER-
8 SITY OF THE STATE OF NEW YORK CREATED BY SECTION THREE HUNDRED FIFTY-TWO
9 OF THE EDUCATION LAW.

10 2. THE AUTHORITY MAY, FROM AND AFTER APRIL FIRST, TWO THOUSAND THIR-
11 TEEN, ISSUE DORMITORY FACILITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED
12 NINE HUNDRED FORTY-FOUR MILLION DOLLARS. NOTWITHSTANDING ANY OTHER RULE
13 OR LAW, SUCH BONDS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR THE
14 STATE UNIVERSITY NOR SHALL THE STATE OR THE STATE UNIVERSITY BE LIABLE
15 THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE OF
16 THE AUTHORITY CONSTITUTING DORMITORY FACILITIES REVENUES. SUCH AMOUNT
17 SHALL BE EXCLUSIVE OF BONDS AND NOTES ISSUED TO FUND ANY RESERVE FUND OR
18 FUNDS, COST OF ISSUANCE, ORIGINAL ISSUE PREMIUM, AND TO REFUND ANY PRIOR
19 DORMITORY FACILITY BONDS OR ANY DORMITORY FACILITY REVENUE BONDS. THE
20 AUTHORITY AND THE STATE UNIVERSITY ARE HEREBY AUTHORIZED TO ENTER INTO
21 AGREEMENTS RELATING TO, AMONG OTHER THINGS, THE ACQUISITION OF PROPERTY
22 OR INTERESTS THEREIN, THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
23 IMPROVEMENT, EQUIPPING AND FURNISHING OF DORMITORY FACILITIES, THE OPER-
24 ATION AND MAINTENANCE OF DORMITORY FACILITIES, AND THE BILLING,
25 COLLECTION AND DISBURSEMENT OF DORMITORY FACILITIES REVENUES, THE TITLE
26 TO WHICH HAS BEEN CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE
27 AUTHORITY PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE
28 HUNDRED FIFTY-FIVE OF THE EDUCATION LAW. IN NO EVENT SHALL THE STATE
29 UNIVERSITY HAVE ANY OBLIGATION UNDER THE AGREEMENT TO MAKE PAYMENT WITH
30 RESPECT TO, ON ACCOUNT OF OR TO PAY DORMITORY FACILITIES REVENUE BONDS,
31 AND SUCH BONDS SHALL BE PAYABLE SOLELY FROM THE DORMITORY FACILITIES
32 REVENUES ASSIGNED TO THE AUTHORITY BY THE STATE UNIVERSITY. NO DEBT
33 SHALL BE CONTRACTED EXCEPT TO FINANCE CAPITAL WORKS OR PURPOSES.
34 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DORMITORY FACILITY REVENUES
35 SHALL NOT BE DEEMED TO BE REVENUES OF THE STATE. NOTWITHSTANDING ANY
36 OTHER RULE OR LAW, THE STATE SHALL NOT BE LIABLE FOR ANY PAYMENTS ON ANY
37 DORMITORY FACILITY REVENUE BONDS, AND SUCH BONDS SHALL NOT BE A DEBT OF
38 THE STATE AND SHALL NOT BE PAYABLE OUT OF ANY FUNDS OTHER THAN THE
39 DORMITORY FACILITIES REVENUES ASSIGNED TO THE AUTHORITY BY THE STATE
40 UNIVERSITY.

41 3. (A) THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER
42 OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE DORMITORY
43 FACILITIES REVENUE FUND. SUCH FUND SHALL CONSIST OF ALL DORMITORY FACIL-
44 ITIES REVENUES CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE
45 AUTHORITY PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE
46 HUNDRED FIFTY-FIVE OF THE EDUCATION LAW, WHICH UPON RECEIPT BY THE
47 COMMISSIONER OF TAXATION AND FINANCE SHALL BE DEPOSITED IN SUCH FUND AND
48 HELD BY THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO SUBDIVISION
49 FOUR OF SECTION FOUR OF THE STATE FINANCE LAW. THE MONEYS IN THE FUND
50 SHALL BE THE SOLE AND EXCLUSIVE PROPERTY OF THE AUTHORITY. THE MONEYS
51 HELD IN THE FUND SHALL BE HELD SEPARATE AND APART FROM AND NOT COMMUN-
52 GLED WITH ANY MONEYS OF THE STATE OR ANY OTHER MONEYS IN THE CUSTODY OF
53 THE COMMISSIONER OF TAXATION AND FINANCE. ALL DEPOSITS OF MONEYS SHALL,
54 IF REQUIRED BY THE COMMISSIONER OF TAXATION AND FINANCE, BE SECURED BY
55 OBLIGATIONS OF THE UNITED STATES OF AMERICA OR OF THE STATE HAVING A
56 MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF SUCH DEPOSITS AND ALL

1 BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH
2 DEPOSITS. ANY MONEYS IN SUCH FUND MAY, IN THE DISCRETION OF THE COMMIS-
3 SIONER OF TAXATION AND FINANCE, BE INVESTED IN OBLIGATIONS DESCRIBED IN
4 SECTION NINETY-EIGHT OF THE STATE FINANCE LAW. THE COMMISSIONER OF TAXA-
5 TION AND FINANCE SHALL CERTIFY TO THE AUTHORITY AND THE STATE UNIVERSITY
6 NOT LATER THAN THE FIFTEENTH DAY OF EACH MONTH THE AMOUNT OF DORMITORY
7 FACILITIES REVENUES DEPOSITED IN THE FUND DURING THE PRECEDING CALENDAR
8 MONTH AND THE AMOUNT HELD IN THE FUND AS OF THE LAST DAY OF SUCH PRECED-
9 ING CALENDAR MONTH.

10 (B) DURING EACH TWELVE MONTH PERIOD COMMENCING JULY FIRST OF A CALEN-
11 DAR YEAR AND ENDING ON JUNE THIRTIETH OF THE SUCCEEDING CALENDAR YEAR,
12 THE COMMISSIONER OF TAXATION AND FINANCE SHALL PAY, WITHOUT APPROPRI-
13 ATION, TO OR UPON THE ORDER OF THE AUTHORITY FROM THE MONEYS IN THE FUND
14 THE AMOUNT CERTIFIED TO THE COMMISSIONER OF TAXATION AND FINANCE BY THE
15 AUTHORITY PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION. ANY MONEYS
16 REMAINING IN THE FUND AFTER PAYMENT TO THE AUTHORITY OF THE AMOUNT SO
17 CERTIFIED SHALL BE PAID BY THE COMMISSIONER OF TAXATION AND FINANCE IN
18 ACCORDANCE WITH THE AGREEMENT. ALL RIGHTS, TITLE AND INTEREST IN AND TO
19 ANY MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY PURSUANT TO
20 THE AGREEMENT SHALL VEST IN THE STATE UNIVERSITY AND BE THE ABSOLUTE
21 PROPERTY OF THE STATE UNIVERSITY, AND THE AUTHORITY SHALL NO LONGER HAVE
22 ANY INTEREST IN SUCH MONEYS.

23 (C) THE AUTHORITY SHALL, NOT LATER THAN BY THE FIRST DAY OF JUNE OF
24 EACH CALENDAR YEAR, CERTIFY TO THE COMMISSIONER OF TAXATION AND FINANCE
25 AND TO THE STATE UNIVERSITY: (I) THE AMOUNT OF THE RENTALS, INCLUDING
26 THE AMOUNTS REQUIRED FOR PAYMENT OF THE PRINCIPAL OF, AND INTEREST ON
27 PRIOR DORMITORY FACILITY BONDS REQUIRED TO BE MADE BY THE STATE UNIVER-
28 SITY TO THE AUTHORITY DURING THE TWELVE MONTH PERIOD COMMENCING ON THE
29 SUCCEEDING JULY FIRST AND ENDING ON THE SUCCEEDING JUNE THIRTIETH PURSU-
30 ANT TO THE AGREEMENT BETWEEN THE AUTHORITY AND THE STATE UNIVERSITY,
31 DATED AS OF THE TWENTIETH DAY OF SEPTEMBER, NINETEEN HUNDRED
32 NINETY-FIVE, AS AMENDED AND RESTATED; (II) THE AMOUNT REQUIRED TO MAIN-
33 TAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES
34 OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION
35 WITH THE PRIOR DORMITORY FACILITY BONDS; (III) THE AMOUNT REQUIRED FOR
36 PAYMENT OF THE PRINCIPAL OF, WHETHER AT MATURITY OR DUE THROUGH MANDATO-
37 RY REDEMPTION, AND INTEREST ON DORMITORY FACILITY REVENUE BONDS PAYABLE
38 ON JANUARY FIRST OF SUCH TWELVE MONTH PERIOD AND ON JULY FIRST NEXT
39 SUCCEEDING SUCH TWELVE MONTH PERIOD; (IV) THE AMOUNT REQUIRED TO MAIN-
40 TAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES
41 OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION
42 WITH THE DORMITORY FACILITY REVENUE BONDS; (V) THE AMOUNT REQUIRED TO
43 RESTORE ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON DORMITORY FACILI-
44 TY REVENUE BONDS TO ITS REQUIREMENT; AND (VI) THE COSTS, EXPENSES AND
45 OVERHEAD OF THE DORMITORY AUTHORITY TO BE INCURRED DURING SUCH TWELVE
46 MONTH PERIOD IN CONNECTION WITH AND REASONABLY RELATED TO DORMITORY
47 FACILITIES FINANCED THROUGH THE ISSUANCE OF DORMITORY FACILITY REVENUE
48 BONDS. EACH SUCH AMOUNT SHALL BE SEPARATELY STATED AND IDENTIFIED IN
49 SUCH CERTIFICATE. ANY SUCH CERTIFICATE SUBMITTED BY THE DORMITORY
50 AUTHORITY MAY BE AMENDED BY THE DORMITORY AUTHORITY FROM TIME TO TIME AS
51 NECESSARY TO ADJUST THE AMOUNTS SET FORTH THEREIN. THE MONEYS PAID TO
52 THE AUTHORITY PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE
53 APPLIED BY THE AUTHORITY IN THE ORDER OF PRIORITY IN WHICH THE AMOUNTS
54 SET FORTH IN SUCH CERTIFICATION ARE STATED IN THIS PARAGRAPH.

55 4. (A) THE DORMITORY AUTHORITY, IN CONSULTATION WITH THE STATE
56 UNIVERSITY OF NEW YORK, SHALL PREPARE AN ANNUAL REPORT DUE ON SEPTEMBER

1 THIRTIETH, COMMENCING ON SEPTEMBER THIRTIETH, TWO THOUSAND FOURTEEN, OF
2 EVERY CALENDAR YEAR RELATING TO THE PROVISIONS OF PARAGRAPH Y OF SUBDI-
3 VISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW AS
4 ADDED BY A CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS
5 SECTION; SUBDIVISION EIGHT OF SECTION THREE HUNDRED FIFTY-FIVE OF THE
6 EDUCATION LAW AS AMENDED BY A CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
7 TEEN WHICH ADDED THIS SECTION; AND THIS SECTION. THE REPORT SHALL
8 INCLUDE, BUT NOT BE LIMITED TO: (I) THE TOTAL DORMITORY FACILITIES
9 REVENUES ASSIGNED OR OTHERWISE TRANSFERRED FROM THE STATE UNIVERSITY OF
10 NEW YORK TO THE DORMITORY AUTHORITY IN THE PRIOR STATE UNIVERSITY FISCAL
11 YEAR AND THE SUM OF SUCH TRANSFERS MADE IN THE FIVE PRIOR FISCAL YEARS;
12 (II) THE SUM OF MONIES, IF ANY, TRANSFERRED TO THE STATE UNIVERSITY OF
13 NEW YORK FROM THE DORMITORY FACILITIES REVENUE FUND IN THE PRIOR STATE
14 UNIVERSITY FISCAL YEAR; (III) A LIST OF ANY INCREASE IN RENTS, FEES AND
15 OTHER CHARGES THAT RELATE TO DORMITORY FACILITIES PER CAMPUS TO
16 STUDENTS; (IV) A SUMMARY OF ALL COSTS ASSOCIATED WITH THE CONSTRUCTION,
17 RECONSTRUCTION, REHABILITATION, IMPROVEMENT, EQUIPPING, FURNISHING,
18 REPAIR, MAINTENANCE AND OPERATIONS OF DORMITORY FACILITIES THAT THE
19 DORMITORY AUTHORITY FUNDED WITH DORMITORY FACILITIES REVENUES AND THE
20 PROCEEDS OF DORMITORY FACILITY REVENUE BONDS; (V) A SUMMARY AND JUSTI-
21 FICATION OF DORMITORY AUTHORITY ADMINISTRATIVE EXPENSES AND COSTS
22 INCURRED RELATED TO THE DORMITORY FACILITIES REVENUE FUND; (VI) THE
23 ISSUANCE AMOUNTS, DEBT SERVICE COSTS AND SAVINGS, IF ANY, OF ALL STATE
24 UNIVERSITY OF NEW YORK DORMITORY BONDS ISSUED PRIOR TO APRIL FIRST, TWO
25 THOUSAND THIRTEEN AND REFINANCED BY THE DORMITORY AUTHORITY WITH DORMI-
26 TORY FACILITY REVENUE BONDS; (VII) TOTAL AMOUNT OF DEBT SERVICE PAYMENTS
27 MADE PER YEAR ON DORMITORY FACILITY REVENUE BONDS; AND (VIII) AN ESTI-
28 MATED DATE WHEN THE DORMITORY AUTHORITY WILL REACH THE NINE HUNDRED
29 FORTY-FOUR MILLION DOLLAR CAP ON DORMITORY FACILITY REVENUE BONDS.

30 (B) THE REPORT AUTHORIZED BY THIS SECTION SHALL BE SUBMITTED TO THE
31 GOVERNOR, THE DIRECTOR OF THE BUDGET, THE SPEAKER OF THE ASSEMBLY, THE
32 TEMPORARY PRESIDENT OF THE SENATE, CHAIRS OF THE SENATE AND ASSEMBLY
33 HIGHER EDUCATION COMMITTEES, THE CHAIR OF THE SENATE FINANCE COMMITTEE
34 AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

35 S 5. For the purposes of paragraphs (b) and (c) of subdivision 3 of
36 section 1680-q of the public authorities law, as added by section four
37 of this act, the dormitory authority shall, within thirty days after the
38 date on which this act shall become effective, make and deliver to the
39 commissioner of taxation and finance and the state university of New
40 York a certification in the form and substance required by such para-
41 graph (c) with respect to amounts required for the items specified ther-
42 ein during the period from the effective date of this act to and includ-
43 ing the thirtieth day of June, 2013, and, if this act shall become
44 effective after the first day of June, 2013, for the twelve month period
45 commencing the first day of July, 2013, to and including the thirtieth
46 day of June, 2014. No money shall be paid by the commissioner of taxa-
47 tion and finance out of the dormitory facility revenue fund except
48 unless and until such commissioner has received the certification or
49 certifications required by this section.

50 S 6. This act shall take effect immediately.

51

PART C

52 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
53 chapter 57 of the laws of 2005 amending the labor law and other laws
54 implementing the state fiscal plan for the 2005-2006 state fiscal year,

1 relating to the New York state higher education capital matching grant
2 program for independent colleges, as amended by section 1 of part H of
3 chapter 57 of the laws of 2012, is amended to read as follows:

4 (a) The New York state higher education capital matching grant board
5 is hereby created to have and exercise the powers, duties and preroga-
6 tives provided by the provisions of this section and any other provision
7 of law. The board shall remain in existence during the period of the New
8 York state higher education capital matching grant program from the
9 effective date of this section through March 31, [2013] 2014, or the
10 date on which the last of the funds available for grants under this
11 section shall have been disbursed, whichever is earlier; provided,
12 however, that the termination of the existence of the board shall not
13 affect the power and authority of the dormitory authority to perform its
14 obligations with respect to any bonds, notes, or other indebtedness
15 issued or incurred pursuant to authority granted in this section.

16 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
17 57 of the laws of 2005 amending the labor law and other laws implement-
18 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
19 to the New York state higher education capital matching grant program
20 for independent colleges, as amended by section 2 of part H of chapter
21 57 of the laws of 2012, is amended to read as follows:

22 (h) [If a college did not apply for a potential grant] IN THE EVENT
23 THAT ANY COLLEGES DO NOT APPLY FOR HIGHER EDUCATION CAPITAL MATCHING
24 GRANTS by March 31, 2009, OR IN THE EVENT THEY APPLY FOR AND ARE
25 AWARDED, BUT DO NOT USE THE FULL AMOUNT OF SUCH GRANTS, THE UNUSED funds
26 associated with such [potential grant] GRANTS shall THEREAFTER be
27 awarded[,] TO COLLEGES on a competitive basis, [to other colleges,]
28 according to the priorities set forth below. [Colleges] NOTWITHSTANDING
29 SUBDIVISION FIVE OF THIS SECTION, ANY COLLEGE shall be eligible to apply
30 for [unutilized grants] SUCH UNUSED FUNDS IN RESPONSE TO A REQUEST FOR
31 PROPOSALS FOR A HIGHER EDUCATION CAPITAL MATCHING GRANT PURSUANT TO THIS
32 PARAGRAPH. In such cases, the following priorities shall apply: first,
33 priority shall be given to otherwise eligible colleges that either were,
34 or would have been, deemed ineligible for the program prior to March 31,
35 2009, due to missed deadlines, insufficient matching funds, lack of
36 accreditation or other disqualifying reasons; and second, after the
37 board has acted upon all such first-priority applications for unused
38 funds, if any such funds remain, those funds shall be available for
39 distribution to eligible colleges [that are located within the same
40 Regents of the State of New York region for which such funds were
41 originally allocated]. The dormitory authority shall develop a request
42 for proposals and application process, in consultation with the board,
43 for [such] HIGHER EDUCATION CAPITAL MATCHING grants AWARDED PURSUANT TO
44 THIS PARAGRAPH, and shall develop criteria, subject to review by the
45 board, for the awarding of such grants. Such criteria shall [incorporate]
46 INCLUDE, BUT NOT BE LIMITED TO the matching criteria contained in
47 paragraph (c) of this subdivision, and the application criteria set
48 forth in paragraph (e) of this subdivision. The dormitory authority
49 shall require all applications in response to the request for proposals
50 to be submitted by September 1, [2012] 2013, and the board shall act on
51 each application for such matching grants by November 1, [2012] 2013.

52 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
53 section 1 of part U of chapter 57 of the laws of 2005 amending the labor
54 law and other laws implementing the state fiscal plan for the 2005-2006
55 state fiscal year, relating to the New York state higher education capital
56 matching grant program for independent colleges, as amended by

section 3 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

(A) Notwithstanding the provision of any general or special law to the contrary, and subject to the provisions of chapter 59 of the laws of 2000 and to the making of annual appropriations therefor by the legislature, in order to assist the dormitory authority in providing such higher education capital matching grants, the director of the budget is authorized in any state fiscal year commencing April 1, 2005 or any state fiscal year thereafter for a period ending on March 31, [2014] 2015, to enter into one or more service contracts, none of which shall exceed 30 years in duration, with the dormitory authority, upon such terms as the director of the budget and the dormitory authority agree.

S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education matching capital grant program for independent colleges, as amended by section 4 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

(b) Any eligible institution receiving a grant pursuant to this article shall report to the dormitory authority no later than June 1, [2013] 2014, on the use of funding received and its programmatic and economic impact. The dormitory authority shall submit a report no later than November 1, [2013] 2014 to the board, the governor, the director of the budget, the temporary president of the senate, and the speaker of the assembly on the aggregate impact of the higher education matching capital grant program. Such report shall provide information on the progress and economic impact of such project.

S 5. 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 D

Section 1. Subdivision 1 of section 6304 of the education law is amended by adding two new paragraphs b-1 and b-2 to read as follows:

B-1. (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE COMMUNITY COLLEGE FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN AND THEREAFTER, EACH PROGRAM THAT CONFERS A CREDIT-BEARING CERTIFICATE, AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE, OR AN ASSOCIATE OF APPLIED SCIENCE DEGREE, SHALL DEMONSTRATE THAT IT IS PREPARING STUDENTS FOR CURRENT AND FUTURE JOB OPPORTUNITIES BY PARTNERING WITH EMPLOYERS AS FOLLOWS:

(A) THE PROGRAM IS A PARTNERSHIP BETWEEN THE COMMUNITY COLLEGE AND ONE OR MORE EMPLOYERS TO TRAIN AND EMPLOY STUDENTS IN A SPECIFIC OCCUPATION;

(B) THE PROGRAM HAS AN ADVISORY COMMITTEE MADE UP OF MEMBERS OF WHOM THE MAJORITY ARE EMPLOYERS IN THE OCCUPATION OR SECTOR, OR A RELATED SECTOR, OR IS OTHERWISE ADVISED BY ONE OR MORE EMPLOYERS IN THE OCCUPATION OR SECTOR, THAT EMPLOY OR WILL EMPLOY WORKERS IN THE REGION WHERE THE COMMUNITY COLLEGE IS LOCATED, AND SUCH COMMITTEE SERVES TO ADVISE THE COMMUNITY COLLEGE ON THE PROGRAM'S CURRICULUM, RECRUITMENT, PLACEMENT AND EVALUATION SO THAT IT REMAINS UP-TO-DATE WITH EMPLOYER NEEDS; OR

(C) THE PROGRAM IS IN A HIGH-TECH SECTOR AND IS IN DEMAND FOR CURRENT OR PROJECTED JOB GROWTH, INCLUDING THOSE SECTORS IDENTIFIED BY THE REGIONAL ECONOMIC DEVELOPMENT COUNCIL, AND IS ADVISED BY CURRENT OR POTENTIAL FUTURE EMPLOYERS IN THE OCCUPATION OR SECTOR.

(II) ON OR BEFORE JANUARY FIRST, TWO THOUSAND FOURTEEN FOR THE COMMUNITY COLLEGE FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN, NOVEMBER FIRST, TWO THOUSAND FOURTEEN FOR THE COMMUNITY COLLEGE FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN AND NOVEMBER FIRST OF EACH COMMUNITY COLLEGE FISCAL YEAR THEREAFTER, THE STATE UNIVERSITY TRUSTEES AND THE CITY UNIVERSITY TRUSTEES SHALL EACH SUBMIT A JOB LINKAGE REPORT TO THE DIRECTOR OF THE BUDGET, THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES AND THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, INCLUDING AN ACCOUNTING OF FULL TIME EQUIVALENT ENROLLMENT IN PROGRAMS THAT CONFER CREDIT-BEARING CERTIFICATES, ASSOCIATE OF OCCUPATIONAL STUDIES DEGREES, OR ASSOCIATE OF APPLIED SCIENCE DEGREES, IN SUCH A FORM AND MANNER AS THE DIRECTOR OF THE BUDGET MAY REQUIRE TO VERIFY COMPLIANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.

B-2. (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WITHIN AMOUNTS APPROPRIATED FOR INCENTIVE FUNDING, THE STATE UNIVERSITY OF NEW YORK AND CITY UNIVERSITY OF NEW YORK SHALL MAKE AWARDS TO COMMUNITY COLLEGES FROM THE NEXT GENERATION NY JOB LINKAGE PROGRAM INCENTIVE FUND BASED ON MEASURES OF STUDENT SUCCESS FOR ALL STUDENTS ENROLLED IN PROGRAMS THAT CONFER A CREDIT-BEARING CERTIFICATE, AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE, OR AN ASSOCIATE OF APPLIED SCIENCE DEGREE, INCLUDING, BUT NOT LIMITED TO:

(A) THE NUMBER OF STUDENTS WHO ARE EMPLOYED FOLLOWING DEGREE OR CERTIFICATE COMPLETION AND THEIR WAGE GAINS, IF ANY, AS DETERMINED BY THE DEPARTMENT OF LABOR, WHICH SHALL BE GIVEN THE GREATEST WEIGHTING AMONG ALL MEASURES OF STUDENT SUCCESS;

(B) THE NUMBER OF DEGREE COMPLETIONS, CERTIFICATE COMPLETIONS AND STUDENT TRANSFERS TO OTHER INSTITUTIONS OF HIGHER EDUCATION;

(C) THE NUMBER OF DEGREE AND CERTIFICATE COMPLETIONS UNDER CLAUSE (B) OF THIS PARAGRAPH BY STUDENTS CONSIDERED ACADEMICALLY AT-RISK DUE TO ECONOMIC DISADVANTAGE OR OTHER FACTOR OF UNDER-REPRESENTATION WITHIN THE FIELD OF STUDY; VETERANS; AND THE DISABLED;

(D) THE NUMBER OF STUDENTS WHO MAKE ADEQUATE PROGRESS TOWARDS COMPLETION OF A DEGREE OR CERTIFICATE, WHICH MAY INCLUDE ACCELERATED COMPLETION OF A DEVELOPMENTAL EDUCATION PROGRAM;

(E) THE NUMBER OF DEGREE COMPLETIONS IN INNOVATIVE PROGRAMS DESIGNED TO ENABLE STUDENTS TO BALANCE SCHOOL, WORK AND OTHER PERSONAL RESPONSIBILITIES; AND

(F) THE NUMBER OF STUDENTS ENGAGED IN CAREER AND EMPLOYMENT OPPORTUNITIES INCLUDING APPRENTICESHIPS, COOPERATIVE EDUCATION PROGRAMS OR OTHER PAID WORK EXPERIENCE THAT IS AN INTEGRAL PART OF THEIR ACADEMIC PROGRAM.

(II) AWARDS SHALL BE MADE ON A PRO-RATA BASIS IN ACCORDANCE WITH A METHODOLOGY AND IN A FORM AND MANNER DEVELOPED BY THE DIRECTOR OF THE BUDGET, IN CONSULTATION WITH THE STATE UNIVERSITY AND CITY UNIVERSITY.

(III) ON OR BEFORE DECEMBER FIRST OF EACH YEAR, OR AN ALTERNATIVE DATE AS DETERMINED BY THE DIRECTOR OF THE BUDGET IN CONSULTATION WITH THE STATE UNIVERSITY AND CITY UNIVERSITY, THE STATE UNIVERSITY TRUSTEES AND THE CITY UNIVERSITY TRUSTEES SHALL EACH SUBMIT A PLAN FOR APPROVAL BY THE DIRECTOR OF THE BUDGET TO ALLOCATE AMOUNTS AVAILABLE FOR THE NEXT GENERATION NY JOB LINKAGE PROGRAM INCENTIVE FUND IN ACCORDANCE WITH THIS PARAGRAPH.

S 2. This act shall take effect immediately.

1 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
2 section 131-o of the social services law, as amended by section 1 of
3 part C of chapter 57 of the laws of 2012, are amended to read as
4 follows:

5 (a) in the case of each individual receiving family care, an amount
6 equal to at least [\$135.00] \$137.00 for each month beginning on or after
7 January first, two thousand [twelve] THIRTEEN.

8 (b) in the case of each individual receiving residential care, an
9 amount equal to at least [\$155.00] \$158.00 for each month beginning on
10 or after January first, two thousand [twelve] THIRTEEN.

11 (c) in the case of each individual receiving enhanced residential
12 care, an amount equal to at least [\$184.00] \$187.00 for each month
13 beginning on or after January first, two thousand [twelve] THIRTEEN.

14 (d) for the period commencing January first, two thousand [thirteen]
15 FOURTEEN, the monthly personal needs allowance shall be an amount equal
16 to the sum of the amounts set forth in subparagraphs one and two of this
17 paragraph:

18 (1) the amounts specified in paragraphs (a), (b) and (c) of this
19 subdivision; and

20 (2) the amount in subparagraph one of this paragraph, multiplied by
21 the percentage of any federal supplemental security income cost of
22 living adjustment which becomes effective on or after January first, two
23 thousand [thirteen] FOURTEEN, but prior to June thirtieth, two thousand
24 [thirteen] FOURTEEN, rounded to the nearest whole dollar.

25 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
26 section 209 of the social services law, as amended by section 2 of part
27 C of chapter 57 of the laws of 2012, are amended to read as follows:

28 (a) On and after January first, two thousand [twelve] THIRTEEN, for an
29 eligible individual living alone, [\$785.00] \$797.00; and for an eligible
30 couple living alone, [\$1152.00] \$1170.00.

31 (b) On and after January first, two thousand [twelve] THIRTEEN, for an
32 eligible individual living with others with or without in-kind income,
33 [\$721.00] \$733.00; and for an eligible couple living with others with or
34 without in-kind income, [\$1094.00] \$1112.00.

35 (c) On and after January first, two thousand [twelve] THIRTEEN, (i)
36 for an eligible individual receiving family care, [\$964.48] \$976.48 if
37 he or she is receiving such care in the city of New York or the county
38 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
39 couple receiving family care in the city of New York or the county of
40 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
41 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
42 ual receiving such care in any other county in the state, [\$926.48]
43 \$938.48; and (iv) for an eligible couple receiving such care in any
44 other county in the state, two times the amount set forth in subpara-
45 graph (iii) of this paragraph.

46 (d) On and after January first, two thousand [twelve] THIRTEEN, (i)
47 for an eligible individual receiving residential care, [\$1133.00]
48 \$1145.00 if he or she is receiving such care in the city of New York or
49 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
50 eligible couple receiving residential care in the city of New York or
51 the county of Nassau, Suffolk, Westchester or Rockland, two times the
52 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
53 eligible individual receiving such care in any other county in the
54 state, [\$1103.00] \$1115.00; and (iv) for an eligible couple receiving
55 such care in any other county in the state, two times the amount set
56 forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [twelve] THIRTEEN, for an eligible individual receiving enhanced residential care, [\$1392.00] \$1404.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [thirteen] FOURTEEN but prior to June thirtieth, two thousand [thirteen] FOURTEEN.

S 3. This act shall take effect December 31, 2013.

PART F

Intentionally omitted

PART G

Section 1. Subdivisions 4 and 5 of section 412 of the executive law, as amended by chapter 182 of the laws of 2002, are amended, and two new subdivisions 8 and 9 are added to read as follows:

4. "Municipality" shall mean a county, [city, village, town, that part of a town not included within the boundaries of a village, or a school district (if approved for such purpose by the commissioner, in instances where no other municipality, overlapping such school district in whole or part, is receiving state aid pursuant to this article or upon such other basis as the commissioner shall by regulation determine). Municipality may mean an Indian reservation, subject to rules and regulations of the office] OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

5. "Youth DEVELOPMENT program" shall mean a ["youth bureau," "recreation project" or "youth service" project established under prior authorizing legislation establishing a temporary state youth commission as well as similar] local [programs] PROGRAM designed to accomplish the broad purposes of this article[. The definition, determination and classification of youth programs shall be] subject to [approval by the office in accordance with] THE rules and regulations [adopted by it] OF THE OFFICE; PROVIDED HOWEVER, THE TERM "YOUTH DEVELOPMENT PROGRAM" SHALL NOT INCLUDE APPROVED RUNAWAY PROGRAMS OR TRANSITIONAL INDEPENDENT LIVING SUPPORT PROGRAMS AS SUCH TERMS ARE DEFINED IN SECTION FIVE HUNDRED THIRTY-TWO-A OF THIS CHAPTER.

8. "MUNICIPAL YOUTH BUREAU" SHALL MEAN EITHER:

A. IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, THE NEW YORK CITY DEPARTMENT OF YOUTH AND COMMUNITY DEVELOPMENT, OR A SUCCESSOR ENTITY;

B. A YOUTH BUREAU THAT ENGAGES IN ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, THE OPERATION, ADMINISTRATION OR MONITORING OF YOUTH DEVELOPMENT PROGRAMS, THROUGHOUT A PARTICULAR COUNTY; OR

C. A YOUTH BUREAU THAT ENGAGES IN ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, THE OPERATION, ADMINISTRATION OR MONITORING OF YOUTH DEVELOPMENT PROGRAMS, THROUGHOUT TWO OR MORE PARTICULAR COUNTIES, IN ACCORDANCE WITH SUBDIVISION FIVE OF SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTICLE.

9. "LOCAL YOUTH BUREAU" SHALL MEAN A YOUTH BUREAU, NOT INCLUDED WITHIN THE DEFINITION OF MUNICIPAL YOUTH BUREAU PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION, THAT ENGAGES IN ACTIVITIES, INCLUDING, BUT NOT LIMITED

1 TO, THE OPERATION, ADMINISTRATION OR MONITORING OF YOUTH DEVELOPMENT
2 PROGRAMS, THROUGHOUT A PARTICULAR VILLAGE, TOWN OR CITY.

3 S 2. Subdivision 1 of section 420 of the executive law is REPEALED and
4 a new subdivision 1 is added to read as follows:

5 1. A. (1) EACH MUNICIPALITY OPERATING A YOUTH DEVELOPMENT PROGRAM
6 APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE ELIGIBLE
7 FOR ONE HUNDRED PERCENT STATE REIMBURSEMENT OF ITS QUALIFIED EXPENDI-
8 TURES, SUBJECT TO AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL
9 FUNDS MADE AVAILABLE THEREFOR, NOT TO EXCEED THE MUNICIPALITY'S DISTRIB-
10 UTION OF STATE AID UNDER THIS ARTICLE.

11 (2) THE STATE AID APPROPRIATED FOR YOUTH DEVELOPMENT PROGRAMS SHALL BE
12 DISTRIBUTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO ELIGIBLE
13 MUNICIPALITIES THAT HAVE AN APPROVED COMPREHENSIVE PLAN PURSUANT TO
14 SUBPARAGRAPH TWO OF PARAGRAPH C OF THIS SUBDIVISION. SUCH STATE AID
15 SHALL BE LIMITED TO THE FUNDS SPECIFICALLY APPROPRIATED THEREFOR AND
16 SHALL BE BASED ON FACTORS THAT SHALL INCLUDE THE NUMBER OF YOUTH UNDER
17 THE AGE OF TWENTY-ONE RESIDING IN THE MUNICIPALITY AS SHOWN BY THE LAST
18 PUBLISHED FEDERAL CENSUS CERTIFIED IN THE SAME MANNER AS PROVIDED BY
19 SECTION FIFTY-FOUR OF THE STATE FINANCE LAW AND MAY INCLUDE, BUT NOT BE
20 LIMITED TO, THE PERCENTAGE OF YOUTH LIVING IN POVERTY WITHIN THE MUNICI-
21 PALITY OR SUCH OTHER FACTORS AS PROVIDED FOR IN THE REGULATIONS OF THE
22 OFFICE.

23 (3) THE OFFICE SHALL NOT REIMBURSE ANY CLAIMS UNDER THIS SECTION
24 UNLESS THEY ARE SUBMITTED WITHIN TWELVE MONTHS OF THE CALENDAR QUARTER
25 IN WHICH THE EXPENDITURE WAS MADE. THE OFFICE MAY REQUIRE THAT SUCH
26 CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY IN THE MANNER AND
27 FORMAT REQUIRED BY THE OFFICE.

28 (4) A COMPREHENSIVE PLAN DEVELOPED IN ACCORDANCE WITH PARAGRAPH C OF
29 THIS SUBDIVISION MAY PROVIDE FOR THE FUNDING OF LOCAL YOUTH BUREAUS THAT
30 HAVE BEEN APPROVED IN ACCORDANCE WITH SECTION FOUR HUNDRED TWENTY-TWO OF
31 THIS ARTICLE AND MUNICIPAL YOUTH BUREAUS. PROVIDED HOWEVER, THAT AN
32 APPROVED LOCAL YOUTH BUREAU THAT IS NOT PROVIDING, OPERATING, ADMINIS-
33 TERING OR MONITORING YOUTH DEVELOPMENT PROGRAMS SHALL NOT RECEIVE FUND-
34 ING PURSUANT TO THIS SUBDIVISION. PROVIDED, FURTHER THAT UP TO FIFTEEN
35 PERCENT OF THE YOUTH DEVELOPMENT FUNDS THAT A MUNICIPALITY DETERMINES
36 WILL BE PROVIDED TO A LOCAL YOUTH BUREAU IN ACCORDANCE WITH CLAUSE (II)
37 OF SUBPARAGRAPH ONE OF PARAGRAPH C OF THIS SUBDIVISION MAY BE USED FOR
38 ADMINISTRATIVE FUNCTIONS PERFORMED BY SUCH LOCAL YOUTH BUREAU.

39 (5) IF A MUNICIPALITY DOES NOT ALLOCATE YOUTH DEVELOPMENT FUNDING
40 PURSUANT TO THE INFORMATION CONTAINED WITHIN THE MUNICIPALITY'S COMPRE-
41 HENSIVE PLAN IN ACCORDANCE WITH CLAUSE (II) OF SUBPARAGRAPH ONE OF PARA-
42 GRAPH C OF THIS SUBDIVISION, THE OFFICE MAY AUTHORIZE OR REQUIRE THE
43 COMPTROLLER TO WITHHOLD THE PAYMENT OF STATE AID TO SUCH MUNICIPALITY IN
44 ACCORDANCE WITH SECTION FOUR HUNDRED TWENTY-ONE OF THIS ARTICLE.

45 B. YOUTH DEVELOPMENT PROGRAMS SHALL PROVIDE COMMUNITY-LEVEL SERVICES
46 DESIGNED TO PROMOTE POSITIVE YOUTH DEVELOPMENT. SUCH PROGRAMS MAY
47 INCLUDE, BUT NOT BE LIMITED TO: PROGRAMS THAT PROMOTE PHYSICAL AND
48 EMOTIONAL WELLNESS, EDUCATIONAL ACHIEVEMENT OR CIVIC, FAMILY AND COMMU-
49 NITY ENGAGEMENT; FAMILY SUPPORT SERVICES; SERVICES TO PREVENT JUVENILE
50 DELINQUENCY, CHILD ABUSE AND NEGLECT; SERVICES TO AVERT FAMILY CRISES;
51 AND SERVICES TO ASSIST YOUTH IN NEED OF CRISIS INTERVENTION OR RESPITE
52 SERVICES. SUBJECT TO THE REGULATIONS OF THE OFFICE, A MUNICIPALITY MAY
53 ENTER INTO CONTRACTS TO EFFECTUATE ITS YOUTH DEVELOPMENT PROGRAM ESTAB-
54 LISHED AND APPROVED AS PROVIDED IN THIS ARTICLE.

55 C. EACH MUNICIPALITY SHALL DEVELOP, IN CONSULTATION WITH THE APPLICA-
56 BLE MUNICIPAL YOUTH BUREAU, A COMPREHENSIVE PLAN TO OFFER YOUTH DEVELOP-

MENT PROGRAMS. SUCH COMPREHENSIVE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IN ACCORDANCE WITH SUBPARAGRAPH TWO OF THIS PARAGRAPH AND SHALL BE SUBMITTED BY EACH MUNICIPALITY IN A MANNER AND AT SUCH TIMES AND FOR SUCH PERIODS AS THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DETERMINE.

(1) SUCH COMPREHENSIVE PLAN SHALL:

(I) DESCRIBE THE NEED IN THE MUNICIPALITY FOR YOUTH DEVELOPMENT PROGRAMS, AND SPECIFY, AT MINIMUM, HOW THE MUNICIPALITY WILL ADDRESS THE NEED FOR YOUTH DEVELOPMENT IN VILLAGES, TOWNS AND CITIES WHICH HAVE A YOUTH POPULATION OF TWENTY THOUSAND OR MORE PERSONS;

(II) DETAIL HOW THE MUNICIPALITY WILL ALLOCATE THE FUNDING IT RECEIVES PURSUANT TO THIS SUBDIVISION, INCLUDING AN ACCOUNTING OF ALL OF THE ELIGIBLE ENTITIES WITHIN SUCH MUNICIPALITY THAT WILL RECEIVE FUNDING UNDER THIS SUBDIVISION, THE YOUTH DEVELOPMENT SERVICES THAT SUCH ENTITIES WILL PROVIDE, AND THE AMOUNT OF FUNDING THAT EACH ENTITY WILL RECEIVE;

(III) SPECIFY HOW THE MUNICIPALITY WILL MEASURE PERFORMANCE OUTCOMES FOR SUCH SERVICES AND PROGRAMS COVERED UNDER THE PLAN;

(IV) SPECIFY THE PROJECTED PERFORMANCE OUTCOMES FOR SERVICES AND PROGRAMS COVERED UNDER THE PLAN, INCLUDING PROJECTED POSITIVE OUTCOMES FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

(V) PROVIDE INFORMATION ON THE PERFORMANCE OUTCOMES OF SERVICES PROVIDED UNDER THE MUNICIPALITY'S MOST RECENT PLAN APPROVED PURSUANT TO THIS SUBDIVISION, INCLUDING OUTCOME BASED MEASURES THAT DEMONSTRATE THE QUALITY OF SERVICES PROVIDED AND PROGRAM EFFECTIVENESS OF PROGRAMS FUNDED UNDER SUCH PLAN.

(2) THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY APPROVE ALL OR PART OF A MUNICIPALITY'S COMPREHENSIVE PLAN. IF THE OFFICE DOES NOT APPROVE A MUNICIPALITY'S COMPREHENSIVE PLAN, SUCH MUNICIPALITY SHALL HAVE SIXTY DAYS FROM RECEIPT OF THE NOTIFICATION OF DISAPPROVAL TO SUBMIT A REVISED PLAN.

(3) IF THE MUNICIPALITY IS SEEKING STATE AID TO PROVIDE SERVICES FOR RUNAWAY AND HOMELESS YOUTH, AS DEFINED IN ARTICLE NINETEEN-H OF THIS CHAPTER, THE RUNAWAY AND HOMELESS YOUTH PLAN, AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION, SHALL BE SUBMITTED AS PART OF THE COMPREHENSIVE PLAN THAT IS REQUIRED PURSUANT TO THIS PARAGRAPH; PROVIDED HOWEVER, THAT STATE AID TO PROVIDE SERVICES FOR RUNAWAY AND HOMELESS YOUTH SERVICES SHALL BE FROM, AND LIMITED TO, FUNDS APPROPRIATED SEPARATELY FOR SUCH RUNAWAY AND HOMELESS YOUTH PROGRAM PURPOSES BY THE STATE, AND SHALL NOT BE INCLUDED UNDER THE LIMITS SET FORTH IN THIS SUBDIVISION.

S 3. Subdivision 2 of section 420 of the executive law, as amended by chapter 182 of the laws of 2002, is amended to read as follows:

2. Runaway and homeless youth plan; state aid.

a. A [county] MUNICIPALITY may submit to the [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES a plan for the providing of services for runaway and homeless youth, as defined in article nineteen-H of this chapter. Where such [county] MUNICIPALITY is receiving state aid pursuant to paragraph a of subdivision one of this section, such runaway and homeless youth plan shall be submitted as part of the comprehensive [county] plan and shall be consistent with the goals and objectives therein. A runaway and homeless youth plan shall be developed in consultation with the [county] MUNICIPAL youth bureau and the county or city department of social services, shall be in accordance with the regulations of the [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, shall provide for a coordinated range of services for runaway and homeless youth and their families including preventive, temporary shelter,

1 transportation, counseling, and other necessary assistance, and shall
2 provide for the coordination of all available county resources for runa-
3 way and homeless youth and their families including services available
4 through the [county] MUNICIPAL youth bureau, the county or city depart-
5 ment of social services, local boards of education, local drug and alco-
6 hol programs and organizations or programs which have past experience
7 dealing with runaway and homeless youth. Such plan may include
8 provisions for transitional independent living support programs for
9 homeless youth between the ages of sixteen and twenty-one as provided in
10 article nineteen-H of this chapter. Such plan shall also provide for the
11 designation and duties of the runaway and homeless youth service coordi-
12 nator defined in section five hundred thirty-two-a of this chapter who
13 is available on a twenty-four hour basis and maintains information
14 concerning available shelter space, transportation and services. Such
15 plan may include provision for the per diem reimbursement for residen-
16 tial care of runaway and homeless youth in approved runaway programs
17 which are authorized agencies, provided that such per diem reimbursement
18 shall not exceed a total of thirty days for any one youth.

19 A-1. EACH MUNICIPALITY THAT DOES NOT SUBMIT A RUNAWAY AND HOMELESS
20 YOUTH PLAN IN ACCORDANCE WITH PARAGRAPH A OF THIS SUBDIVISION, SHALL
21 INCLUDE WITHIN THEIR COMPREHENSIVE PLAN SUBMITTED PURSUANT TO SUBDIVI-
22 SION ONE OF THIS SECTION, AN ASSESSMENT OF THE NEED WITHIN THE MUNICI-
23 PALITY FOR SERVICES TO ASSIST RUNAWAY AND HOMELESS YOUTH AND YOUTH IN
24 NEED OF CRISIS INTERVENTION OR RESPIRE SERVICES. PROVIDED HOWEVER, THAT
25 STATE AID TO PROVIDE FOR RUNAWAY AND HOMELESS YOUTH SERVICES SHALL BE
26 FROM AND LIMITED TO FUNDS APPROPRIATED SEPARATELY FOR SUCH RUNAWAY AND
27 HOMELESS YOUTH PROGRAM PURPOSES BY THE STATE, AND SHALL NOT BE INCLUDED
28 UNDER THE LIMITS SET FORTH IN SUBDIVISION ONE OF THIS SECTION.

29 b. Each [county] MUNICIPALITY shall submit to the [commissioner]
30 OFFICE OF CHILDREN AND FAMILY SERVICES such additional information as
31 the [commissioner] OFFICE shall require, including but not limited to:

32 (1) A description of the current runaway and homeless population
33 including their age, place of origin, family status, service needs and
34 eventual disposition;

35 (2) A description of the public and private resources available to
36 serve runaway and homeless youth within the [county] MUNICIPALITY;

37 (3) A description of new services to be provided and current services
38 to be expanded.

39 c. The [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES shall
40 review such plan IN ACCORDANCE WITH SUBPARAGRAPH TWO OF PARAGRAPH C OF
41 SUBDIVISION ONE OF THIS SECTION and may approve or disapprove such plan
42 or any part, program, or project within such plan, and may propose such
43 modifications and conditions as deemed appropriate and necessary.

44 d. (1) [Counties] MUNICIPALITIES having an approved runaway and home-
45 less youth plan pursuant to this subdivision shall be entitled to
46 reimbursement by the state for sixty percent of the entire amount of the
47 expenditures for programs contained in such plan as approved by the
48 [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, after first
49 deducting therefrom any federal or other state funds received or to be
50 received on account thereof. All reimbursement pursuant to this subdivi-
51 sion shall be from and limited to funds appropriated separately for such
52 runaway and homeless youth program purposes by the state, and shall not
53 be included under the limits set in subdivision one of this section.
54 [The county's] A MUNICIPALITY'S share of the cost of such programs may
55 be met in part by donated private funds or in-kind services, as defined
56 by the office, provided that such private funding or receipt of services

1 shall not in the aggregate be more than fifty percent of such [county's]
2 MUNICIPALITY'S share.

3 (2) Notwithstanding any inconsistent provision of law and subject to
4 funds appropriated separately therefor, a [county] MUNICIPALITY having
5 an approved runaway and homeless youth plan which includes provisions
6 for transitional independent living support programs shall be entitled
7 to reimbursement by the state for sixty percent of the entire amount of
8 the approved expenditures for transitional independent living support
9 programs contained in the plan as approved by the [commissioner] OFFICE
10 OF CHILDREN AND FAMILY SERVICES. The [county's] MUNICIPALITY'S share of
11 the cost of such programs may be met by donated private funds or in-kind
12 services, as defined by the office, provided that such receipt of
13 in-kind services shall not in the aggregate be more than fifty percent
14 of such [county's] MUNICIPALITY'S share.

15 S 4. Paragraphs a and c of subdivision 5 of section 420 of the execu-
16 tive law, as added by chapter 160 of the laws of 2004, are amended to
17 read as follows:

18 a. Notwithstanding any other provision of law, the office of children
19 and family services shall plan for the statewide implementation by the
20 thirty-first day of December, two thousand eight, of a county child and
21 family services plan that combines the [county] comprehensive plan
22 required by this section and the multi-year consolidated services plan
23 required by section thirty-four-a of the social services law into a
24 single plan.

25 c. The office of children and family services may waive any regulatory
26 requirements relating to the content and timing of [county] comprehen-
27 sive plans that may impede the ability of a county to implement a county
28 child and family services plan.

29 S 5. Section 422 of the executive law, as added by chapter 636 of the
30 laws of 1956, subdivisions 1, 3, 4, 7, 8 and 9 as amended by chapter 182
31 of the laws of 2002, subdivision 5 as amended by chapter 879 of the laws
32 of 1976 and subdivision 10 as added by chapter 400 of the laws of 1978,
33 is amended to read as follows:

34 S 422. Youth bureaus[; recreation and youth service projects; and
35 other youth programs]. 1. A. Any [county or] city, [or any] town or
36 village [with a total population of twenty thousand or more persons]
37 desiring to establish a LOCAL youth bureau[, or any municipality desir-
38 ing to establish a recreation, youth service or other project] may apply
39 to the [office] MUNICIPALITY WHICH SUCH CITY, TOWN OR VILLAGE IS LOCATED
40 WITHIN, for approval of its plans. The application shall be in writing,
41 specifying the nature of the program, and shall contain such information
42 as the [office] MUNICIPALITY shall require.

43 B. ALL LOCAL YOUTH BUREAUS APPROVED BY THE OFFICE OF CHILDREN AND
44 FAMILY SERVICES ON OR BEFORE APRIL FIRST, TWO THOUSAND THIRTEEN SHALL BE
45 DEEMED APPROVED LOCAL YOUTH BUREAUS FOR THE PURPOSE OF THIS ARTICLE.

46 2. No application for the approval of [plans for] a LOCAL youth
47 [program] BUREAU shall be considered BY THE MUNICIPALITY that has not
48 been first approved by the governing body of the [municipality] CITY,
49 TOWN OR VILLAGE making THE application.

50 3. The [office] MUNICIPALITY may approve or disapprove the proposed
51 LOCAL youth [program as filed, or, if its modifications are not objected
52 to by the applicant, approve the same with such modifications] BUREAU.

53 4. The approval of [any proposed] A LOCAL youth [program by the
54 office] BUREAU shall authorize the [county,] city [or municipality],
55 TOWN OR VILLAGE to establish, operate and maintain the program [and
56 entitle it to state aid as herein set forth; provided, however, the

1 office may at any time subsequently withdraw its approval or require
2 changes in a plan or program previously approved] AND WILL ALLOW THE
3 MUNICIPALITY TO DISTRIBUTE TO SUCH LOCAL YOUTH BUREAU, STATE AID
4 RECEIVED IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION FOUR HUNDRED
5 TWENTY OF THIS ARTICLE.

6 5. Two or more municipalities may join together to establish, operate
7 and maintain A MUNICIPAL youth [programs] BUREAU and may make and
8 perform agreements in connection therewith. Such agreements shall
9 include provisions for the proportionate cost to be borne by each muni-
10 cipality and for the manner of employment of personnel and may provide
11 that a fiscal officer of one such municipality shall be the custodian of
12 the moneys made available for expenditure for such purposes by all such
13 municipalities and that such fiscal officer may make payments therefrom
14 upon audit of the appropriate auditing body or officer of his OR HER
15 municipality. In making claims for state aid pursuant to SUBDIVISION ONE
16 OF SECTION FOUR HUNDRED TWENTY OF this article, each such municipality
17 shall claim for its proportionate share of THE TOTAL JOINT expenditures
18 so made. However, where it is provided that there shall be a disbursing
19 municipality, such disbursing municipality shall claim for the total
20 joint program expenditures so made and shall disburse such state aid to
21 each participating municipality based upon the proportionate share of
22 expenditures so made.

23 6. [A municipality and the board of education, board of trustees or
24 the trustee of a school district may make and perform agreements provid-
25 ing for the operation by a school district of a youth service, recre-
26 ation or other project of such municipality.

27 7. Moneys derived by a municipality from taxation, from profits of a
28 public utility service operated by it, or from gifts or grants available
29 therefor, may be made available in accordance with law and expended for
30 improvements to real property owned by it and held for school purposes
31 or owned by a school district in whole or in part located in such muni-
32 cipality where such real property is used by such municipality for youth
33 program purposes and where such improvements are required in connection
34 with such purposes. Such municipality may receive reimbursement for such
35 expenditures as herein provided, subject to the rules and regulations of
36 the office.

37 8. The office, by rule and regulation, may authorize expenditures to
38 be made by a municipality for work to be done or improvements to be made
39 to real property for youth program purposes.

40 9. Subject to the regulations of the office, a municipality may enter
41 into contracts to effectuate its youth program established and approved
42 as provided in this article.

43 10.] Notwithstanding any provision of law, rule or regulation to the
44 contrary, no [city, town or village] MUNICIPAL YOUTH BUREAU SERVING ONE
45 OR MORE MUNICIPALITIES with a TOTAL youth population of twenty-five
46 thousand or less [residing in such city, town or village] shall be
47 required under this article, or for purposes of receiving state aid
48 hereunder, to employ a full time executive director for their respective
49 proposed or approved youth programs, as the case may be.

50 S 6. Subdivisions 4, 5 and 6 of section 532-a of the executive law, as
51 amended by section 14 of part E of chapter 57 of the laws of 2005, are
52 amended and a new subdivision 8 is added to read as follows:

53 4. "Approved runaway program" shall mean any non-residential program
54 approved by the office of children and family services after submission
55 by the [county youth bureau] MUNICIPALITY, as part of its comprehensive
56 plan, or any residential facility which is operated by an authorized

1 agency as defined in subdivision ten of section three hundred seventy-
2 one of the social services law, and approved by the office of children
3 and family services after submission by the [county youth bureau] MUNI-
4 CIPALITY as part of its comprehensive plan, established and operated to
5 provide services to runaway and homeless youth in accordance with the
6 regulations of the office of temporary and disability assistance and the
7 office of children and family services. Such programs may also provide
8 non-residential crisis intervention and residential respite services to
9 youth in need of crisis intervention or respite services, as defined in
10 this section. Residential respite services in an approved runaway
11 program may be provided for no more than twenty-one days in accordance
12 with the regulations of the office of children and family services.

13 5. "Runaway and homeless youth service coordinator" shall mean any
14 person SO designated by [a county] A MUNICIPALITY whose duties shall
15 include but not be limited to answering inquiries at any time concerning
16 transportation, shelter and other services available to a runaway or
17 homeless youth or a youth in need of crisis intervention or respite
18 services.

19 6. "Transitional independent living support program" shall mean any
20 non-residential program approved by the office of children and family
21 services after submission by the [county youth bureau] MUNICIPALITY as
22 part of its comprehensive plan, or any residential facility approved by
23 the office of children and family services after submission by the
24 [county youth bureau] MUNICIPALITY as part of its comprehensive plan TO
25 OFFER YOUTH DEVELOPMENT PROGRAMS, established and operated to provide
26 supportive services, for a period of up to eighteen months in accordance
27 with the regulations of the office of children and family services, to
28 enable homeless youth between the ages of sixteen and twenty-one to
29 progress from crisis care and transitional care to independent living.
30 Such transitional independent living support program may also provide
31 services to youth in need of crisis intervention or respite services.
32 Notwithstanding the time limitation in paragraph (i) of subdivision (d)
33 of section seven hundred thirty-five of the family court act, residen-
34 tial respite services may be provided in a transitional independent
35 living support program for a period of more than twenty-one days.

36 8. "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING A POPULATION
37 OF ONE MILLION OR MORE.

38 S 7. Subdivision 2 of section 532-b of the executive law, as added by
39 chapter 722 of the laws of 1978, is amended to read as follows:

40 2. The runaway youth may remain in the program on a voluntary basis
41 for a period not to exceed thirty days from the date of admission where
42 the filing of a petition pursuant to article ten of the family court act
43 is not contemplated, in order that arrangements can be made for the
44 runaway youth's return home, alternative residential placement pursuant
45 to section three hundred ninety-eight of the social services law, or any
46 other suitable plan. If the runaway youth and the parent, guardian or
47 custodian agree, in writing, the runaway youth may remain in the runaway
48 program up to sixty days without the filing of a petition pursuant to
49 article ten of the family court act, provided that in any such case the
50 facility shall first have obtained the approval of the [county] APPLICA-
51 BLE MUNICIPAL runaway coordinator, who shall notify the [county] MUNICI-
52 PALITY'S youth bureau of his OR HER approval together with a statement
53 as to the reason why such additional residential stay is necessary and a
54 description of the efforts being made to find suitable alternative
55 living arrangements for such youth.

1 S 8. Paragraph (a) of subdivision 6 of section 34-a of the social
2 services law, as added by chapter 160 of the laws of 2004, is amended to
3 read as follows:

4 (a) Notwithstanding any other provision of law, the office of children
5 and family services shall plan for the statewide implementation, by the
6 thirty-first day of December, two thousand eight, of the use by counties
7 of a child and family services plan that combines the multi-year consol-
8 idated services plan required by this section and the [county] compre-
9 hensive plan required by section four hundred twenty of the executive
10 law into a single plan.

11 S 9. This act shall take effect January 1, 2014 and shall expire and
12 be deemed repealed on December 31, 2018.

13 PART H

14 Intentionally omitted

15 PART I

16 Intentionally omitted

17 PART J

18 Section 1. Subdivisions 12 and 13 of section 425 of the real property
19 tax law, as amended by section 1 of part B of chapter 389 of the laws of
20 1997, paragraph (a) of subdivision 12 as amended by section 12 of part W
21 of chapter 56 of the laws of 2010, paragraph (b) of subdivision 12 as
22 amended and paragraph (d) of subdivision 12 as added by section 1 of
23 part N of chapter 58 of the laws of 2011 and paragraph (d) of subdivi-
24 sion 13 as added by section 2 of part N of chapter 58 of the laws of
25 2011, are amended and a new subdivision 14 is added to read as follows:

26 12. Revocation of prior exemptions. (a) Generally. In addition to
27 discontinuing the exemption on the next ensuing tentative assessment
28 roll, if the assessor determines that the property improperly received
29 the exemption on one or more of the [three] SIX preceding assessment
30 rolls, PROVIDED THAT FINAL ASSESSMENT ROLLS THAT WERE FILED PRIOR TO
31 APRIL FIRST, TWO THOUSAND TEN SHALL NOT BE SUBJECT TO THE PROVISIONS OF
32 THIS SUBDIVISION, or is advised by the department that the applicable
33 income standard was not satisfied with regard to a property which
34 received the enhanced exemption on one or more of those rolls, he or she
35 shall proceed to revoke the improperly granted prior exemption or
36 exemptions. If the assessor is advised that the department was unable to
37 verify the income eligibility of one or more participants in the income
38 verification program, the assessor shall mail that person or those
39 persons a notice in a form prescribed by the department requesting that
40 the person or persons document their income in the same manner and to
41 the same extent as if the person or persons were submitting an initial
42 application for the enhanced STAR exemption. If such income documenta-
43 tion is not provided within forty-five days of such request, or if the
44 documentation provided does not establish the eligibility of the person
45 or persons to the assessor's satisfaction, the assessor shall treat the
46 exemption as an improperly granted exemption and proceed in the manner
47 provided by this subdivision.

48 (b) Procedure. The assessed value attributable to each such improperly
49 granted exemption shall be entered separately on the next ensuing tenta-
50 tive or final assessment roll. The provisions of section five hundred

fifty-one or five hundred fifty-three of this chapter, relating to the entry by the assessor of omitted real property on a tentative or final assessment roll, shall apply so far as practicable to the revocation procedure IN THIS SUBDIVISION, except that:

(I) the tax rate to be applied to any revoked exemption shall be the tax rate that was applied to the corresponding assessment roll, [and that]

(II) interest shall then be added to each such product at the rate prescribed by section nine hundred twenty-four-a of this chapter or such other law as may be applicable for each month or portion thereon since the levy of taxes upon the assessment roll or rolls upon which the exemption was granted, AND

(III) FOR IMPROPERLY GRANTED STAR EXEMPTIONS OCCURRING ON ASSESSMENT ROLLS FILED ON AND AFTER APRIL FIRST, TWO THOUSAND THIRTEEN, A PROCESSING FEE OF FIVE HUNDRED DOLLARS SHALL BE ADDED. SUCH PROCESSING FEE IMPOSED PURSUANT TO THIS SUBDIVISION SHALL BE RETAINED BY THE ASSESSING UNIT AND THE STATE SHALL BE ENTITLED TO NO PART THEREOF.

(c) Rights of owners. Each owner or owners shall be given notice of the possible revocation UNDER THIS SUBDIVISION of their exemption or exemptions at the time and in the manner provided by section five hundred ten or five hundred fifty-three of this chapter, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law.

(d) Applicability. The provisions of this subdivision shall not be applicable to the extent that the prior exemptions shall have been renounced pursuant to section four hundred ninety-six of this article.

(E) RECORDS RETENTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IMPOSE UPON AN ASSESSOR A DUTY TO RETAIN RECORDS FOR A PERIOD LONGER THAN THE PERIOD PRESCRIBED PURSUANT TO THE ARTS AND CULTURAL AFFAIRS LAW, OR TO REQUIRE AN ASSESSOR TO CONDUCT A REVIEW OF A TAXPAYER'S ELIGIBILITY WHEN THE ASSESSOR HAS DISPOSED OF THE RELEVANT RECORDS IN ACCORDANCE WITH SUCH LAW.

13. Penalty for material misstatements. (a) Generally. [If the assessor should determine, within three years from the filing of an application for exemption pursuant to this section, that there was a material misstatement on the application, he or she shall proceed to impose a penalty tax against the property of one hundred dollars.] IF THE ASSESSOR SHOULD DETERMINE THAT THERE WAS A MATERIAL MISSTATEMENT ON AN APPLICATION FOR EXEMPTION PURSUANT TO THIS SECTION THAT WAS FILED ON OR AFTER OCTOBER FIRST, TWO THOUSAND TEN, HE OR SHE SHALL PROCEED TO IMPOSE A PENALTY TAX AGAINST THE PROPERTY. IF THE APPLICATION WAS FILED PRIOR TO OCTOBER FIRST, TWO THOUSAND THIRTEEN, THE PENALTY TAX SHALL BE ONE HUNDRED DOLLARS, PROVIDED THAT THE ASSESSOR'S DETERMINATION MUST BE MADE WITHIN THREE YEARS OF THE FILING OF THE APPLICATION. IF THE APPLICATION WAS FILED ON OR AFTER OCTOBER FIRST, TWO THOUSAND THIRTEEN, THE PENALTY TAX SHALL BE EITHER ONE HUNDRED DOLLARS OR TWENTY PERCENT OF THE IMPROPERLY RECEIVED TAX SAVINGS, WHICHEVER IS GREATER NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS, PROVIDED FURTHER THAT THE ASSESSOR'S DETERMINATION MUST BE MADE WITHIN SIX YEARS OF THE FILING OF THE APPLICATION. An application shall be deemed to contain a material misstatement for this purpose when either:

(i) the applicant or applicants claimed that the property was their primary residence, when it was not; or

(ii) THE APPLICANT OR APPLICANTS CLAIMED THAT THEY HAD RELINQUISHED THE STAR EXEMPTION ON THEIR FORMER PRIMARY RESIDENCE, WHEN THEY KNEW THEY HAD NOT; OR

1 (III) in the case of an application for the enhanced exemption for
2 property owned by senior citizens, the applicant or applicants misrepres-
3 sented their age or income so as to appear eligible for such exemption,
4 when they were not.

5 (b) Procedure. When the assessor determines that a penalty tax should
6 be imposed, the penalty tax shall be entered on the next ensuing tenta-
7 tive or final assessment roll. The procedures set forth in section five
8 hundred fifty-one or five hundred fifty-three of this chapter, relating
9 to the entry by the assessor of omitted real property on a tentative or
10 final assessment roll, shall apply so far as practicable when imposing a
11 penalty tax pursuant to this subdivision. Each owner or owners shall be
12 given notice of the possible imposition of a penalty tax at the time and
13 in the manner provided by section five hundred ten or five hundred
14 fifty-three of this chapter, and shall be entitled to seek administra-
15 tive and judicial review of such action in the manner provided by law.
16 Any penalty tax imposed pursuant to this subdivision shall be retained
17 by the assessing unit AND THE STATE SHALL BE ENTITLED TO NO PART
18 THEREOF.

19 (c) Additional consequences. A penalty tax may be imposed pursuant to
20 this subdivision whether or not the improper exemption has been revoked
21 in the manner provided by this section. In addition, a person or persons
22 who are found to have made a material misstatement shall be disqualified
23 from further exemption pursuant to this section for a period of [five
24 years, and] FIVE YEARS IF SUCH MISSTATEMENT APPEARS ON AN APPLICATION
25 FILED PRIOR TO OCTOBER FIRST, TWO THOUSAND THIRTEEN, AND SIX YEARS IF
26 SUCH MISSTATEMENT APPEARS ON AN APPLICATION FILED THEREAFTER. IN ADDI-
27 TION, SUCH PERSON OR PERSONS may be subject to prosecution pursuant to
28 the penal law.

29 (d) Applicability. The provisions of this subdivision shall not be
30 applicable to the extent that the prior exemptions shall have been
31 renounced pursuant to section four hundred ninety-six of this article.

32 (E) RECORDS RETENTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
33 IMPOSE UPON AN ASSESSOR A DUTY TO RETAIN RECORDS FOR A PERIOD LONGER
34 THAN THE PERIOD PRESCRIBED PURSUANT TO THE ARTS AND CULTURAL AFFAIRS
35 LAW, OR TO REQUIRE AN ASSESSOR TO CONDUCT A REVIEW OF A TAXPAYER'S
36 ELIGIBILITY WHEN THE ASSESSOR HAS DISPOSED OF THE RELEVANT RECORDS IN
37 ACCORDANCE WITH SUCH LAW.

38 14. STAR REGISTRATION PROGRAM. (A) THE COMMISSIONER SHALL ESTABLISH
39 AND IMPLEMENT A PROGRAM UNDER WHICH ALL OWNERS OF PROPERTIES INITIALLY
40 APPLYING FOR AND THOSE RECEIVING A BASIC STAR EXEMPTION SHALL BE
41 REQUIRED TO BE REGISTERED WITH THE COMMISSIONER IN THE MANNER, AT SUCH
42 INTERVALS, AND BY THE DATE OR DATES PRESCRIBED BY THE COMMISSIONER,
43 PROVIDED THAT:

44 (I) OWNERS OF PROPERTIES THAT ARE RECEIVING THE BASIC STAR EXEMPTION
45 DURING THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR SHALL
46 BE REQUIRED TO INITIALLY REGISTER WITH THE COMMISSIONER NO LATER THAN
47 APRIL FIRST, TWO THOUSAND FOURTEEN;

48 (II) THE COMMISSIONER SHALL PROVIDE WRITTEN NOTICE OF THE REGISTRATION
49 REQUIREMENT TO SUCH OWNERS AT LEAST SIXTY DAYS BEFORE THE REGISTRATION
50 DEADLINE ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH;

51 (III) AN OWNER WHO FAILS TO REGISTER BY THE REGISTRATION DEADLINE SO
52 ESTABLISHED SHALL BE PERMITTED TO FILE A PETITION WITH THE COMMISSIONER
53 REQUESTING THAT THE COMMISSIONER EXCUSE SUCH FAILURE AND ACCEPT A LATE
54 REGISTRATION, PROVIDED THAT SUCH PETITION SHALL EXPLAIN WHY SUCH FAILURE
55 OCCURRED AND SHALL BE FILED NO LATER THAN ONE YEAR AFTER SUCH DEADLINE;

(IV) AFTER THE INITIAL REGISTRATION PROGRAM HAS BEEN IMPLEMENTED, THE COMMISSIONER SHALL ENDEAVOR TO CONFIRM THE CONTINUING ELIGIBILITY OF STAR RECIPIENTS THROUGH MEANS OTHER THAN RE-REGISTRATION, SUCH AS BY REVIEWING THE RELEVANT DATA APPEARING ON PERSONAL INCOME TAX RETURNS. THE COMMISSIONER MAY REINSTATE THE REGISTRATION REQUIREMENT, PROVIDED THAT IN NO EVENT MAY THE COMMISSIONER REQUIRE REGISTERED STAR RECIPIENTS TO RE-REGISTER MORE THAN ONCE IN A THREE-YEAR PERIOD IF THEIR PRIMARY ADDRESSES HAVE NOT CHANGED.

(B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL DIRECT THE REMOVAL OR DENIAL OF A STAR EXEMPTION IF HE OR SHE FINDS THAT ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

(I) ALL OWNERS OF THE PROPERTY HAVE NOT BEEN REGISTERED BY THE PRESCRIBED DATE AND NO ACCEPTABLE JUSTIFICATION HAS BEEN PRESENTED FOR SUCH FAILURE;

(II) THE OWNERS OF THE PROPERTY ARE IMPROPERLY RECEIVING MULTIPLE STAR EXEMPTIONS;

(III) THE PROPERTY DOES NOT SERVE AS THE PRIMARY RESIDENCE OF ANY OF ITS OWNERS;

(IV) THE APPLICABLE INCOME LIMITATION HAS BEEN EXCEEDED; OR

(V) THE PROPERTY IS OTHERWISE INELIGIBLE FOR THE STAR EXEMPTION.

(C) PRIOR TO DIRECTING THAT A STAR EXEMPTION BE REMOVED OR DENIED PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE THE PROPERTY OWNERS WITH NOTICE AND AN OPPORTUNITY TO SHOW THE COMMISSIONER THAT THE PROPERTY IS ELIGIBLE TO RECEIVE THE EXEMPTION. IF THE OWNERS FAIL TO RESPOND TO SUCH NOTICE WITHIN FORTY-FIVE DAYS FROM THE MAILING THEREOF, OR IF THEIR RESPONSE DOES NOT SHOW TO THE COMMISSIONER'S SATISFACTION THAT THE PROPERTY IS ELIGIBLE FOR THE EXEMPTION, THE COMMISSIONER SHALL DIRECT THE ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL TO REMOVE OR DENY THE EXEMPTION, AND TO CORRECT THE ROLL ACCORDINGLY. SUCH A DIRECTIVE SHALL BE BINDING UPON THE ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL, AND SHALL BE IMPLEMENTED BY SUCH PERSON WITHOUT THE NEED FOR FURTHER DOCUMENTATION OR APPROVAL.

(D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION SIX OF THIS SECTION, NEITHER AN ASSESSOR NOR A BOARD OF ASSESSMENT REVIEW HAS THE AUTHORITY TO CONSIDER AN OBJECTION TO THE REMOVAL OR DENIAL OF AN EXEMPTION PURSUANT TO THIS SUBDIVISION, NOR MAY SUCH AN ACTION BE REVIEWED IN A PROCEEDING TO REVIEW AN ASSESSMENT PURSUANT TO TITLE ONE OR ONE-A OF ARTICLE SEVEN OF THIS CHAPTER. SUCH AN ACTION MAY ONLY BE CHALLENGED BEFORE THE DEPARTMENT OF TAXATION AND FINANCE. IF A TAXPAYER IS DISSATISFIED WITH THE DEPARTMENT'S FINAL DETERMINATION, THE TAXPAYER MAY APPEAL THAT DETERMINATION TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES IN A FORM AND MANNER TO BE PRESCRIBED BY THE COMMISSIONER. SUCH APPEAL SHALL BE FILED WITHIN FORTY-FIVE DAYS FROM THE ISSUANCE OF THE DEPARTMENT'S FINAL DETERMINATION. IF DISSATISFIED WITH THE STATE BOARD'S DETERMINATION, THE TAXPAYER MAY SEEK JUDICIAL REVIEW THEREOF PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. THE TAXPAYER SHALL OTHERWISE HAVE NO RIGHT TO CHALLENGE SUCH FINAL DETERMINATION IN A COURT ACTION, ADMINISTRATIVE PROCEEDING OR ANY OTHER FORM OF LEGAL RECOURSE AGAINST THE COMMISSIONER, THE DEPARTMENT OF TAXATION AND FINANCE, THE STATE BOARD OF REAL PROPERTY TAX SERVICES, THE ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL REGARDING SUCH ACTION.

(E) THE COMMISSIONER SHALL BE ENTITLED TO UTILIZE INFORMATION FROM ANY FILINGS OF A TAXPAYER WITH THE DEPARTMENT OF TAXATION AND FINANCE IN CONJUNCTION WITH THE STAR REGISTRATION PROGRAM.

1 S 2. Subdivision 2 of section 200-a of the real property tax law, as
2 added by section 7 of part W of chapter 56 of the laws of 2010, is
3 amended to read as follows:

4 2. The state board of real property tax services shall have the
5 following powers in relation to real property tax administration:

6 (a) The power to determine the final special franchise value, special
7 franchise assessment, railroad ceiling, state equalization rate or any
8 other equalization product established pursuant to this chapter for
9 which a complaint has been filed, as provided by sections four hundred
10 eighty-nine-o, four hundred eighty-nine-ll, six hundred fourteen, twelve
11 hundred ten, twelve hundred fifty-three, and twelve hundred sixty-three
12 of this chapter;

13 (b) The power to hear and determine reviews relating to determinations
14 made by county equalization agencies, as provided by sections eight
15 hundred sixteen and eight hundred eighteen of this chapter; AND

16 (C) THE POWER TO HEAR AND DETERMINE REVIEWS RELATING TO DETERMINATIONS
17 OF STAR ELIGIBILITY MADE BY THE DEPARTMENT OF TAXATION AND FINANCE AS
18 PROVIDED BY SECTION FOUR HUNDRED TWENTY FIVE OF THIS CHAPTER.

19 S 3. This act shall take effect April 1, 2013.

20 PART K

21 Intentionally omitted

22 PART L

23 Intentionally omitted

24 PART M

25 Section 1. Notwithstanding any other provision of law, and provided
26 that the reserves in the project pool insurance account of the mortgage
27 insurance fund created pursuant to section 2429-b of the public authori-
28 ties law are sufficient to attain and maintain the credit rating (as
29 determined by the agency) required to accomplish the purposes of such
30 account, the board of directors of the state of New York mortgage agency
31 shall authorize the transfer from the project pool insurance account of
32 the mortgage insurance fund to the state treasury for deposit in the
33 general fund a total sum not to exceed one hundred four million dollars
34 as soon as practicable but no later than March 31, 2014.

35 S 2. Notwithstanding any other provision of law, the housing trust
36 fund corporation (the corporation) may provide, for purposes of the
37 neighborhood preservation program, a sum not to exceed eight million
38 four hundred seventy-nine thousand dollars for the fiscal year ending
39 March 31, 2014. Notwithstanding any other provision of law, and provided
40 that the reserves in the project pool insurance account of the mortgage
41 insurance fund created pursuant to section 2429-b of the public authori-
42 ties law are sufficient to attain and maintain the credit rating (as
43 determined by the agency) required to accomplish the purposes of such
44 account, the board of directors of the state of New York mortgage agency
45 shall authorize the transfer from the project pool insurance account of
46 the mortgage insurance fund to the housing trust fund corporation (the
47 corporation), for the purposes of reimbursing any costs associated with
48 neighborhood preservation program contracts authorized by this section,
49 a total sum not to exceed eight million four hundred seventy-nine thou-
50 sand dollars as soon as practicable but no later than June 30, 2013.

1 S 3. Notwithstanding any other provision of law, the housing trust
2 fund corporation (the corporation) may provide, for purposes of the
3 rural preservation program, a sum not to exceed three million five
4 hundred thirty-nine thousand dollars for the fiscal year ending March
5 31, 2014. Notwithstanding any other provision of law, and provided that
6 the reserves in the project pool insurance account of the mortgage
7 insurance fund created pursuant to section 2429-b of the public authori-
8 ties law are sufficient to attain and maintain the credit rating (as
9 determined by the agency) required to accomplish the purposes of such
10 account, the board of directors of the state of New York mortgage agency
11 shall authorize the transfer from the project pool insurance account of
12 the mortgage insurance fund to the housing trust fund corporation (the
13 corporation), for the purposes of reimbursing any costs associated with
14 rural preservation program contracts authorized by this section, a total
15 sum not to exceed three million five hundred thirty-nine thousand
16 dollars as soon as practicable but no later than June 30, 2013.

17 S 4. Notwithstanding any other provision of law, the housing trust
18 fund corporation (the corporation) may provide, for purposes of the
19 rural rental assistance program, a sum not to exceed twenty million four
20 hundred thousand dollars for the fiscal year ending March 31, 2014.
21 Notwithstanding any other provision of law, and provided that the
22 reserves in the project pool insurance account of the mortgage insurance
23 fund created pursuant to section 2429-b of the public authorities law
24 are sufficient to attain and maintain the credit rating (as determined
25 by the agency) required to accomplish the purposes of such account, the
26 board of directors of the state of New York mortgage agency shall
27 authorize the transfer from the project pool insurance account of the
28 mortgage insurance fund to the housing trust fund corporation (the
29 corporation), for the purposes of reimbursing any costs associated with
30 rural rental assistance program contracts authorized by this section, a
31 total sum not to exceed twenty million four hundred thousand dollars as
32 soon as practicable but no later than June 30, 2013. Notwithstanding
33 any other provision of law, all current and existing rural rental
34 assistance program contracts may be assigned to the corporation to
35 administer as soon as practicable. Notwithstanding any other provision
36 of law, such funds may be used by the corporation in support of
37 contracts scheduled to expire in 2013-14 for as many as 10 additional
38 years; in support of contracts for new eligible projects for a period
39 not to exceed 5 years; and in support of contracts which reach their 25
40 year maximum in and/or prior to 2013-14 for an additional one year peri-
41 od.

42 S 5. Notwithstanding any other provision of law, the housing finance
43 agency may provide, for costs associated with the rehabilitation of
44 Mitchell Lama housing projects, a sum not to exceed seventeen million
45 five hundred eighty-two thousand dollars for the fiscal year ending
46 March 31, 2014. Notwithstanding any other provision of law, and provided
47 that the reserves in the project pool insurance account of the mortgage
48 insurance fund created pursuant to section 2429-b of the public authori-
49 ties law are sufficient to attain and maintain the credit rating (as
50 determined by the agency) required to accomplish the purposes of such
51 account, the board of directors of the state of New York mortgage agency
52 shall authorize the transfer from the project pool insurance account of
53 the mortgage insurance fund to the housing finance agency, for the
54 purposes of reimbursing any costs associated with Mitchell Lama housing
55 projects authorized by this section, a total sum not to exceed seventeen

1 million five hundred eighty-two thousand dollars as soon as practicable
2 but no later than March 30, 2014.

3 S 6. Notwithstanding any other provision of law, the housing trust
4 fund corporation (the corporation) may provide, for purposes of the
5 rural and urban community investment fund program created pursuant to
6 article XXVII of the private housing finance law, a sum not to exceed
7 three million five hundred thousand dollars for the fiscal year ending
8 March 31, 2014. Notwithstanding any other provision of law, and provided
9 that the reserves in the project pool insurance account of the mortgage
10 insurance fund created pursuant to section 2429-b of the public authori-
11 ties law are sufficient to attain and maintain the credit rating (as
12 determined by the agency) required to accomplish the purposes of such
13 account, the board of directors of the state of New York mortgage agency
14 shall authorize the transfer from the project pool insurance account of
15 the mortgage insurance fund to the housing trust fund corporation (the
16 corporation), for the purposes of reimbursing any costs associated with
17 rural and urban community investment fund program contracts authorized
18 by this section, a total sum not to exceed three million five hundred
19 thousand dollars as soon as practicable but no later than March 31,
20 2014.

21 S 7. Notwithstanding any other provision of law, the housing trust
22 fund corporation (the corporation) may provide, for the purposes of
23 carrying out the provisions of the low income housing trust fund program
24 created pursuant to article XVIII of the private housing finance law, a
25 sum not to exceed three million dollars for the fiscal year ending March
26 31, 2014. Notwithstanding any other provision of law, and provided that
27 the reserves in the project pool insurance account of the mortgage
28 insurance fund created pursuant to section 2429-b of the public authori-
29 ties law are sufficient to attain and maintain the credit rating (as
30 determined by the agency) required to accomplish the purposes of such
31 account, the board of directors of the state of New York mortgage agency
32 shall authorize the transfer from the project pool insurance account of
33 the mortgage insurance fund to the housing trust fund corporation (the
34 corporation), for the purposes of carrying out the provisions of the low
35 income housing trust fund program created pursuant to article XVIII of
36 the private housing finance law authorized by this section, a total sum
37 not to exceed three million dollars as soon as practicable but no later
38 than March 31, 2014. Such funds shall only be used to support housing in
39 a metropolitan statistical area for persons and families whose income
40 does not exceed sixty percent of the median income for such metropolitan
41 statistical area, or housing in areas outside of a metropolitan statis-
42 tical area for persons or families whose income does not exceed sixty
43 percent of the median income for the state.

44 S 8. Notwithstanding any other provision of law, the housing trust
45 fund corporation (the corporation) may provide, for the purposes of
46 carrying out the provisions of the urban initiatives program created
47 pursuant to article XVI-A of the private housing finance law, a sum not
48 to exceed two million dollars for the fiscal year ending March 31, 2014.
49 Notwithstanding any other provision of law, and provided that the
50 reserves in the project pool insurance account of the mortgage insurance
51 fund created pursuant to section 2429-b of the public authorities law
52 are sufficient to attain and maintain the credit rating (as determined
53 by the agency) required to accomplish the purposes of such account, the
54 board of directors of the state of New York mortgage agency shall
55 authorize the transfer from the project pool insurance account of the
56 mortgage insurance fund to the housing trust fund corporation (the

corporation), for the purposes of carrying out the urban initiatives program created pursuant to provisions of article XVI-A of the private housing finance law authorized by this section, a total sum not to exceed two million dollars as soon as practicable but no later than March 31, 2014.

S 9. Notwithstanding any other provision of law, the housing trust fund corporation (the corporation) may provide, for purposes of the rural area revitalization program created pursuant to article XVII-B of the private housing finance law, a sum not to exceed one million five hundred thousand dollars for the fiscal year ending March 31, 2014. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation (the corporation), for the purposes of reimbursing any costs associated with rural area revitalization program contracts authorized by this section, a total sum not to exceed one million five hundred thousand dollars as soon as practicable but no later than March 31, 2014.

S 10. This act shall take effect immediately.

PART N

Section 1. Section 21 of the labor law is amended by adding a new subdivision 14 to read as follows:

14. SHALL DO ALL THINGS NECESSARY FOR THE OPERATION OF THE NEW YORK STATE DATA CENTER ESTABLISHED IN THE DEPARTMENT IN COOPERATION WITH THE UNITED STATES BUREAU OF THE CENSUS; TO COOPERATE WITH OTHER STATE AGENCIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS, AND OTHER ENTITIES IN THE DISSEMINATION OF SOCIO-ECONOMIC INFORMATION AND DATA THROUGH THE NEW YORK STATE DATA CENTER PROGRAM; IN RELATION TO SUCH INFORMATION AND DATA, TO PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE AGENCIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS AND OTHER ENTITIES; AND TO PREPARE ESTIMATES AND THE OFFICIAL PROJECTIONS OF POPULATION, HOUSEHOLDS AND OTHER CHARACTERISTICS OF THE STATE FOR USE BY ALL STATE AGENCIES. ALL EMPLOYEES TRANSFERRED TO THE DEPARTMENT SHALL BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION TO THE SAME OR SIMILAR TITLES AND SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING UNITS AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS, STATUS AND RIGHTS PURSUANT TO THEIR COLLECTIVE BARGAINING UNITS AND COLLECTIVE BARGAINING AGREEMENTS.

S 2. Subdivision 17 of section 100 of the economic development law is REPEALED.

S 3. This act shall take effect immediately.

PART O

Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

(a) "Wages" means all remuneration paid, except that such term does not include remuneration paid to an employee by an employer after eight thousand five hundred dollars have been paid to such employee by such

1 employer with respect to employment during any calendar year, EXCEPT
2 THAT SUCH TERM DOES NOT INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN
3 EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR BEGINNING
4 WITH THE FIRST DAY OF

THAT EXCEEDS

5		
6	JANUARY 2014	\$10,300
7	JANUARY 2015	\$10,500
8	JANUARY 2016	\$10,700
9	JANUARY 2017	\$10,900
10	JANUARY 2018	\$11,100
11	JANUARY 2019	\$11,400
12	JANUARY 2020	\$11,600
13	JANUARY 2021	\$11,800
14	JANUARY 2022	\$12,000
15	JANUARY 2023	\$12,300
16	JANUARY 2024	\$12,500
17	JANUARY 2025	\$12,800
18	JANUARY 2026	\$13,000

19 AND EACH YEAR THEREAFTER ON THE FIRST DAY OF JANUARY THAT EXCEEDS
20 SIXTEEN PERCENT OF THE STATE'S AVERAGE ANNUAL WAGE AS DETERMINED BY THE
21 COMMISSIONER ON AN ANNUAL BASIS PURSUANT TO SECTION FIVE HUNDRED TWEN-
22 TY-NINE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT IN CALCULATING SUCH
23 MAXIMUM AMOUNT OF REMUNERATION, THE AMOUNT ARRIVED AT BY MULTIPLYING THE
24 STATE'S AVERAGE ANNUAL WAGE TIMES SIXTEEN PERCENT SHALL BE ROUNDED UP TO
25 THE NEAREST HUNDRED DOLLARS. IN NO EVENT SHALL THE STATE'S ANNUAL AVER-
26 AGE WAGE BE REDUCED FROM THE AMOUNT DETERMINED IN THE PREVIOUS YEAR. The
27 term "employment" includes for the purposes of this subdivision services
28 constituting employment under any unemployment compensation law of
29 another state or the United States.

30 S 2. Subdivision 1, paragraph (a) of subdivision 2 and subdivision 6
31 of section 527 of the labor law, subdivision 1 as amended by chapter 413
32 of the laws of 2003, paragraph (a) of subdivision 2 as amended by chap-
33 ter 5 of the laws of 2000 and subdivision 6 as added by chapter 589 of
34 the laws of 1998, are amended to read as follows:

35 1. Basic condition. "Valid original claim" is a claim filed by a
36 claimant who meets the following qualifications: (a) is able to work,
37 and available for work; (b) is not subject to any disqualification or
38 suspension under this article; (c) his OR HER previously established
39 benefit year, if any, has expired; (d) has been paid remuneration by
40 employers liable for contributions or for payments in lieu of contrib-
41 utions under this article, other than employers from whom the claimant
42 lost employment [under conditions which would be] AND FOR WHICH THE
43 COMMISSIONER MAKES A DETERMINATION disqualifying THE CLAIMANT FOR
44 MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of
45 section five hundred ninety-three of this article, for employment during
46 at least two calendar quarters of the base period, with remuneration of
47 one and one-half times the high calendar quarter [earnings] REMUNERATION
48 within the base period and with at least [one thousand six] TWO HUNDRED
49 TWENTY-ONE TIMES THE MINIMUM WAGE ESTABLISHED UNDER SUBDIVISION ONE OF
50 SECTION SIX HUNDRED FIFTY-TWO OF THIS CHAPTER ROUNDED DOWN TO THE NEAR-
51 EST ONE hundred dollars of such remuneration being paid during the high
52 calendar quarter of such base period. For purposes of this section, the
53 [earnings] REMUNERATION in the high calendar quarter of the base period
54 used in determining a valid original claim shall not exceed an amount
55 equal to twenty-two times the maximum benefit rate as set forth in

1 subdivision five of section five hundred ninety of this article for all
2 individuals.

3 (a) An individual who is unable to file a valid original claim in
4 accordance with subdivision one of this section, files a valid original
5 claim by meeting the qualifications enumerated in paragraphs (a), (b)
6 and (c) of subdivision one of this section and by having been paid
7 remuneration by employers liable for contributions or for payments in
8 lieu of contributions under this article, other than employers from whom
9 the claimant lost employment [under conditions which are] AND FOR WHICH
10 THE COMMISSIONER MAKES A DETERMINATION disqualifying THE CLAIMANT FOR
11 MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of
12 section five hundred ninety-three of this article, for employment during
13 at least two calendar quarters of the base period, with remuneration of
14 one and one-half times the high calendar quarter [earnings] REMUNERATION
15 within the base period and with at least [one thousand six] TWO HUNDRED
16 TWENTY-ONE TIMES THE MINIMUM WAGE ESTABLISHED UNDER SUBDIVISION ONE OF
17 SECTION SIX HUNDRED FIFTY-TWO OF THIS CHAPTER ROUNDED DOWN TO THE NEAR-
18 EST ONE hundred dollars of such remuneration being paid during the high
19 calendar quarter of such base period. For purposes of this section, the
20 [earnings] REMUNERATION in the high calendar quarter of the base period
21 used in determining a valid original claim shall not exceed an amount
22 equal to twenty-two times the maximum benefit rate as set forth in
23 subdivision five of section five hundred ninety of this article for all
24 individuals.

25 6. Work requirement. An individual who has filed a previous valid
26 original claim pursuant to this section must have worked in employment
27 and been paid remuneration for such work since the beginning of such
28 previous claim in an amount equal to at least [five] TEN times the
29 claimant's weekly benefit rate in order to be able to file a subsequent
30 valid original claim.

31 S 3. The labor law is amended by adding a new section 529 to read as
32 follows:

33 S 529. AVERAGE ANNUAL WAGE; AVERAGE WEEKLY WAGE. 1. THE "AVERAGE ANNU-
34 AL WAGE" SHALL BE THE AVERAGE ANNUAL WAGE OF THE STATE OF NEW YORK FOR
35 THE PREVIOUS CALENDAR YEAR AS DETERMINED BY THE COMMISSIONER NO LATER
36 THAN THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

37 2. THE "AVERAGE WEEKLY WAGE" SHALL BE THE AVERAGE WEEKLY WAGE OF THE
38 STATE OF NEW YORK FOR THE PREVIOUS CALENDAR YEAR AS DETERMINED BY THE
39 COMMISSIONER NO LATER THAN THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

40 S 4. Subdivisions 1 and 3 of section 576 of the labor law, as amended
41 by chapter 49 of the laws of 1966, are amended to read as follows:

42 1. Determinations of liability for contributions. No determination of
43 liability for contributions pursuant to section five hundred sixty of
44 this article shall be made more than three years after the last day of
45 the calendar year in which the wages on which such liability is based
46 were paid, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

47 3. Determinations of LIABILITY FOR AND amount of contributions after
48 contest. If an employer contests a determination of liability for
49 contributions, a determination of LIABILITY FOR AND the amount of
50 contributions due FOR THE CONTESTED PERIOD AND SUBSEQUENT PERIODS may be
51 made at any time prior to the latter of the following:

52 (a) three years after the last day of the calendar year in which the
53 wages on which such contributions are based were paid; or

54 (b) two years after the last day of the calendar year in which such
55 determination of liability for contributions became final and irrev-
56 ovable.

S 5. Paragraph (a) of subdivision 1 of section 577 of the labor law is amended by adding a new subparagraph 9 to read as follows:

(9) MONIES PURSUANT TO SECTION FIVE HUNDRED NINETY-FOUR OF THIS TITLE.

S 6. Subparagraph 3 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

(3) An employer's account shall not be charged, and the charges shall instead be made to the general account, for benefits paid to a claimant after the expiration of a period of disqualification from benefits following a final determination that the claimant lost employment with the employer through misconduct or voluntary separation of employment without good cause within the meaning of section five hundred ninety-three of this article and the charges are attributable to remuneration paid during the claimant's base period of employment with such employer prior to the claimant's loss of employment with such employer through misconduct or voluntary separation of employment without good cause, PROVIDED, HOWEVER, THAT AN EMPLOYER SHALL NOT BE RELIEVED OF CHARGES PURSUANT TO THIS SUBPARAGRAPH IF AN EMPLOYER OR ITS AGENT FAILS TO SUBMIT INFORMATION RESULTING IN AN OVERPAYMENT PURSUANT TO SECTION FIVE HUNDRED NINETY-SEVEN OF THIS ARTICLE.

S 7. Paragraph (a) of subdivision 2 of section 581 of the labor law, as added by chapter 413 of the laws of 2003, is amended to read as follows:

(a) Each qualified employer's rate of contribution shall be the percentage shown in the column headed by the size of the fund index as of the computation date and on the same line with his or her negative or positive employer's account percentage, except that if within the three payroll years preceding the computation date any part of a negative balance has been transferred from any employer's account as a charge to the general account pursuant to the provisions of paragraph (e) of subdivision one of this section such employer's rate of contribution shall be the maximum contribution rate as shown in the column headed by the size of fund index;

Size of Fund Index

Employer's
Account

Percentage	Less Than 0%	0% but less than 0.5%	0.5% but less than 1.0%	1.0% but less than 1.5%	1.5% but less than 2.0%	2.0% but less than 2.5%	2.5% but less than 3.0%	3.0% but less than 3.5%	3.5% but less than 4.0%	4.0% but less than 4.5%	4.5% but less than 5.0%	5.0% or more
21.0% or more	8.90	8.70	8.50	8.30	8.10	7.30	6.90	6.50	6.20	6.10	6.00	5.90
20.5% or more but less than 21.0%	8.80	8.60	8.40	8.20	8.00	7.20	6.80	6.40	6.10	6.00	5.90	5.80
20.0% or more but less than 20.5%	8.70	8.50	8.30	8.10	7.90	7.10	6.70	6.30	6.00	5.90	5.80	5.70

Negative

21.0% or more	8.90	8.70	8.50	8.30	8.10	7.30	6.90	6.50	6.20	6.10	6.00	5.90
20.5% or more but less than 21.0%	8.80	8.60	8.40	8.20	8.00	7.20	6.80	6.40	6.10	6.00	5.90	5.80
20.0% or more but less than 20.5%	8.70	8.50	8.30	8.10	7.90	7.10	6.70	6.30	6.00	5.90	5.80	5.70

1	19.5%												
2	or more												
3	but less												
4	than 20.0%	8.60	8.40	8.20	8.00	7.80	7.00	6.60	6.20	5.90	5.80	5.70	5.60
5	19.0%												
6	or more												
7	but less												
8	than 19.5%	8.50	8.30	8.10	7.90	7.70	6.90	6.50	6.10	5.80	5.70	5.60	5.50
9	18.5%												
10	or more												
11	but less												
12	than 19.0%	8.40	8.20	8.00	7.80	7.60	6.80	6.40	6.00	5.70	5.60	5.50	5.40
13	18.0%												
14	or more												
15	but less												
16	than 18.5%	8.30	8.10	7.90	7.70	7.50	6.70	6.30	5.90	5.60	5.50	5.40	5.30
17	17.5%												
18	or more												
19	but less												
20	than 18.0%	8.20	8.00	7.80	7.60	7.40	6.60	6.20	5.80	5.50	5.40	5.30	5.20
21	17.0%												
22	or more												
23	but less												
24	than 17.5%	8.10	7.90	7.70	7.50	7.30	6.50	6.10	5.70	5.40	5.30	5.20	5.10
25	16.5%												
26	or more												
27	but less												
28	than 17.0%	8.00	7.80	7.60	7.40	7.20	6.40	6.00	5.60	5.30	5.20	5.10	5.00
29	16.0%												
30	or more												
31	but less												
32	than 16.5%	7.90	7.70	7.50	7.30	7.10	6.30	5.90	5.50	5.20	5.10	5.00	4.90
33	15.5%												
34	or more												
35	but less												
36	than 16.0%	7.80	7.60	7.40	7.20	7.00	6.20	5.80	5.40	5.10	5.00	4.90	4.80
37	15.0%												
38	or more												
39	but less												
40	than 15.5%	7.70	7.50	7.30	7.10	6.90	6.10	5.70	5.30	5.00	4.90	4.80	4.70
41	14.5%												
42	or more												
43	but less												
44	than 15.0%	7.60	7.40	7.20	7.00	6.80	6.00	5.60	5.20	4.90	4.80	4.70	4.60
45	14.0%												
46	or more												
47	but less												
48	than 14.5%	7.50	7.30	7.10	6.90	6.70	5.90	5.50	5.10	4.80	4.70	4.60	4.50
49	13.5%												
50	or more												
51	but less												
52	than 14.0%	7.40	7.20	7.00	6.80	6.60	5.80	5.40	5.00	4.70	4.60	4.50	4.40
53	13.0%												
54	or more												
55	but less												
56	than 13.5%	7.30	7.10	6.90	6.70	6.50	5.70	5.30	4.90	4.60	4.50	4.40	4.30

1	12.5%												
2	or more												
3	but less												
4	than 13.0%	7.20	7.00	6.80	6.60	6.40	5.60	5.20	4.80	4.50	4.40	4.30	4.20
5	12.0%												
6	or more												
7	but less												
8	than 12.5%	7.10	6.90	6.70	6.50	6.30	5.50	5.10	4.70	4.40	4.30	4.20	4.10
9	11.5%												
10	or more												
11	but less												
12	than 12.0%	7.00	6.80	6.60	6.40	6.20	5.40	5.00	4.60	4.30	4.20	4.10	4.00
13	11.0%												
14	or more												
15	but less												
16	than 11.5%	6.90	6.70	6.50	6.30	6.10	5.30	4.90	4.50	4.20	4.10	4.00	3.90
17	10.5%												
18	or more												
19	but less												
20	than 11.0%	6.80	6.60	6.40	6.20	6.00	5.20	4.80	4.40	4.10	4.00	3.90	3.80
21	10.0%												
22	or more												
23	but less												
24	than 10.5%	6.70	6.50	6.30	6.10	5.90	5.10	4.70	4.30	4.00	3.90	3.80	3.70
25	9.5%												
26	or more												
27	but less												
28	than 10.0%	6.60	6.40	6.20	6.00	5.80	5.00	4.60	4.20	3.90	3.80	3.70	3.60
29	9.0%												
30	or more												
31	but less												
32	than 9.5%	6.50	6.30	6.10	5.90	5.70	4.90	4.50	4.10	3.80	3.70	3.60	3.50
33	8.5%												
34	or more												
35	but less												
36	than 9.0%	6.40	6.20	6.00	5.80	5.60	4.80	4.40	4.00	3.70	3.60	3.50	3.40
37	8.0%												
38	or more												
39	but less												
40	than 8.5%	6.30	6.10	5.90	5.70	5.50	4.70	4.30	3.90	3.60	3.50	3.40	3.30
41	7.0%												
42	or more												
43	but less												
44	than 8.0%	6.20	6.00	5.80	5.60	5.40	4.60	4.20	3.80	3.50	3.40	3.30	3.20
45	6.0%												
46	or more												
47	but less												
48	than 7.0%	6.10	5.90	5.70	5.50	5.30	4.50	4.10	3.70	3.40	3.30	3.20	3.10
49	5.0%												
50	or more												
51	but less												
52	than 6.0%	6.00	5.80	5.60	5.40	5.20	4.40	4.00	3.60	3.30	3.20	3.10	3.00
53	4.0%												
54	or more												
55	but less												
56	than 5.0%	5.90	5.70	5.50	5.30	5.10	4.30	3.90	3.50	3.20	3.10	3.00	2.90

[illegible]

[illegible]

1	or more but													
2	less than													
3	10.25%	1.70	1.50	1.30	1.10	0.90	0.50	0.10	0.00	0.00	0.00	0.00	0.00	0.00
4	10.25%													
5	or more but													
6	less than													
7	10.5%	1.60	1.40	1.20	1.00	0.80	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	10.5%													
9	or more [but													
10	less than													
11	10.75%]	1.50	1.30	1.10	0.90	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	[10.75%													
13	or more but													
14	less than													
15	11.0%	1.40	1.20	1.00	0.80	0.60	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16	11.0%													
17	or more but													
18	less than													
19	11.25%	1.30	1.10	0.90	0.70	0.50	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20	11.25%													
21	or more but													
22	less than													
23	11.5%	1.20	1.00	0.80	0.60	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24	11.5%													
25	or more but													
26	less than													
27	11.75%	1.10	0.90	0.70	0.50	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28	11.75%													
29	or more but													
30	less than													
31	12.0%	1.00	0.80	0.60	0.40	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32	12.0% or													
33	more	0.90	0.70	0.50	0.30	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00]

34 S 8. Subdivision 5 of section 590 of the labor law, as amended by
 35 chapter 413 of the laws of 2003, is amended to read as follows:

36 5. Benefit rate. (A) A claimant's weekly benefit amount shall be one
 37 twenty-sixth of the remuneration paid during the highest calendar quar-
 38 ter of the base period by employers, liable for contributions or
 39 payments in lieu of contributions under this article, PROVIDED THE
 40 CLAIMANT HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS DURING HIS
 41 OR HER BASE PERIOD OR ALTERNATE BASE PERIOD. However, for [claimants]
 42 ANY CLAIMANT WHO HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS
 43 DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD AND whose high
 44 calendar quarter remuneration during the base period is three thousand
 45 five hundred seventy-five dollars or less, the benefit amount shall be
 46 one twenty-fifth of the remuneration paid during the highest calendar
 47 quarter of the base period by employers liable for contributions or
 48 payments in lieu of contributions under this article. A CLAIMANT'S WEEK-
 49 LY BENEFIT SHALL BE ONE TWENTY-SIXTH OF THE AVERAGE REMUNERATION PAID IN
 50 THE TWO HIGHEST QUARTERS PAID DURING THE BASE PERIOD OR ALTERNATE BASE
 51 PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS IN LIEU OF
 52 CONTRIBUTIONS UNDER THIS ARTICLE WHEN THE CLAIMANT HAS REMUNERATION PAID
 53 IN TWO OR THREE CALENDAR QUARTERS PROVIDED HOWEVER, THAT A CLAIMANT
 54 WHOSE HIGH CALENDAR QUARTER IS FOUR THOUSAND DOLLARS OR LESS BUT GREATER
 55 THAN THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS SHALL HAVE A WEEK-
 56 LY BENEFIT AMOUNT OF ONE TWENTY-SIXTH OF SUCH HIGH CALENDAR QUARTER.

1 HOWEVER, FOR ANY CLAIMANT WHO HAS REMUNERATION PAID IN TWO OR THREE
2 CALENDAR QUARTERS DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD
3 AND WHOSE HIGH CALENDAR QUARTER REMUNERATION DURING THE BASE PERIOD IS
4 THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS OR LESS, THE BENEFIT
5 AMOUNT SHALL BE ONE TWENTY-FIFTH OF THE REMUNERATION PAID DURING THE
6 HIGHEST CALENDAR QUARTER OF THE BASE PERIOD BY EMPLOYERS LIABLE FOR
7 CONTRIBUTIONS OR PAYMENTS IN LIEU OF CONTRIBUTIONS UNDER THIS ARTICLE.
8 Any claimant whose high calendar quarter remuneration during the base
9 period is more than three thousand five hundred seventy-five dollars
10 shall not have a weekly benefit amount less than one hundred forty-three
11 dollars. The weekly benefit amount, so computed, that is not a multiple
12 of one dollar shall be lowered to the next multiple of one dollar. On
13 the first Monday of September, nineteen hundred ninety-eight the weekly
14 benefit amount shall not exceed three hundred sixty-five dollars nor be
15 less than forty dollars, until the first Monday of September, two thou-
16 sand, at which time the maximum benefit payable pursuant to this subdi-
17 vision shall equal one-half of the state average weekly wage for covered
18 employment as calculated by the department no sooner than July first,
19 two thousand and no later than August first, two thousand, rounded down
20 to the lowest dollar. ON AND AFTER THE FIRST MONDAY OF OCTOBER, TWO
21 THOUSAND FOURTEEN, THE WEEKLY BENEFIT SHALL NOT BE LESS THAN ONE HUNDRED
22 DOLLARS, NOR SHALL IT EXCEED FOUR HUNDRED TWENTY DOLLARS UNTIL THE FIRST
23 MONDAY OF OCTOBER, TWO THOUSAND FIFTEEN WHEN THE MAXIMUM BENEFIT AMOUNT
24 SHALL BE FOUR HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF
25 OCTOBER, TWO THOUSAND SIXTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE
26 FOUR HUNDRED THIRTY DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO
27 THOUSAND SEVENTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED
28 THIRTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND
29 EIGHTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED FIFTY
30 DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND NINETEEN WHEN
31 THE MAXIMUM BENEFIT AMOUNT SHALL BE THIRTY-SIX PERCENT OF THE AVERAGE
32 WEEKLY WAGE UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY WHEN
33 THE MAXIMUM BENEFIT AMOUNT SHALL BE THIRTY-EIGHT PERCENT OF THE AVERAGE
34 WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER TWO THOUSAND TWENTY-ONE
35 WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY PERCENT OF THE AVERAGE
36 WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-TWO
37 WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-TWO PERCENT OF THE AVER-
38 AGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWEN-
39 TY-THREE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-FOUR PERCENT OF
40 THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND
41 TWENTY-FOUR WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-SIX PERCENT
42 OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOU-
43 SAND TWENTY-FIVE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-EIGHT
44 PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER,
45 TWO THOUSAND TWENTY-SIX AND EACH YEAR THEREAFTER ON THE FIRST MONDAY OF
46 OCTOBER WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FIFTY PERCENT OF THE
47 AVERAGE WEEKLY WAGE PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE MAXI-
48 MUM BENEFIT AMOUNT BE REDUCED FROM THE PREVIOUS YEAR.

49 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
50 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
51 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE COMMISSIONER DETERMINES
52 THAT THE STATE HAS HAD A DECREASE IN PRIVATE SECTOR JOBS IN EACH MONTH
53 OF THE FIRST TWO CALENDAR QUARTERS OF THE YEAR IN WHICH THE MAXIMUM
54 BENEFIT AMOUNT INCREASE IS SCHEDULED TO OCCUR. IF THE COMMISSIONER
55 DETERMINES THAT THE STATE HAS NOT HAD A DECREASE IN PRIVATE SECTOR JOBS
56 IN EACH MONTH IN THE FIRST TWO CALENDAR QUARTERS IN YEARS SUBSEQUENT TO

1 SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN THE
2 MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR PREVI-
3 OUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS
4 SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY
5 THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF
6 THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION
7 OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE
8 MOST RECENT YEAR.

9 S 9. Paragraph (b) of subdivision 5 of section 590 of the labor law,
10 as added by section eight of this act, is REPEALED and a new paragraph
11 (b) is added to read as follows:

12 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
13 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
14 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND ON
15 THE THIRTY-FIRST DAY OF MAY OF THE SAME YEAR IS LESS THAN AN AMOUNT OF
16 THE FUNDS PROJECTED TO BE NEEDED TO PAY FOR THE INCREASE IN BENEFITS AS
17 DETERMINED BY THE COMMISSIONER. IF FUND REVENUES ARE DETERMINED BY THE
18 COMMISSIONER TO BE SUFFICIENT TO PAY FOR THE INCREASE IN BENEFITS IN
19 YEARS SUBSEQUENT TO SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENE-
20 FIT AMOUNT, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT
21 FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARA-
22 GRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND
23 INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH
24 IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION
25 RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE
26 AMOUNT PROVIDED IN THE MOST RECENT YEAR.

27 S 10. Paragraph (b) of subdivision 5 of section 590 of the labor law,
28 as added by section nine of this act is REPEALED and a new paragraph (b)
29 is added to read as follows:

30 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
31 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
32 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND IS
33 DETERMINED BY THE COMMISSIONER TO NOT HAVE REACHED OR EXCEEDED THIRTY
34 PERCENT OF THE AVERAGE HIGH COST MULTIPLE, AS DEFINED IN 20 CFR PART 606
35 AS THE STANDARD FOR RECEIPT OF INTEREST-FREE FEDERAL LOANS, ON AT LEAST
36 ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH OF THE SAME CALENDAR YEAR
37 AS THE INCREASE SHALL TAKE EFFECT. IF, FOLLOWING SUCH SUSPENSION OF AN
38 INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THE COMMISSIONER SHALL DETER-
39 MINE, ON AT LEAST ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH THAT
40 THE BALANCE OF THE FUND IS GREATER THAN SUCH THIRTY PERCENT AVERAGE HIGH
41 COST MULTIPLE, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE
42 PERCENTAGE FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT
43 TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED
44 AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET
45 FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL SUCH
46 SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS
47 THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

48 S 11. Subdivision 9 of section 590 of the labor law is amended by
49 adding a new paragraph (d) to read as follows:

50 (D) AN ALIEN WHO IS NOT ELIGIBLE UNDER 8 USC 1621(A) SHALL BE ELIGIBLE
51 FOR BENEFITS, PROVIDED SUCH ALIEN IS ELIGIBLE FOR BENEFITS UNDER THE
52 PROVISIONS OF THIS ARTICLE AND SECTION 3304 (A) (14) OF THE FEDERAL
53 UNEMPLOYMENT TAX ACT.

54 S 12. Subdivision 2 of section 591 of the labor law, as amended by
55 chapter 720 of the laws of 1953, is amended to read as follows:

2. Availability [and], capability, AND WORK SEARCH. No benefits shall be payable to any claimant who is not capable of work or who is not ready, willing and able to work in his OR HER usual employment or in any other for which he OR SHE is reasonably fitted by training and experience AND WHO IS NOT ACTIVELY SEEKING WORK. IN ORDER TO BE ACTIVELY SEEKING WORK A CLAIMANT MUST BE ENGAGED IN SYSTEMATIC AND SUSTAINED EFFORTS TO FIND WORK. THE COMMISSIONER SHALL PROMULGATE REGULATIONS DEFINING SYSTEMATIC AND SUSTAINED EFFORTS TO FIND WORK AND SETTING STANDARDS FOR THE PROOF OF WORK SEARCH EFFORTS.

S 13. Section 591 of the labor law is amended by adding a new subdivision 6 to read as follows:

6. DISMISSAL PAY. (A) NO BENEFITS SHALL BE PAYABLE TO A CLAIMANT FOR ANY WEEK DURING A DISMISSAL PERIOD FOR WHICH A CLAIMANT RECEIVES DISMISSAL PAY, NOR SHALL ANY DAY WITHIN SUCH WEEK BE CONSIDERED A DAY OF TOTAL UNEMPLOYMENT UNDER SECTION FIVE HUNDRED TWENTY-TWO OF THIS ARTICLE, IF SUCH WEEKLY DISMISSAL PAY EXCEEDS THE MAXIMUM WEEKLY BENEFIT RATE.

(B) THE TERM "DISMISSAL PAY", AS USED IN THIS SUBDIVISION, MEANS ONE OR MORE PAYMENTS MADE BY AN EMPLOYER TO AN EMPLOYEE DUE TO HIS OR HER SEPARATION FROM SERVICE OF THE EMPLOYER REGARDLESS OF WHETHER THE EMPLOYER IS LEGALLY BOUND BY CONTRACT, STATUTE OR OTHERWISE TO MAKE SUCH PAYMENTS. THE TERM DOES NOT INCLUDE PAYMENTS FOR PENSION, RETIREMENT, ACCRUED LEAVE, AND HEALTH INSURANCE OR PAYMENTS FOR SUPPLEMENTAL UNEMPLOYMENT BENEFITS.

(C) THE TERM "DISMISSAL PERIOD", AS USED IN THIS SUBDIVISION, MEANS THE TIME DESIGNATED FOR WEEKS OF DISMISSAL PAY ATTRIBUTABLE TO THE CLAIMANT'S WEEKLY EARNINGS IN ACCORDANCE WITH THE COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT CONTRACT, EMPLOYER'S DISMISSAL POLICY, DISMISSAL AGREEMENT WITH THE EMPLOYER OR OTHER SUCH AGREEMENT. IF NO SUCH AGREEMENT, CONTRACT OR POLICY DESIGNATES A DISMISSAL PERIOD, THEN THE DISMISSAL PERIOD SHALL BE THE TIME DESIGNATED IN WRITING IN ADVANCE BY THE EMPLOYER TO BE CONSIDERED THE DISMISSAL PERIOD. IF NO TIME PERIOD IS DESIGNATED, THE DISMISSAL PERIOD SHALL COMMENCE ON THE DAY AFTER THE CLAIMANT'S LAST DAY OF EMPLOYMENT. IF THE DISMISSAL PAYMENT IS IN A LUMP SUM AMOUNT OR FOR AN INDEFINITE PERIOD, DISMISSAL PAYMENTS SHALL BE ALLOCATED ON A WEEKLY BASIS FROM THE DAY AFTER THE CLAIMANT'S LAST DAY OF EMPLOYMENT AND THE CLAIMANT SHALL NOT BE ELIGIBLE FOR BENEFITS FOR ANY WEEK FOR WHICH IT IS DETERMINED THAT THE CLAIMANT RECEIVES DISMISSAL PAY. THE AMOUNT OF DISMISSAL PAY SHALL BE ALLOCATED BASED ON THE CLAIMANT'S ACTUAL WEEKLY REMUNERATION PAID BY THE EMPLOYER DURING HIS OR HER EMPLOYMENT OR, IF SUCH AMOUNT CANNOT BE DETERMINED, THE AMOUNT OF THE CLAIMANT'S AVERAGE WEEKLY WAGE FOR THE HIGHEST CALENDAR QUARTER.

(D) NOTWITHSTANDING THE FOREGOING, THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY DURING ANY WEEKS IN WHICH THE INITIAL PAYMENT OF DISMISSAL PAY IS MADE MORE THAN THIRTY DAYS FROM THE LAST DAY OF THE CLAIMANT'S EMPLOYMENT.

S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section 591-a of the labor law, as added by chapter 413 of the laws of 2003, is amended to read as follows:

(i) requirements relating to total unemployment, as defined in section five hundred twenty-two of this article, availability for work AND SEARCH FOR WORK, as set forth in subdivision two of section five hundred ninety-one of this title and refusal to accept work, as set forth in subdivision two of section five hundred ninety-three of this title, are not applicable to such individuals;

1 S 15. Paragraph (a) of subdivision 1, the opening paragraph of subdi-
2 vision 2 and subdivision 3 of section 593 of the labor law, paragraph
3 (a) of subdivision 1 as amended by chapter 35 of the laws of 2009, the
4 opening paragraph of subdivision 2 as amended by chapter 5 of the laws
5 of 2000, and subdivision 3 as amended by chapter 589 of the laws of
6 1998, are amended and a new subdivision 6 is added to read as follows:

7 (a) No days of total unemployment shall be deemed to occur after a
8 claimant's voluntary separation without good cause from employment until
9 he or she has subsequently worked in employment and earned remuneration
10 at least equal to [five] TEN times his or her weekly benefit rate. In
11 addition to other circumstances that may be found to constitute good
12 cause, including a compelling family reason as set forth in paragraph
13 (b) of this subdivision, voluntary separation from employment shall not
14 in itself disqualify a claimant if circumstances have developed in the
15 course of such employment that would have justified the claimant in
16 refusing such employment in the first instance under the terms of subdi-
17 vision two of this section or if the claimant, pursuant to an option
18 provided under a collective bargaining agreement or written employer
19 plan which permits waiver of his OR HER right to retain the employment
20 when there is a temporary layoff because of lack of work, has elected to
21 be separated for a temporary period and the employer has consented ther-
22 eto.

23 No days of total unemployment shall be deemed to occur beginning with
24 the day on which a claimant, without good cause, refuses to accept an
25 offer of employment for which he OR SHE is reasonably fitted by training
26 and experience, including employment not subject to this article, until
27 he OR SHE has subsequently worked in employment and earned remuneration
28 at least equal to [five] TEN times his or her weekly benefit rate.
29 Except that claimants who are not subject to a recall date or who do not
30 obtain employment through a union hiring hall and who are still unem-
31 ployed after receiving [thirteen] TEN weeks of benefits shall be
32 required to accept any employment proffered that such claimants are
33 capable of performing, provided that such employment would result in a
34 wage not less than eighty percent of such claimant's high calendar quar-
35 ter wages received in the base period and not substantially less than
36 the prevailing wage for similar work in the locality as provided for in
37 paragraph (d) of this subdivision. No refusal to accept employment shall
38 be deemed without good cause nor shall it disqualify any claimant other-
39 wise eligible to receive benefits if:

40 3. Misconduct. No days of total unemployment shall be deemed to occur
41 after a claimant lost employment through misconduct in connection with
42 his or her employment until he or she has subsequently worked in employ-
43 ment and earned remuneration at least equal to [five] TEN times his or
44 her weekly benefit rate.

45 6. DETERMINATIONS AND HEARINGS. THE COMMISSIONER SHALL ISSUE A DETER-
46 MINATION FOR ANY PROTEST THAT IS FILED BY ANY BASE PERIOD EMPLOYER WITH-
47 IN THE TIME SPECIFIED IN THE NOTIFICATION OF POTENTIAL CHARGES BASED ON
48 VOLUNTARY SEPARATIONS OR MISCONDUCT. AN EMPLOYER OR CLAIMANT MAY REQUEST
49 A HEARING OF SUCH DETERMINATION PURSUANT TO SECTION SIX HUNDRED TWENTY
50 OF THIS ARTICLE.

51 S 16. Section 594 of the labor law, as amended by chapter 728 of the
52 laws of 1952, and the opening paragraph as amended by chapter 139 of the
53 laws of 1968, are amended to read as follows:

54 S 594. Reduction AND RECOVERY of benefits AND PENALTIES for WILFUL
55 false statement. (1) A claimant who has wilfully made a false statement
56 or representation to obtain any benefit under the provisions of this

1 article shall forfeit benefits for at least the first four but not more
2 than the first eighty effective days following discovery of such offense
3 for which he OR SHE otherwise would have been entitled to receive bene-
4 fits. Such penalty shall apply only once with respect to each such
5 offense.

6 (2) For the purpose of subdivision four of section five hundred ninety
7 of this article, the claimant shall be deemed to have received benefits
8 for such forfeited effective days.

9 (3) The penalty provided in this section shall not be confined to a
10 single benefit year but shall no longer apply in whole or in part after
11 the expiration of two years from the date [on which the offense was
12 committed] OF THE FINAL DETERMINATION. SUCH TWO-YEAR PERIOD SHALL BE
13 TOLLED DURING THE TIME PERIOD A CLAIMANT HAS AN APPEAL PENDING.

14 (4) A claimant shall refund all moneys received because of such false
15 statement or representation [made by him] AND PAY A CIVIL PENALTY IN AN
16 AMOUNT EQUAL TO THE GREATER OF ONE HUNDRED DOLLARS OR FIFTEEN PERCENT OF
17 THE TOTAL OVERPAID BENEFITS DETERMINED PURSUANT TO THIS SECTION. THE
18 PENALTIES COLLECTED HEREUNDER SHALL BE DEPOSITED IN THE FUND. THE PENAL-
19 TIES ASSESSED UNDER THIS SUBDIVISION SHALL APPLY AND BE ASSESSED FOR ANY
20 BENEFITS PAID UNDER FEDERAL UNEMPLOYMENT AND EXTENDED UNEMPLOYMENT
21 PROGRAMS ADMINISTERED BY THE DEPARTMENT IN THE SAME MANNER AS PROVIDED
22 IN THIS ARTICLE. THE PENALTIES IN THIS SECTION SHALL BE IN ADDITION TO
23 ANY PENALTIES IMPOSED UNDER THIS CHAPTER OR ANY STATE OR FEDERAL CRIMI-
24 NAL STATUTE. NO PENALTIES OR INTEREST ASSESSED PURSUANT TO THIS SECTION
25 MAY BE DEDUCTED OR WITHHELD FROM BENEFITS.

26 (5) (A) UPON A DETERMINATION BASED UPON A WILLFUL FALSE STATEMENT OR
27 REPRESENTATION BECOMING FINAL THROUGH EXHAUSTION OF APPEAL RIGHTS OR
28 FAILURE TO EXHAUST HEARING RIGHTS, THE COMMISSIONER MAY RECOVER THE
29 AMOUNT FOUND TO BE DUE BY COMMENCING A CIVIL ACTION, OR BY FILING WITH
30 THE COUNTY CLERK OF THE COUNTY WHERE THE CLAIMANT RESIDES THE FINAL
31 DETERMINATION OF THE COMMISSIONER OR THE FINAL DECISION BY AN ADMINIS-
32 TRATIVE LAW JUDGE, THE APPEAL BOARD, OR A COURT CONTAINING THE AMOUNT
33 FOUND TO BE DUE INCLUDING INTEREST AND CIVIL PENALTY. THE COMMISSIONER
34 MAY ONLY MAKE SUCH A FILING WITH THE COUNTY CLERK WHEN:

35 (I) THE CLAIMANT HAS RESPONDED TO REQUESTS FOR INFORMATION PRIOR TO A
36 DETERMINATION AND SUCH REQUESTS FOR INFORMATION NOTIFIED THE CLAIMANT OF
37 HIS OR HER RIGHTS TO A FAIR HEARING AS WELL AS THE POTENTIAL CONSE-
38 QUENCES OF AN INVESTIGATION AND FINAL DETERMINATION UNDER THIS SECTION
39 INCLUDING THE NOTICE REQUIRED BY SUBPARAGRAPH (III) OF PARAGRAPH (B) OF
40 THIS SUBDIVISION. ADDITIONALLY IF THE CLAIMANT REQUESTED A FAIR HEARING
41 OR APPEAL SUBSEQUENT TO A DETERMINATION, THAT THE CLAIMANT WAS PRESENT
42 EITHER IN PERSON OR THROUGH ELECTRONIC MEANS AT SUCH HEARING, OR SUBSE-
43 QUENT APPEAL FROM WHICH A FINAL DETERMINATION WAS RENDERED;

44 (II) THE COMMISSIONER HAS MADE EFFORTS TO COLLECT ON SUCH FINAL DETER-
45 MINATION; AND

46 (III) THE COMMISSIONER HAS SENT A NOTICE, IN ACCORDANCE WITH PARAGRAPH
47 (B) OF THIS SUBDIVISION, OF INTENT TO DOCKET SUCH FINAL DETERMINATION BY
48 FIRST CLASS OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TEN DAYS PRIOR
49 TO THE DOCKETING OF SUCH DETERMINATION.

50 (B) THE NOTICE REQUIRED IN SUBPARAGRAPH (III) OF PARAGRAPH (A) OF THIS
51 SUBDIVISION SHALL INCLUDE THE FOLLOWING:

52 (I) THAT THE COMMISSIONER INTENDS TO DOCKET A FINAL DETERMINATION
53 AGAINST SUCH CLAIMANT AS A JUDGMENT;

54 (II) THE TOTAL AMOUNT TO BE DOCKETED; AND

55 (III) CONSPICUOUS LANGUAGE THAT READS AS FOLLOWS: "ONCE ENTERED, A
56 JUDGMENT IS GOOD AND CAN BE USED AGAINST YOU FOR TWENTY YEARS, AND YOUR

1 MONEY, INCLUDING A PORTION OF YOUR PAYCHECK AND/OR BANK ACCOUNT, MAY BE
2 TAKEN. ALSO, A JUDGMENT WILL HURT YOUR CREDIT SCORE AND CAN AFFECT YOUR
3 ABILITY TO RENT A HOME, FIND A JOB, OR TAKE OUT A LOAN."

4 S 17. Section 596 of the labor law is amended by adding a new subdivi-
5 sion 7 to read as follows:

6 7. NOTWITHSTANDING THE PROVISIONS OF SECTION FIVE HUNDRED NINETY-FIVE
7 OF THIS TITLE, THE COMMISSIONER SHALL DEDUCT AND WITHHOLD ANY OVERPAY-
8 MENTS ESTABLISHED UNDER THIS ARTICLE OR UNDER ANY STATE OR FEDERAL UNEM-
9 PLOYMENT COMPENSATION PROGRAM FROM BENEFITS PAYABLE TO AN INDIVIDUAL. NO
10 PENALTIES OR INTEREST ASSESSED PURSUANT TO SECTION FIVE HUNDRED NINETY-
11 FOUR OF THIS TITLE MAY BE DEDUCTED OR WITHHELD FROM BENEFITS.

12 S 18. Subdivision 2 of section 597 of the labor law is amended by
13 adding a new paragraph (d) to read as follows:

14 (D) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE, UNLESS A COMMIS-
15 SIONER'S ERROR IS SHOWN OR THE FAILURE IS THE DIRECT RESULT OF A DISAS-
16 TER EMERGENCY DECLARED BY THE GOVERNOR OR PRESIDENT, AN EMPLOYER'S
17 ACCOUNT SHALL NOT BE RELIEVED OF CHARGES RESULTING IN AN OVERPAYMENT OF
18 BENEFITS WHEN THE COMMISSIONER DETERMINES THAT THE OVERPAYMENT WAS MADE
19 BECAUSE THE EMPLOYER OR THE AGENT OF THE EMPLOYER FAILED TO TIMELY OR
20 ADEQUATELY RESPOND TO A REQUEST FOR INFORMATION IN THE NOTICE OF POTEN-
21 TIAL CHARGES OR OTHER SUCH NOTICE REQUESTING INFORMATION IN RELATION TO
22 A CLAIM UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT THE COMMISSIONER
23 SHALL RELIEVE THE EMPLOYER OF CHARGES THE FIRST TIME THAT THE EMPLOYER
24 FAILS TO PROVIDE TIMELY OR ADEQUATE INFORMATION, IF THE EMPLOYER
25 PROVIDES GOOD CAUSE FOR SUCH FAILURE AS DETERMINED BY THE COMMISSIONER.

26 "TIMELY" SHALL MEAN A RESPONSE IS PROVIDED IN THE TIME PERIOD SPECI-
27 FIED IN THE NOTICE AS PRESCRIBED BY THE COMMISSIONER.

28 THE TERM "ADEQUATELY" SHALL MEAN THAT THE EMPLOYER OR ITS AGENT
29 SUBMITTED INFORMATION SUFFICIENT TO RENDER A CORRECT DETERMINATION.

30 THIS PROHIBITION FOR RELIEF OF CHARGES SHALL APPLY TO ALL EMPLOYERS
31 UNDER THIS ARTICLE INCLUDING EMPLOYERS ELECTING PAYMENT IN LIEU OF
32 CONTRIBUTIONS.

33 S 19. Section 600 of the labor law, as added by chapter 793 of the
34 laws of 1963, subdivision 6 as amended by chapter 391 of the laws of
35 2005, subdivision 7 as added by chapter 362 of the laws of 1980, para-
36 graph (a) of subdivision 7 as amended by chapter 176 of the laws of
37 2004, paragraph (b) of subdivision 7 as amended by chapter 5 of the laws
38 of 2000, and paragraph (c) of subdivision 7 as relettered by chapter 895
39 of the laws of 1980, is amended to read as follows:

40 S 600. Effect of retirement payments. 1. Reduction of benefit rate.
41 [If a claimant retires or is retired from employment by an employer and,
42 due to such retirement, is receiving a pension or retirement payment
43 under a plan financed in whole or in part by such employer, such claim-
44 ant's benefit rate for four effective days otherwise applicable under
45 subdivision seven of section five hundred ninety shall be reduced as
46 hereinafter provided.

47 2. Application. The reduction shall apply only to benefits which when
48 paid will be chargeable to the account of the employer who provided the
49 pension or retirement benefit.

50 3. Amount of reduction. If the pension or retirement payment is made
51 under a plan to which the employer is the sole contributor, the claim-
52 ant's benefit rate shall be reduced by the largest number of whole
53 dollars which is not more than the prorated weekly amount of his pension
54 or retirement payment under such plan. If the pension or retirement
55 payment is made under a plan to which the employer is not the sole
56 contributor, the claimant's benefit rate shall be reduced by the largest

1 number of whole dollars which is not more than one-half of the prorated
2 weekly amount of his pension or retirement payments under such plan, but
3 no reduction shall apply if the claimant demonstrates that the employer
4 contributed less than fifty per centum to the plan.

5 4. Reduction equal to benefit rate. If the amount to be deducted from
6 a claimant's benefit rate equals or exceeds such rate, he shall be inel-
7 igible to receive any benefits which if paid would be chargeable to the
8 employer involved in the pension or retirement plan, but any benefits
9 which would in the absence of this section be chargeable to the accounts
10 of other employers shall be payable to the claimant.

11 5. Reduction not established. If, at the time benefits are payable, it
12 has not been established that the claimant will be receiving such
13 pension or retirement payment, benefits due shall be paid without a
14 reduction, subject to review within the period and under the conditions
15 as provided in subdivisions three and four of section five hundred nine-
16 ty-seven with respect to retroactive payment of remuneration.

17 6. Limitation. For the purposes of this section, the terms "pension or
18 retirement payment" and "governmental or other pension, retirement or
19 retired pay, annuity, or any other similar periodic payment which is
20 based on previous work" shall not include payments made from a qualified
21 trust to an eligible retirement plan under the terms and conditions
22 specified in section four hundred two of the internal revenue code for
23 federal income tax purposes, such payments commonly known as eligible
24 rollover distributions.

25 7. Alternative condition. (a) When a reduction for retirement payments
26 is required by the federal unemployment tax act as a condition for full
27 tax credit, in which event the provisions of subdivisions one, two,
28 three, four and five of this section shall not be operative, the] (A)
29 THE benefit rate of a claimant who is receiving a governmental or other
30 pension, retirement or retired pay, annuity, or any other similar peri-
31 odic payment which is based on his previous work, shall be reduced as
32 hereinafter provided, if such payment is made under a plan maintained or
33 contributed to by his base period employer and, except for payments made
34 under the social security act or the railroad retirement act of 1974,
35 the claimant's employment with, or remuneration from, such employer
36 after the beginning of the base period affected his eligibility for, or
37 increased the amount of, such pension, retirement or retired pay, annui-
38 ty, or other similar periodic payment.

39 (b) [If the claimant made no contribution for the pension, retirement
40 or retired pay, annuity, or other similar periodic payment, his] THE
41 CLAIMANT'S benefit rate shall be reduced by the largest number of whole
42 dollars which is not more than the pro-rated weekly amount of such
43 payment. If the claimant was the sole contributor for the pension,
44 retirement or retired pay, annuity, or other similar periodic payment,
45 no reduction shall apply. [If the claimant's contributions for the
46 pension, retirement or retired pay, annuity, or other similar periodic
47 payment were less than one hundred per centum, the commissioner shall
48 determine the amount of the reduction by taking into account the claim-
49 ant's contributions in a manner consistent with the federal unemployment
50 tax act.]

51 (c) If, at the time benefits are payable, it has not been established
52 that the claimant will be receiving such pension, retirement or retired
53 pay, annuity or other payment, benefits due shall be paid without a
54 reduction, subject to review within the period and under the conditions
55 as provided in subdivisions three and four of section five hundred nine-
56 ty-seven with respect to retroactive payment of remuneration.

(D) FOR THE PURPOSES OF THIS SECTION, THE TERMS "PENSION OR RETIREMENT PAYMENT" AND "GOVERNMENTAL OR OTHER PENSION, RETIREMENT OR RETIRED PAY, ANNUITY, OR ANY OTHER SIMILAR PERIODIC PAYMENT WHICH IS BASED ON PREVIOUS WORK" SHALL NOT INCLUDE PAYMENTS MADE FROM A QUALIFIED TRUST TO AN ELIGIBLE RETIREMENT PLAN UNDER THE TERMS AND CONDITIONS SPECIFIED IN SECTION FOUR HUNDRED TWO OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES, SUCH PAYMENTS COMMONLY KNOWN AS ELIGIBLE ROLLOVER DISTRIBUTIONS.

S 20. Section 602 of the labor law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

S 602. Application. This title shall apply to a claimant employed by an employer whose application to participate in a shared work program has been approved by the commissioner. The provisions of subdivision four of section five hundred twenty-seven, subdivisions three and seven of section five hundred ninety and subdivision four of section five hundred ninety-six of this article shall not be applicable to such claimant and he OR SHE shall not be required to be available for work with any other employer NOR SHALL HE OR SHE BE REQUIRED TO SEARCH FOR WORK IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION FIVE HUNDRED NINETY-ONE OF THIS ARTICLE IF HE OR SHE IS AVAILABLE FOR HIS OR HER USUAL HOURS OF WORK WITH HIS OR HER EMPLOYER THAT HAS BEEN ACCEPTED TO PARTICIPATE IN THE SHARED WORK PROGRAM. The other provisions of this article shall apply to such claimants and their employers to the extent that they are not inconsistent with the provisions of this title.

S 21. Section 603 of the labor law, as added by chapter 438 of the laws of 1985, is amended to read as follows:

S 603. Definitions. For purposes of this title: "Total unemployment" shall mean the total lack of any employment on any day, other than with an employer applying for a shared work program. ["Full time hours" shall mean at least thirty-five but not more than forty hours per week, and shall not include overtime as defined in the Fair Labor Standards Act.] "Work force" shall mean the total work force, a clearly identifiable unit or units thereof, or a particular shift or shifts. THE WORK FORCE SUBJECT TO REDUCTION SHALL CONSIST OF NO LESS THAN TWO EMPLOYEES.

S 21-a. Section 604 of the labor law, as amended by chapter 564 of the laws of 2002, is amended to read as follows:

S 604. Eligibility conditions. A claimant shall be eligible for benefits under this title if he OR SHE works less than his OR HER normal [full time] hours in a week for his customary employer, and that employer has reduced or restricted the claimant's weekly hours of work, or has rehired a claimant previously laid off and reduced his OR HER weekly hours of work from those previously worked, as the result of a plan by the employer to stabilize the work force by a program of sharing the work remaining after a reduction in total hours of work and a corresponding reduction in wages, provided the program requires not less than a twenty percent nor more than a sixty percent reduction in hours and wages among the work force. A claimant receiving supplemental unemployment compensation benefits, as defined in section five hundred one (c) (17) (D) of the internal revenue code of nineteen hundred fifty-four, shall not be eligible hereunder. Any employee who was otherwise eligible for benefits under this title but was denied benefits during the period beginning October first, two thousand one and ending on December first, two thousand one because more than five percent of his OR HER wages were derived from piece work, shall be entitled to make a retroactive claim for such benefits provided such claim is filed within sixty days of the effective date of this sentence.

1 S 22. Section 605 of the labor law, as amended by section 2 of chapter
2 81 of the laws of 1992, is amended to read as follows:

3 S 605. Qualified employers; application. An employer who has at least
4 [five] TWO full time employees may apply to participate in a shared work
5 program. The WRITTEN application shall be made according to such forms
6 and procedures as the commissioner may specify and shall include such
7 information as the commissioner may require, INCLUDING SUCH OTHER INFOR-
8 MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPRO-
9 PRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. The commissioner shall
10 not approve such application unless the employer (1) [agrees] CERTIFIES
11 that for the duration of the program it will not eliminate or diminish
12 health insurance, medical insurance, RETIREMENT BENEFITS or any other
13 fringe benefits provided to employees immediately prior to the applica-
14 tion UNLESS SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE
15 IN THE SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT
16 AS THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2)
17 certifies that the collective bargaining agent for the employees, if
18 any, has agreed to participate in the program; (3) certifies that if not
19 for the shared work program to be initiated the employer would reduce or
20 would have reduced its work force to a degree equivalent to the total
21 number of working hours proposed to be reduced or restricted for all
22 included employees; (4) certifies that it will not hire additional part
23 time or full time employees for the affected work force while the
24 program is in operation; [and] (5) agrees that no participant of the
25 program shall receive, in the aggregate, more than [twenty] TWENTY-SIX
26 weeks of benefits exclusive of the waiting week; (6) PROVIDES A
27 DESCRIPTION OF HOW WORKERS IN THE WORK FORCE WILL BE NOTIFIED OF THE
28 SHARED WORK PROGRAM IN ADVANCE OF IT TAKING EFFECT, IF FEASIBLE, AND IF
29 SUCH NOTICE IS NOT FEASIBLE, PROVIDES AN EXPLANATION OF WHY SUCH NOTICE
30 IS NOT FEASIBLE; (7) PROVIDES AN ESTIMATE OF THE NUMBER OF WORKERS WHO
31 WOULD BE LAID OFF IF THE EMPLOYER COULD NOT PARTICIPATE IN THE SHARED
32 WORK PROGRAM; AND (8) CERTIFIES THAT THE TERMS OF THE EMPLOYER'S WRITTEN
33 PLAN AND IMPLEMENTATION SHALL BE CONSISTENT WITH EMPLOYER OBLIGATIONS
34 UNDER APPLICABLE FEDERAL AND STATE LAWS.

35 S 22-a. Intentionally omitted.

36 S 23. Section 607 of the labor law, as added by chapter 438 of the
37 laws of 1985, subdivision 1 as amended by section 4 of chapter 81 of the
38 laws of 1992, is amended to read as follows:

39 S 607. Benefits. 1. Amount. An eligible claimant shall be paid bene-
40 fits for any week equal to his OR HER benefit rate multiplied by the
41 percentage of reduction of his OR HER wages resulting from reduced hours
42 of work, but only if such percentage is no less than twenty percent. The
43 weekly benefit amount shall be rounded off to the nearest dollar. A
44 claimant shall not be paid such benefits in excess of [twenty]
45 TWENTY-SIX weeks during a benefit year.

46 2. Waiting period. A claimant shall not be entitled to benefits for
47 the first week of unemployment under a shared work program unless he OR
48 SHE has served a waiting period in his OR HER benefit year pursuant to
49 subdivision seven of section five hundred ninety of this article.

50 S 23-a. Intentionally omitted.

51 S 24. The labor law is amended by adding a new section 609 to read as
52 follows:

53 S 609. TRAINING. ELIGIBLE EMPLOYEES MAY PARTICIPATE, AS APPROPRIATE,
54 IN TRAINING TO ENHANCE JOB SKILLS IF SUCH PROGRAM HAS BEEN APPROVED BY
55 THE COMMISSIONER. SUCH TRAINING MAY INCLUDE EMPLOYER-SPONSORED TRAINING
56 OR WORKER TRAINING FUNDED UNDER THE WORKFORCE INVESTMENT ACT OF 1998.

1 S 25. Section 611 of the labor law, as amended by chapter 589 of the
2 laws of 1998, is amended to read as follows:

3 S 611. Charging of benefits. Benefits paid to a claimant shall be
4 charged to the employers' accounts as provided in paragraph (e) of
5 subdivision one of section five hundred eighty-one of this article.
6 HOWEVER, EXCEPT FOR INDIVIDUALS EMPLOYED BY A PARTICIPATING EMPLOYER ON
7 A SEASONAL, TEMPORARY OR INTERMITTENT BASIS, NO BENEFITS PAID TO A
8 CLAIMANT SHALL BE CHARGED TO AN EMPLOYER'S ACCOUNT IF THE STATE IS REIM-
9 BURSED BY THE UNITED STATES PURSUANT TO THE MIDDLE CLASS TAX RELIEF AND
10 JOB CREATION ACT OF 2012, PL 112-96.

11 S 26. The labor law is amended by adding a new section 612 to read as
12 follows:

13 S 612. SEVERABILITY. IF ANY AMENDMENT CONTAINED IN A CLAUSE,
14 SENTENCE, PARAGRAPH, SECTION OR PART OF THIS TITLE SHALL BE ADJUDGED BY
15 THE UNITED STATES DEPARTMENT OF LABOR TO VIOLATE REQUIREMENTS FOR MAIN-
16 TAINING BENEFIT STANDARDS REQUIRED OF THE STATE IN ORDER TO BE ELIGIBLE
17 FOR ANY FINANCIAL BENEFIT OFFERED THROUGH FEDERAL LAW OR REGULATION
18 INCLUDING, BUT NOT LIMITED TO, THE WAIVER OF INTEREST ON ADVANCES OR THE
19 WAIVER OF OBLIGATIONS TO REPAY SUCH ADVANCES TO THE STATE UNEMPLOYMENT
20 INSURANCE FUND, SUCH AMENDMENTS SHALL BE SEVERED FROM THIS ACT AND SHALL
21 NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF.

22 S 27. Section 39 of part P2 of chapter 62 of the laws of 2003, amend-
23 ing the state finance law and other laws relating to authorizing and
24 directing the state comptroller to loan money to certain funds and
25 accounts, as amended by section 1 of part W of chapter 58 of the laws of
26 2011, is amended to read as follows:

27 S 39. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after April 1, 2003; provided,
29 however, that sections one, three, four, six, seven through fifteen, and
30 seventeen of this act shall expire March 31, 2004, when upon such date
31 the provisions of such sections shall be deemed repealed; [and sections
32 thirty and thirty-one of this act shall expire December 31, 2013] and
33 the amendments made to section 69-c of the state finance law by section
34 thirty-two of this act shall not affect the expiration and repeal of
35 such section and shall be deemed to be expired therewith.

36 S 28. Severability. If any amendment contained in a clause, sentence,
37 paragraph, section or part of this act shall be adjudged by the United
38 States Department of Labor to violate requirements for maintaining bene-
39 fit standards required of the state in order to be eligible for any
40 financial benefit offered through federal law or regulation including,
41 but not limited to, the waiver of interest on advances or the waiver of
42 obligations to repay such advances to the state unemployment insurance
43 fund, such amendments shall be severed from this act and shall not
44 affect, impair or invalidate the remainder thereof.

45 S 29. This act shall take effect immediately, provided, however, that:

46 a. sections one, three, seven, and eight of this act shall take effect
47 January 1, 2014;

48 b. sections two, thirteen, fifteen, and nineteen of this act shall
49 apply to all claims filed after January 1, 2014;

50 c. section nine of this act shall take effect January 1, 2017;

51 d. section ten of this act shall take effect January 1, 2019;

52 e. sections five, six, sixteen, seventeen, and eighteen of this act
53 shall apply to all overpayments established after October 1, 2013;

54 f. sections fourteen, twenty, twenty-one, twenty-one-a, twenty-two,
55 twenty-three, twenty-four, and twenty-six of this act shall take effect
56 on the thirtieth day after it shall have become a law;

1 g. section twenty-five of this act shall expire and be deemed repealed
2 August 23, 2015;
3 h. section twelve of this act shall take effect January 1, 2014 or on
4 the same date as the reversion of subdivision 2 of section 591 of the
5 labor law as provided in section 10 of chapter 413 of the laws of 2003,
6 as amended, whichever is later; and
7 i. the amendments to section 591-a of the labor law made by section
8 fourteen of this act shall not affect the repeal of such section and
9 shall be deemed repealed therewith.

PART P

11 Section 1. Subdivision 1 of section 652 of the labor law, as amended
12 by chapter 747 of the laws of 2004, is amended and a new subdivision 6
13 is added to read as follows:

14 1. Statutory. Every employer shall pay to each of its employees for
15 each hour worked a wage of not less than:

16 \$4.25 on and after April 1, 1991,
17 \$5.15 on and after March 31, 2000,
18 \$6.00 on and after January 1, 2005,
19 \$6.75 on and after January 1, 2006,
20 \$7.15 on and after January 1, 2007,
21 \$8.00 ON AND AFTER DECEMBER 31, 2013,
22 \$8.75 ON AND AFTER DECEMBER 31, 2014,
23 \$9.00 ON AND AFTER DECEMBER 31, 2015, or, if greater, such other wage

24 as may be established by federal law pursuant to 29 U.S.C. section 206
25 or its successors
26 or such other wage as may be established in accordance with the
27 provisions of this article.

28 6. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION AND SUBDIVISION TWO
29 OF SECTION SIX HUNDRED FIFTY-THREE OF THIS ARTICLE, A MODIFICATION IN
30 THE HOURLY CASH WAGE OR MEAL AND LODGING CREDITS AS APPLIED TO FOOD
31 SERVICE WORKERS AND SERVICE EMPLOYEES PAID IN ACCORDANCE WITH PART 146
32 OF TITLE 12 OF THE NEW YORK STATE COMPILATION OF CODES, RULES AND REGU-
33 LATIONS THAT WOULD OTHERWISE BE BASED ON THE INCREASES IN THE HOURLY
34 MINIMUM WAGE THAT WILL BECOME EFFECTIVE ON DECEMBER THIRTY-FIRST, TWO
35 THOUSAND THIRTEEN, DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN AND
36 DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN SHALL BE MADE BY A WAGE
37 ORDER PROMULGATED BY THE COMMISSIONER PURSUANT TO SECTION SIX HUNDRED
38 FIFTY-SIX OF THIS ARTICLE AND PROVIDED FURTHER THAT, FOR THE PURPOSES OF
39 THE MODIFICATIONS BASED ON SUCH INCREASES PROVIDED FOR IN SUBDIVISION
40 TWO OF THIS SECTION ONLY, THE MAXIMUM CREDIT FOR TIPS IN SUCH WAGE ORDER
41 SHALL BE MODIFIED SO THAT SUCH CREDIT, WHEN COMBINED WITH THE CASH WAGE,
42 IS EQUAL TO THE MINIMUM WAGE. ANY TIME AFTER THE EFFECTIVE DATE OF THE
43 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SUBDIVI-
44 SION, THE COMMISSIONER SHALL APPOINT A WAGE BOARD PURSUANT TO THE
45 PROVISION OF SUBDIVISION ONE OF SECTION SIX HUNDRED FIFTY-FIVE OF THIS
46 ARTICLE TO INQUIRE AND REPORT AND RECOMMEND ANY CHANGES TO THE WAGE
47 ORDER GOVERNING WAGES PAYABLE TO SUCH FOOD SERVICE WORKERS AND SERVICE
48 EMPLOYEES SUFFICIENT TO PROVIDE ADEQUATE MAINTENANCE AND TO PROTECT THE
49 HEALTH AND LIVELIHOOD OF EMPLOYEES SUBJECT TO SUCH A WAGE ORDER. SUCH
50 WAGE BOARD SHALL MAKE SUCH REPORT AND RECOMMENDATIONS TO THE COMMISSION-
51 ER WITHIN SIX MONTHS OF ITS ESTABLISHMENT. THE COMMISSIONER SHALL ACT
52 UPON SUCH REPORT AND RECOMMENDATIONS PURSUANT TO THE PROVISIONS OF
53 SECTION SIX HUNDRED FIFTY-SIX OF THIS ARTICLE.

54 S 2. This act shall take effect immediately.

PART Q
Intentionally Omitted

PART R

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 109-a to read as follows:

S 109-A. LABOR PEACE AGREEMENTS FOR CERTAIN FACILITIES. 1. DEFINITIONS. AS USED IN THIS SUBDIVISION:

A. "GAMING FACILITY" MEANS ANY CASINO GAMING FACILITY LICENSED BY THE COMMISSION. A GAMING FACILITY OR OPERATION SHALL NOT INCLUDE ANY HORSE RACING, BINGO OR CHARITABLE GAMES OF CHANCE, THE STATE LOTTERY FOR EDUCATION, OR ANY GAMING FACILITY OPERATING PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2710 ET SEQ. A GAMING FACILITY OR OPERATION SHALL INCLUDE ANY HOSPITALITY OPERATION AT OR RELATED TO THE GAMING FACILITY.

B. "LABOR PEACE AGREEMENT" MEANS AN AGREEMENT ENFORCEABLE UNDER 29 U.S.C. S 185(A) THAT, AT A MINIMUM, PROTECTS THE STATE'S PROPRIETARY INTERESTS BY PROHIBITING LABOR ORGANIZATIONS AND MEMBERS FROM ENGAGING IN PICKETING, WORK STOPPAGES, BOYCOTTS, AND ANY OTHER ECONOMIC INTERFERENCE WITH OPERATION OF THE RELEVANT GAMING FACILITY.

C. "LICENSE" MEANS ANY PERMIT, LICENSE, FRANCHISE OR ALLOWANCE OF THE COMMISSION AND SHALL INCLUDE ANY FRANCHISEE OR PERMITTEE.

D. "PROPRIETARY INTEREST" MEANS AN ECONOMIC AND NON-REGULATORY INTEREST AT RISK IN THE FINANCIAL SUCCESS OF THE GAMING FACILITY THAT COULD BE ADVERSELY AFFECTED BY LABOR-MANAGEMENT CONFLICT, INCLUDING BUT NOT LIMITED TO PROPERTY INTERESTS, FINANCIAL INVESTMENTS AND REVENUE SHARING.

2. LEGISLATIVE FINDINGS. THE STATE LEGISLATURE FINDS THAT THE GAMING INDUSTRY CONSTITUTES A VITAL SECTOR OF NEW YORK'S OVERALL ECONOMY AND THAT THE STATE THROUGH ITS OPERATION OF LOTTERIES AND VIDEO LOTTERY FACILITIES AND THROUGH ITS OWNERSHIP OF THE PROPERTIES UTILIZED FOR HORSE RACING BY THE NEW YORK RACING ASSOCIATION, INC. HAS A SIGNIFICANT AND ONGOING ECONOMIC AND NON-REGULATORY INTEREST IN THE FINANCIAL VIABILITY AND COMPETITIVENESS OF THE GAMING INDUSTRY. THE STATE LEGISLATURE FURTHER FINDS THAT THE AWARD OR GRANT OF A LICENSE BY THE COMMISSION TO OPERATE A GAMING FACILITY IS A SIGNIFICANT STATE ACTION AND THAT THE COMMISSION MUST MAKE PRUDENT AND EFFICIENT DECISIONS TO MAXIMIZE THE BENEFITS AND MINIMIZE THE RISKS OF GAMING. THE STATE LEGISLATURE FURTHER RECOGNIZES THAT CASINO GAMING INDUSTRY INTEGRATION CAN PROVIDE A VITAL ECONOMIC ENGINE TO ASSIST, NURTURE, DEVELOP, AND PROMOTE REGIONAL ECONOMIC DEVELOPMENT, THE STATE TOURISM INDUSTRY AND THE GROWTH OF JOBS IN THE STATE. ADDITIONALLY, THE STATE LEGISLATURE ALSO FINDS REVENUES DERIVED DIRECTLY BY THE STATE FROM SUCH GAMING ACTIVITY WILL BE SHARED FROM GROSS GAMING RECEIPTS, AFTER PAYOUT OF PRIZES BUT PRIOR TO DEDUCTIONS FOR OPERATIONAL EXPENSES.

THEREFORE, THE STATE LEGISLATURE FINDS THAT THE STATE HAS A SUBSTANTIAL AND COMPELLING PROPRIETARY INTEREST IN ANY LICENSE AWARDED FOR THE OPERATION OF A GAMING FACILITY WITHIN THE STATE.

3. REQUIREMENTS. THE COMMISSION SHALL REQUIRE ANY APPLICANT FOR A GAMING FACILITY LICENSE WHO HAS NOT YET ENTERED INTO A LABOR PEACE AGREEMENT TO PRODUCE AN AFFIDAVIT STATING IT SHALL ENTER INTO A LABOR PEACE AGREEMENT WITH LABOR ORGANIZATIONS THAT ARE ACTIVELY ENGAGED IN REPRESENTING OR ATTEMPTING TO REPRESENT GAMING OR HOSPITALITY INDUSTRY WORKERS IN THE STATE. IN ORDER FOR THE COMMISSION TO ISSUE A GAMING

1 FACILITY LICENSE AND FOR OPERATIONS TO COMMENCE, THE APPLICANT FOR A
2 GAMING FACILITY LICENSE MUST PRODUCE DOCUMENTATION THAT IT HAS ENTERED
3 INTO A LABOR PEACE AGREEMENT WITH EACH LABOR ORGANIZATION THAT IS
4 ACTIVELY ENGAGED IN REPRESENTING AND ATTEMPTING TO REPRESENT GAMING AND
5 HOSPITALITY INDUSTRY WORKERS IN THE STATE. THE COMMISSION SHALL MAKE THE
6 MAINTENANCE OF SUCH A LABOR PEACE AGREEMENT AN ONGOING MATERIAL CONDI-
7 TION OF LICENSURE.

8 A LICENSE HOLDER SHALL, AS A CONDITION OF ITS LICENSE, ENSURE THAT
9 OPERATIONS AT THE GAMING FACILITY THAT ARE CONDUCTED BY CONTRACTORS,
10 SUBCONTRACTORS, LICENSEES, ASSIGNEES, TENANTS OR SUBTENANTS AND THAT
11 INVOLVE GAMING OR HOSPITALITY INDUSTRY EMPLOYEES SHALL BE DONE UNDER A
12 LABOR PEACE AGREEMENT CONTAINING THE SAME PROVISIONS AS SPECIFIED ABOVE.

13 S 2. This act shall take effect immediately.

14 PART S

15 Section 1. Subdivision 2 of section 903 of the education law, as added
16 by chapter 281 of the laws of 2007, is amended to read as follows:

17 2. a. A dental health certificate shall be requested from each
18 student. Each student is requested to furnish a dental health certif-
19 icate at the same time that health certificates are required. An [exam-
20 ination] ASSESSMENT and dental health history of any child may be
21 requested by the local school authorities at any time in their
22 discretion to promote the educational interests of such child. Each
23 certificate shall be signed by a duly licensed dentist, OR A REGISTERED
24 DENTAL HYGIENIST who is authorized by law to practice in this state, and
25 consistent with any applicable written practice agreement, or by a duly
26 licensed dentist OR REGISTERED DENTAL HYGIENIST who is authorized to
27 practice in the jurisdiction in which the [examination] ASSESSMENT was
28 given, provided that the commissioner has determined that such jurisdic-
29 tion has standards of licensure and practice comparable to those of New
30 York. Each such certificate shall describe the dental health condition
31 of the student when the [examination] ASSESSMENT was made, which shall
32 not be more than twelve months prior to the commencement of the school
33 year in which the [examination] ASSESSMENT is requested, and shall state
34 whether such student is in fit condition of dental health to permit his
35 or her attendance at the public schools.

36 b. A notice of request for dental health certificates shall be
37 distributed at the same time that parents or person in parental
38 relationship to students are notified of health examination requirements
39 and shall state that a list of DENTAL PRACTICES, dentists AND REGISTERED
40 DENTAL HYGIENISTS to which children [who need comprehensive dental exam-
41 inations] may be referred for [treatment] DENTAL SERVICES on a free or
42 reduced cost basis is available upon request at the child's school. The
43 department shall, in collaboration with the department of health,
44 compile and maintain a list of DENTAL PRACTICES, dentists AND REGISTERED
45 DENTAL HYGIENISTS to which children [who need comprehensive dental exam-
46 inations] may be referred for [treatment] DENTAL SERVICES on a free or
47 reduced cost basis. Such list shall be made available to all public
48 schools and be made available to parents or person in parental relation-
49 ship upon request. The department shall promulgate regulations to ensure
50 the gathering and dissemination of the proper information to interested
51 parties.

52 S 2. This act shall take effect immediately.

53 PART T

Section 1. Subdivisions 3 and 5 of section 6542 of the education law, as amended by chapter 48 of the laws of 2012, are amended to read as follows:

3. No physician shall employ or supervise more than [two] FOUR physician assistants in his or her private practice.

5. Notwithstanding any other provision of this article, nothing shall prohibit a physician employed by or rendering services to the department of corrections and community supervision under contract from supervising no more than [four] SIX physician assistants in his or her practice for the department of corrections and community supervision.

S 2. This act shall take effect immediately.

PART U

Section 1. The education law is amended by adding a new section 6303-a to read as follows:

S 6303-A. GRADUATION, ACHIEVEMENT AND PLACEMENT PROGRAM. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "PLAN" SHALL MEAN THE GRADUATION, ACHIEVEMENT AND PLACEMENT (GAP) PROGRAM PLAN TO BE DEVELOPED BY THE STATE UNIVERSITY TRUSTEES PURSUANT TO SUBDIVISION TWO OF THIS SECTION, AFTER CONSULTATION WITH THE COMMUNITY COLLEGE PRESIDENTS, COUNCILS AND FACULTY.

(B) "PROGRAM" SHALL MEAN THE GAP PROGRAM TO BE DEVELOPED BY THE STATE UNIVERSITY TRUSTEES PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

2. BY NO LATER THAN JULY FIRST, TWO THOUSAND FOURTEEN, THE STATE UNIVERSITY TRUSTEES SHALL DEVELOP, AS PART OF THE MASTER PLAN TO BE SUBMITTED PURSUANT TO SECTION THREE HUNDRED FIFTY-FOUR OF THIS CHAPTER, A COMPREHENSIVE PLAN TO BE INCORPORATED INTO ITS TWO THOUSAND SIXTEEN MASTER PLAN AND FULLY IMPLEMENTED NO LATER THAN JULY FIRST, TWO THOUSAND EIGHTEEN AT EACH OF THE STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGES. SUCH PLAN SHALL SEEK TO DEVELOP A REMEDIAL EDUCATION PROGRAM TO ACCOMPLISH THE FOLLOWING GOALS:

(A) IMPROVE COMMUNITY COLLEGE OUTCOMES BY REDUCING THE TIME TO DEGREE COMPLETION OR TRANSFER TO A FOUR YEAR COLLEGE;

(B) REDUCE STATE AND LOCAL SPONSOR EXPENDITURES ON REMEDIAL COURSEWORK;

(C) IMPROVE OVERALL COMMUNITY COLLEGE GRADUATION RATES AND EMPLOYMENT PROSPECTS.

3. EACH COMMUNITY COLLEGE SHALL UTILIZE FEATURES IN ITS PROGRAM IDENTIFIED IN THE SUNY TASK FORCE ON REMEDIATION REPORT, ISSUED PURSUANT TO CHAPTER FIFTY-SEVEN OF THE LAWS OF TWO THOUSAND TWELVE, AND SHALL CONSIDER OTHER FEATURES OF SUCCESSFUL EXISTING PROGRAMS, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

(A) ADOPTION OF A CONSISTENT DEFINITION OF "COLLEGE READINESS" FOR STUDENT PLACEMENT INTO REMEDIAL PROGRAMS USING MULTIPLE MEASURES OF STUDENT ACHIEVEMENT;

(B) ACCELERATED DEVELOPMENTAL EDUCATION PROGRAM OFFERINGS;

(C) INCORPORATING REMEDIAL INSTRUCTION INTO THE BEGINNING OF COLLEGE-LEVEL PROGRAMS, EITHER AS INTRODUCTORY COURSES OR INTEGRATED INTO INITIAL COLLEGE-LEVEL COURSES;

(D) UTILIZE SUPPLEMENTAL ACADEMIC SUPPORT FOR DEVELOPMENTAL STUDENTS ENROLLED IN COLLEGE LEVEL COURSES AS WELL AS OTHER CONTEXTUALIZATION MODELS;

(E) A CONSOLIDATED COURSE SCHEDULE THAT PERMITS STUDENTS TO TAKE CLASSES IN A MORNING, AFTERNOON OR EVENING SCHEDULE SO AS TO ENABLE STUDENTS TO BALANCE SCHOOL, WORK AND OTHER PERSONAL RESPONSIBILITIES;

(F) AN ADVISEMENT MODEL THAT DIRECTS COUNSELORS WITH ASSIGNED CASE-LOADS TO MEET WITH STUDENTS MONTHLY FROM PROGRAM ENTRY UNTIL GRADUATION;

(G) CAREER AND EMPLOYMENT SERVICES THAT PROVIDE STUDENTS WITH INTERVIEW TRAINING, JOB SKILLS AND CAREER PLANNING;

(H) ACADEMIC SUPPORT SERVICES THAT PROVIDE TUTORING FROM QUALIFIED UNDERGRADUATE OR GRADUATE STUDENTS OR FACULTY; AND

(I) COMPREHENSIVE EVALUATION AND THE USE OF DATA TO ASSESS THE EFFECTIVENESS OF THE PROGRAM.

4. EACH COMMUNITY COLLEGE SHALL BE REQUIRED TO IMPLEMENT, ON A PARTIAL BASIS, ITS PROGRAM BY THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR.

5. EACH COMMUNITY COLLEGE SHALL REPORT ON THE IMPLEMENTATION OF THE PROGRAM AND SHALL REPORT ON MEASURES OF STUDENT SUCCESS FOR EACH STUDENT ENROLLED IN SUCH PROGRAM. SUCH REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

(A) ANNUAL NUMBER AND PERCENTAGE OF ENTERING FIRST-TIME STUDENTS ENROLLED IN REMEDIAL (DEVELOPMENTAL) EDUCATION COURSES IN MATH, ENGLISH/READING OR BOTH AND COMPLETE A COLLEGE-LEVEL COURSE IN THE SAME SUBJECT.

(B) ANNUAL NUMBER AND PERCENTAGE OF ENTERING FIRST-TIME DEGREE OR CERTIFICATE SEEKING STUDENTS WHO COMPLETE ENTRY COLLEGE-LEVEL MATH, ENGLISH AND READING COURSES WITHIN THE FIRST TWO CONSECUTIVE ACADEMIC YEARS.

(C) NUMBER AND PERCENTAGE OF ENTERING DEGREE OR CERTIFICATE SEEKING STUDENTS ENROLLING FROM FALL TO SPRING AND FALL TO FALL AT AN INSTITUTION OF HIGHER EDUCATION.

S 2. This act shall take effect immediately.

PART V

Section 1. Section 6301 of the education law is amended by adding a new subdivision 6 to read as follows:

6. "CERTIFICATE OF RESIDENCE FORM". A STANDARD FORM AS DEVELOPED BY THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK, IN CONJUNCTION WITH THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK.

S 2. Subdivisions 3 and 4 of section 6305 of the education law, subdivision 3 as amended by chapter 486 of the laws of 1967 and subdivision 4 as separately amended by chapters 439 and 646 of the laws of 1975, are amended to read as follows:

3. The chief fiscal officer of each county, as defined in section 2.00 of the local finance law, shall, upon application and submission to him of satisfactory evidence, issue to any person desiring to enroll in a community college as a non-resident student, a certificate of residence FORM showing that said person is a resident of said county. If the chief fiscal officer of a county refuses to issue such a certificate on the ground that the person applying therefor is not a resident of such county, the person applying may appeal to the chancellor of the state university. The chancellor of the state university shall make a determination after a hearing, upon ten days' notice to such chief fiscal officer of the county, and such determination shall be final and binding on the county. Such person shall, upon his registration for each college year, file with the college such a certificate of residence FORM issued not earlier than two months prior thereto, and such certificate of resi-

1 dence FORM shall be valid for a period of one year from the date of
2 issuance.

3 4. If, pursuant to subdivision two of this section, a community
4 college elects to charge to and collect an allocable portion of the
5 operating costs and a further sum on account of capital costs of such
6 college from each county which has issued a certificate FORM or certif-
7 icates of residence FORMS pursuant to subdivision three of this section,
8 on the basis of which non-resident students are attending such community
9 college, the president of such community college shall, within forty-
10 five days after the commencement of each college term or program, submit
11 to the chief fiscal officer of each county a list of non-resident
12 students attending such college on the basis of such certificates of
13 residence FORM and a voucher for the amount payable by each county for
14 these students. Such list and voucher shall be determined on the basis
15 of non-resident students enrolled in the program as of the end (or last
16 day) of the third week of the commencement for a program scheduled for
17 one semester, the end of the second for a program scheduled for an
18 academic quarter and the end of the first week for any program scheduled
19 to be completed in thirty days or less. The chancellor of the state
20 university, or such officers or employees thereof as shall be designated
21 by the chancellor in the manner authorized by the state university trus-
22 tees, shall notify the chief fiscal officers of each county of the
23 approved annual operating and capital charge-back rate for each communi-
24 ty college. The amount billed to the chief fiscal officer of each county
25 by the president of such community college as a charge for the allocable
26 portion of the operating costs and a further sum on account of capital
27 costs of such college for non-resident students shall be paid to the
28 chief fiscal officer of such college by the billed county no later than
29 sixty days after the county receives said billing.

30 S 3. Subdivision 11 of section 6305 of the education law, as added by
31 section 1 of part Q of chapter 57 of the laws of 2012, is amended and
32 three new subdivisions 12, 13 and 14 are added to read as follows:

33 11. [The state university board of trustees, in conjunction with the
34 city university board of trustees, is directed to examine the laws,
35 regulations, and policies regarding community college charges for non-
36 resident students. This examination shall review the impacts of the
37 current law mechanisms for covering the local sponsor's share of commu-
38 nity college operating costs attributable to non-resident students,
39 including the impacts of charging a non-resident student or charging the
40 county where the student resides a per student allocable portion of the
41 local sponsor's share of operating costs, and shall also specifically
42 include examination of the following:

43 a. the methodology for determining the amount that may be charged by a
44 community college for each non-resident student's allocable portion of
45 the local sponsor's share of operating costs;

46 b. the process for notifying a county of the approved annual operating
47 and community college charge-back rates and the timeline for a county to
48 pay the charge-back rate to the community college;

49 c. policies regarding charge-back rates paid by city and towns in the
50 county; and

51 d. recommendations for potential modification to the laws, regu-
52 lations, and policies regarding community college charges for non-resi-
53 dent students that would result in improvements related to equity and
54 efficiency and the fiscal impacts of implementing such modifications to
55 students, counties and the state.

1 The boards shall submit a joint report of their findings to the chairs
2 of the senate and assembly higher education committees and the chair of
3 the senate finance committee and the chair of the assembly ways and
4 means committee no later than September first, two thousand twelve.] THE
5 STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK SHALL,
6 PURSUANT TO A PLAN, DEVELOP A UNIFORM METHODOLOGY FOR CALCULATING
7 CHARGEBACK RATES TO ENSURE EQUITY BETWEEN THE LOCAL SPONSOR CONTRIBUTION
8 PER STUDENT AND THE CHARGEBACK RATE PER STUDENT CHARGED TO OTHER COUN-
9 TIES, AND THE IMPLEMENTATION OF SUCH METHODOLOGY WILL BE PHASED IN OVER
10 FIVE YEARS BEGINNING IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
11 ACADEMIC YEAR. THE PLAN SHALL BE SUBMITTED TO THE CHAIR OF THE SENATE
12 AND ASSEMBLY HIGHER EDUCATION COMMITTEES, THE CHAIRS OF THE SENATE
13 FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE
14 AND THE DIRECTOR OF THE BUDGET NO LATER THAN DECEMBER FIRST, TWO THOU-
15 SAND THIRTEEN.

16 12. SUCH CALCULATED CHARGEBACK RATES SHALL BE SET ON AN ACADEMIC YEAR
17 BASIS AND SHALL NOT VARY BY SEMESTER WITHIN EACH ACADEMIC YEAR, AND NO
18 RETROACTIVE CHARGE SHALL BE BILLED TO ANY COUNTY BASED ON AN INCREASED
19 CHARGEBACK RATE AFTER THE COMMENCEMENT OF EACH ANNUAL ACADEMIC YEAR.

20 13. BEGINNING IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
21 ACADEMIC YEAR, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY
22 OF NEW YORK SHALL DEVELOP AN ON-LINE TRAINING PROGRAM TO BE MADE AVAIL-
23 ABLE TO EACH COUNTY TREASURER AND/OR FINANCIAL OFFICER, TO PROVIDE
24 INFORMATION REGARDING CHARGEBACK FEES AND GUIDANCE CONCERNING COMMON
25 FORMS, TIMELINES, AND POLICIES RELATING TO CHARGEBACK FEES AND THE
26 PAYMENT THEREOF.

27 14. BEGINNING IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
28 ACADEMIC YEAR, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY
29 OF NEW YORK SHALL ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF AN
30 ON-LINE OR ELECTRONIC BILLING SYSTEM, TO BE AVAILABLE TO THE COUNTIES OF
31 THIS STATE, FOR THE PAYMENT OF CHARGEBACK FEES.

32 S 4. This act shall take effect immediately.

33 PART W

34 Section 1. The tax law is amended by adding a new section 627-a to
35 read as follows:

36 S 627-A. GIFT FOR HONOR AND REMEMBRANCE OF VETERANS. EFFECTIVE FOR ANY
37 TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AN
38 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE VETERANS
39 REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND. SUCH CONTRIB-
40 UTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE
41 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL
42 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO
43 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL
44 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE
45 VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND AND
46 USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-MMMM OF
47 THE STATE FINANCE LAW.

48 S 1-a. The tax law is amended by adding a new section 209-H to read as
49 follows:

50 S 209-H. GIFT FOR HONOR AND REMEMBRANCE OF VETERANS. EFFECTIVE FOR ANY
51 TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN,
52 ANY TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE VETERANS
53 REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND. SUCH CONTRIB-
54 UTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE

1 AMOUNT OF STATE TAX OWED BY SUCH TAXPAYER. THE COMMISSIONER SHALL
2 INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN TO ENABLE A TAXPAYER TO
3 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL
4 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE
5 VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND AND
6 USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-MMMM OF
7 THE STATE FINANCE LAW.

8 S 2. The state finance law is amended by adding a new section 97-mmmm
9 to read as follows:

10 S 97-MMMM. VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION
11 FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMIS-
12 SIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE
13 KNOWN AS THE "VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERA-
14 TION FUND".

15 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT
16 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTIONS TWO
17 HUNDRED-NINE-H AND SIX HUNDRED TWENTY-SEVEN-A OF THE TAX LAW, AND ALL
18 OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY
19 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING IN THIS SECTION SHALL
20 PREVENT THE STATE FROM SOLICITING AND RECEIVING GRANTS, GIFTS OR
21 BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND
22 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

23 3. ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH CALENDAR YEAR, THE
24 COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
25 THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE
26 COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
27 AMOUNT OF MONEY DEPOSITED IN THE VETERANS REMEMBRANCE AND CEMETERY MAIN-
28 TENANCE AND OPERATION FUND DURING THE PRECEDING CALENDAR YEAR AS THE
29 RESULT OF REVENUE DERIVED PURSUANT TO SECTIONS TWO HUNDRED NINE-H AND
30 SIX HUNDRED TWENTY-SEVEN-A OF THE TAX LAW, AND FROM ALL GRANTS, GIFTS
31 AND BEQUESTS.

32 4. MONEYS OF THE FUND SHALL BE EXPENDED ONLY FOR THE CONSTRUCTION,
33 ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE
34 AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES. AS
35 USED IN THIS SECTION, "THE CONSTRUCTION, ESTABLISHMENT, EXPANSION,
36 IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF
37 PERPETUAL CARE OF STATE VETERANS CEMETERIES" SHALL INCLUDE, BUT NOT BE
38 LIMITED TO:

39 (A) THE PURCHASE, LEASING OR IMPROVEMENT OF LAND FOR THE PURPOSE OF
40 THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERA-
41 TION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS
42 CEMETERIES;

43 (B) THE PURCHASE, LEASING, CONSTRUCTION OR IMPROVEMENT OF BUILDINGS OR
44 INFRASTRUCTURE FOR THE PURPOSE OF THE CONSTRUCTION, ESTABLISHMENT,
45 EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE
46 PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES;

47 (C) THE PURCHASE OR LEASING OF EQUIPMENT, TOOLS, BUILDING MATERIALS,
48 LANDSCAPING MATERIALS, MEMORIAL HEADSTONES OR MARKERS, MONUMENTS, COLUM-
49 BARIUM NICHES, MAUSOLEUMS, CRYPTS, FLAGS, FLAG POLES, OR RELATED REMEM-
50 BRANCE OR CEMETERY ITEMS FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION,
51 IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF
52 PERPETUAL CARE OF STATE VETERANS CEMETERIES;

53 (D) THE PAYMENT OF SALARIES, WAGES, BENEFITS, PROFESSIONAL SERVICE
54 FEES, CONTRACT FEES, ASSOCIATION FEES, OR OTHER CHARGES NECESSARY FOR
55 THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERA-

1 TION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS
2 CEMETERIES; AND/OR

3 (E) THE PURCHASE OF ANY OTHER ITEM OR SERVICE NECESSARY FOR THE
4 CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION,
5 MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF A STATE VETERANS
6 CEMETERY.

7 5. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
8 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE DIRECTOR OF
9 THE DIVISION OF VETERANS AFFAIRS.

10 6. MONEYS IN THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND
11 OPERATION FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH
12 ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND/OR
13 THE COMPTROLLER.

14 S 3. Subdivision 12 of section 353 of the executive law is REPEALED
15 and a new subdivision 12 is added to read as follows:

16 12. (A) FOR THE PURPOSE OF PROVIDING FOR THE CONSTRUCTION, ESTABLISH-
17 MENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE
18 PROVISION OF PERPETUAL CARE FOR STATE VETERANS CEMETERIES, TO SEEK FUND-
19 ING FROM, AND MAKE APPLICATION FOR FUNDING TO:

20 (1) THE GOVERNMENT OF THE UNITED STATES, INCLUDING ANY AGENCY OR
21 PUBLIC AUTHORITY THEREOF;

22 (2) THE GOVERNMENT OF THE STATE OF NEW YORK, INCLUDING ANY AGENCY OR
23 PUBLIC AUTHORITY THEREOF;

24 (3) ANY POLITICAL SUBDIVISION OF THE GOVERNMENT OF THE STATE OF NEW
25 YORK, INCLUDING ANY AGENCY OR PUBLIC AUTHORITY THEREOF; OR

26 (4) ANY PRIVATE INDIVIDUAL, CORPORATION OR FOUNDATION;

27 (B) PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE OF THIS ARTICLE, TO
28 PROVIDE FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT,
29 SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR
30 STATE VETERANS CEMETERIES;

31 (C) TO EXPEND MONEYS FROM THE VETERANS REMEMBRANCE AND CEMETERY MAIN-
32 TENANCE AND OPERATION FUND, ESTABLISHED PURSUANT TO SECTION NINETY-SEV-
33 EN-MMMM OF THE STATE FINANCE LAW; AND

34 (D) TO EVALUATE, MONITOR AND OTHERWISE OVERSEE THE OPERATION OF VETER-
35 ANS CEMETERIES IN THIS STATE.

36 S 4. Subdivision 12-a of section 353 of the executive law is REPEALED.

37 S 5. The executive law is amended by adding a new section 365 to read
38 as follows:

39 S 365. NEW YORK STATE VETERANS CEMETERIES. 1. LEGISLATIVE INTENT. THE
40 LEGISLATURE FINDS AND DETERMINES THAT THE DEVOTED SERVICE AND SACRIFICE
41 OF VETERANS DESERVE IMPORTANT, UNIQUE AND ETERNAL RECOGNITION BY THE
42 STATE OF NEW YORK. THAT IT IS BY MEANS OF THE DEVOTED SERVICE AND SACRI-
43 FICE OF VETERANS THAT THE LIBERTY, FREEDOM AND PROSPERITY ENJOYED BY ALL
44 NEW YORKERS IS MAINTAINED AND PRESERVED.

45 THE LEGISLATURE FURTHER FINDS AND DETERMINES THAT TO PROVIDE THIS
46 IMPORTANT, UNIQUE AND ETERNAL RECOGNITION, THE STATE SHALL ESTABLISH A
47 PROGRAM OF NEW YORK STATE VETERANS CEMETERIES IN NEW YORK. SUCH PROGRAM
48 SHALL PROVIDE FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVE-
49 MENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL
50 CARE FOR STATE VETERANS CEMETERIES IN THIS STATE, AND THEREBY FOR THE
51 MEMORIALIZATION AND REMEMBRANCE OF INDIVIDUAL VETERANS AND THEIR SERVICE
52 TO THEIR COMMUNITY, STATE AND NATION.

53 THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT IT IS THEREFORE
54 NECESSARY TO PROVIDE FOR THE CONSTRUCTION AND ESTABLISHMENT OF ONE OR
55 MORE NEW YORK STATE VETERANS CEMETERIES, AND THAT TO THEREAFTER, PROVIDE
56 FOR THE EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE

1 PROVISION OF PERPETUAL CARE OF ALL SUCH CEMETERIES SO CONSTRUCTED AND
2 ESTABLISHED. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT IT IS APPRO-
3 PRIATE TO HAVE THE RESPONSIBILITY FOR THE CONSTRUCTION, ESTABLISHMENT,
4 EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE
5 PROVISION OF PERPETUAL CARE FOR VETERANS CEMETERIES IN THIS STATE, TO BE
6 UNDER THE OVERSIGHT AND DIRECTION OF THE STATE DIVISION OF VETERANS
7 AFFAIRS, AND ITS DIRECTOR, INDIVIDUALLY, AND AS CHAIR OF THE MANAGEMENT
8 BOARD, FOR EACH SUCH VETERANS CEMETERY SO CONSTRUCTED AND ESTABLISHED.

9 2. THE ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY.

10 (A) THE DIVISION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF
11 VETERANS AFFAIRS, AND IN CONSULTATION WITH, AND UPON THE SUPPORT OF THE
12 DEPARTMENT OF STATE DIVISION OF CEMETERIES, IS HEREBY DIRECTED TO
13 CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND
14 ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY. SUCH INVE-
15 STIGATION AND STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO:

16 (I) POTENTIAL SITE LOCATIONS FOR SUCH CEMETERY, WITH FULL CONSIDER-
17 ATION AS TO THE NEEDS OF THE VETERANS POPULATION;

18 (II) THE SIZE OF THE CEMETERY AND TYPES OF GRAVE SITES;

19 (III) THE NUMBER OF ANNUAL INTERMENTS AT THE CEMETERY;

20 (IV) TRANSPORTATION ACCESSIBILITY TO THE CEMETERY BY VETERANS, THEIR
21 FAMILIES AND THE GENERAL PUBLIC;

22 (V) COSTS FOR CONSTRUCTION OF THE CEMETERY;

23 (VI) COSTS OF OPERATION OF THE CEMETERY, INCLUDING BUT NOT LIMITED TO
24 STAFFING COSTS TO MAINTAIN THE CEMETERY;

25 (VII) SCALABILITY OF THE CEMETERY FOR FUTURE GROWTH AND EXPANSION;

26 (VIII) POTENTIAL FOR FUNDING FOR THE CEMETERY FROM FEDERAL, LOCAL AND
27 PRIVATE SOURCES;

28 (IX) COST OF MAINTENANCE;

29 (X) DATA ON THE POPULATION THAT WOULD BE SERVED BY THE SITE;

30 (XI) THE AVERAGE AGE OF THE POPULATION IN THE AREA COVERED;

31 (XII) THE MORTALITY RATE OF THE VETERAN POPULATION FOR THE AREA;

32 (XIII) SURROUNDING LAND USE;

33 (XIV) TOPOGRAPHY OF THE LAND;

34 (XV) SITE CHARACTERISTICS;

35 (XVI) COST OF LAND ACQUISITION;

36 (XVII) THE LOCATION OF EXISTING CEMETERIES INCLUDING BUT NOT LIMITED
37 TO NATIONAL VETERANS' CEMETERIES, COUNTY VETERANS' CEMETERIES, CEME-
38 TERIES THAT HAVE PLOTS DEVOTED TO VETERANS, NOT-FOR-PROFIT CEMETERIES
39 AND ANY OTHER BURIAL GROUND DEVOTED TO VETERANS AND ANY OTHER TYPE OF
40 BURIAL GROUNDS DEVOTED TO THE INTERMENT OF HUMAN REMAINS THAT IS OF
41 PUBLIC RECORD; AND

42 (XVIII) SUCH OTHER AND FURTHER ITEMS AS THE DIRECTOR OF THE DIVISION
43 DEEMS NECESSARY FOR THE FIRST STATE VETERANS CEMETERY TO BE SUCCESSFUL.

44 A REPORT OF THE INVESTIGATION AND STUDY CONCLUSIONS SHALL BE DELIVERED
45 TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
46 THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND
47 SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE
48 ON VETERANS' AFFAIRS BY NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
49 DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY.

50 (B) PRIOR TO THE COMMENCEMENT OF THE INVESTIGATION AND STUDY PURSUANT
51 TO PARAGRAPH (A) OF THIS SUBDIVISION, THE DIRECTOR OF THE DIVISION OF
52 VETERANS' AFFAIRS, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE
53 DIRECTOR OF THE DEPARTMENT OF STATE'S DIVISION OF CEMETERIES, AND THE
54 OFFICE OF THE STATE COMPTROLLER MUST CERTIFY TO THE GOVERNOR, THE TEMPO-
55 RARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF
56 THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND

MEANS COMMITTEE THAT THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND, CREATED PURSUANT TO SECTION NINETY-SEVEN-MMMM OF THE STATE FINANCE LAW, CONTAINS MONEYS SUFFICIENT, ADJUSTED TO REFLECT PROJECTED FUTURE INFLATION, TO FUND THE OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF A STATE VETERANS' CEMETERY FOR A PERIOD OF NOT LESS THAN FIFTEEN YEARS, PROVIDED THAT SUCH AMOUNT SHALL NOT INCLUDE ANY AMOUNT THAT SHALL BE REIMBURSED OR CONTRIBUTED TO THE CEMETERY FROM THE GOVERNMENT OF THE UNITED STATES OR ANY AMOUNT THAT WOULD BE RECOVERABLE BY THE CEMETERY PURSUANT TO A CHARGE OF FEE FOR THE PROVISION OF A GRAVE SITE FOR A NON-VETERAN SPOUSE OR FAMILY MEMBER. IN MAKING SUCH A CERTIFICATION, THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE DIRECTOR OF THE DEPARTMENT OF STATE'S DIVISION OF CEMETERIES, AND THE OFFICE OF THE STATE COMPTROLLER SHALL CONSIDER, BUT ARE NOT LIMITED TO, THE FOLLOWING FACTORS:

(I) PHYSICAL ATTRIBUTES OF THE VETERANS CEMETERY, INCLUDING SIZE, LOCATION, AND TERRAIN;

(II) MANAGEMENT AND OPERATION, INCLUDING STAFFING COSTS, COST OF EQUIPMENT AND EQUIPMENT MAINTENANCE, AND SECURITY COSTS;

(III) RELEVANT STATE AND FEDERAL REQUIREMENTS AND SPECIFICATIONS FOR INTERMENT AND PERPETUAL CARE;

(IV) ESTIMATES PROVIDED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS;

(V) ANY OTHER FISCAL COST, CHARGE OR ASSESSMENT THAT WOULD BE INCURRED BY THE CEMETERY.

(C) BY NO LATER THAN NINETY DAYS FOLLOWING THE ISSUANCE OF THE REPORT, PURSUANT TO THE RULES AND REGULATIONS ISSUED UNDER PARAGRAPH (H) OF THIS SUBDIVISION, THE DIRECTOR SHALL ISSUE, ON BEHALF OF THE DIVISION, A REQUEST FOR PROPOSALS FOR ANY LOCAL GOVERNMENT DESIRING TO HAVE THE FIRST STATE VETERANS CEMETERY LOCATED WITHIN ITS POLITICAL SUBDIVISION. SUCH REQUEST FOR PROPOSALS SHALL BE RETURNABLE TO THE DIVISION BY NO LATER THAN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE REQUEST FOR PROPOSALS.

(D) NO LATER THAN SIXTY DAYS FOLLOWING THE DEADLINE FOR THE RETURN OF REQUESTS FOR PROPOSALS PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY, SHALL SELECT A SITE FOR THE FIRST NEW YORK STATE VETERANS CEMETERY. IN SELECTING SUCH SITE, THE DIRECTOR SHALL CONSIDER:

(I) THE INVESTIGATION AND STUDY, AND THE REPORT PRODUCED BY THE SAME, PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION;

(II) THE SUBMITTED RESPONSES TO THE REQUESTS FOR PROPOSALS ISSUED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION;

(III) THE GUIDELINES FOR RECEIPT OF FEDERAL FUNDING SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 39 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER RELEVANT FEDERAL STATUTE OR REGULATION;

(IV) THE POSSIBILITY OF FUNDING FROM PRIVATE INDIVIDUALS, CORPORATIONS OR FOUNDATIONS; AND

(V) ANY OTHER CONSIDERATION THAT WOULD FACILITATE THE SUCCESSFUL OPERATION OF THE FIRST NEW YORK STATE VETERANS CEMETERY.

(E) NO LATER THAN THIRTY DAYS FOLLOWING THE SELECTION OF THE SITE PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY, SHALL COMMENCE THE APPLICATION PROCESS FOR FUNDING FROM THE GOVERNMENT OF THE UNITED STATES, IN ACCORDANCE WITH THE GRANT REQUIRE-

MENTS SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 39 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER RELEVANT FEDERAL STATUTE OR REGULATION, FOR THE PURPOSE OF SEEKING FUNDS TO SUPPORT THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF NEW YORK STATE'S FIRST VETERANS CEMETERY. SUCH GRANT APPLICATION SHALL BE BASED ON A SITE SELECTED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, AND SHALL BE CONSISTENT WITH THE GUIDELINES FOR RECEIPT OF FEDERAL FUNDING PURSUANT TO THE RELEVANT PROVISIONS OF FEDERAL LAW.

(F) A MANAGEMENT BOARD FOR THE FIRST NEW YORK STATE VETERANS CEMETERY SHALL BE APPOINTED PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

(G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE DIVISION OF VETERANS' AFFAIRS TO COMMENCE AN INVESTIGATION AND STUDY PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, ISSUING A REQUEST FOR PROPOSALS PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, SELECTING A SITE FOR THE FIRST NEW YORK STATE VETERANS CEMETERY PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, OR SUBMITTING ANY APPLICATION FOR FUNDING FROM THE GOVERNMENT OF THE UNITED STATES IN ACCORDANCE WITH THE GRANT REQUIREMENTS SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 30 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND OTHER RELEVANT FEDERAL STATUTES OR REGULATIONS, FOR THE PURPOSE OF SEEKING FUNDS TO SUPPORT THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF NEW YORK STATE'S FIRST VETERANS CEMETERY PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION UNTIL THE FUNDS IN THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND HAVE BEEN CERTIFIED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

(H) THE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS GOVERNING:

(I) THE GUIDELINES AND STANDARDS FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR A STATE VETERANS CEMETERY. SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(1) THE SIZE AND TERRAIN OF THE CEMETERY;

(2) THE MANAGEMENT AND OPERATION OF THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) HOURS OF OPERATION;

(B) EMPLOYEES, EMPLOYEE RELATIONS, AND EMPLOYEE DUTIES;

(C) THE CONDUCT AND PRACTICE OF EVENTS, CEREMONIES AND PROGRAMS;

(D) THE FILING AND COMPLIANCE OF THE CEMETERY WITH STATE AND FEDERAL REGULATORS; AND

(E) SUCH OTHER AND FURTHER OPERATIONAL AND MANAGEMENT PRACTICES AND PROCEDURES AS THE DIRECTOR SHALL DETERMINE TO BE NECESSARY FOR THE SUCCESSFUL OPERATION OF A STATE VETERANS CEMETERY.

(3) THE LAYOUT OF PLOTS;

(4) THE LOCATIONS OF BUILDING AND INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO:

(A) ELECTRICAL LINES AND FACILITIES;

(B) WATERLINES, IRRIGATION SYSTEMS, AND DRAINAGE FACILITIES;

(C) TREES, FLOWERS AND OTHER PLANTINGS;

(D) NON GRAVESITE MEMORIALS, GRAVESITE MEMORIALS, MAUSOLEUMS, COLUMBARIUM NICHES, HEADSTONES, GRAVE MARKERS, INDOOR INTERMENT FACILITIES, COMMITMENT-SERVICE SHELTERS, SIGNAGE, FLAG POLES, AND OTHER MEMORIAL GATHERING SPACES OR INFRASTRUCTURE;

(E) ROADWAYS, PEDESTRIAN PATHWAYS, PARKING SITES, CURBS AND CURB CUTS;

(F) PONDS, LAKES AND OTHER WATER SITES;

1 (G) RETAINING WALLS, GATES, FENCES, SECURITY SYSTEMS OR OTHER DEVICES
2 FOR CEMETERY PROTECTION; AND

3 (H) ANY OTHER BUILDINGS, STRUCTURES OR INFRASTRUCTURE NECESSARY FOR
4 THE SAFE, EFFICIENT AND EFFECTIVE OPERATION OF THE CEMETERY;

5 (5) THE QUALIFICATIONS FOR INTERMENT, CONSISTENT WITH THE PROVISIONS
6 OF STATE AND FEDERAL LAW AND ANY REQUIREMENTS PURSUANT TO THE RECEIPT OF
7 FEDERAL, STATE, LOCAL OR PRIVATE FUNDS;

8 (6) THE LOCATION AND PLACEMENT OF INTERMENTS;

9 (7) CONSISTENT WITH THE PROVISIONS OF STATE AND FEDERAL LAW AND ANY
10 REQUIREMENTS PURSUANT TO THE RECEIPT OF FEDERAL, STATE, LOCAL OR PRIVATE
11 FUNDS, THE FINANCIAL MANAGEMENT OF THE CEMETERY, INCLUDING BUT NOT
12 LIMITED TO:

13 (A) THE PROCEDURES FOR THE PROTECTION AND IMPLEMENTATION OF THE CEME-
14 TERY'S ANNUAL BUDGET;

15 (B) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF OPERATING
16 FUNDS PURSUANT TO THE CEMETERY'S BUDGET;

17 (C) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF CAPITAL FUNDS
18 PURSUANT TO THE CEMETERY'S CAPITAL PLAN;

19 (D) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF EMERGENCY
20 FUNDS TO ADDRESS AN UNEXPECTED EVENT;

21 (E) THE ASSESSMENT, CHARGING, COLLECTION AND DEPOSIT OF FEES AND
22 CHARGES;

23 (F) THE MANAGEMENT OF CEMETERY FINANCES, BOTH CURRENT AND FUTURE, WITH
24 RESPECT TO INVESTMENTS; AND

25 (G) SUCH OTHER AND FURTHER PROCEDURES AND ACTIVITIES CONCERNING THE
26 FINANCIAL MANAGEMENT OF THE CEMETERY;

27 (8) THE PROVISION OF PERPETUAL CARE FOR THE CEMETERY, INCLUDING BUT
28 NOT LIMITED TO:

29 (A) THE FREQUENCY, STANDARDS AND METHODS FOR THE BEAUTIFICATION AND
30 MAINTENANCE OF GROUNDS, MEMORIALS, GRAVESITES, BUILDINGS, CEREMONIAL
31 SITES, OR OTHER LOCATIONS WITHIN, OR UPON THE CURTILAGE OF THE CEMETERY;

32 (B) THE FREQUENCY, STANDARDS AND METHODS FOR THE PROVISION OF FLAGS,
33 PATRIOTIC AND MILITARY SYMBOLS, AND OTHER HONORARY ITEMS, AT EACH
34 GRAVESITE AND THROUGHOUT THE CEMETERY; AND

35 (C) SUCH OTHER AND FURTHER STANDARDS AS ARE NECESSARY TO ASSURE THE
36 PROPER PERPETUAL CARE OF THE CEMETERY IN A MANNER BEFITTING THE HIGHEST
37 LEVEL OF HONOR AND RESPECT DESERVING TO THOSE VETERANS AND THEIR FAMI-
38 LIES INTERRED IN THE CEMETERY;

39 (9) GUIDELINES AND STANDARDS FOR THE PROCUREMENT OF LAND FOR THE CEME-
40 TERY PROVIDING THAT THE STATE VETERANS CEMETERY, AND ALL THE PROPERTY
41 UPON WHICH IT RESIDES SHALL BE OWNED IN FEE SIMPLE ABSOLUTE BY THE STATE
42 OF NEW YORK;

43 (10) GUIDELINES AND STANDARDS FOR THE PRACTICES AND PROCEDURES FOR THE
44 CONSTRUCTION AND ESTABLISHMENT OF A STATE VETERANS CEMETERY, INCLUDING
45 CONTRACTING AND PURCHASING FOR CONSTRUCTION SERVICES, PROFESSIONAL
46 SERVICES, LEGAL SERVICES, ARCHITECTURAL SERVICES, CONSULTING SERVICES,
47 AS WELL AS THE PROCUREMENT OF MATERIALS, ALL CONSISTENT WITH THE RELE-
48 VANT PROVISIONS OF FEDERAL, STATE AND LOCAL LAW, THE REGULATIONS PROMUL-
49 GATED THEREUNDER, AND THE REQUIREMENTS CONTAINED IN THE GRANTS AWARDED
50 OR PURSUED FROM THE FEDERAL GOVERNMENT, OR ANY SOURCE OF PRIVATE FUND-
51 ING;

52 (11) GUIDELINES AND STANDARDS FOR THE PRACTICES AND PROCEDURES FOR THE
53 EXPANSION AND IMPROVEMENT OF A STATE VETERANS CEMETERY, INCLUDING
54 CONTRACTING AND PURCHASING FOR CONSTRUCTION SERVICES, PROFESSIONAL
55 SERVICES, LEGAL SERVICES, ARCHITECTURAL SERVICES, CONSULTING SERVICES,
56 AS WELL AS THE PROCUREMENT OF MATERIALS, ALL CONSISTENT WITH THE RELE-

VANT PROVISIONS OF FEDERAL, STATE AND LOCAL LAW, THE REGULATIONS PROMULGATED THEREUNDER, AND THE REQUIREMENTS CONTAINED IN THE GRANTS AWARDED OR PURSUED FROM THE FEDERAL GOVERNMENT, OR ANY SOURCE OF PRIVATE FUNDING;

(12) ANY OTHER GUIDELINES AND STANDARDS THAT WOULD FACILITATE THE SUCCESSFUL CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR THE STATE VETERANS CEMETERY;

(II) GUIDELINES AND STANDARDS FOR THE REQUEST FOR PROPOSALS FOR ANY LOCAL GOVERNMENT DESIRING TO HAVE THE FIRST STATE VETERANS CEMETERY LOCATED WITHIN ITS POLITICAL SUBDIVISION, PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, INCLUDING, BUT NOT LIMITED TO:

(1) THE FORM, REQUIREMENTS AND STANDARDS REQUIRED FOR SUBMISSION OF A RESPONSE TO THE REQUEST FOR PROPOSALS;

(2) THE REQUIREMENT, IF THE DIRECTOR SO ELECTS, THAT A RESPONSE SHALL REQUIRE THE LOCAL GOVERNMENT TO AGREE TO CONTRACT WITH THE STATE OF NEW YORK THAT ALL COSTS FOR CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF THE VETERANS CEMETERY SHALL BE THE SOLE RESPONSIBILITY OF, AND PAID BY THE LOCAL GOVERNMENT, AND THAT TO THE EXTENT SUCH COSTS ARE NOT PAID OR REIMBURSED BY THE GOVERNMENT OF THE UNITED STATES, OR A PRIVATE INDIVIDUAL, CORPORATION OR FOUNDATION;

(3) THE REQUIREMENT THAT THE LOCAL GOVERNMENT WILL COMPLY WITH ALL STATE AND FEDERAL STATUTES AND REGULATIONS CONCERNING THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF THE STATE VETERANS CEMETERY, AND SHALL SATISFY ANY AND ALL APPLICABLE STATE AND FEDERAL STANDARDS AND REQUIREMENTS FOR THE PERPETUAL CARE OF THE STATE VETERANS CEMETERY;

(4) THAT THE STATE VETERANS CEMETERY, AND ALL THE PROPERTY UPON WHICH IT RESIDES SHALL BE OWNED IN FEE SIMPLE ABSOLUTE BY THE STATE OF NEW YORK;

(5) THAT ALL LANDS UPON WHICH SUCH CEMETERY IS CONSTRUCTED AND ESTABLISHED SHALL BE USED SOLELY FOR STATE VETERANS CEMETERY PURPOSES, AND FOR THE PURPOSE OF PROVIDING THE HONOR AND REMEMBRANCE OF VETERANS AND THEIR SERVICE THROUGH CEREMONIES AND PROGRAMS;

(6) THE REQUIREMENT THAT A RESPONSE SHALL REQUIRE THE LOCAL GOVERNMENT TO AGREE TO AUTHORIZE THE STATE OF NEW YORK, IN THE EVENT THAT THE LOCAL GOVERNMENT FAILS TO PERFORM ITS OBLIGATIONS UNDER THE CONTRACT WITH THE STATE OF NEW YORK, THAT THE STATE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS SHALL CERTIFY TO THE COMPTROLLER ANY UNPAID AMOUNTS OR ANY AMOUNTS NECESSARY FOR THE STATE TO ASSUME THE OBLIGATIONS WHICH THE LOCAL GOVERNMENT FAILED TO PERFORM, AND THE COMPTROLLER SHALL, TO THE EXTENT NOT OTHERWISE PROHIBITED BY LAW, WITHHOLD SUCH AMOUNT FROM ANY STATE AID OR OTHER AMOUNT PAYABLE TO SUCH LOCAL GOVERNMENT; TO THE EXTENT THAT SUFFICIENT FUNDS ARE NOT AVAILABLE FOR SUCH WITHHOLDING, THE STATE MAY PURSUE ANY AND ALL AVAILABLE LEGAL REMEDIES TO ENFORCE THE TERMS OF THE CONTRACT ENTERED INTO BETWEEN THE STATE AND A LOCAL GOVERNMENT PURSUANT TO THIS SUBDIVISION; AND

(7) SUCH OTHER AND FURTHER REQUIREMENTS AS THE DIRECTOR MAY DEEM PRUDENT IN THE FACILITATION OF THE SUCCESSFUL SITING AND OPERATION OF A STATE VETERANS CEMETERY IN THE JURISDICTION OF THE LOCAL GOVERNMENT; AND

(III) SUCH OTHER AND FURTHER GUIDELINES AND STANDARDS AS ARE NECESSARY FOR THE SUCCESSFUL CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR A STATE VETERANS CEMETERY;

(I) UPON THE APPROVAL OF THE APPLICATION FOR FUNDING FROM THE GOVERNMENT OF THE UNITED STATES, MADE PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION, THE DIRECTOR, UPON CONSULTATION WITH THE MANAGEMENT BOARD, SHALL COMMENCE THE PROCESS OF CONSTRUCTION AND ESTABLISHMENT OF THE FIRST STATE VETERANS CEMETERY. SUCH PROCESS SHALL BE CONSISTENT WITH THE RELEVANT PROVISIONS OF LOCAL, STATE AND FEDERAL LAW, AND THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO PARAGRAPH (H) OF THIS SUBDIVISION.

3. MANAGEMENT BOARDS OF NEW YORK STATE VETERANS CEMETERIES. (A) FOR EACH NEW YORK STATE VETERANS CEMETERY THERE SHALL BE A MANAGEMENT BOARD. EACH SUCH MANAGEMENT BOARD SHALL CONSIST OF NINE MEMBERS, INCLUDING THE DIRECTOR OF THE DIVISION WHO SHALL SERVE AS CHAIR, AND FOUR MEMBERS, APPOINTED BY THE GOVERNOR. OF SUCH FOUR MEMBERS, NOT FEWER THAN TWO SHALL BE A VETERAN OF THE UNITED STATES ARMY, THE UNITED STATES NAVY, THE UNITED STATES AIR FORCE, THE UNITED STATES MARINES, THE NEW YORK ARMY NATIONAL GUARD, THE NEW YORK AIR NATIONAL GUARD, THE NEW YORK NAVAL MILITIA, OR A MEMBER WHO HAS SERVED IN A THEATER OF COMBAT OPERATIONS OF THE UNITED STATES COAST GUARD OR THE UNITED STATES MERCHANT MARINE. TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE STATE ASSEMBLY. AT LEAST ONE OF THE MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND AT LEAST ONE OF THE MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL BE A VETERAN OF THE UNITED STATES ARMY, THE UNITED STATES NAVY, THE UNITED STATES AIR FORCE, THE UNITED STATES MARINES, THE NEW YORK ARMY NATIONAL GUARD, THE NEW YORK AIR NATIONAL GUARD, THE NEW YORK NAVAL MILITIA, OR A MEMBER WHO HAS SERVED IN A THEATER OF COMBAT OPERATIONS OF THE UNITED STATES COAST GUARD OR THE UNITED STATES MERCHANT MARINE. NO MEMBER SHALL RECEIVE ANY COMPENSATION FOR HIS OR HER SERVICE, BUT MEMBERS WHO ARE NOT STATE OFFICIALS MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES, INCLUDING TRAVEL EXPENSES INCURRED IN PERFORMANCE OF THEIR DUTIES. THE MANAGEMENT BOARD MAY CONSULT WITH ANY FEDERAL, STATE OR LOCAL ENTITY FOR THE PURPOSES OF ADVANCING ITS PURPOSES, MISSION AND DUTIES.

(B) THE MANAGEMENT BOARD SHALL ADVISE, BY MAJORITY VOTE, THE DIRECTOR ON ISSUES CONCERNING THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR THE VETERANS CEMETERY, INCLUDING BUT NOT LIMITED TO ISSUES OF FINANCIAL CONCERN, EMPLOYMENT RELATIONS, CEMETERY POLICY, CEMETERY EVENTS AND PROGRAMS, AND SUCH OTHER AND FURTHER ISSUES AS THE BOARD AND DIRECTOR SHALL DEEM IMPORTANT.

4. ADDITIONAL STATE VETERANS CEMETERIES. (A) NOT LATER THAN TEN YEARS AFTER THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY, AND EVERY TEN YEARS THEREAFTER, THE DIVISION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, SHALL CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF ADDITIONAL NEW YORK STATE VETERANS CEMETERIES. SUCH INVESTIGATION AND STUDY SHALL CONSIDER, BUT NOT BE LIMITED TO, THE STUDY PARAMETERS ESTABLISHED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION. A REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NINETY DAYS AFTER THE DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY;

(B) THE REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL PROVIDE A DETERMINATION BY THE DIREC-

TOR AS TO WHETHER THE STATE SHOULD CONSTRUCT AND ESTABLISH ONE OR MORE ADDITIONAL VETERANS CEMETERIES, AND SHALL STATE THE REASONING AND BASIS FOR SUCH DETERMINATION; AND

(C) THE DIVISION MAY, AT THE DISCRETION OF THE DIRECTOR, AT ANY TIME AFTER FIVE YEARS FROM THE COMPLETION OF CONSTRUCTION OF THE MOST RECENTLY CONSTRUCTED AND ESTABLISHED STATE VETERANS CEMETERY, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF ADDITIONAL NEW YORK STATE VETERANS CEMETERIES. A REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NINETY DAYS AFTER THE DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY.

(D) IF THE DIRECTOR, PURSUANT TO THE INVESTIGATION AND STUDY CONDUCTED PURSUANT TO THIS SUBDIVISION, DETERMINES THAT THERE SHALL BE AN ADDITIONAL STATE VETERANS CEMETERY IN NEW YORK STATE, THE DIRECTOR SHALL PROVIDE FOR THE CONSTRUCTION AND ESTABLISHMENT OF SUCH NEW VETERANS CEMETERY PURSUANT TO THE SAME GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST STATE VETERANS CEMETERY UNDER THIS SECTION.

5. EXPANSION AND IMPROVEMENT OF EXISTING STATE VETERANS CEMETERIES. THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF A STATE VETERANS CEMETERY, MAY PROVIDE FOR THE EXPANSION AND/OR IMPROVEMENT OF THE CEMETERY. SUCH EXPANSION AND IMPROVEMENT SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIVISION UNDER PARAGRAPH (H) OF SUBDIVISION TWO OF THIS SECTION.

S 6. This act shall take effect immediately.

PART X

Section 1. Section 2 of the public service law is amended by adding a new subdivision 14 to read as follows:

14. THE TERM "COMBINATION GAS AND ELECTRIC CORPORATION," WHEN USED IN SECTIONS TWENTY-FIVE-A, SIXTY-FIVE AND SIXTY-SIX OF THIS CHAPTER, INCLUDES ANY GAS CORPORATION OPERATING IN NEW YORK UNDER COMMON OWNERSHIP WITH AN ELECTRIC CORPORATION OPERATING IN NEW YORK OR ANY ELECTRIC CORPORATION OPERATING IN NEW YORK UNDER COMMON OWNERSHIP WITH A GAS CORPORATION OPERATING IN NEW YORK, OR ANY SUCCESSOR OF EITHER SUCH CORPORATION; PROVIDED, HOWEVER, THAT SUCH TERM SHALL NOT INCLUDE MUNICIPALLY-OWNED UTILITIES, AND SHALL NOT INCLUDE ANY GENERATING FACILITIES OWNED OR OPERATED BY EITHER SUCH CORPORATION OR ANY COMMON OWNER THEREOF, OR ANY SUBSIDIARY OF SUCH COMMON OWNER.

S 2. The public service law is amended by adding a new section 25-a to read as follows:

S 25-A. COMBINATION GAS AND ELECTRIC CORPORATIONS; ADMINISTRATIVE SANCTIONS; RECOVERY OF PENALTIES. NOTWITHSTANDING SECTIONS TWENTY-FOUR AND TWENTY-FIVE OF THIS ARTICLE: 1. EVERY COMBINATION GAS AND ELECTRIC CORPORATION AND THE OFFICERS THEREOF SHALL ADHERE TO EVERY PROVISION OF THIS CHAPTER AND EVERY ORDER OR REGULATION ADOPTED UNDER AUTHORITY OF THIS CHAPTER SO LONG AS THE SAME SHALL BE IN FORCE.

2. (A) THE COMMISSION SHALL HAVE THE AUTHORITY TO ASSESS A CIVIL PENALTY AGAINST A COMBINATION GAS AND ELECTRIC CORPORATION AND THE OFFICERS THEREOF SUBJECT TO THE JURISDICTION, SUPERVISION, OR REGULATION PURSUANT TO THIS CHAPTER IN AN AMOUNT AS SET FORTH IN THIS SECTION. IN

1 DETERMINING THE AMOUNT OF ANY PENALTY TO BE ASSESSED PURSUANT TO THIS
2 SECTION, THE COMMISSION SHALL CONSIDER: (I) THE SERIOUSNESS OF THE
3 VIOLATION FOR WHICH A PENALTY IS SOUGHT; (II) THE NATURE AND EXTENT OF
4 ANY PREVIOUS VIOLATIONS FOR WHICH PENALTIES HAVE BEEN ASSESSED AGAINST
5 THE CORPORATION OR OFFICER; (III) WHETHER THERE WAS KNOWLEDGE OF THE
6 VIOLATION; (IV) THE GROSS REVENUES AND FINANCIAL STATUS OF THE CORPO-
7 RATION; AND (V) SUCH OTHER FACTORS AS THE COMMISSION MAY DEEM APPROPRI-
8 ATE AND RELEVANT. THE REMEDIES PROVIDED BY THIS SUBDIVISION ARE IN ADDI-
9 TION TO ANY OTHER REMEDIES PROVIDED IN LAW.

10 (B) WHENEVER THE COMMISSION HAS REASON TO BELIEVE THAT A COMBINATION
11 GAS AND ELECTRIC CORPORATION OR SUCH OFFICERS THEREOF SHOULD BE SUBJECT
12 TO IMPOSITION OF A CIVIL PENALTY AS SET FORTH IN THIS SUBDIVISION, IT
13 SHALL NOTIFY SUCH CORPORATION OR OFFICER. SUCH NOTICE SHALL INCLUDE, BUT
14 SHALL NOT BE LIMITED TO: (I) THE DATE AND A BRIEF DESCRIPTION OF THE
15 FACTS AND NATURE OF EACH ACT OR FAILURE TO ACT FOR WHICH SUCH PENALTY IS
16 PROPOSED; (II) A LIST OF EACH STATUTE, REGULATION OR ORDER THAT THE
17 COMMISSION ALLEGES HAS BEEN VIOLATED; AND (III) THE AMOUNT OF EACH
18 PENALTY THAT THE COMMISSION PROPOSES TO ASSESS.

19 (C) WHENEVER THE COMMISSION HAS REASON TO BELIEVE THAT A COMBINATION
20 GAS AND ELECTRIC CORPORATION OR SUCH OFFICERS THEREOF SHOULD BE SUBJECT
21 TO IMPOSITION OF A CIVIL PENALTY OR PENALTIES AS SET FORTH IN THIS
22 SUBDIVISION, THE COMMISSION SHALL HOLD A HEARING TO DEMONSTRATE WHY THE
23 PROPOSED PENALTY OR PENALTIES SHOULD BE ASSESSED AGAINST SUCH COMBINA-
24 TION GAS AND ELECTRIC CORPORATION OR SUCH OFFICERS.

25 3. ANY COMBINATION GAS AND ELECTRIC CORPORATION DETERMINED BY THE
26 COMMISSION TO HAVE FAILED TO REASONABLY COMPLY AS SHOWN BY A PREPONDER-
27 ANCE OF THE EVIDENCE WITH A PROVISION OF THIS CHAPTER, REGULATION OR AN
28 ORDER ADOPTED UNDER AUTHORITY OF THIS CHAPTER SO LONG AS THE SAME SHALL
29 BE IN FORCE SHALL FORFEIT A SUM NOT EXCEEDING THE GREATER OF ONE HUNDRED
30 THOUSAND DOLLARS OR TWO ONE-HUNDREDTHS OF ONE PERCENT OF THE ANNUAL
31 INTRASTATE GROSS OPERATING REVENUE OF THE CORPORATION, NOT INCLUDING
32 TAXES PAID TO AND REVENUES COLLECTED ON BEHALF OF GOVERNMENT ENTITIES,
33 CONSTITUTING A CIVIL PENALTY FOR EACH AND EVERY OFFENSE AND, IN THE CASE
34 OF A CONTINUING VIOLATION, EACH DAY SHALL BE DEEMED A SEPARATE AND
35 DISTINCT OFFENSE.

36 4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS
37 SECTION, ANY SUCH COMBINATION GAS AND ELECTRIC CORPORATION DETERMINED BY
38 THE COMMISSION TO HAVE FAILED TO REASONABLY COMPLY WITH A PROVISION OF
39 THIS CHAPTER, OR AN ORDER OR REGULATION ADOPTED UNDER THE AUTHORITY OF
40 THIS CHAPTER SPECIFICALLY FOR THE PROTECTION OF HUMAN SAFETY OR
41 PREVENTION OF SIGNIFICANT DAMAGE TO REAL PROPERTY, INCLUDING, BUT NOT
42 LIMITED TO, THE COMMISSION'S CODE OF GAS SAFETY REGULATIONS SHALL, IF IT
43 IS DETERMINED BY THE COMMISSION BY A PREPONDERANCE OF THE EVIDENCE THAT
44 SUCH SAFETY VIOLATION CAUSED OR CONSTITUTED A CONTRIBUTING FACTOR IN
45 BRINGING ABOUT: (A) A DEATH OR PERSONAL INJURY; OR (B) DAMAGE TO REAL
46 PROPERTY IN EXCESS OF FIFTY THOUSAND DOLLARS, FORFEIT A SUM NOT TO
47 EXCEED THE GREATER OF:

48 (I) TWO HUNDRED FIFTY THOUSAND DOLLARS OR THREE ONE-HUNDREDTHS OF ONE
49 PERCENT OF THE ANNUAL INTRASTATE GROSS OPERATING REVENUE OF THE CORPO-
50 RATION, NOT INCLUDING TAXES PAID TO AND REVENUES COLLECTED ON BEHALF OF
51 GOVERNMENT ENTITIES, WHICHEVER IS GREATER, CONSTITUTING A CIVIL PENALTY
52 FOR EACH SEPARATE AND DISTINCT OFFENSE; PROVIDED, HOWEVER, THAT FOR
53 PURPOSES OF THIS PARAGRAPH, EACH DAY OF A CONTINUING VIOLATION SHALL NOT
54 BE DEEMED A SEPARATE AND DISTINCT OFFENSE. THE TOTAL PERIOD OF A CONTIN-
55 UING VIOLATION, AS WELL AS EVERY DISTINCT VIOLATION, SHALL BE SIMILARLY

1 TREATED AS A SEPARATE AND DISTINCT OFFENSE FOR PURPOSES OF THIS PARA-
2 GRAPH; OR

3 (II) THE MAXIMUM FORFEITURE DETERMINED IN ACCORDANCE WITH SUBDIVISION
4 THREE OF THIS SECTION.

5 5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OR FOUR OF THIS
6 SECTION, A COMBINATION GAS AND ELECTRIC CORPORATION DETERMINED BY THE
7 COMMISSION TO HAVE FAILED TO REASONABLY COMPLY BY A PREPONDERANCE OF THE
8 EVIDENCE WITH A PROVISION OF THIS CHAPTER, OR AN ORDER OR REGULATION
9 ADOPTED UNDER AUTHORITY OF THIS CHAPTER, DESIGNED TO PROTECT THE OVERALL
10 RELIABILITY AND CONTINUITY OF ELECTRIC SERVICE, INCLUDING BUT NOT LIMIT-
11 ED TO THE RESTORATION OF ELECTRIC SERVICE FOLLOWING A MAJOR OUTAGE EVENT
12 OR EMERGENCY, SHALL FORFEIT A SUM NOT TO EXCEED THE GREATER OF:

13 (A) FIVE HUNDRED THOUSAND DOLLARS OR FOUR ONE-HUNDREDTHS OF ONE
14 PERCENT OF THE ANNUAL INTRASTATE GROSS OPERATING REVENUE OF THE CORPO-
15 RATION, NOT INCLUDING TAXES PAID TO AND REVENUES COLLECTED ON BEHALF OF
16 GOVERNMENT ENTITIES, WHICHEVER IS GREATER, CONSTITUTING A CIVIL PENALTY
17 FOR EACH SEPARATE AND DISTINCT OFFENSE; PROVIDED, HOWEVER, THAT FOR
18 PURPOSES OF THIS PARAGRAPH EACH DAY OF A CONTINUING VIOLATION SHALL NOT
19 BE DEEMED A SEPARATE AND DISTINCT OFFENSE. THE TOTAL PERIOD OF A CONTIN-
20 UING VIOLATION, AS WELL AS EVERY DISTINCT VIOLATION SHALL BE SIMILARLY
21 TREATED AS A SEPARATE AND DISTINCT OFFENSE FOR PURPOSES OF THIS PARA-
22 GRAPH; OR

23 (B) THE MAXIMUM FORFEITURE DETERMINED IN ACCORDANCE WITH SUBDIVISION
24 THREE OF THIS SECTION.

25 6. ANY OFFICER OF ANY COMBINATION GAS AND ELECTRIC CORPORATION DETER-
26 MINED BY THE COMMISSION TO HAVE VIOLATED THE PROVISIONS OF SUBDIVISION
27 THREE, FOUR, OR FIVE OF THIS SECTION, AND WHO KNOWINGLY VIOLATES A
28 PROVISION OF THIS CHAPTER, REGULATION OR AN ORDER ADOPTED UNDER AUTHORI-
29 TY OF THIS CHAPTER SO LONG AS THE SAME SHALL BE IN FORCE SHALL FORFEIT A
30 SUM NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS CONSTITUTING A CIVIL
31 PENALTY FOR EACH AND EVERY OFFENSE AND, IN THE CASE OF A CONTINUING
32 VIOLATION, EACH DAY SHALL BE DEEMED A SEPARATE AND DISTINCT OFFENSE.

33 7. ANY SUCH ASSESSMENT MAY BE COMPROMISED OR DISCONTINUED BY THE
34 COMMISSION. ALL MONEYS RECOVERED PURSUANT TO THIS SECTION, TOGETHER WITH
35 THE COSTS THEREOF, SHALL BE REMITTED TO, OR FOR THE BENEFIT OF, THE
36 RATEPAYERS IN A MANNER TO BE DETERMINED BY THE COMMISSION.

37 8. UPON A FAILURE BY A COMBINATION GAS AND ELECTRIC CORPORATION OR
38 OFFICER TO REMIT ANY PENALTY ASSESSED BY THE COMMISSION PURSUANT TO THIS
39 SECTION, THE COMMISSION, THROUGH ITS COUNSEL, MAY INSTITUTE AN ACTION OR
40 SPECIAL PROCEEDING TO COLLECT THE PENALTY IN A COURT OF COMPETENT JURIS-
41 DICTION.

42 9. ANY PAYMENT MADE BY A COMBINATION GAS AND ELECTRIC CORPORATION OR
43 THE OFFICERS THEREOF AS A RESULT OF AN ASSESSMENT AS PROVIDED IN THIS
44 SECTION, AND THE COST OF LITIGATION AND INVESTIGATION RELATED TO ANY
45 SUCH ASSESSMENT, SHALL NOT BE RECOVERABLE FROM RATEPAYERS.

46 10. IN CONSTRUING AND ENFORCING THE PROVISIONS OF THIS CHAPTER RELAT-
47 ING TO PENALTIES, THE ACT OF ANY DIRECTOR, OFFICER, AGENT OR EMPLOYEE OF
48 A COMBINED GAS AND ELECTRIC CORPORATION ACTING WITHIN THE SCOPE OF HIS
49 OR HER OFFICIAL DUTIES OR EMPLOYMENT SHALL BE DEEMED TO BE THE ACT OF
50 SUCH CORPORATION.

51 11. IT SHALL BE A VIOLATION OF THIS CHAPTER SHOULD A DIRECTOR, OFFICER
52 OR EMPLOYEE OF A PUBLIC UTILITY COMPANY, CORPORATION, PERSON ACTING IN
53 HIS OR HER OFFICIAL DUTIES OR EMPLOYMENT, OR AN AGENT ACTING ON BEHALF
54 OF AN EMPLOYER TAKE RETALIATORY PERSONNEL ACTION SUCH AS DISCHARGE,
55 SUSPENSION, DEMOTION, PENALIZATION OR DISCRIMINATION AGAINST AN EMPLOYEE
56 FOR REPORTING A VIOLATION OF A PROVISION OF THIS CHAPTER OF AN ORDER OR

REGULATION ADOPTED UNDER THE AUTHORITY OF THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO, THOSE GOVERNING SAFE AND ADEQUATE SERVICE, PROTECTION OF HUMAN SAFETY OR PREVENTION OF SIGNIFICANT DAMAGE TO REAL PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE COMMISSION'S CODE OF GAS SAFETY. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO DIMINISH THE RIGHTS, PRIVILEGES OR REMEDIES OF ANY EMPLOYEE UNDER ANY OTHER LAW OR REGULATION, INCLUDING BUT NOT LIMITED TO ARTICLE TWENTY-C OF THE LABOR LAW AND SECTION SEVENTY-FIVE-B OF THE CIVIL SERVICE LAW, OR UNDER ANY COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT.

S 3. Section 65 of the public service law is amended by adding two new subdivisions 14 and 15 to read as follows:

14. IN CONJUNCTION WITH A MANAGEMENT AND OPERATIONS AUDIT UNDERTAKEN PURSUANT TO SUBDIVISION NINETEEN OF SECTION SIXTY-SIX OF THIS ARTICLE OR UPON ITS OWN MOTION, THE COMMISSION SHALL REVIEW THE CAPABILITY, INCLUDING BUT NOT LIMITED TO, THE CAPABILITY TO IMPLEMENT EMERGENCY RESPONSE PLANS AND RESTORATION, OF EACH ELECTRIC CORPORATION TO PROVIDE SAFE, ADEQUATE, AND RELIABLE SERVICE. UPON GOOD CAUSE SHOWN, AND AFTER A HEARING IN ACCORDANCE WITH THE COMMISSION'S RULES AND REGULATIONS, THE COMMISSION MAY DIRECT SUCH CORPORATION TO COMPLY WITH ADDITIONAL AND MORE STRINGENT TERMS AND CONDITIONS OF SERVICE THAN EXISTED PRIOR TO THE COMMENCEMENT OF THE MANAGEMENT AND OPERATIONS AUDIT, AND MAY, IN ADDITION, ASSESS THE CONTINUED OPERATION OF SUCH CORPORATION AS THE PROVIDER OF ELECTRIC SERVICE IN ITS SERVICE TERRITORY AND PROPOSE, AND ACT UPON, SUCH MEASURES AS ARE NECESSARY TO ENSURE SAFE AND ADEQUATE SERVICE; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION LIMITS THE COMMISSION'S AUTHORITY TO UNDERTAKE THE ACTIONS SET FORTH PURSUANT TO SECTION TWENTY-FOUR, TWENTY-FIVE OR TWENTY-FIVE-A OF THIS CHAPTER.

15. THE CHIEF EXECUTIVE OFFICER OF EACH COMBINATION GAS AND ELECTRIC CORPORATION SHALL CERTIFY TO THE COMMISSION ON OR BEFORE MARCH FIFTEENTH OF EACH YEAR THAT SUCH CORPORATION HAS INTERNAL CONTROLS, POLICIES AND PROCEDURES DESIGNED TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND ANY RULES, REGULATIONS, ORDERS AND PROCEDURES ADOPTED THERE-TO, INCLUDING THE OBLIGATION THAT SUCH CORPORATION PROVIDE SAFE AND ADEQUATE SERVICE.

S 4. Subdivisions 19 and 21 of section 66 of the public service law, subdivision 19 as added by chapter 556 of the laws of 1976 and the closing paragraph of subdivision 19 as added by chapter 586 of the laws of 1986 and subdivision 21 as added by chapter 718 of the laws of 1980, are amended and a new subdivision 1-a is added to read as follows:

1-A. REVIEW THE ANNUAL CAPITAL EXPENDITURE OF EACH COMBINATION GAS AND ELECTRIC CORPORATION AND MAY ORDER SUCH IMPROVEMENT IN THE MANUFACTURE, CONVEYING, TRANSPORTATION, DISTRIBUTION OR SUPPLY OF GAS, IN THE MANUFACTURE, TRANSMISSION OR SUPPLY OF ELECTRICITY, OR IN THE METHODS EMPLOYED BY SUCH CORPORATION AS IN THE COMMISSION'S JUDGMENT IS ADEQUATE, JUST AND REASONABLE.

19. (A) The commission shall have power to provide for management and operations audits of gas corporations and electric corporations. Such audits shall be performed at least once every five years for combination gas and electric [companies] CORPORATIONS, as well as for straight gas corporations having annual gross revenues in excess of two hundred million dollars. The audit shall include, but not be limited to, an investigation of the company's construction program planning in relation to the needs of its customers for reliable service [and], an evaluation of the efficiency of the company's operations, RECOMMENDATIONS WITH RESPECT TO SAME, AND THE TIMING WITH RESPECT TO THE IMPLEMENTATION OF

1 SUCH RECOMMENDATIONS. The commission shall have discretion to have such
2 audits performed by its staff, or by independent auditors.

3 In every case in which the commission chooses to have the audit
4 provided for in this subdivision OR PURSUANT TO SUBDIVISION FOURTEEN OF
5 SECTION SIXTY-FIVE OF THIS ARTICLE performed by independent auditors, it
6 shall have authority to select the auditors, and to require the company
7 being audited to enter into a contract with the auditors providing for
8 their payment by the company. Such contract shall provide further that
9 the auditors shall work for and under the direction of the commission
10 according to such terms as the commission may determine are necessary
11 and reasonable[.

12 The commission shall have authority to direct the company to implement
13 any recommendations resulting from such audits that it finds to be
14 necessary and reasonable].

15 (B) EACH CORPORATION SUBJECT TO AN AUDIT UNDER THIS SUBDIVISION SHALL
16 FILE A REPORT WITH THE COMMISSION WITHIN THIRTY DAYS AFTER ISSUANCE OF
17 SUCH AUDIT DETAILING ITS PLAN TO IMPLEMENT THE RECOMMENDATIONS MADE IN
18 THE AUDIT. AFTER REVIEW OF SUCH PLAN, THE COMMISSION MAY REQUIRE EACH
19 COMBINED ELECTRIC AND GAS CORPORATION AMEND ITS PLAN IN A PARTICULAR
20 MANNER. SUCH PLAN SHALL THEREAFTER BECOME ENFORCEABLE UPON APPROVAL BY
21 THE COMMISSION. THE COMMISSION SHALL HAVE POWER TO COMMENCE A PROCEEDING
22 TO EXAMINE ANY SUCH CORPORATION'S COMPLIANCE WITH THE RECOMMENDATIONS OF
23 SUCH AUDIT.

24 (C) Upon the application of a gas or electric corporation for a major
25 change in rates as defined in subdivision twelve of this section, the
26 commission shall review that corporation's compliance with the
27 directions and recommendations made previously by the commission, as a
28 result of the most recently completed management and operations audit.
29 The commission shall incorporate the findings of such review in its
30 opinion or order, AND SUCH FINDINGS SHALL BE ENFORCEABLE BY THE COMMIS-
31 SION.

32 21. [The commission shall require every electric corporation to submit
33 storm plans to the commission for review and approval at such times and
34 in such detail and form as the commission shall require, provided,
35 however, that the same shall be filed at least annually.] (A) EACH ELEC-
36 TRIC CORPORATION SUBJECT TO SECTION TWENTY-FIVE-A OF THIS CHAPTER SHALL
37 ANNUALLY, ON OR BEFORE DECEMBER FIFTEENTH, SUBMIT TO THE COMMISSION AN
38 EMERGENCY RESPONSE PLAN FOR REVIEW AND APPROVAL. THE EMERGENCY RESPONSE
39 PLAN SHALL BE DESIGNED FOR THE REASONABLY PROMPT RESTORATION OF SERVICE
40 IN THE CASE OF AN EMERGENCY EVENT, DEFINED FOR PURPOSES OF THIS SUBDIVI-
41 SION AS AN EVENT WHERE WIDESPREAD OUTAGES HAVE OCCURRED IN THE SERVICE
42 TERRITORY OF THE COMPANY DUE TO STORMS OR OTHER CAUSES BEYOND THE
43 CONTROL OF THE COMPANY. THE EMERGENCY RESPONSE PLAN SHALL INCLUDE, BUT
44 NEED NOT BE LIMITED TO, THE FOLLOWING: (I) THE IDENTIFICATION OF MANAGE-
45 MENT STAFF RESPONSIBLE FOR COMPANY OPERATIONS DURING AN EMERGENCY; (II)
46 A COMMUNICATIONS SYSTEM WITH CUSTOMERS DURING AN EMERGENCY THAT EXTENDS
47 BEYOND NORMAL BUSINESS HOURS AND BUSINESS CONDITIONS; (III) IDENTIFICA-
48 TION OF AND OUTREACH PLANS TO CUSTOMERS WHO HAD DOCUMENTED THEIR NEED
49 FOR ESSENTIAL ELECTRICITY FOR MEDICAL NEEDS; (IV) IDENTIFICATION OF AND
50 OUTREACH PLANS TO CUSTOMERS WHO HAD DOCUMENTED THEIR NEED FOR ESSENTIAL
51 ELECTRICITY TO PROVIDE CRITICAL TELECOMMUNICATIONS, CRITICAL TRANSPORTA-
52 TION, CRITICAL FUEL DISTRIBUTION SERVICES OR OTHER LARGE-LOAD CUSTOMERS
53 IDENTIFIED BY THE COMMISSION; (V) DESIGNATION OF COMPANY STAFF TO COMMU-
54 NICATE WITH LOCAL OFFICIALS AND APPROPRIATE REGULATORY AGENCIES; (VI)
55 PROVISIONS REGARDING HOW THE COMPANY WILL ASSURE THE SAFETY OF ITS
56 EMPLOYEES AND CONTRACTORS; (VII) PROCEDURES FOR DEPLOYING COMPANY AND

1 MUTUAL AID CREWS TO WORK ASSIGNMENT AREAS; (VIII) IDENTIFICATION OF
2 ADDITIONAL SUPPLIES AND EQUIPMENT NEEDED DURING AN EMERGENCY; (IX) THE
3 MEANS OF OBTAINING ADDITIONAL SUPPLIES AND EQUIPMENT; (X) PROCEDURES TO
4 PRACTICE THE EMERGENCY RESPONSE PLAN; (XI) APPROPRIATE SAFETY PRECAU-
5 TIONS REGARDING ELECTRICAL HAZARDS, INCLUDING PLANS TO PROMPTLY SECURE
6 DOWNED WIRES WITHIN THIRTY-SIX HOURS OF NOTIFICATION OF THE LOCATION OF
7 SUCH DOWNED WIRES FROM A MUNICIPAL EMERGENCY OFFICIAL; AND (XII) SUCH
8 OTHER ADDITIONAL INFORMATION AS THE COMMISSION MAY REQUIRE. EACH SUCH
9 CORPORATION SHALL, ON AN ANNUAL BASIS, UNDERTAKE DRILLS IMPLEMENTING
10 PROCEDURES TO PRACTICE ITS EMERGENCY MANAGEMENT PLAN. THE COMMISSION
11 MAY ADOPT ADDITIONAL REQUIREMENTS CONSISTENT WITH ENSURING THE REASON-
12 ABLY PROMPT RESTORATION OF SERVICE IN THE CASE OF AN EMERGENCY EVENT.

13 (B) AFTER REVIEW OF A CORPORATION'S EMERGENCY RESPONSE PLAN, THE
14 COMMISSION MAY REQUIRE SUCH CORPORATION TO AMEND THE PLAN. THE COMMIS-
15 SION MAY ALSO OPEN AN INVESTIGATION OF THE CORPORATION'S PLAN TO DETER-
16 MINE ITS SUFFICIENCY TO RESPOND ADEQUATELY TO AN EMERGENCY EVENT. IF,
17 AFTER HEARINGS, THE COMMISSION FINDS A MATERIAL DEFICIENCY IN THE PLAN,
18 IT MAY ORDER THE COMPANY TO MAKE SUCH MODIFICATIONS THAT IT DEEMS
19 REASONABLY NECESSARY TO REMEDY THE DEFICIENCY.

20 (C) THE COMMISSION IS AUTHORIZED TO OPEN AN INVESTIGATION TO REVIEW
21 THE PERFORMANCE OF ANY CORPORATION IN RESTORING SERVICE OR OTHERWISE
22 MEETING THE REQUIREMENTS OF THE EMERGENCY RESPONSE PLAN DURING AN EMER-
23 GENCY EVENT. IF, AFTER EVIDENTIARY HEARINGS OR OTHER INVESTIGATORY
24 PROCEEDINGS, THE COMMISSION FINDS THAT THE CORPORATION FAILED TO REASON-
25 ABLY IMPLEMENT ITS EMERGENCY RESPONSE PLAN OR THE LENGTH OF SUCH CORPO-
26 RATION'S OUTAGES WERE MATERIALLY LONGER THAN THEY WOULD HAVE BEEN,
27 BECAUSE OF SUCH CORPORATION'S FAILURE TO REASONABLY IMPLEMENT ITS EMER-
28 GENCY RESPONSE PLAN, THE COMMISSION MAY DENY THE RECOVERY OF ANY PART OF
29 THE SERVICE RESTORATION COSTS CAUSED BY SUCH FAILURE, COMMENSURATE WITH
30 THE DEGREE AND IMPACT OF THE SERVICE OUTAGE; PROVIDED, HOWEVER, THAT
31 NOTHING HEREIN LIMITS THE COMMISSION'S AUTHORITY TO OTHERWISE COMMENCE A
32 PROCEEDING PURSUANT TO SECTIONS TWENTY-FOUR, TWENTY-FIVE AND
33 TWENTY-FIVE-A OF THIS CHAPTER.

34 (D) THE COMMISSION SHALL CERTIFY TO THE DEPARTMENT OF HOMELAND SECURI-
35 TY AND EMERGENCY SERVICES THAT EACH SUCH CORPORATION'S EMERGENCY
36 RESPONSE PLAN IS SUFFICIENT TO ENSURE TO THE GREATEST EXTENT FEASIBLE
37 THE TIMELY AND SAFE RESTORATION OF ENERGY SERVICES AFTER AN EMERGENCY IN
38 COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.

39 (E) THE FILING OF EACH EMERGENCY RESPONSE PLAN REQUIRED UNDER PARA-
40 GRAPH (A) OF THIS SUBDIVISION SHALL ALSO INCLUDE A COPY OF ALL WRITTEN
41 MUTUAL ASSISTANCE AGREEMENTS AMONG UTILITIES.

42 (F) EACH ELECTRIC CORPORATION SHALL FILE WITH THE COUNTY EXECUTIVE OR
43 THE CHIEF ELECTED OFFICIAL OF A COUNTY FOR EACH COUNTY WITHIN ITS
44 SERVICE TERRITORY THE MOST RECENT APPROVED COPY OF THE EMERGENCY
45 RESPONSE PLAN REQUIRED PURSUANT TO THIS SECTION. FOR THE PURPOSES OF AN
46 ELECTRIC CORPORATION OPERATING WITHIN THE CITY OF NEW YORK, SUCH CORPO-
47 RATION SHALL FILE THE MOST RECENT APPROVED EMERGENCY RESPONSE PLAN WITH
48 THE EMERGENCY MANAGEMENT OFFICE OF THE CITY OF NEW YORK.

49 (G) THE COMMISSION SHALL PROVIDE ACCESS TO SUCH EMERGENCY RESPONSE
50 PLAN PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

51 S 5. Section 68 of the public service law, as amended by chapter 52 of
52 the laws of 1940, is amended to read as follows:

53 S 68. [Approval of incorporation and franchises; certificate] CERTIF-
54 ICATE OF PUBLIC CONVENIENCE AND NECESSITY. 1. CERTIFICATE REQUIRED. No
55 gas corporation or electric corporation shall begin construction of a
56 gas plant or electric plant without first having obtained the permission

1 and approval of the commission. No such corporation shall exercise any
2 right or privilege under any franchise hereafter granted, or under any
3 franchise heretofore granted but not heretofore actually exercised, or
4 the exercise of which shall have been suspended for more than one year,
5 without first having obtained [the permission and approval of] A CERTIF-
6 ICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED BY the commission.
7 Before such certificate shall be issued a certified copy of the charter
8 of such corporation shall be filed in the office of the commission,
9 together with a verified statement of the president and secretary of the
10 corporation, showing that it has received the required consent of the
11 proper municipal authorities. The commission shall have power to grant
12 the permission and approval herein specified whenever it shall after due
13 hearing determine that such construction or such exercise of the right,
14 privilege or franchise is [necessary or] convenient AND NECESSARY for
15 the public service. IN MAKING SUCH A DETERMINATION, THE COMMISSION SHALL
16 CONSIDER THE ECONOMIC FEASIBILITY OF THE CORPORATION, THE CORPORATION'S
17 ABILITY TO FINANCE IMPROVEMENTS OF A GAS PLANT OR ELECTRIC PLANT, RENDER
18 SAFE, ADEQUATE AND RELIABLE SERVICE, AND PROVIDE JUST AND REASONABLE
19 RATES, AND WHETHER ISSUANCE OF A CERTIFICATE IS IN THE PUBLIC INTEREST.
20 Except as provided in article [fourteen-a] FOURTEEN-A of the general
21 municipal law, no municipality shall build, maintain and operate for
22 other than municipal purposes any works or systems for the manufacture
23 and supplying of gas or electricity for lighting purposes without a
24 certificate of authority granted by the commission. If the certificate
25 of authority is refused, no further proceedings shall be taken by such
26 municipality before the commission, but a new application may be made
27 therefor after one year from the date of such refusal.

28 2. REVOCATION OR MODIFICATION OF CERTIFICATE. THE COMMISSION MAY
29 COMMENCE A PROCEEDING, CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S
30 RULES AND REGULATIONS, TO REVOKE OR MODIFY A COMBINED ELECTRIC AND GAS
31 CORPORATION'S CERTIFICATE AS IT RELATES TO SUCH CORPORATION'S SERVICE
32 TERRITORY OR ANY PORTION THEREOF BASED ON FINDINGS OF REPEATED
33 VIOLATIONS OF THIS CHAPTER OR RULES OR REGULATIONS ADOPTED THERETO THAT
34 DEMONSTRATE A FAILURE OF SUCH CORPORATION TO CONTINUE TO PROVIDE SAFE
35 AND ADEQUATE SERVICE. WHENEVER THE COMMISSION HAS REASON TO BELIEVE
36 THAT SUCH CORPORATION'S CERTIFICATE MAY BE SUBJECT TO REVOCATION OR
37 MODIFICATION, IT SHALL NOTIFY SUCH CORPORATION OF THE FACTS AND NATURE
38 OF EACH ACT OR FAILURE TO ACT ALLEGEDLY WARRANTING SUCH REVOCATION OR
39 MODIFICATION, AND THE STATUTE, REGULATION OR ORDER ALLEGEDLY VIOLATED,
40 AND OTHERWISE CONSIDER THE FOLLOWING FACTORS:

41 (A) THE FACTORS IDENTIFIED IN SUBDIVISION ONE OF THIS SECTION FOR
42 ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY;

43 (B) WHETHER ANOTHER PERSON, FIRM OR CORPORATION IS QUALIFIED, AVAIL-
44 ABLE, AND PREPARED TO PROVIDE ALTERNATIVE SERVICE THAT IS ADEQUATE TO
45 SERVE THE PUBLIC CONVENIENCE AND NECESSITY, AND THAT THE TRANSITION TO
46 SUCH ALTERNATIVE PERSON, FIRM OR CORPORATION IS IN THE PUBLIC INTEREST;
47 AND

48 (C) UPON ANY OTHER STANDARDS AND PROCEDURES DEEMED NECESSARY BY THE
49 COMMISSION TO ENSURE CONTINUITY OF SAFE AND ADEQUATE SERVICE, AND DUE
50 PROCESS.

51 S 6. Paragraphs a and b of subdivision 1 of section 765 of the general
52 business law, as amended by chapter 685 of the laws of 1994, are amended
53 to read as follows:

54 a. Failure to comply with any provision of this article shall subject
55 an excavator or an operator to a civil penalty of up to [one] TWO thou-
56 sand FIVE HUNDRED dollars for the first violation and up to an addi-

1 tional [seven] TEN thousand [five hundred] dollars for each succeeding
2 violation [which] THAT occurs [in connection with the entire self-same
3 excavation or demolition activity] within a [two] TWELVE month period.

4 b. The penalties provided for by this article shall not apply to an
5 excavator who damages an underground facility due to the failure of the
6 operator to comply with any of the provisions of this article nor shall
7 in such instance the excavator be liable for repairs as prescribed in
8 subdivision [five] FOUR of this section.

9 S 7. This act shall take effect immediately.

10 PART Y

11 Section 1. Legislative intent. 1. Repowering existing power generation
12 facilities can produce significant benefits in terms of enhanced system
13 reliability, electric market competitiveness, and emissions reductions.

14 2. Retiring power plants that are not repowered may leave behind aban-
15 doned or underutilized land that would negatively affect surrounding
16 communities and impede economic development.

17 3. In summary, it is in the public interest to develop clean power
18 generation near energy demand to meet the needs of ratepayers, support
19 local and state tax revenue stability, promote economic opportunity, and
20 enhance the state's environment.

21 S 2. This hereby acknowledges and codifies the Public Service Commis-
22 sion Order Instituting Proceeding and Requiring Evaluation of Generation
23 Repowering, as provided in Case 12-E-0577, regarding the examination of
24 repowering alternatives to transmission reinforcements.

25 S 3. This act shall take effect immediately.

26 PART Z

27 Section 1. Paragraph (c) of subdivision 2 of section 591-a of the
28 labor law, as added by chapter 413 of the laws of 2003, is amended to
29 read as follows:

30 (c) individuals may receive the allowance described in paragraph (a)
31 of this subdivision if such individuals:

32 (i) are eligible to receive regular unemployment benefits or would be
33 eligible to receive such benefits except for the requirements set forth
34 in subparagraphs (i) and (ii) of paragraph (b) of this subdivision. For
35 purposes of this section, regular unemployment benefits means benefits
36 payable under this article, including benefits payable to federal civil-
37 ian employees and to ex-servicemen and servicewomen pursuant to 5 USC
38 Chapter 85, AND BENEFITS AUTHORIZED TO BE USED FOR THE SELF-EMPLOYMENT
39 ASSISTANCE PROGRAM PURSUANT TO THE FEDERAL-STATE EXTENDED UNEMPLOYMENT
40 COMPENSATION ACT OF 1970 but excluding additional [and extended] bene-
41 fits;

42 (ii) are identified pursuant to a worker profiling system as individ-
43 uals likely to exhaust regular unemployment benefits;

44 (iii) are participating in self-employment assistance activities
45 approved by the department and by the department of economic development
46 which include but need not be limited to entrepreneurial training, busi-
47 ness counseling, and technical assistance, including financing assist-
48 ance for qualified individuals as appropriate, offered by entrepreneur-
49 ship support centers established pursuant to section two hundred twelve
50 of the economic development law, state university of New York small
51 business development centers, programs offered by community-based organ-
52 izations, local development corporations, and boards of cooperative

educational services (BOCES) as established pursuant to section one thousand nine hundred fifty of the education law; AND, UNLESS OTHERWISE REQUIRED BY FEDERAL LAW OR REGULATION, NO INDIVIDUAL SHALL BE PROHIBITED FROM OR DISQUALIFIED FROM ELIGIBILITY FOR THE PROGRAM IF PRIOR TO APPLYING FOR THE PROGRAM, AN INDIVIDUAL HAS PRINTED BUSINESS CARDS OR HAS A WEBSITE THAT IS DESIGNED BUT NOT ACTIVE, AND NEITHER ARE BEING USED TO SOLICIT OR CONDUCT BUSINESS;

(iv) are actively engaged on a full-time basis in activities, which may include training, relating to the establishment of a business and becoming self-employed;

(v) are not individuals who have previously participated in self-employment assistance programs pursuant to this section; and

S 2. Section 10 of chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, as amended by chapter 134 of the laws of 2011, is amended to read as follows:

S 10. This act shall take effect immediately; provided, however, that sections eight and nine of this act shall expire December 7, [2013] 2015 when upon such date the provisions of such sections shall be deemed repealed.

S 3. Paragraph (d) of subdivision 2 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

(d) has satisfied the conditions of this article, required to render a claimant eligible for regular benefits, which are applicable to extended benefits, including not being subject to a disqualification or suspension, OR HAS SATISFIED THE CONDITIONS OF THIS ARTICLE REQUIRED TO RENDER A CLAIMANT ELIGIBLE TO PARTICIPATE IN THE SELF-EMPLOYMENT ASSISTANCE PROGRAM PURSUANT TO SECTION FIVE HUNDRED NINETY-ONE-A OF THIS TITLE AND THE FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970;

S 4. This act shall take effect immediately; provided, however, that the amendments to section 591-a of the labor law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART AA

Section 1. Section 9 of chapter 420 of the laws of 2002 amending the education law relating to the profession of social work, as amended by chapter 132 of the laws of 2010, is amended to read as follows:

S 9. a. Nothing in this act shall prohibit or limit the activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, the state office for the aging, the department of health, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, provided, however, this section shall not authorize the use of any title authorized pursuant to article 154 of the education law, except that this section shall be deemed repealed on July 1, [2013 provided, further, however, that on or before October 1, 2010, each state agency identified in this subdivision shall submit to the commissioner of education data, in such form and detail as requested by the commissioner of education, concerning the functions performed by its service provider

1 workforce and the service provider workforce of the local governmental
2 units and social services districts as defined in this subdivision over
3 which the agency has regulatory authority. After receipt of such data,
4 the commissioner shall convene a workgroup of such state agencies for
5 the purpose of reviewing such data and also to make recommendations
6 regarding amendments to law, rule or regulation necessary to clarify
7 which tasks and activities must be performed only by licensed or other-
8 wise authorized personnel. No later than January 1, 2011, after consul-
9 tation with such work group, the commissioner shall develop criteria for
10 the report required pursuant to subdivision b of this section and shall
11 work with such state agencies by providing advice and guidance regarding
12 which tasks and activities must be performed only by licensed or other-
13 wise authorized personnel.

14 b. On or before July 1, 2011, each such state agency, after consulta-
15 tion with local governmental units and social services districts as
16 defined in subdivision a of this section over which the agency has regu-
17 latory authority, shall submit to the commissioner of education a report
18 on the utilization of personnel subject to the provisions of this
19 section. Such report shall include but not be limited to: identification
20 of tasks and activities performed by such personnel categorized as tasks
21 and functions restricted to licensed personnel and tasks and functions
22 that do not require a license under article 154 of the education law;
23 analysis of costs associated with employing only appropriately licensed
24 or otherwise authorized personnel to perform tasks and functions that
25 require licensure under such article 154, including salary costs and
26 costs associated with providing support to unlicensed personnel in
27 obtaining appropriate licensure. Such report shall also include an
28 action plan detailing measures through which each such entity shall, no
29 later than July 1, 2013, comply with professional licensure laws appli-
30 cable to services provided and make recommendations on alternative path-
31 ways toward licensure.

32 c. The commissioner of education shall, after receipt of the report
33 required under this section, and after consultation with state agencies,
34 not-for-profit providers, professional associations, consumers, and
35 other key stakeholders, submit a report to the governor, the speaker of
36 the assembly, the temporary president of the senate, and the chairs of
37 the senate and assembly higher education committees by July 1, 2012 to
38 recommend any amendments to law, rule or regulation necessary to fully
39 implement the requirements for licensure by July 1, 2013. Other state
40 agency commissioners shall be provided an opportunity to include state-
41 ments or alternative recommendations in such report] 2016.

42 B. ON OR BEFORE SEPTEMBER 1, 2014, EACH STATE AGENCY IDENTIFIED IN
43 SUBDIVISION A OF THIS SECTION THAT OPERATES, REGULATES, APPROVES OR
44 FUNDS PROGRAMS THAT EMPLOY INDIVIDUALS TO PROVIDE SERVICES THAT WOULD
45 OTHERWISE BE RESTRICTED TO INDIVIDUALS LICENSED OR AUTHORIZED UNDER
46 ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW, SHALL SUBMIT TO THE
47 COMMISSIONER OF EDUCATION, IN SUCH FORM AND DETAIL AS REQUESTED BY SUCH
48 COMMISSIONER, DATA IN RELATION TO: THE NUMBER OF INDIVIDUALS EMPLOYED
49 IN EXEMPT PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE
50 AGENCY ON JULY 1, 2013 WHO ARE PROVIDING SERVICES THAT WOULD OTHERWISE
51 BE RESTRICTED TO THOSE LICENSED OR AUTHORIZED UNDER ARTICLE 153, 154 OR
52 163 OF THE EDUCATION LAW; THE OCCUPATIONAL TITLE OF INDIVIDUALS WHO ON
53 JULY 1, 2014 ARE NOT LICENSED OR OTHERWISE AUTHORIZED UNDER TITLE VIII
54 OF THE EDUCATION LAW, AND WHO ARE ENGAGED IN: THE DIAGNOSIS OF MENTAL,
55 EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL DISORDERS AND DISA-
56 BILITIES; PATIENT ASSESSMENT AND EVALUATION; THE PROVISION OF PSYCHOTH-

1 ERAPEUTIC TREATMENT; THE PROVISION OF TREATMENT OTHER THAN PSYCHOTHERA-
2 PEUTIC TREATMENT AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF
3 ASSESSMENT-BASED TREATMENT PLANS, AS DEFINED IN SECTION 7701 OF THE
4 EDUCATION LAW OR AS AUTHORIZED IN ARTICLES 153, 154 AND 163 OF THE
5 EDUCATION LAW. FOR PURPOSES OF THIS SECTION, THIS REPORTING SHALL NOT
6 INCLUDE INDIVIDUALS THAT ARE PERFORMING TASKS THAT DO NOT REQUIRE LICEN-
7 SURE AS IDENTIFIED IN SUBDIVISION 10 OF SECTION 7605, SUBDIVISION 7 OF
8 SECTION 7706, AND SUBDIVISION 8 OF SECTION 8410 OF THE EDUCATION LAW.

9 C. THE COMMISSIONER OF EDUCATION, AFTER RECEIPT OF THIS DATA AND IN
10 CONSULTATION WITH THE AFFECTED STATE AGENCIES, NOT-FOR-PROFIT PROVIDERS,
11 PROFESSIONAL ASSOCIATIONS, CONSUMERS AND OTHER KEY STAKEHOLDERS, SHALL
12 PREPARE A REPORT THAT RECOMMENDS CHANGES IN ANY LAWS, RULES OR REGU-
13 LATIONS NECESSARY TO ENSURE APPROPRIATE LICENSURE OR OTHER AUTHORIZATION
14 OF INDIVIDUALS PROVIDING SERVICES THAT ARE WITHIN THE RESTRICTED PRAC-
15 TICE OF PROFESSIONS LICENSED OR OTHERWISE AUTHORIZED UNDER ARTICLE 153,
16 154 OR 163 OF THE EDUCATION LAW. THE REPORT SHALL INCLUDE AN ESTIMATE OF
17 THE FISCAL IMPACT OF ANY SUCH RECOMMENDED CHANGES AND, TO THE EXTENT
18 PRACTICABLE, HOW SUCH RECOMMENDATIONS WILL RESULT IN IMPROVED OUTCOMES.
19 THE COMMISSIONER OF EDUCATION SHALL SUBMIT THE REPORT TO THE GOVERNOR,
20 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND
21 THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES BY
22 JANUARY 1, 2015. OTHER STATE AGENCY COMMISSIONERS SHALL BE PROVIDED AN
23 OPPORTUNITY TO INCLUDE STATEMENTS OR ALTERNATIVE RECOMMENDATIONS IN SUCH
24 REPORT.

25 S 2. Section 17-a of chapter 676 of the laws of 2002 amending the
26 education law relating to the practice of psychology, as amended by
27 chapter 130 of the laws of 2010, subdivision b as amended by chapter 132
28 of the laws of 2010, is amended to read as follows:

29 S 17-a. a. In relation to activities and services provided under
30 article 153 of the education law, nothing in this act shall prohibit or
31 limit such activities or services on the part of any person in the
32 employ of a program or service operated, regulated, funded, or approved
33 by the department of mental hygiene or the office of children and family
34 services, or a local governmental unit as that term is defined in arti-
35 cle 41 of the mental hygiene law or a social services district as
36 defined in section 61 of the social services law. In relation to activ-
37 ities and services provided under article 163 of the education law,
38 nothing in this act shall prohibit or limit such activities or services
39 on the part of any person in the employ of a program or service oper-
40 ated, regulated, funded, or approved by the department of mental
41 hygiene, the office of children and family services, the department of
42 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, THE
43 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, the state office for the
44 aging and the department of health or a local governmental unit as that
45 term is defined in article 41 of the mental hygiene law or a social
46 services district as defined in section 61 of the social services law,
47 pursuant to authority granted by law. This section shall not authorize
48 the use of any title authorized pursuant to article 153 or 163 of the
49 education law by any such employed person, except as otherwise provided
50 by such articles respectively. THIS SECTION SHALL BE DEEMED REPEALED
51 JULY 1, 2016.

52 [b. This section shall be deemed repealed July 1, 2013 provided,
53 however, that on or before October 1, 2010, each state agency identified
54 in subdivision a of this section shall submit to the commissioner of
55 education data, in such form and detail as requested by the commissioner
56 of education, concerning the functions performed by its service provider

1 workforce and the service provider workforce of the local governmental
2 units and social services districts as defined in subdivision a of this
3 section over which the agency has regulatory authority. After receipt of
4 such data, the commissioner shall convene a workgroup of such state
5 agencies for the purpose of reviewing such data and also to make recom-
6 mendations regarding amendments to law, rule or regulation necessary to
7 clarify which tasks and activities must be performed only by licensed or
8 otherwise authorized personnel. No later than January 1, 2011, after
9 consultation with such workgroup, the commissioner shall develop crite-
10 ria for the report required pursuant to paragraph one of this subdivi-
11 sion and shall work with such state agencies by providing advice and
12 guidance regarding which tasks and activities must be performed only by
13 licensed or otherwise authorized personnel.

14 1. On or before July 1, 2011, each such state agency, after consulta-
15 tion with local governmental units and social services districts as
16 defined in subdivision a of this section over which the agency has regu-
17 latory authority, shall submit to the commissioner of education a report
18 on the utilization of personnel subject to the provisions of this
19 section. Such report shall include but not be limited to: identification
20 of tasks and activities performed by such personnel categorized as tasks
21 and functions restricted to licensed personnel and tasks and functions
22 that do not require a license under article 153 or 163 of the education
23 law; analysis of costs associated with employing only appropriately
24 licensed or otherwise authorized personnel to perform tasks and func-
25 tions that require licensure under such article 153 or 163, including
26 salary costs and costs associated with providing support to unlicensed
27 personnel in obtaining appropriate licensure. Such report shall also
28 include an action plan detailing measures through which each such entity
29 shall, no later than July 1, 2013, comply with professional licensure
30 laws applicable to services provided and make recommendations on alter-
31 native pathways toward licensure.

32 2. The commissioner of education shall, after receipt of the reports
33 required under this section, and after consultation with state agencies,
34 not-for-profit providers, professional associations, consumers, and
35 other key stakeholders, submit a report to the governor, the speaker of
36 the assembly, the temporary president of the senate, and the chairs of
37 the senate and assembly higher education committees by July 1, 2012 to
38 recommend any amendments to law, rule or regulation necessary to fully
39 implement the requirements for licensure by July 1, 2013. Other state
40 agency commissioners shall be provided an opportunity to include state-
41 ments or alternative recommendations in such report.]

42 B. ON OR BEFORE SEPTEMBER 1, 2014, EACH STATE AGENCY IDENTIFIED IN
43 SUBDIVISION A OF THIS SECTION THAT OPERATES, REGULATES, APPROVES OR
44 FUNDS PROGRAMS THAT EMPLOY INDIVIDUALS TO PROVIDE SERVICES THAT WOULD
45 OTHERWISE BE RESTRICTED TO INDIVIDUALS LICENSED OR AUTHORIZED UNDER
46 ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW, SHALL SUBMIT TO THE
47 COMMISSIONER OF EDUCATION, IN SUCH FORM AND DETAIL AS REQUESTED BY SUCH
48 COMMISSIONER, DATA IN RELATION TO: THE NUMBER OF INDIVIDUALS EMPLOYED
49 IN EXEMPT PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE
50 AGENCY ON JULY 1, 2013 WHO ARE PROVIDING SERVICES THAT WOULD OTHERWISE
51 BE RESTRICTED TO THOSE LICENSED OR AUTHORIZED UNDER ARTICLE 153, 154 OR
52 163 OF THE EDUCATION LAW; THE OCCUPATIONAL TITLE OF INDIVIDUALS WHO ON
53 JULY 1, 2014 ARE NOT LICENSED OR OTHERWISE AUTHORIZED UNDER TITLE VIII
54 OF THE EDUCATION LAW, AND WHO ARE ENGAGED IN: THE DIAGNOSIS OF MENTAL,
55 EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL DISORDERS AND DISA-
56 BILITIES; PATIENT ASSESSMENT AND EVALUATION; THE PROVISION OF PSYCHOTH-

1 ERAPEUTIC TREATMENT; THE PROVISION OF TREATMENT OTHER THAN PSYCHOTHERA-
2 PEUTIC TREATMENT AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF
3 ASSESSMENT-BASED TREATMENT PLANS, AS DEFINED IN SECTION 7701 OF THE
4 EDUCATION LAW OR AS AUTHORIZED IN ARTICLES 153, 154 AND 163 OF THE
5 EDUCATION LAW. FOR PURPOSES OF THIS SECTION, THIS REPORTING SHALL NOT
6 INCLUDE INDIVIDUALS THAT ARE PERFORMING TASKS THAT DO NOT REQUIRE LICEN-
7 SURE AS IDENTIFIED IN SUBDIVISION 10 OF SECTION 7605, SUBDIVISION 7 OF
8 SECTION 7706, AND SUBDIVISION 8 OF SECTION 8410 OF THE EDUCATION LAW.

9 C. THE COMMISSIONER OF EDUCATION, AFTER RECEIPT OF THIS DATA AND IN
10 CONSULTATION WITH THE AFFECTED STATE AGENCIES, NOT-FOR-PROFIT PROVIDERS,
11 PROFESSIONAL ASSOCIATIONS, CONSUMERS AND OTHER KEY STAKEHOLDERS, SHALL
12 PREPARE A REPORT THAT RECOMMENDS CHANGES IN ANY LAWS, RULES OR REGU-
13 LATIONS NECESSARY TO ENSURE APPROPRIATE LICENSURE OR OTHER AUTHORIZATION
14 OF INDIVIDUALS PROVIDING SERVICES THAT ARE WITHIN THE RESTRICTED PRAC-
15 TICE OF PROFESSIONS LICENSED OR OTHERWISE AUTHORIZED UNDER ARTICLE 153,
16 154 OR 163 OF THE EDUCATION LAW. THE COMMISSIONER OF EDUCATION SHALL
17 SUBMIT THE REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE
18 TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE SENATE AND
19 ASSEMBLY HIGHER EDUCATION COMMITTEES BY JANUARY 1, 2015. OTHER STATE
20 AGENCY COMMISSIONERS SHALL BE PROVIDED AN OPPORTUNITY TO INCLUDE STATE-
21 MENTS OR ALTERNATIVE RECOMMENDATIONS IN SUCH REPORT.

22 S 3. Section 16 of chapter 130 of the laws of 2010 amending the educa-
23 tion law and other laws relating to the registration of entities provid-
24 ing certain professional services and the licensure of certain
25 professions, as amended by chapter 132 of the laws of 2010, is amended
26 to read as follows:

27 S 16. This act shall take effect immediately; provided that sections
28 thirteen, fourteen and fifteen of this act shall take effect immediately
29 and shall be deemed to have been in full force and effect on and after
30 June 1, 2010 and such sections shall be deemed repealed July 1, [2013]
31 2016; provided further that the amendments to section 9 of chapter 420
32 of the laws of 2002 amending the education law relating to the profes-
33 sion of social work made by section thirteen of this act shall repeal on
34 the same date as such section repeals; provided further that the amend-
35 ments to section 17-a of chapter 676 of the laws of 2002 amending the
36 education law relating to the practice of psychology made by section
37 fourteen of this act shall repeal on the same date as such section
38 repeals.

39 S 4. Section 7605 of the education law is amended by adding a new
40 subdivision 10 to read as follows:

41 10. A PERSON WITHOUT A LICENSE FROM PERFORMING ASSESSMENTS SUCH AS
42 BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND
43 INFORMAL OBSERVATIONS, SCREENING AND REFERRAL USED FOR GENERAL ELIGIBIL-
44 ITY FOR A PROGRAM OR SERVICE AND DETERMINING THE FUNCTIONAL STATUS OF AN
45 INDIVIDUAL FOR THE PURPOSE OF DETERMINING NEED FOR SERVICES UNRELATED TO
46 A BEHAVIORAL HEALTH DIAGNOSIS OR TREATMENT PLAN. SUCH LICENSURE SHALL
47 NOT BE REQUIRED TO CREATE, DEVELOP OR IMPLEMENT A SERVICE PLAN UNRELATED
48 TO A BEHAVIORAL HEALTH DIAGNOSIS OR TREATMENT PLAN. SUCH SERVICE PLANS
49 SHALL INCLUDE, BUT ARE NOT LIMITED TO, JOB TRAINING AND EMPLOYABILITY,
50 HOUSING, GENERAL PUBLIC ASSISTANCE, IN HOME SERVICES AND SUPPORTS OR
51 HOME-DELIVERED MEALS, INVESTIGATIONS CONDUCTED OR ASSESSMENTS MADE BY
52 ADULT OR CHILD PROTECTIVE SERVICES, ADOPTION HOME STUDIES AND ASSESS-
53 MENTS, FAMILY SERVICE PLANS, TRANSITION PLANS AND PERMANENCY PLANNING
54 ACTIVITIES, DE-ESCALATION TECHNIQUES, PEER SERVICES OR SKILL DEVELOP-
55 MENT. A LICENSE UNDER THIS ARTICLE SHALL NOT BE REQUIRED FOR PERSONS TO
56 PARTICIPATE AS A MEMBER OF A MULTI-DISCIPLINARY TEAM TO IMPLEMENT A

1 BEHAVIORAL HEALTH SERVICES OR TREATMENT PLAN; PROVIDED HOWEVER, THAT
2 SUCH TEAM SHALL INCLUDE ONE OR MORE PROFESSIONALS LICENSED UNDER THIS
3 ARTICLE OR ARTICLES ONE HUNDRED THIRTY-ONE, ONE HUNDRED FIFTY-FOUR OR
4 ONE HUNDRED SIXTY-THREE OF THIS CHAPTER; AND PROVIDED, FURTHER, THAT THE
5 ACTIVITIES PERFORMED BY MEMBERS OF THE TEAM SHALL BE CONSISTENT WITH THE
6 SCOPE OF PRACTICE FOR EACH TEAM MEMBER LICENSED OR AUTHORIZED UNDER
7 TITLE VIII OF THIS CHAPTER, AND THOSE WHO ARE NOT SO AUTHORIZED MAY NOT
8 ENGAGE IN THE FOLLOWING RESTRICTED PRACTICES: THE DIAGNOSIS OF MENTAL,
9 EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL DISORDERS AND DISA-
10 BILITIES; PATIENT ASSESSMENT AND EVALUATING; THE PROVISION OF PSYCHOTH-
11 ERAPEUTIC TREATMENT; THE PROVISION OF TREATMENT OTHER THAN PSYCHOTHERA-
12 PEUTIC TREATMENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF
13 ASSESSMENT-BASED TREATMENT PLANS AS DEFINED IN SECTION SEVENTY-SEVEN
14 HUNDRED ONE OF THIS CHAPTER. PROVIDED, FURTHER, THAT NOTHING IN THIS
15 SUBDIVISION SHALL BE CONSTRUED AS REQUIRING A LICENSE FOR ANY PARTICULAR
16 ACTIVITY OR FUNCTION BASED SOLELY ON THE FACT THAT THE ACTIVITY OR FUNC-
17 TION IS NOT LISTED IN THIS SUBDIVISION.

18 S 5. Section 7706 of the education law is amended by adding a new
19 subdivision 7 to read as follows:

20 7. PREVENT A PERSON WITHOUT A LICENSE FROM PERFORMING ASSESSMENTS SUCH
21 AS BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND
22 INFORMAL OBSERVATIONS, SCREENING AND REFERRAL USED FOR GENERAL ELIGIBIL-
23 ITY FOR A PROGRAM OR SERVICE AND DETERMINING THE FUNCTIONAL STATUS OF AN
24 INDIVIDUAL FOR THE PURPOSE OF DETERMINING NEED FOR SERVICES UNRELATED TO
25 A BEHAVIORAL HEALTH DIAGNOSIS OR TREATMENT PLAN. SUCH LICENSURE SHALL
26 NOT BE REQUIRED TO CREATE, DEVELOP OR IMPLEMENT A SERVICE PLAN UNRELATED
27 TO A BEHAVIORAL HEALTH DIAGNOSIS OR TREATMENT PLAN. SUCH SERVICE PLANS
28 SHALL INCLUDE, BUT ARE NOT LIMITED TO, JOB TRAINING AND EMPLOYABILITY,
29 HOUSING, GENERAL PUBLIC ASSISTANCE, IN HOME SERVICES AND SUPPORTS OR
30 HOME-DELIVERED MEALS, INVESTIGATIONS CONDUCTED OR ASSESSMENTS MADE BY
31 ADULT OR CHILD PROTECTIVE SERVICES, ADOPTION HOME STUDIES AND ASSESS-
32 MENTS, FAMILY SERVICE PLANS, TRANSITION PLANS AND PERMANENCY PLANNING
33 ACTIVITIES, DE-ESCALATION TECHNIQUES, PEER SERVICES OR SKILL DEVELOP-
34 MENT. A LICENSE UNDER THIS ARTICLE SHALL NOT BE REQUIRED FOR PERSONS TO
35 PARTICIPATE AS A MEMBER OF A MULTI-DISCIPLINARY TEAM TO IMPLEMENT A
36 BEHAVIORAL HEALTH SERVICES OR TREATMENT PLAN; PROVIDED HOWEVER, THAT
37 SUCH TEAM SHALL INCLUDE ONE OR MORE PROFESSIONALS LICENSED UNDER THIS
38 ARTICLE OR ARTICLES ONE HUNDRED THIRTY-ONE, ONE HUNDRED FIFTY-THREE OR
39 ONE HUNDRED SIXTY-THREE OF THIS CHAPTER; AND PROVIDED, FURTHER, THAT THE
40 ACTIVITIES PERFORMED BY MEMBERS OF THE TEAM SHALL BE CONSISTENT WITH THE
41 SCOPE OF PRACTICE FOR EACH TEAM MEMBER LICENSED OR AUTHORIZED UNDER
42 TITLE VIII OF THIS CHAPTER, AND THOSE WHO ARE NOT SO AUTHORIZED MAY NOT
43 ENGAGE IN THE FOLLOWING RESTRICTED PRACTICES: THE DIAGNOSIS OF MENTAL,
44 EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL DISORDERS AND DISA-
45 BILITIES; PATIENT ASSESSMENT AND EVALUATING; THE PROVISION OF PSYCHOTH-
46 ERAPEUTIC TREATMENT; THE PROVISION OF TREATMENT OTHER THAN PSYCHOTHERA-
47 PEUTIC TREATMENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF
48 ASSESSMENT-BASED TREATMENT PLANS AS DEFINED IN SECTION SEVENTY-SEVEN
49 HUNDRED ONE OF THIS ARTICLE. PROVIDED, FURTHER, THAT NOTHING IN THIS
50 SUBDIVISION SHALL BE CONSTRUED AS REQUIRING A LICENSE FOR ANY PARTICULAR
51 ACTIVITY OR FUNCTION BASED SOLELY ON THE FACT THAT THE ACTIVITY OR FUNC-
52 TION IS NOT LISTED IN THIS SUBDIVISION.

53 S 6. Section 8410 of the education law is amended by adding a new
54 subdivision 8 to read as follows:

55 8. PREVENT A PERSON WITHOUT A LICENSE FROM PERFORMING ASSESSMENTS SUCH
56 AS BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND

1 INFORMAL OBSERVATIONS, SCREENING AND REFERRAL USED FOR GENERAL ELIGIBIL-
2 ITY FOR A PROGRAM OR SERVICE AND DETERMINING THE FUNCTIONAL STATUS OF AN
3 INDIVIDUAL FOR THE PURPOSE OF DETERMINING NEED FOR SERVICES UNRELATED TO
4 A BEHAVIORAL HEALTH DIAGNOSIS OR TREATMENT PLAN. SUCH LICENSURE SHALL
5 NOT BE REQUIRED TO CREATE, DEVELOP OR IMPLEMENT A SERVICE PLAN UNRELATED
6 TO A BEHAVIORAL HEALTH DIAGNOSIS OR TREATMENT PLAN. SUCH SERVICE PLANS
7 SHALL INCLUDE, BUT ARE NOT LIMITED TO, JOB TRAINING AND EMPLOYABILITY,
8 HOUSING, GENERAL PUBLIC ASSISTANCE, IN HOME SERVICES AND SUPPORTS OR
9 HOME-DELIVERED MEALS, INVESTIGATIONS CONDUCTED OR ASSESSMENTS MADE BY
10 ADULT OR CHILD PROTECTIVE SERVICES, ADOPTION HOME STUDIES AND ASSESS-
11 MENTS, FAMILY SERVICE PLANS, TRANSITION PLANS AND PERMANENCY PLANNING
12 ACTIVITIES, DE-ESCALATION TECHNIQUES, PEER SERVICES OR SKILL DEVELOP-
13 MENT. A LICENSE UNDER THIS ARTICLE SHALL NOT BE REQUIRED FOR PERSONS TO
14 PARTICIPATE AS A MEMBER OF A MULTI-DISCIPLINARY TEAM TO IMPLEMENT A
15 BEHAVIORAL HEALTH SERVICES OR TREATMENT PLAN; PROVIDED HOWEVER, THAT
16 SUCH TEAM SHALL INCLUDE ONE OR MORE PROFESSIONALS LICENSED UNDER THIS
17 ARTICLE OR ARTICLES ONE HUNDRED THIRTY-ONE, ONE HUNDRED FIFTY-THREE OR
18 ONE HUNDRED FIFTY-FOUR OF THIS CHAPTER; AND PROVIDED, FURTHER, THAT THE
19 ACTIVITIES PERFORMED BY MEMBERS OF THE TEAM SHALL BE CONSISTENT WITH THE
20 SCOPE OF PRACTICE FOR EACH TEAM MEMBER LICENSED OR AUTHORIZED UNDER
21 TITLE VIII OF THIS CHAPTER, AND THOSE WHO ARE NOT SO AUTHORIZED MAY NOT
22 ENGAGE IN THE FOLLOWING RESTRICTED PRACTICES: THE DIAGNOSIS OF MENTAL,
23 EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL DISORDERS AND DISA-
24 BILITIES; PATIENT ASSESSMENT AND EVALUATING; THE PROVISION OF PSYCHOTH-
25 ERAPEUTIC TREATMENT; THE PROVISION OF TREATMENT OTHER THAN PSYCHOTHERA-
26 PEUTIC TREATMENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF
27 ASSESSMENT-BASED TREATMENT PLANS AS DEFINED IN SECTION SEVENTY-SEVEN
28 HUNDRED ONE OF THIS CHAPTER. PROVIDED, FURTHER, THAT NOTHING IN THIS
29 SUBDIVISION SHALL BE CONSTRUED AS REQUIRING A LICENSE FOR ANY PARTICULAR
30 ACTIVITY OR FUNCTION BASED SOLELY ON THE FACT THAT THE ACTIVITY OR FUNC-
31 TION IS NOT LISTED IN THIS SUBDIVISION.

32 S 7. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after April 1, 2013; provided,
34 however, that the provisions of this act shall apply only to actions and
35 proceedings commenced on or after such effective date; provided that the
36 amendments to section 9 of chapter 420 of the laws of 2002 and section
37 17-a of chapter 676 of the laws of 2002 made by sections one and two of
38 this act, respectively, shall not affect the repeal of such sections and
39 shall expire and be deemed repealed therewith.

40

PART BB

41 Section 1. Legislative findings and intent. The legislature finds that
42 local governments and school districts are facing increased stress from
43 rising costs including employee pension obligations. Last year, the
44 legislature took action to aid local governments and school districts in
45 controlling future pension obligations by making changes to the benefit
46 structure for employees hired after April 1, 2012. Now the legislature
47 finds that it is desirable to provide local governments and school
48 districts with more stability and predictability for current pension
49 obligations, while simultaneously ensuring the adequacy of pension
50 system funding.

51 It is the intent of the legislature to authorize the comptroller and
52 the New York state teachers' retirement system board to establish,
53 subject to their discretion, additional contribution options designed to

1 provide stability and predictability to employers, while ensuring
2 adequate pension system funding over the term of these options.

3 S 2. Section 19-a of the retirement and social security law, as added
4 by section 1 of part TT of chapter 57 of the laws of 2010, is amended to
5 read as follows:

6 S 19-a. Employer contributions for the two thousand ten - two thousand
7 eleven fiscal year and subsequent fiscal years. a. In addition to the
8 definitions in section two of this article, when used in this section:

9 (1) "Amortizing employer" shall mean an employer that elects to amor-
10 tize a portion of the employer's annual bill pursuant to paragraph one
11 of subdivision d of this section for the two thousand ten - two thousand
12 eleven fiscal year, or any subsequent fiscal year, PURSUANT TO THE
13 SYSTEM GRADED CONTRIBUTION RATE regardless of whether the employer has
14 subsequently paid in full all such amortized amounts, AND THAT DOES NOT
15 ELECT TO AMORTIZE AS AN ALTERNATIVE AMORTIZING EMPLOYER FOR THE TWO
16 THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN FISCAL YEAR.

17 (1-A) "ALTERNATIVE AMORTIZING EMPLOYER" SHALL MEAN A COUNTY, CITY,
18 TOWN, VILLAGE, SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL
19 SERVICES, OR PUBLIC BENEFIT CORPORATION THAT OPERATES A PUBLIC GENERAL
20 HOSPITAL LOCATED IN THE COUNTY OF WESTCHESTER, THE COUNTY OF ERIE, OR
21 THE COUNTY OF NASSAU THAT, ON A FORM PREPARED BY THE COMPTROLLER, ELECTS
22 TO AND DOES AMORTIZE A PORTION OF THE EMPLOYER'S ANNUAL BILL PURSUANT TO
23 PARAGRAPH ONE OF SUBDIVISION D OF THIS SECTION FOR THE TWO THOUSAND
24 THIRTEEN - TWO THOUSAND FOURTEEN FISCAL YEAR PURSUANT TO THE ALTERNATIVE
25 SYSTEM GRADED CONTRIBUTION RATE, REGARDLESS OF WHETHER THE EMPLOYER HAS
26 SUBSEQUENTLY PAID IN FULL ALL SUCH AMORTIZED AMOUNTS.

27 (2) "Amount eligible for amortization" for a given fiscal year shall
28 mean the amount by which an employer's actuarial contribution for such
29 fiscal year exceeds the employer's graded contribution for the same
30 fiscal year, less any amount from the employer contribution reserve fund
31 applied to reduce the employer's payment to the retirement system for
32 the fiscal year, provided, however, that if the employer's average actu-
33 arial contribution rate for the fiscal year is less than nine and one-
34 half percent, then the amount eligible for amortization shall be zero.

35 (3) "Employer's actuarial contribution" for a given fiscal year shall
36 mean an employer's annual bill for such fiscal year exclusive of defi-
37 ciency contributions and payments on account of group term life insur-
38 ance, adjustments relating to prior fiscal years' obligations, retire-
39 ment incentives and prior amortizations.

40 (4) "Employer's annual bill" shall mean for a given fiscal year the
41 sum of the following amounts: (i) an employer's normal contributions for
42 the fiscal year determined in accordance with paragraph one of subdivi-
43 sion b of section twenty-three of this article and the comprehensive
44 structural reform program implemented pursuant to subdivision b of
45 section twenty-three-a of this article, including the provisions of
46 subdivision b of section twenty-three-a of this article relating to the
47 required minimum annual contribution of four and one-half percent of
48 pensionable salaries; (ii) the employer's deficiency contributions and
49 administration contributions for the fiscal year determined in accord-
50 ance with paragraphs two and three of subdivision b of section twenty-
51 three of this article; and (iii) any payments by the employer due in the
52 fiscal year on account of group term life insurance, adjustments relat-
53 ing to prior fiscal years' obligations, retirement incentives and prior
54 amortizations.

55 (5) "Employer's average actuarial contribution rate" for a given
56 fiscal year shall mean an employer's actuarial contribution for such

1 fiscal year divided by the employer's projected payroll for the same
2 fiscal year.

3 (6) "Employer contribution reserve fund" or "fund" shall mean the
4 employer contribution reserve fund established pursuant to subdivision e
5 of this section.

6 (7) "Employer's graded contribution" for a given fiscal year shall
7 mean the amount determined by applying the system graded contribution
8 rate OR THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE for such fiscal
9 year to an employer's projected payroll for the same fiscal year.

10 (8) "Employer's graded payment" for a given fiscal year shall mean the
11 amount by which an employer's graded contribution for such fiscal year
12 exceeds the employer's actuarial contribution for the same fiscal year.

13 (9) "Prior amortization" shall mean with respect to a given fiscal
14 year any payment due in such fiscal year on account of an obligation
15 from a prior fiscal year that an employer is permitted to pay to the
16 retirement system on an amortized basis.

17 (10) "System average actuarial contribution rate" for a given fiscal
18 year shall mean the sum of all employers' actuarial contributions for
19 such fiscal year divided by the sum of all employers' projected payroll
20 for the same fiscal year.

21 (11) "System graded contribution rate" for a given fiscal year shall
22 mean the graded contribution rate for the retirement system as a whole
23 determined for such fiscal year pursuant to subdivision c of this
24 section.

25 (12) "ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE" FOR A GIVEN FISCAL
26 YEAR SHALL MEAN THE GRADED CONTRIBUTION RATE FOR THE RETIREMENT SYSTEM
27 AS A WHOLE DETERMINED FOR SUCH FISCAL YEAR PURSUANT TO SUBDIVISION C-1
28 OF THIS SECTION.

29 b. Notwithstanding the provisions of this chapter or any other law to
30 the contrary, the comptroller, in his or her discretion, shall have
31 authority to implement this section. If the comptroller elects to imple-
32 ment this section, the provisions of this section shall apply to the
33 payment of employer contributions for the fiscal year commencing on
34 April first, two thousand ten, and for subsequent fiscal years. IF THE
35 COMPTROLLER, WITHIN HIS OR HER DISCRETION, ELECTS TO IMPLEMENT THE
36 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE AS PROVIDED BY SUBDIVISION
37 C-1 OF THIS SECTION, THE PROVISIONS OF PARAGRAPH ONE-A OF SUBDIVISION D
38 OF THIS SECTION SHALL APPLY TO THE PAYMENT OF EMPLOYER CONTRIBUTIONS FOR
39 THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN, AND
40 FOR SUBSEQUENT FISCAL YEARS.

41 c. For each fiscal year to which the provisions of this section apply,
42 the comptroller shall determine a graded contribution rate for the
43 retirement system as a whole in the manner provided in this subdivision.

44 (1) For the two thousand ten - two thousand eleven fiscal year the
45 system graded contribution rate shall be nine and one-half percent.

46 (2) For the two thousand eleven - two thousand twelve fiscal year, and
47 subsequent fiscal years, system graded contribution rates shall be
48 determined as follows:

49 (i) if the system average actuarial contribution rate for a given
50 fiscal year is at least nine and one-half percent and exceeds the system
51 graded contribution rate for the immediately preceding fiscal year by
52 more than one percentage point, then the system graded contribution rate
53 for the given fiscal year shall equal the system graded contribution
54 rate for the immediately preceding fiscal year plus one percentage
55 point, provided, however, that in no event shall the system graded
56 contribution rate be less than nine and one-half percent;

1 (ii) if the system average actuarial contribution rate for a given
2 fiscal year is at least nine and one-half percent and either equals the
3 system graded contribution rate for the immediately preceding fiscal
4 year or exceeds the system graded contribution rate for the immediately
5 preceding fiscal year by one percentage point or less, then the system
6 graded contribution rate for the given fiscal year shall equal the
7 system average actuarial contribution rate for such fiscal year,
8 provided, however, that in no event shall the system graded contribution
9 rate be less than nine and one-half percent;

10 (iii) if the system average actuarial contribution rate for a given
11 fiscal year is less than nine and one-half percent and greater than the
12 system graded contribution rate for the immediately preceding fiscal
13 year, then the system graded contribution rate for the given fiscal year
14 shall equal the system actuarial contribution rate for such fiscal year;

15 (iv) if the system average actuarial contribution rate for a given
16 fiscal year is smaller than the system graded contribution rate for the
17 immediately preceding fiscal year by more than one percentage point,
18 then the system graded contribution rate for the given fiscal year shall
19 equal the system graded contribution rate for the immediately preceding
20 fiscal year minus one percentage point; and

21 (v) if the system average actuarial contribution rate for a given
22 fiscal year either equals the system graded contribution rate for the
23 immediately preceding fiscal year or is smaller than the system graded
24 contribution rate for the immediately preceding fiscal year by one
25 percentage point or less, then the system graded contribution rate for
26 the given fiscal year shall equal the system actuarial contribution rate
27 for such fiscal year.

28 C-1. FOR EACH FISCAL YEAR TO WHICH THE PROVISIONS OF THIS SECTION
29 APPLY, THE COMPTROLLER SHALL DETERMINE AN ALTERNATIVE SYSTEM GRADED
30 CONTRIBUTION RATE FOR THE RETIREMENT SYSTEM AS A WHOLE IN THE MANNER
31 PROVIDED IN THIS SUBDIVISION.

32 (1) FOR THE TWO THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN FISCAL YEAR
33 AND THE TWO THOUSAND FOURTEEN - TWO THOUSAND FIFTEEN FISCAL YEAR, THE
34 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE SHALL BE TWELVE PERCENT.

35 (2) FOR THE TWO THOUSAND FIFTEEN - TWO THOUSAND SIXTEEN FISCAL YEAR
36 AND FOR SUBSEQUENT FISCAL YEARS, THE ALTERNATIVE SYSTEM GRADED CONTRIB-
37 UTION RATES SHALL BE DETERMINED AS FOLLOWS:

38 (I) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
39 FISCAL YEAR IS AT LEAST NINE AND ONE-HALF PERCENT AND EXCEEDS THE ALTER-
40 NATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY PRECEDING
41 FISCAL YEAR BY MORE THAN ONE-HALF PERCENTAGE POINT, THEN THE ALTERNATIVE
42 SYSTEM GRADED CONTRIBUTION RATE FOR THE GIVEN FISCAL YEAR SHALL EQUAL
43 THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY
44 PRECEDING FISCAL YEAR PLUS ONE-HALF PERCENTAGE POINT, PROVIDED, HOWEVER,
45 THAT IN NO EVENT SHALL THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE
46 BE LESS THAN NINE AND ONE-HALF PERCENT;

47 (II) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
48 FISCAL YEAR IS AT LEAST NINE AND ONE-HALF PERCENT AND EITHER EQUALS THE
49 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY PRECED-
50 ING FISCAL YEAR OR EXCEEDS THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
51 RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR BY ONE-HALF PERCENTAGE
52 POINT OR LESS, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR
53 THE GIVEN FISCAL YEAR SHALL EQUAL THE SYSTEM AVERAGE ACTUARIAL CONTRIB-
54 UTION RATE FOR SUCH FISCAL YEAR, PROVIDED, HOWEVER, THAT IN NO EVENT
55 SHALL THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE BE LESS THAN NINE
56 AND ONE-HALF PERCENT;

1 (III) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
2 FISCAL YEAR IS LESS THAN NINE AND ONE-HALF PERCENT AND GREATER THAN THE
3 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY PRECED-
4 ING FISCAL YEAR, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE
5 FOR THE GIVEN FISCAL YEAR SHALL EQUAL THE SYSTEM ACTUARIAL CONTRIBUTION
6 RATE FOR SUCH FISCAL YEAR;

7 (IV) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
8 FISCAL YEAR IS SMALLER THAN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
9 RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR BY MORE THAN ONE-HALF
10 PERCENTAGE POINT, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE
11 FOR THE GIVEN FISCAL YEAR SHALL EQUAL THE ALTERNATIVE SYSTEM GRADED
12 CONTRIBUTION RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR MINUS
13 ONE-HALF PERCENTAGE POINT; AND

14 (V) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
15 FISCAL YEAR EITHER EQUALS THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
16 RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR OR IS SMALLER THAN THE
17 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY PRECED-
18 ING FISCAL YEAR BY ONE-HALF PERCENTAGE POINT OR LESS, THEN THE ALTERNA-
19 TIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE GIVEN FISCAL YEAR SHALL
20 EQUAL THE SYSTEM ACTUARIAL CONTRIBUTION RATE FOR SUCH FISCAL YEAR.

21 d. (1) For any given fiscal year for which an employer's average actu-
22 arial contribution rate exceeds the system graded contribution rate, the
23 employer shall pay to the retirement system an amount equal to the
24 employer's annual bill for such year or, in lieu of paying the entire
25 annual bill, the employer may pay an amount equal to the employer's
26 annual bill less all or a portion of the employer's amount eligible for
27 amortization for the fiscal year. If in accordance with this paragraph
28 the employer's payment to the retirement system is less than the entire
29 amount of the employer's annual bill, then the difference between the
30 employer's annual bill, and the amount actually paid by the employer to
31 the retirement system exclusive of any amount from the employer contrib-
32 ution reserve fund applied to reduce the employer's payment, shall be
33 the amount amortized for the fiscal year. The amount amortized for the
34 fiscal year shall be paid to the retirement system in equal annual
35 installments over a ten-year period, with interest on the unpaid balance
36 at a rate determined by the comptroller which approximates a market rate
37 of return on taxable fixed rate securities with similar terms issued by
38 comparable issuers, and with the first installment due in the immediate-
39 ly succeeding fiscal year.

40 (1-A) FOR ANY GIVEN FISCAL YEAR FOR WHICH AN EMPLOYER'S AVERAGE ACTU-
41 ARIAL CONTRIBUTION RATE EXCEEDS THE ALTERNATIVE SYSTEM GRADED CONTRIB-
42 UTION RATE, THE EMPLOYER SHALL PAY TO THE RETIREMENT SYSTEM AN AMOUNT
43 EQUAL TO THE EMPLOYER'S ANNUAL BILL FOR SUCH YEAR OR, IN LIEU OF PAYING
44 THE ENTIRE ANNUAL BILL, THE EMPLOYER MAY PAY AN AMOUNT EQUAL TO THE
45 EMPLOYER'S ANNUAL BILL LESS ALL OR A PORTION OF THE EMPLOYER'S AMOUNT
46 ELIGIBLE FOR AMORTIZATION FOR THE FISCAL YEAR. IF IN ACCORDANCE WITH
47 THIS PARAGRAPH THE EMPLOYER'S PAYMENT TO THE RETIREMENT SYSTEM IS LESS
48 THAN THE ENTIRE AMOUNT OF THE EMPLOYER'S ANNUAL BILL, THEN THE DIFFER-
49 ENCE BETWEEN THE EMPLOYER'S ANNUAL BILL, AND THE AMOUNT ACTUALLY PAID BY
50 THE EMPLOYER TO THE RETIREMENT SYSTEM EXCLUSIVE OF ANY AMOUNT FROM THE
51 EMPLOYER CONTRIBUTION RESERVE FUND APPLIED TO REDUCE THE EMPLOYER'S
52 PAYMENT, SHALL BE THE AMOUNT AMORTIZED FOR THE FISCAL YEAR. THE AMOUNT
53 AMORTIZED FOR THE FISCAL YEAR SHALL BE PAID TO THE RETIREMENT SYSTEM IN
54 EQUAL ANNUAL INSTALLMENTS OVER A TWELVE YEAR PERIOD, WITH INTEREST ON
55 THE UNPAID BALANCE AT A RATE DETERMINED BY THE COMPTROLLER WHICH SHALL
56 BE THE TWELVE YEAR INTERPOLATED RATE BASED ON THE MOST RECENTLY

1 PUBLISHED YIELD TO MATURITY OF A TEN YEAR AND TWENTY YEAR U.S. TREASURY
2 SECURITY PLUS ONE HUNDRED BASIS POINTS.

3 (2) For any given fiscal year for which the system graded contribution
4 rate equals or exceeds an amortizing employer's average actuarial
5 contribution rate, the amortizing employer shall pay to the retirement
6 system an amount equal to the employer's annual bill for such year plus
7 the employer's graded payment for the fiscal year.

8 (i) If the amortizing employer's annual bill for the fiscal year does
9 not include an amount attributable to a prior amortization, then the
10 employer's graded payment shall be paid into the employer contribution
11 reserve fund provided for in subdivision e of this section and credited
12 to an account within such fund established for the employer.

13 (ii) If the amortizing employer's annual bill for the fiscal year
14 includes an amount attributable to a prior amortization, the employer's
15 graded payment shall be used first to eliminate the amount of the
16 employer's unpaid prior amortization balances in chronological order
17 starting with the oldest prior amortization balance. When in any fiscal
18 year the employer's graded payment eliminates all balances owed on the
19 employer's prior amortizations, any remaining portion of the employer's
20 graded payment for such fiscal year, and the employer's graded payment
21 in any subsequent fiscal year in which the amortizing employer has no
22 unpaid prior amortizations, shall be paid into the employer contribution
23 reserve fund provided for in subdivision e of this section and credited
24 to an account within such fund established for the employer.

25 (2-A) FOR ANY GIVEN FISCAL YEAR FOR WHICH THE ALTERNATIVE SYSTEM GRAD-
26 ED CONTRIBUTION RATE EQUALS OR EXCEEDS AN ALTERNATIVE AMORTIZING EMPLOY-
27 ER'S AVERAGE ACTUARIAL CONTRIBUTION RATE, THE ALTERNATIVE AMORTIZING
28 EMPLOYER SHALL PAY TO THE RETIREMENT SYSTEM AN AMOUNT EQUAL TO THE
29 EMPLOYER'S ANNUAL BILL FOR SUCH YEAR PLUS THE EMPLOYER'S GRADED PAYMENT
30 FOR THE FISCAL YEAR.

31 (I) IF THE ALTERNATIVE AMORTIZING EMPLOYER'S ANNUAL BILL FOR THE
32 FISCAL YEAR DOES NOT INCLUDE AN AMOUNT ATTRIBUTABLE TO A PRIOR AMORTI-
33 ZATION, THEN THE EMPLOYER'S GRADED PAYMENT SHALL BE PAID INTO THE
34 EMPLOYER CONTRIBUTION RESERVE FUND PROVIDED FOR IN SUBDIVISION E OF THIS
35 SECTION AND CREDITED TO AN ACCOUNT WITHIN SUCH FUND ESTABLISHED FOR THE
36 EMPLOYER.

37 (II) IF THE ALTERNATIVE AMORTIZING EMPLOYER'S ANNUAL BILL FOR THE
38 FISCAL YEAR INCLUDES AN AMOUNT ATTRIBUTABLE TO A PRIOR AMORTIZATION, THE
39 EMPLOYER'S GRADED PAYMENT SHALL BE USED FIRST TO ELIMINATE THE AMOUNT OF
40 THE EMPLOYER'S UNPAID PRIOR AMORTIZATION BALANCES IN CHRONOLOGICAL ORDER
41 STARTING WITH THE OLDEST PRIOR AMORTIZATION BALANCE. WHEN IN ANY FISCAL
42 YEAR THE EMPLOYER'S GRADED PAYMENT ELIMINATES ALL BALANCES OWED ON THE
43 EMPLOYER'S PRIOR AMORTIZATIONS, ANY REMAINING PORTION OF THE EMPLOYER'S
44 GRADED PAYMENT FOR SUCH FISCAL YEAR, AND THE EMPLOYER'S GRADED PAYMENT
45 IN ANY SUBSEQUENT FISCAL YEAR IN WHICH THE AMORTIZING EMPLOYER HAS NO
46 UNPAID PRIOR AMORTIZATIONS, SHALL BE PAID INTO THE EMPLOYER CONTRIBUTION
47 RESERVE FUND PROVIDED FOR IN SUBDIVISION E OF THIS SECTION AND CREDITED
48 TO AN ACCOUNT WITHIN SUCH FUND ESTABLISHED FOR THE EMPLOYER.

49 (3) Nothing in this subdivision shall be construed as prohibiting an
50 employer from pre-paying any prior amortization.

51 e. (1) Notwithstanding any law to the contrary, there shall be main-
52 tained separate and apart from the other funds of the retirement system
53 an employer contribution reserve fund, the assets of which shall not be
54 used or invested in a manner contrary to the provisions of this subdivi-
55 sion. The fund shall consist of all employer contributions required to
56 be deposited into the fund pursuant to subdivision d of this section.

1 Within such fund there shall be a separate account for each employer
2 making such contributions and payments.

3 (2) For any given fiscal year for which (i) the system actuarial
4 contribution rate exceeds nine and one-half percent of payroll, and (ii)
5 an employer's average actuarial contribution rate exceeds the system
6 graded contribution rate OR THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
7 RATE, the balance in the employer's account within such fund shall be
8 applied to reduce the employer's payment to the retirement system for
9 such fiscal year in an amount not to exceed the difference between the
10 employer's actuarial contribution and the employer's graded contribution
11 for the fiscal year.

12 (3) Notwithstanding the provisions of paragraph two of this subdivi-
13 sion, if at the close of any given fiscal year the balance of an employ-
14 er's account within the fund exceeds one hundred percent of the employ-
15 er's payroll for such fiscal year, the excess shall be applied to reduce
16 the employer's payment to the retirement system for the next succeeding
17 fiscal year.

18 (4) The assets of the fund shall be invested in only the following
19 types of investments:

20 (i) obligations of the United States of America or in obligations
21 guaranteed by agencies of the United States of America where the payment
22 of principal and interest are guaranteed by the United States of America
23 or in obligations of the state of New York;

24 (ii) general obligation bonds and notes of any state other than this
25 state, provided that such bonds and notes receive the highest rating of
26 at least one independent rating agency;

27 (iii) obligations of, or instruments issued by or fully guaranteed as
28 to principal and interest by, any agency or instrumentality of the
29 United States acting pursuant to a grant of authority from the congress
30 of the United States, including, but not limited to, any federal home
31 loan bank or banks, the Tennessee valley authority, the federal national
32 mortgage association, the federal home loan mortgage corporation and the
33 United States postal service;

34 (iv) certificate of deposits that are fully secured by the issuer by
35 depositing with the comptroller direct or indirect obligations of the
36 United States or its agencies or a letter of credit issued by the Feder-
37 al Home Loan Bank; and

38 (v) obligations of any corporation organized under the laws of any
39 state in the United States maturing within two hundred seventy days
40 provided that such obligations receive the highest rating of two inde-
41 pendent rating services designated by the comptroller.

42 (5) At the close of each fiscal year, the amount of interest and earn-
43 ings attributable to each employer's account shall be computed by the
44 actuary and certified to the comptroller, who shall thereupon credit
45 each employer's account in accordance therewith.

46 (6) The assets of the fund shall be excluded from the annual valuation
47 of the assets and liabilities of the funds of the retirement system
48 required by section eleven of this title. The assets of the fund shall
49 not be used to finance increases in pension benefits.

50 S 3. Section 319-a of the retirement and social security law, as added
51 by section 3 of part TT of chapter 57 of the laws of 2010, is amended to
52 read as follows:

53 S 319-a. Employer contributions for the two thousand ten - two thou-
54 sand eleven fiscal year and subsequent fiscal years. a. In addition to
55 the definitions in section three hundred two of this article, when used
56 in this section:

(1) "Amortizing employer" shall mean an employer that elects to amortize a portion of the employer's annual bill pursuant to paragraph one of subdivision d of this section for the two thousand ten - two thousand eleven fiscal year, or any subsequent fiscal year, PURSUANT TO THE SYSTEM GRADED CONTRIBUTION RATE regardless of whether the employer has subsequently paid in full all such amortized amounts, AND THAT DOES NOT ELECT TO AMORTIZE AS AN ALTERNATIVE AMORTIZING EMPLOYER FOR THE TWO THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN FISCAL YEAR.

(1-A) "ALTERNATIVE AMORTIZING EMPLOYER" SHALL MEAN A COUNTY, CITY, TOWN OR VILLAGE THAT, ON A FORM PREPARED BY THE COMPTROLLER, ELECTS TO AND DOES AMORTIZE A PORTION OF THE EMPLOYER'S ANNUAL BILL PURSUANT TO PARAGRAPH ONE OF SUBDIVISION D OF THIS SECTION FOR THE TWO THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN FISCAL YEAR PURSUANT TO THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE, REGARDLESS OF WHETHER THE EMPLOYER HAS SUBSEQUENTLY PAID IN FULL ALL SUCH AMORTIZED AMOUNTS.

(2) "Amount eligible for amortization" for a given fiscal year shall mean the amount by which an employer's actuarial contribution for such fiscal year exceeds the employer's graded contribution for the same fiscal year, less any amount from the employer contribution reserve fund applied to reduce the employer's payment to the retirement system for the fiscal year, provided, however, that if the employer's average actuarial contribution rate for the fiscal year is less than seventeen and one-half percent, then the amount eligible for amortization shall be zero.

(3) "Employer's actuarial contribution" for a given fiscal year shall mean an employer's annual bill for such fiscal year exclusive of the deficiency contributions and payments on account of group term life insurance, adjustments relating to prior fiscal years' obligations, retirement incentives and prior amortizations.

(4) "Employer's annual bill" shall mean for a given fiscal year the sum of the following amounts: (i) an employer's normal contributions for the fiscal year determined in accordance with paragraph one of subdivision b of section three hundred twenty-three of this article and the comprehensive structural reform program implemented pursuant to subdivision b of section three hundred twenty-three-a of this article, including the provisions of subdivision b of section three hundred twenty-three-a of this article relating to the required minimum annual contribution of four and one-half percent of pensionable salaries; (ii) the employer's deficiency contributions and administration contributions for the fiscal year determined in accordance with paragraphs two and three of subdivision b of section three hundred twenty-three of this article; and (iii) any payments by the employer due in the fiscal year on account of group term life insurance, adjustments relating to prior fiscal years' obligations, retirement incentives and prior amortizations.

(5) "Employer's average actuarial contribution rate" for a given fiscal year shall mean an employer's actuarial contribution for such fiscal year divided by the employer's projected payroll for the same fiscal year.

(6) "Employer contribution reserve fund" or "fund" shall mean the employer contribution reserve fund established pursuant to subdivision e of this section.

(7) "Employer's graded contribution" for a given fiscal year shall mean the amount determined by applying the employer's graded contribution rate OR THE ALTERNATIVE AMORTIZING EMPLOYER'S GRADED CONTRIBUTION

1 RATE for such fiscal year to an employer's projected payroll for the
2 same fiscal year.

3 (8) "Employer's graded contribution rate" for a given fiscal year
4 shall mean (i) the system graded contribution rate for such fiscal year,
5 or (ii) in the case of an individual employer for which a graded
6 contribution rate has been determined pursuant to paragraph three of
7 subdivision c of this section, the graded contribution rate for the
8 individual employer for such fiscal year.

9 (9) "Employer's graded payment" for a given fiscal year shall mean the
10 amount by which an employer's graded contribution for such fiscal year
11 exceeds the employer's actuarial contribution for the same fiscal year.

12 (10) "Prior amortization" shall mean with respect to a given fiscal
13 year any payment due in such fiscal year on account of an obligation
14 from a prior fiscal year that an employer is permitted to pay to the
15 retirement system on an amortized basis.

16 (11) "System average actuarial contribution rate" for a given fiscal
17 year shall mean the sum of all employers' actuarial contributions for
18 such fiscal year, divided by the sum of all employers' projected payroll
19 for the same fiscal year.

20 (12) "System graded contribution rate" for a given fiscal year shall
21 mean the graded contribution rate for the retirement system as a whole
22 determined for such fiscal year pursuant to paragraph one or two of
23 subdivision c of this section.

24 (13) "ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE" FOR A GIVEN FISCAL
25 YEAR SHALL MEAN THE GRADED CONTRIBUTION RATE FOR THE RETIREMENT SYSTEM
26 AS A WHOLE DETERMINED FOR SUCH FISCAL YEAR PURSUANT TO PARAGRAPH ONE OR
27 TWO OF SUBDIVISION C-1 OF THIS SECTION.

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 this section. If the comptroller elects to imple-
31 ment this section, the provisions of this section shall apply to the
32 payment of employer contributions for the fiscal year commencing on
33 April first, two thousand ten, and for subsequent fiscal years. IF THE
34 COMPTROLLER, WITHIN HIS OR HER DISCRETION, ELECTS TO IMPLEMENT THE
35 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE AS PROVIDED BY SUBDIVISION
36 C-1 OF THIS SECTION, THE PROVISIONS OF PARAGRAPH ONE-A OF SUBDIVISION D
37 OF THIS SECTION SHALL APPLY TO THE PAYMENT OF EMPLOYER CONTRIBUTIONS FOR
38 THE FISCAL YEAR COMMENCING ON APRIL FIRST, TWO THOUSAND THIRTEEN, AND
39 FOR SUBSEQUENT FISCAL YEARS.

40 c. For each fiscal year to which the provisions of this section apply,
41 the comptroller shall determine a graded contribution rate for the
42 retirement system as a whole in the manner provided in this subdivision.

43 (1) For the two thousand ten - two thousand eleven fiscal year the
44 system graded contribution rate shall be seventeen and one-half percent.

45 (2) For the two thousand eleven - two thousand twelve fiscal year, and
46 subsequent fiscal years, system graded contribution rates shall be
47 determined as follows:

48 (i) if the system average actuarial contribution rate for a given
49 fiscal year is at least seventeen and one-half percent and exceeds the
50 system graded contribution rate for the immediately preceding fiscal
51 year by more than one percentage point, then the system graded contrib-
52 ution rate for the given fiscal year shall equal the system graded
53 contribution rate for the immediately preceding fiscal year plus one
54 percentage point, provided however, that in no event shall the system
55 graded contribution rate be less than seventeen and one-half percent;

(ii) if the system average actuarial contribution rate for a given fiscal year is at least seventeen and one-half percent and either equals the system graded contribution rate for the immediately preceding fiscal year or exceeds the system graded contribution rate for the immediately preceding fiscal year by one percentage point or less, then the system graded contribution rate for the given fiscal year shall equal the system average actuarial contribution rate for such fiscal year, provided, however, that in no event shall the system graded contribution rate be less than seventeen and one-half percent;

(iii) if the system average actuarial contribution rate for a given fiscal year is less than seventeen and one-half percent and greater than the system graded contribution rate for the immediately preceding fiscal year, then the system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year;

(iv) if the system average actuarial contribution rate for a given fiscal year is smaller than the system graded contribution rate for the immediately preceding fiscal year by more than one percentage point, then the system graded contribution rate for the given fiscal year shall equal the system graded contribution rate for the immediately preceding fiscal year minus one percentage point; and

(v) if the system average actuarial contribution rate for a given fiscal year either equals the system graded contribution rate for the immediately preceding fiscal year or is smaller than the system graded contribution rate for the immediately preceding fiscal year by one percentage point or less, then the system graded contribution rate for the given fiscal year shall equal the system actuarial contribution rate for such fiscal year.

(3) The comptroller shall determine a graded contribution rate for individual employers as provided in this paragraph.

(i) If the actuarial contribution rate for an employer for a given fiscal year is equal to or greater than fifty percent of the system actuarial contribution rate for such year, and less than or equal to seventy-five percent of such system actuarial contribution rate, then the graded contribution rate for the employer for the fiscal year shall equal seventy-five percent of the system graded contribution RATE for such year.

(ii) If the actuarial contribution rate for an employer for a given fiscal year is less than fifty percent of the system actuarial contribution rate for such year, then the graded contribution rate for the employer for the fiscal year shall equal fifty percent of the system graded contribution rate for such year.

C-1. FOR EACH FISCAL YEAR TO WHICH THE PROVISIONS OF THIS SECTION APPLY, THE COMPTROLLER SHALL DETERMINE AN ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE RETIREMENT SYSTEM AS A WHOLE IN THE MANNER PROVIDED IN THIS SUBDIVISION.

(1) FOR THE TWO THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN FISCAL YEAR AND THE TWO THOUSAND FOURTEEN - TWO THOUSAND FIFTEEN FISCAL YEAR, THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE SHALL BE TWENTY PERCENT.

(2) FOR THE TWO THOUSAND FIFTEEN - TWO THOUSAND SIXTEEN FISCAL YEAR AND THE SUBSEQUENT FISCAL YEARS, ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATES SHALL BE DETERMINED AS FOLLOWS:

(I) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN FISCAL YEAR IS AT LEAST SEVENTEEN AND ONE-HALF PERCENT AND EXCEEDS THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR BY MORE THAN ONE-HALF PERCENTAGE POINT, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE GIVEN FISCAL YEAR SHALL

1 EQUAL THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATE-
2 LY PRECEDING FISCAL YEAR PLUS ONE-HALF PERCENTAGE POINT, PROVIDED,
3 HOWEVER, THAT IN NO EVENT SHALL THE ALTERNATIVE SYSTEM GRADED CONTRIB-
4 UTION RATE BE LESS THAN SEVENTEEN AND ONE-HALF PERCENT;

5 (II) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
6 FISCAL YEAR IS AT LEAST SEVENTEEN AND ONE-HALF PERCENT AND EITHER EQUALS
7 THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY
8 PRECEDING FISCAL YEAR OR EXCEEDS THE ALTERNATIVE SYSTEM GRADED CONTRIB-
9 UTION RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR BY ONE-HALF
10 PERCENTAGE POINT OR LESS, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIB-
11 UTION RATE FOR THE GIVEN FISCAL YEAR SHALL EQUAL THE SYSTEM AVERAGE
12 ACTUARIAL CONTRIBUTION RATE FOR SUCH FISCAL YEAR, PROVIDED, HOWEVER,
13 THAT IN NO EVENT SHALL THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE
14 BE LESS THAN SEVENTEEN AND ONE-HALF PERCENT;

15 (III) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
16 FISCAL YEAR IS LESS THAN SEVENTEEN AND ONE-HALF PERCENT AND GREATER THAN
17 THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY
18 PRECEDING FISCAL YEAR, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
19 RATE FOR THE GIVEN FISCAL YEAR SHALL EQUAL THE SYSTEM ACTUARIAL CONTRIB-
20 UTION RATE FOR SUCH FISCAL YEAR;

21 (IV) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
22 FISCAL YEAR IS SMALLER THAN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
23 RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR BY MORE THAN ONE-HALF
24 PERCENTAGE POINT, THEN THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE
25 FOR THE GIVEN FISCAL YEAR SHALL EQUAL THE ALTERNATIVE SYSTEM GRADED
26 CONTRIBUTION RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR MINUS
27 ONE-HALF PERCENTAGE POINT; AND

28 (V) IF THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE FOR A GIVEN
29 FISCAL YEAR EITHER EQUALS THE ALTERNATIVE SYSTEM GRADED CONTRIBUTION
30 RATE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR OR IS SMALLER THAN THE
31 ALTERNATIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE IMMEDIATELY PRECED-
32 ING FISCAL YEAR BY ONE-HALF PERCENTAGE POINT OR LESS, THEN THE ALTERNA-
33 TIVE SYSTEM GRADED CONTRIBUTION RATE FOR THE GIVEN FISCAL YEAR SHALL
34 EQUAL THE SYSTEM ACTUARIAL CONTRIBUTION RATE FOR SUCH FISCAL YEAR.

35 d. (1) For any given fiscal year for which an employer's average actu-
36 arial contribution rate exceeds the EMPLOYER graded contribution rate,
37 the employer shall pay to the retirement system an amount equal to the
38 employer's annual bill for such year or, in lieu of paying the entire
39 annual bill, the employer may pay an amount equal to the employer's
40 annual bill less all or a portion of the employer's amount eligible for
41 amortization for the fiscal year. If in accordance with this paragraph
42 the employer's payment to the retirement system is less than the entire
43 amount of the employer's annual bill, then the difference between the
44 employer's annual bill, and the amount actually paid by the employer to
45 the retirement system exclusive of any amount from the employer contrib-
46 ution reserve fund applied to reduce the employer's payment, shall be
47 the amount amortized for the fiscal year. The amount amortized for the
48 fiscal year shall be paid to the retirement system in equal annual
49 installments over a ten-year period, with interest on the unpaid balance
50 at a rate determined by the comptroller which approximates a market rate
51 of return on taxable fixed rate securities with similar terms issued by
52 comparable issuers, and with the first installment due in the immediate-
53 ly succeeding fiscal year.

54 (1-A) FOR ANY GIVEN FISCAL YEAR FOR WHICH AN EMPLOYER'S AVERAGE ACTU-
55 ARIAL CONTRIBUTION RATE EXCEEDS THE ALTERNATIVE SYSTEM GRADED CONTRIB-
56 UTION RATE, THE EMPLOYER SHALL PAY TO THE RETIREMENT SYSTEM AN AMOUNT

1 EQUAL TO THE EMPLOYER'S ANNUAL BILL FOR SUCH YEAR OR, IN LIEU OF PAYING
2 THE ENTIRE ANNUAL BILL, THE EMPLOYER MAY PAY AN AMOUNT EQUAL TO THE
3 EMPLOYER'S ANNUAL BILL LESS ALL OR A PORTION OF THE EMPLOYER'S AMOUNT
4 ELIGIBLE FOR AMORTIZATION FOR THE FISCAL YEAR. IF IN ACCORDANCE WITH
5 THIS PARAGRAPH THE EMPLOYER'S PAYMENT TO THE RETIREMENT SYSTEM IS LESS
6 THAN THE ENTIRE AMOUNT OF THE EMPLOYER'S ANNUAL BILL, THEN THE DIFFER-
7 ENCE BETWEEN THE EMPLOYER'S ANNUAL BILL, AND THE AMOUNT ACTUALLY PAID BY
8 THE EMPLOYER TO THE RETIREMENT SYSTEM EXCLUSIVE OF ANY AMOUNT FROM THE
9 EMPLOYER CONTRIBUTION RESERVE FUND APPLIED TO REDUCE THE EMPLOYER'S
10 PAYMENT, SHALL BE THE AMOUNT AMORTIZED FOR THE FISCAL YEAR. THE AMOUNT
11 AMORTIZED FOR THE FISCAL YEAR SHALL BE PAID TO THE RETIREMENT SYSTEM IN
12 EQUAL ANNUAL INSTALLMENTS OVER A TWELVE YEAR PERIOD, WITH INTEREST ON
13 THE UNPAID BALANCE AT A RATE DETERMINED BY THE COMPTROLLER WHICH SHALL
14 BE THE TWELVE YEAR INTERPOLATED RATE BASED ON THE MOST RECENTLY
15 PUBLISHED YIELD TO MATURITY OF A TEN YEAR AND TWENTY YEAR U.S. TREASURY
16 SECURITY PLUS ONE HUNDRED BASIS POINTS.

17 (2) For any given fiscal year for which the system graded contribution
18 rate equals or exceeds an amortizing employer's average actuarial
19 contribution rate, the amortizing employer shall pay to the retirement
20 system an amount equal to the employer's annual bill for such year plus
21 the employer's graded payment for the fiscal year.

22 (i) If the amortizing employer's annual bill for the fiscal year does
23 not include an amount attributable to a prior amortization, then the
24 employer's graded payment shall be paid into the employer contribution
25 reserve fund provided for in subdivision e of this section and credited
26 to an account within such fund established for the employer.

27 (ii) If the amortizing employer's annual bill for the fiscal year
28 includes an amount attributable to a prior amortization, the employer's
29 graded payment shall be used first to eliminate the amount of the
30 employer's unpaid prior amortization balances in chronological order
31 starting with oldest prior amortization balance. When in any fiscal year
32 the employer's graded payment eliminates all balances owed on the
33 employer's prior amortizations, any remaining portion of the employer's
34 graded payment for such fiscal year, and the employer's graded payment
35 in any subsequent fiscal year in which the amortizing employer has no
36 unpaid prior amortizations, shall be paid into the employer contribution
37 reserve fund provided for in subdivision e of this section and credited
38 to an account within such fund established for the employer.

39 (2-A) FOR ANY GIVEN FISCAL YEAR FOR WHICH THE ALTERNATIVE SYSTEM GRAD-
40 ED CONTRIBUTION RATE EQUALS OR EXCEEDS AN ALTERNATIVE AMORTIZING EMPLOY-
41 ER'S AVERAGE ACTUARIAL CONTRIBUTION RATE, THE ALTERNATIVE AMORTIZING
42 EMPLOYER SHALL PAY TO THE RETIREMENT SYSTEM AN AMOUNT EQUAL TO THE
43 EMPLOYER'S ANNUAL BILL FOR SUCH YEAR PLUS THE EMPLOYER'S GRADED PAYMENT
44 FOR THE FISCAL YEAR.

45 (I) IF THE ALTERNATIVE AMORTIZING EMPLOYER'S ANNUAL BILL FOR THE
46 FISCAL YEAR DOES NOT INCLUDE AN AMOUNT ATTRIBUTABLE TO A PRIOR AMORTI-
47 ZATION, THEN THE EMPLOYER'S GRADED PAYMENT SHALL BE PAID INTO THE
48 EMPLOYER CONTRIBUTION RESERVE FUND PROVIDED FOR IN SUBDIVISION E OF THIS
49 SECTION AND CREDITED TO AN ACCOUNT WITHIN SUCH FUND ESTABLISHED FOR THE
50 EMPLOYER.

51 (II) IF THE ALTERNATIVE AMORTIZING EMPLOYER'S ANNUAL BILL FOR THE
52 FISCAL YEAR INCLUDES AN AMOUNT ATTRIBUTABLE TO A PRIOR AMORTIZATION, THE
53 EMPLOYER'S GRADED PAYMENT SHALL BE USED FIRST TO ELIMINATE THE AMOUNT OF
54 THE EMPLOYER'S UNPAID PRIOR AMORTIZATION BALANCES IN CHRONOLOGICAL ORDER
55 STARTING WITH OLDEST PRIOR AMORTIZATION BALANCE. WHEN IN ANY FISCAL YEAR
56 THE EMPLOYER'S GRADED PAYMENT ELIMINATES ALL BALANCES OWED ON THE

1 EMPLOYER'S PRIOR AMORTIZATIONS, ANY REMAINING PORTION OF THE EMPLOYER'S
2 GRADED PAYMENT FOR SUCH FISCAL YEAR, AND THE EMPLOYER'S GRADED PAYMENT
3 IN ANY SUBSEQUENT FISCAL YEAR IN WHICH THE AMORTIZING EMPLOYER HAS NO
4 UNPAID PRIOR AMORTIZATIONS, SHALL BE PAID INTO THE EMPLOYER CONTRIBUTION
5 RESERVE FUND PROVIDED FOR IN SUBDIVISION E OF THIS SECTION AND CREDITED
6 TO AN ACCOUNT WITHIN SUCH FUND ESTABLISHED FOR THE EMPLOYER.

7 (3) Nothing in this subdivision shall be construed as prohibiting an
8 employer from pre-paying any prior amortization.

9 e. (1) Notwithstanding any law to the contrary, there shall be main-
10 tained separate and apart from the other funds of the retirement system
11 an employer contribution reserve fund, the assets of which shall not be
12 used or invested in a manner contrary to the provisions of this subdivi-
13 sion. The fund shall consist of all employer contributions required to
14 be deposited into the fund pursuant to subdivision d of this section.
15 Within such fund there shall be a separate account for each employer
16 making such contributions and payments.

17 (2) For any given fiscal year for which (i) the system actuarial
18 contribution rate exceeds seventeen and one-half percent of payroll, and
19 (ii) for which an employer's average actuarial contribution rate exceeds
20 the graded contribution rate OR THE ALTERNATIVE SYSTEM GRADED CONTRIB-
21 UTION RATE, the balance in the employer's account within such fund shall
22 be applied to reduce the employer's payment to the retirement system for
23 such fiscal year in an amount not to exceed the difference between the
24 employer's actuarial contribution and the employer's graded contribution
25 for the fiscal year.

26 (3) Notwithstanding the provisions of paragraph two of this subdivi-
27 sion, if at the close of any given fiscal year the balance of an employ-
28 er's account within the fund exceeds one hundred percent of the employ-
29 er's payroll for such fiscal year, the excess shall be applied to reduce
30 the employer's payment to the retirement system for the next succeeding
31 fiscal year.

32 (4) The assets of the fund shall be invested in only the following
33 types of investments:

34 (i) obligations of the United States of America or in obligations
35 guaranteed by agencies of the United States of America where the payment
36 of principal and interest are guaranteed by the United States of America
37 or in obligations of the state of New York;

38 (ii) general obligation bonds and notes of any state other than this
39 state, provided that such bonds and notes receive the highest rating of
40 at least one independent rating agency;

41 (iii) obligations of, or instruments issued by or fully guaranteed as
42 to principal and interest by, any agency or instrumentality of the
43 United States acting pursuant to a grant of authority from the congress
44 of the United States, including, but not limited to, any federal home
45 loan bank or banks, the Tennessee valley authority, the federal national
46 mortgage association, the federal home loan mortgage corporation and the
47 United States postal service;

48 (iv) certificate of deposits that are fully secured by the issuer by
49 depositing with the comptroller direct or indirect obligations of the
50 United States or its agencies or a letter of credit issued by the Feder-
51 al Home Loan Bank; and

52 (v) obligations of any corporation organized under the laws of any
53 state in the United States maturing within two hundred seventy days
54 provided that such obligations receive the highest rating of two inde-
55 pendent rating services designated by the comptroller.

(5) At the close of each fiscal year, the amount of interest and earnings attributable to each employer's account shall be computed by the actuary and certified to the comptroller, who shall thereupon credit each employer's account in accordance therewith.

(6) The assets of the fund shall be excluded from the annual valuation of the assets and liabilities of the funds of the retirement system required by section three hundred eleven of this title. The assets of the fund shall not finance increases in pension benefits.

S 4. Section 521 of the education law is amended by adding a new subdivision 3 to read as follows:

3. 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 A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES WHICH ELECTS TO PAY THE STABLE CONTRIBUTION AMOUNT IN THE MANNER PROVIDED IN THIS SUBDIVISION;

(2) "STABLE CONTRIBUTION AMOUNT" SHALL MEAN AN AMOUNT EQUAL TO THE STABLE CONTRIBUTION RATE MULTIPLIED BY THE 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 FOURTEEN PERCENT FOR THE TWO THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN PLAN YEAR AND THE TWO THOUSAND FOURTEEN - TWO THOUSAND FIFTEEN PLAN YEAR AND THE RATE AS ADOPTED BY THE RETIREMENT BOARD IN ACCORDANCE WITH PARAGRAPH H OF THIS SUBDIVISION; AND

(4) "DEFERRED EMPLOYER CONTRIBUTION AMOUNT" SHALL MEAN AN AMOUNT 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 SUBDIVISION. SUCH DEFERRED EMPLOYER CONTRIBUTION AMOUNT SHALL BE CALCULATED FOR EACH YEAR OF PARTICIPATION IN THE STABLE CONTRIBUTION OPTION WITH ASSOCIATED INTEREST DETERMINED SPECIFIC TO EACH APPLICABLE PLAN YEAR'S DEFERRED AMOUNT.

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 SHALL APPLY TO THE PAYMENT OF PARTICIPATING EDUCATIONAL EMPLOYER CONTRIBUTIONS IN THE PLAN YEAR COMMENCING JULY FIRST, TWO THOUSAND THIRTEEN, FOR THE PENSION BILL PAID ON SEPTEMBER FIFTEENTH, OCTOBER FIFTEENTH, AND NOVEMBER FIFTEENTH OF TWO THOUSAND FOURTEEN, AND FOR THE SUBSEQUENT SIX PLAN YEARS. IF A PARTICIPATING EDUCATIONAL EMPLOYER DOES NOT ELECT THE STABLE CONTRIBUTION OPTION IN THE FISCAL YEAR COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN FOR THE PENSION BILL PAID ON SEPTEMBER FIFTEENTH, OCTOBER FIFTEENTH, AND NOVEMBER FIFTEENTH OF TWO THOUSAND FOURTEEN, IT SHALL NOT BE ELIGIBLE TO ELECT THE STABLE CONTRIBUTION OPTION IN ANY SUCCEEDING PLAN YEAR.

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

D. IF THE RETIREMENT BOARD, IN ITS DISCRETION, DECIDES TO ADOPT A STABLE CONTRIBUTION OPTION PURSUANT TO THIS SUBDIVISION, THE RETIREMENT

1 BOARD SHALL DETERMINE THE STABLE CONTRIBUTION AMOUNT IN EACH PLAN YEAR
2 FOR A PARTICIPATING EDUCATIONAL EMPLOYER PURSUANT TO SUBPARAGRAPH TWO OF
3 PARAGRAPH A OF THIS SUBDIVISION. SUCH STABLE CONTRIBUTION AMOUNT SHALL
4 BE IN LIEU OF A PARTICIPATING EDUCATIONAL EMPLOYER'S ACTUARIALLY
5 REQUIRED CONTRIBUTION RATE OF NORMAL AND ADMINISTRATIVE CONTRIBUTIONS
6 PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF
7 THIS ARTICLE FOR THE PLAN YEAR COMMENCING JULY FIRST, TWO THOUSAND THIR-
8 TEEN, AND FOR THE NEXT SIX SUBSEQUENT PLAN YEARS.

9 E. ANY PARTICIPATING EDUCATIONAL EMPLOYER WHICH ELECTS TO PAY THE
10 STABLE CONTRIBUTION AMOUNT PURSUANT TO THIS SUBDIVISION SHALL PAY THE
11 AMOUNT BASED ON THE STABLE CONTRIBUTION RATE FOR A PERIOD OF SEVEN YEARS
12 AND SUCH OPTION SHALL BE AVAILABLE TO PARTICIPATING EDUCATIONAL EMPLOY-
13 ERS FROM THE TWO THOUSAND THIRTEEN - TWO THOUSAND FOURTEEN PLAN YEAR
14 THROUGH THE TWO THOUSAND NINETEEN - TWO THOUSAND TWENTY PLAN YEAR. IN
15 THE SIXTH PLAN YEAR, THE TWO THOUSAND EIGHTEEN - TWO THOUSAND NINETEEN
16 PLAN YEAR, THE PARTICIPATING EDUCATIONAL EMPLOYER SHALL PAY THE STABLE
17 CONTRIBUTION RATE AND, IN ADDITION, COMMENCE PAYMENT FOR DEFERRED
18 EMPLOYER CONTRIBUTIONS IN ACCORDANCE WITH PARAGRAPH J OF THIS SUBDIVI-
19 SION. COMMENCING WITH THE PLAN YEAR BEGINNING JULY FIRST, TWO THOUSAND
20 TWENTY, THE PARTICIPATING EDUCATIONAL EMPLOYER SHALL RESUME PAYMENT OF
21 THE ACTUARIALLY REQUIRED CONTRIBUTION RATE OF NORMAL AND ADMINISTRATIVE
22 CONTRIBUTIONS PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE
23 HUNDRED NINETEEN OF THIS ARTICLE AND, IN ADDITION, ANY PAYMENT FOR
24 DEFERRED EMPLOYER CONTRIBUTION AMOUNTS IN ACCORDANCE WITH PARAGRAPHS J
25 AND K OF THIS SUBDIVISION.

26 F. A PARTICIPATING EDUCATIONAL EMPLOYER PAYING A STABLE CONTRIBUTION
27 AMOUNT SHALL REMIT, COMMENCING WITH THE JULY FIRST, TWO THOUSAND THIR-
28 TEEN PLAN YEAR, AN AMOUNT DETERMINED BY THE RETIREMENT BOARD BY ADDING
29 THE FOLLOWING TWO AMOUNTS TOGETHER:

30 (1) THE STABLE CONTRIBUTION AMOUNT CALCULATED PURSUANT TO THIS SUBDI-
31 VISION; AND

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

37 G. THE STABLE CONTRIBUTION AMOUNT MUST BE PAID IN FULL BY PARTICIPAT-
38 ING EDUCATIONAL EMPLOYERS ON THE DATES SPECIFIED IN PARAGRAPH H OF
39 SUBDIVISION TWO OF THIS SECTION.

40 H. PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND JULY FIRST, TWO THOU-
41 SAND SEVENTEEN THE RETIREMENT BOARD IS AUTHORIZED TO EVALUATE THE STABLE
42 CONTRIBUTION RATE USED TO CALCULATE PARTICIPATING EDUCATIONAL EMPLOYER
43 STABLE CONTRIBUTION AMOUNTS. SUCH EVALUATION SHALL BE BASED ON A PROJEC-
44 TION OF ASSETS AND LIABILITIES SO AS TO ENSURE THAT CONTRIBUTIONS BY
45 PARTICIPATING EDUCATIONAL EMPLOYERS WHICH PARTICIPATE IN THE STABLE
46 CONTRIBUTION OPTION ARE ADEQUATE TO ENSURE THAT SYSTEM ASSETS ARE SUFFI-
47 CIENT TO FUND BENEFITS FOR ACTIVE AND RETIRED MEMBERS. THE RETIREMENT
48 BOARD IS AUTHORIZED TO INCREASE THE STABLE CONTRIBUTION RATE BY UP TO
49 TWO PERCENTAGE POINTS ON JULY FIRST, TWO THOUSAND FIFTEEN AND ON JULY
50 FIRST, TWO THOUSAND SEVENTEEN. THE REVISED STABLE CONTRIBUTION RATE
51 RESULTING FROM THE FOREGOING EVALUATIONS AND JULY FIRST, TWO THOUSAND
52 FIFTEEN AND JULY FIRST, TWO THOUSAND SEVENTEEN STABLE RATE INCREASES MAY
53 NOT, IN COMBINATION, EXCEED EIGHTEEN PERCENT. THE RETIREMENT BOARD IS
54 AUTHORIZED TO DECREASE THE STABLE CONTRIBUTION RATE, IF WARRANTED, BUT
55 IN NO EVENT SHALL THE STABLE CONTRIBUTION RATE BE LESS THAN FOURTEEN
56 PERCENT.

1 I. A PARTICIPATING EDUCATIONAL EMPLOYER MAY ELECT TO TERMINATE PARTIC-
2 IPATION IN THE STABLE CONTRIBUTION OPTION AND RESUME PAYMENT OF THE
3 ACTUARIALLY REQUIRED CONTRIBUTION OF NORMAL AND ADMINISTRATIVE CONTRIB-
4 UTIONS IN ACCORDANCE WITH SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE
5 HUNDRED NINETEEN OF THIS ARTICLE. PROVIDED, HOWEVER, THAT SUCH PARTIC-
6 IPATING EDUCATIONAL EMPLOYER WHICH ELECTS TO TERMINATE PARTICIPATION
7 SHALL MAKE A RECONCILIATION CONTRIBUTION TO THE RETIREMENT SYSTEM, AT AN
8 AMOUNT TO BE DETERMINED BY THE RETIREMENT BOARD, ADEQUATE TO FUND THE
9 BENEFITS FOR ACTIVE AND RETIRED MEMBERS ASSOCIATED WITH SUCH PARTICIPAT-
10 ING EDUCATIONAL EMPLOYER HAD SUCH PARTICIPATING EDUCATIONAL EMPLOYER NOT
11 ELECTED THE PROVISIONS OF THIS SUBDIVISION. SUCH RECONCILIATION CONTRIB-
12 UTION SHALL BE MADE OVER A PERIOD NOT TO EXCEED FIVE YEARS AND SHALL BE
13 MADE IN ADDITION TO THE NORMAL AND ADMINISTRATIVE CONTRIBUTIONS PURSUANT
14 TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF THIS
15 ARTICLE FOR THE PLAN YEAR IN WHICH SUCH PARTICIPATING EDUCATIONAL
16 EMPLOYER CHOOSES TO RESUME PAYMENT OF THE NORMAL AND ADMINISTRATIVE
17 CONTRIBUTIONS PURSUANT TO SECTIONS FIVE HUNDRED SEVENTEEN AND FIVE
18 HUNDRED NINETEEN OF THIS ARTICLE. FOR THE PURPOSES OF DETERMINING THE
19 RECONCILIATION CONTRIBUTION AMOUNT, THE RETIREMENT BOARD SHALL ASSUME
20 INTEREST ON THE DEFERRED EMPLOYER CONTRIBUTION AMOUNT AT A RATE WHICH
21 APPROXIMATES THE MONTHLY AVERAGE YIELD ON UNITED STATES TREASURY SECURI-
22 TIES AT TEN-YEAR CONSTANT MATURITY FOR THE TWELVE-MONTH PERIOD PRECEDING
23 AUGUST FIRST OF EACH YEAR PLUS ONE PERCENTAGE POINT. THE INTEREST RATE
24 ASSOCIATED WITH SUCH DEFERRED EMPLOYER CONTRIBUTION AMOUNT SHALL BE
25 SPECIFIC TO EACH APPLICABLE PLAN YEAR'S DEFERRED AMOUNT.

26 J. IN THE SIXTH PLAN YEAR, COMMENCING JULY FIRST, TWO THOUSAND EIGH-
27 TEEN, ALL PARTICIPATING EDUCATIONAL EMPLOYERS HAVING ELECTED THE STABLE
28 CONTRIBUTION OPTION SHALL CONTINUE TO CONTRIBUTE THE STABLE CONTRIBUTION
29 AMOUNT TO THE RETIREMENT SYSTEM AND REMIT TO THE RETIREMENT SYSTEM THE
30 ACCRUED DEFERRED EMPLOYER CONTRIBUTIONS ACCUMULATED IN THE FIRST FIVE
31 PLAN YEARS. THE STABLE PAYMENT OF THE DEFERRED EMPLOYER CONTRIBUTION
32 ACCRUED BY THE PARTICIPATING EDUCATIONAL EMPLOYER SHALL BE PAID TO THE
33 RETIREMENT SYSTEM IN EQUAL ANNUAL INSTALLMENTS OVER A FIVE-YEAR PERIOD,
34 WITH INTEREST ON THE UNPAID PORTION TO BE BASED ON THE MONTHLY AVERAGE
35 YIELD ON UNITED STATES TREASURY SECURITIES AT A TEN-YEAR CONSTANT MATU-
36 RITY FOR THE TWELVE-MONTH PERIOD PRECEDING AUGUST FIRST OF EACH YEAR
37 PLUS ONE PERCENTAGE POINT. THE INTEREST RATE ASSOCIATED WITH SUCH
38 DEFERRED EMPLOYER CONTRIBUTION AMOUNT SHALL BE SPECIFIC TO THE RATE AS
39 MEASURED ON AUGUST FIRST OF THE APPLICABLE PLAN YEAR TO SUCH DEFERRED
40 AMOUNT. PAYMENTS OF THE STABLE INSTALLMENTS SHALL BE MADE IN THE SAME
41 MANNER AS OTHER EMPLOYER CONTRIBUTIONS AS PRESCRIBED IN THIS ARTICLE.
42 NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED AS PROHIBITING SUCH
43 PARTICIPATING EDUCATIONAL EMPLOYER FROM MAKING A RECONCILIATION CONTRIB-
44 UTION IN ACCORDANCE WITH PARAGRAPH I OF THIS SUBDIVISION.

45 K. IN THE EIGHTH PLAN YEAR, COMMENCING JULY FIRST, TWO THOUSAND TWEN-
46 TY, ALL PARTICIPATING EDUCATIONAL EMPLOYERS HAVING ELECTED THE STABLE
47 CONTRIBUTION OPTION SHALL RESUME PAYMENT OF THE ACTUARIALLY REQUIRED
48 CONTRIBUTION RATE OF NORMAL AND ADMINISTRATIVE CONTRIBUTIONS IN ACCORD-
49 ANCE WITH SECTION FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF
50 THIS ARTICLE. ADDITIONALLY, SUCH EMPLOYER WILL REMIT TO THE RETIREMENT
51 SYSTEM THE ACCRUED DEFERRED EMPLOYER CONTRIBUTIONS ACCUMULATED DURING
52 THE PLAN YEARS COMMENCING JULY FIRST, TWO THOUSAND EIGHTEEN AND JULY
53 FIRST, TWO THOUSAND NINETEEN OF THE STABLE CONTRIBUTION OPTION. THE
54 STABLE PAYMENT OF THE DEFERRED EMPLOYER CONTRIBUTION ACCRUED BY THE
55 PARTICIPATING EDUCATIONAL EMPLOYER SHALL BE PAID TO THE RETIREMENT
56 SYSTEM IN EQUAL ANNUAL INSTALLMENTS OVER A FIVE-YEAR PERIOD WITH INTER-

1 EST ON THE UNPAID PORTION TO BE BASED ON THE MONTHLY AVERAGE YIELD ON
2 UNITED STATES TREASURY SECURITIES AT A TEN-YEAR CONSTANT MATURITY FOR
3 THE TWELVE-MONTH PERIOD PRECEDING AUGUST FIRST OF EACH YEAR PLUS ONE
4 PERCENTAGE POINT. THE INTEREST RATE ASSOCIATED WITH SUCH DEFERRED
5 EMPLOYER CONTRIBUTION AMOUNT SHALL BE SPECIFIC TO THE RATE AS MEASURED
6 ON AUGUST FIRST OF THE APPLICABLE PLAN YEAR TO SUCH DEFERRED AMOUNT.
7 PAYMENTS OF THE STABLE INSTALLMENTS SHALL BE MADE IN THE SAME MANNER AS
8 OTHER EMPLOYER CONTRIBUTIONS AS PRESCRIBED IN THIS ARTICLE. NOTHING IN
9 THIS SUBDIVISION SHALL BE CONSTRUED AS PROHIBITING SUCH PARTICIPATING
10 EDUCATIONAL EMPLOYER FROM MAKING A RECONCILIATION CONTRIBUTION IN
11 ACCORDANCE WITH PARAGRAPH I OF THIS SUBDIVISION.

12 L. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, IF THE RETIRE-
13 MENT BOARD DECIDES TO ADOPT A STABLE CONTRIBUTION OPTION, IN ACCORDANCE
14 WITH THIS SUBDIVISION, AND THE FUNDED STATUS OF THE RETIREMENT SYSTEM
15 REACHES A THRESHOLD BELOW EIGHTY PERCENT AT THE END OF ANY PLAN YEAR
16 DURING THE SEVEN PLAN YEAR TERM OF THIS OPTION, THE OPTION SHALL CEASE
17 AND PARTICIPATING EDUCATIONAL EMPLOYERS WHO HAVE ELECTED THE STABLE
18 CONTRIBUTION OPTION SHALL RESUME PAYMENT OF THE ACTUARIALLY REQUIRED
19 CONTRIBUTION RATE OF NORMAL AND ADMINISTRATIVE CONTRIBUTIONS IN ACCORD-
20 ANCE WITH SECTION FIVE HUNDRED SEVENTEEN AND FIVE HUNDRED NINETEEN OF
21 THIS ARTICLE. ADDITIONALLY, SUCH EMPLOYER WILL MAKE A RECONCILIATION
22 CONTRIBUTION TO THE RETIREMENT SYSTEM, AT AN AMOUNT TO BE DETERMINED BY
23 THE RETIREMENT BOARD, ADEQUATE TO FUND THE BENEFITS FOR ACTIVE AND
24 RETIRED MEMBERS ASSOCIATED WITH SUCH PARTICIPATING EDUCATIONAL EMPLOYER
25 HAD SUCH PARTICIPATING EDUCATIONAL EMPLOYER NOT ELECTED THE PROVISIONS
26 OF THIS SECTION. THE PAYMENT OF THE DEFERRED EMPLOYER CONTRIBUTION
27 ACCRUED BY THE PARTICIPATING EDUCATIONAL EMPLOYER SHALL BE PAID TO THE
28 RETIREMENT SYSTEM IN EQUAL ANNUAL INSTALLMENTS OVER A FIVE-YEAR PERIOD
29 WITH INTEREST ON THE UNPAID PORTION TO BE BASED ON THE MONTHLY AVERAGE
30 YIELD ON UNITED STATES TREASURY SECURITIES AT A TEN-YEAR CONSTANT MATU-
31 RITY FOR THE TWELVE-MONTH PERIOD PRECEDING AUGUST FIRST OF EACH YEAR
32 PLUS ONE PERCENTAGE POINT. THE INTEREST RATE ASSOCIATED WITH SUCH
33 DEFERRED EMPLOYER CONTRIBUTION AMOUNT SHALL BE SPECIFIC TO THE RATE AS
34 MEASURED ON AUGUST FIRST OF THE APPLICABLE PLAN YEAR TO SUCH DEFERRED
35 AMOUNT. PAYMENTS OF THE STABLE INSTALLMENTS SHALL BE MADE IN THE SAME
36 MANNER AS OTHER EMPLOYER CONTRIBUTIONS AS PRESCRIBED IN THIS ARTICLE.

37 M. THE RETIREMENT BOARD IS AUTHORIZED TO PROMULGATE RULES AND REGU-
38 LATIONS FOR IMPLEMENTATION OF THIS SUBDIVISION.

39 S 5. This act shall take effect immediately.

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

This bill would amend Section 19-a and Section 319-a of the Retirement and Social Security Law as it pertains to employer bills of the New York State and Local Employees Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS). Eligible employers would be allowed to irrevocably elect an alternative amortization program which specifies:

1. The graded rate for contributions payable in fiscal years ending 2014 and 2015 will be 12.0% for employers in the New York State and Local Employees Retirement System (ERS) and 20.0% for employers in the New York State and Local Police and Fire Retirement System (PFRS).

2. The graded rate will move toward the actuarially required rate by no more than 0.5% per year from the prior year's graded rate.

3. Electing employers may amortize contributions based on the difference between the actuarially required rate and the graded rate over a 12 year period at the 10 year treasury rate interpolated to 12 years plus 100 basis points.

This bill puts in place a program that allows ERS and PFRS employers, if they choose to participate, to amortize a larger portion of their bill with their respective Retirement System than they are currently eligible under Section 19-a and Section 319-a. If they do this, then when rates are falling below certain levels and they have paid off all outstanding amortizations, the employer will be required to pay additional monies into a reserve fund that will be used when employer contribution rates begin to rise in the future.

If this bill is enacted, we estimate that there would be a small administrative cost to the System to revise the current billing and business communication processes.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained.

This estimate, dated March 19, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-70, prepared by the Actuary for the ERS and PFRS.

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

This fiscal note was requested by the New York State Division of the Budget. Pursuant to Section 50 of the Legislative Law, the fiscal note that must be appended in its entirety to this bill is:

This bill would amend the Education Law to add an optional payment program for payment of employer contributions to the New York State Teachers' Retirement System (NYSTRS). The bill would add a new subdivision 3 to Section 521 which would permit the Retirement Board to allow employers of members of NYSTRS to elect to pay a stable contribution rate in lieu of the annually calculated actuarially-required contributions due for each of the next seven plan years beginning with the July first, two thousand thirteen through June thirtieth, two thousand fourteen plan year.

The stable contribution rate shall be fourteen percent of such employer's pensionable compensation paid during the plan year, for the term of the program beginning with the July first, two thousand thirteen through June thirtieth, two thousand fourteen plan year. This stable contribution rate shall be 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 obligation that the employer is permitted to pay on an amortized basis.

The Retirement Board is authorized to increase the stable contribution rate by up to two percentage points in plan years beginning July first, two thousand fifteen and July first, two thousand seventeen. The stable contribution rate may not exceed eighteen percent and it may not be less than fourteen percent.

In the sixth year, the fiscal year commencing July first, two thousand eighteen, employers who elected program participation shall continue to contribute the stable contribution rate and in addition shall contribute a stable payment to the retirement system to pay back the accrued deferred employer contributions accumulated in the first five years. The stable payment shall be paid to the retirement system in equal annual installments over a five-year period, with interest on the unpaid portion to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity for the twelve month period preceding August first of each year plus one percentage point.

In the eighth year, the fiscal year commencing July first, two thousand twenty, all employers having elected program participation shall resume payment of the annually calculated actuarially-required contribution. Additionally there will be a payment to the retirement system to pay back the deferred employer contributions accumulated in years six and seven. The stable payment shall be paid to the retirement system in equal annual installments over a five-year period with interest on the unpaid portion to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity for the twelve month period preceding August first of each year plus one percentage point.

An employer must elect to participate in the program in the plan year beginning July first, two thousand thirteen. An employer may subsequently elect to terminate participation in the program and resume payment of the annually calculated actuarially-required contribution. Additionally such employer will make a reconciliation payment intended to fund any deficiencies that have accrued along with interest due to the actuarially-required contributions being in excess of the contributions paid by the employer during participation in the program. The reconciliation payment shall be made over a period not to exceed five years.

Should the funded status of the retirement system become less than eighty percent at the end of any plan year, the program shall end and employers who have elected the program shall contribute the annually calculated actuarially-required contributions in the succeeding plan year, along with a reconciliation payment intended to fund any deficiencies that have accrued along with interest due to the actuarially-required contributions being in excess of the contributions paid by the employer during participation in the program. The reconciliation payment shall be made over a period not to exceed five years.

Cost Impact - This bill would permit a change in the manner in which employer contributions are to be collected over the next seven years. Employer contributions would continue to be determined in accordance with an annual actuarial valuation, but employers who elect to participate would be permitted to defer payment of a portion of their required contribution above a fixed amount (14% increased by 2.0% in years three and five, as needed, to a maximum of 18%). The annual deficiency amounts will be accumulated with an interest rate to be based on the monthly average yield on United States treasury securities at a ten-year constant maturity plus one percentage point. Deficiencies accumulated in program years one through five will be paid back over a five year period with the first payment due for the fiscal year beginning July first, two thousand eighteen and deficiencies accumulated in program years six and seven will be paid back over a five year period with the first payment due for the fiscal year beginning July first, two thousand twenty. There could be a cost to the System to the extent that the System could have achieved a higher investment return on the deficiency amounts than the interest that employers will pay.

According to a stochastic analysis of this proposed plan, the probability of System failure, with failure being defined as the System's funded ratio falling to 30% or lower, is only slightly higher under this proposal than it is under the current annually adjusting actuarial-funding method, with both probabilities less than 1.5%. This analysis assumes contributions are made as required and after the seven years the System returns to collecting the annual actuarially-required employer contribution on time and in full from all employers.

The actuarially-required employer contribution rates which will be applicable to the next seven fiscal years are as yet unknown, except for the first year. The actuarially-determined rate to be applicable to member compensation paid during the '13-'14 plan year is estimated to be equal to 16.25%.

The source of this estimate is Fiscal Note 2013-15 dated March 19, 2013 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

1

PART CC

2 Section 1. State agencies including but not limited to the department
3 of health, the office of children and family services and the division
4 of criminal justice services are authorized to enter into contracts for
5 services and expenses of pay for success initiatives to improve program
6 outcomes in the program areas of health care, early childhood develop-
7 ment, child welfare and public safety. Such services and expenses shall
8 include contract payments to intermediary organizations responsible for
9 raising funds to support project costs and managing the delivery of
10 services by direct service providers, contract payments for the verifi-
11 cation and validation of program outcomes achieved, and payments based
12 on the achievement and validation of specific performance targets as
13 agreed upon in contracts and other agreements that are a part of pay for
14 success initiatives, subject to appropriation. Intermediary organiza-
15 tions shall be selected through a competitive process pursuant to
16 sections 112 and 163 of the state finance law and awarded according to
17 best value. Direct service providers shall not include any for-profit
18 corporation or other for-profit entity or organization.

19 S 2. No pay for success initiatives shall be undertaken pursuant to
20 this act unless the director of budget determines that there is a
21 reasonable expectation that the initiative and related administration
22 costs will generate savings to the state and or local governments net of
23 any payments pursuant to any appropriation authorizing funding under
24 this act. Funding provided for pay for success initiatives shall not
25 supplant any other funding for services in such program areas.

26 S 3. Any state agency authorized under section one of this act to
27 undertake a pay for success initiative pursuant to this act shall submit
28 a report on pay for success initiative activities and outcomes to the
29 temporary president of the senate, the speaker of the assembly, the
30 minority leader of the senate, the minority leader of the assembly and
31 the governor by August 1, 2017. Such report shall include, but not be
32 limited to, a description of the program, the names of participating
33 organizations, the types of services provided, characteristics of the

population served, performance targets, outcomes and an analysis of savings achieved in particular program areas.

S 4. This act shall take effect April 1, 2013, provided however that no new program or contract may be established after March 31, 2018.

PART DD

Section 1. The private housing finance law is amended by adding a new article 27 to read as follows:

ARTICLE XXVII

RURAL AND URBAN COMMUNITY INVESTMENT FUND PROGRAM

SECTION 1230. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.

1231. DEFINITIONS.

1232. RURAL AND URBAN COMMUNITY INVESTMENT FUND.

S 1230. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE FINDS AND DECLARES THAT THERE EXISTS IN NEW YORK STATE A SERIOUS NEED TO ASSIST COMMUNITIES WITH THE CREATION AND IMPROVEMENT OF AFFORDABLE HOUSING, AND THE COMMERCIAL, RETAIL AND COMMUNITY FACILITIES RELATED TO MIXED USE AFFORDABLE RESIDENTIAL DEVELOPMENTS. LOCALLY BASED NOT-FOR-PROFIT ORGANIZATIONS PLAY A SIGNIFICANT ROLE IN ADDRESSING THE UNIQUE CHARACTERISTICS OF RURAL AND URBAN COMMUNITIES. PARTNERSHIPS, ALLIANCES AND COLLABORATIONS WITH CORPORATE ENTITIES, TO THE EXTENT PRACTICABLE, WILL FOSTER CROSS-SECTOR COLLABORATION IN ORDER TO BUILD A DIVERSE COMMUNITY SUPPORT SYSTEM. THE LEGISLATURE FINDS THAT, IN BOTH RURAL AND URBAN AREAS OF THE STATE, A PROGRAM SHOULD BE ESTABLISHED TO FUND THE CREATION, PRESERVATION AND/OR IMPROVEMENT OF AFFORDABLE HOUSING; OR THE CREATION, PRESERVATION OR IMPROVEMENT OF THE COMMERCIAL, RETAIL OR COMMUNITY FACILITIES COMPONENT OF MIXED USE AFFORDABLE RESIDENTIAL DEVELOPMENTS.

S 1231. DEFINITIONS. 1. "CORPORATION" SHALL MEAN THE HOUSING TRUST FUND CORPORATION ESTABLISHED IN SECTION FORTY-FIVE-A OF THIS CHAPTER.

2. "RURAL AND URBAN COMMUNITY INVESTMENT FUND PROGRAM" SHALL MEAN ACTIVITIES BY AN ELIGIBLE APPLICANT FOR A SPECIFIC WORK OR SERIES OF WORKS FOR THE CREATION, PRESERVATION OR IMPROVEMENT OF AFFORDABLE HOUSING, OR THE CREATION, PRESERVATION OR IMPROVEMENT OF THE COMMERCIAL, RETAIL OR COMMUNITY FACILITIES COMPONENT OF MIXED USE AFFORDABLE RESIDENTIAL DEVELOPMENTS, IN RURAL AND URBAN AREAS OF THE STATE.

3. "RURAL AREA OF THE STATE" SHALL MEAN CITIES, TOWNS AND VILLAGES HAVING A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND AS DETERMINED BY THE LAST FEDERAL DECENNIAL CENSUS.

4. "URBAN AREA OF THE STATE" SHALL MEAN ANY UNIT OF LOCAL GOVERNMENT WITHIN THE STATE WITH A POPULATION OF MORE THAN OR EQUAL TO TWENTY-FIVE THOUSAND PERSONS AS DETERMINED BY THE LAST FEDERAL DECENNIAL CENSUS.

5. "ELIGIBLE APPLICANT" SHALL INCLUDE A NOT-FOR-PROFIT CORPORATION OR CHARITABLE ORGANIZATION, OR A WHOLLY-OWNED SUBSIDIARY OF SUCH A CORPORATION OR ORGANIZATION, OR A PRIVATE FOR-PROFIT DEVELOPER SUCH AS A PERSON, CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY.

6. "AFFORDABLE RESIDENTIAL DEVELOPMENT" SHALL INCLUDE RESIDENTIAL UNITS THAT ARE RENT RESTRICTED AND OCCUPIED BY PERSONS AND FAMILIES WHOSE INCOME DOES NOT EXCEED NINETY PERCENT OF AREA MEDIAN INCOME FOR THE COUNTY IN WHICH A PROJECT IS LOCATED AS CALCULATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

S 1232. RURAL AND URBAN COMMUNITY INVESTMENT FUND. 1. WITHIN AMOUNTS APPROPRIATED OR OTHERWISE AVAILABLE THEREFOR, THE HOUSING TRUST FUND CORPORATION SHALL DEVELOP AND ADMINISTER A RURAL AND URBAN COMMUNITY INVESTMENT FUND PROGRAM WHICH SHALL PROVIDE ASSISTANCE IN THE FORM OF

PAYMENTS, GRANTS AND LOANS FOR REASONABLE AND NECESSARY EXPENSES, TO AN ELIGIBLE APPLICANT FOR THE CREATION, PRESERVATION OR IMPROVEMENT OF AFFORDABLE HOUSING; OR THE CREATION, PRESERVATION OR IMPROVEMENT OF THE COMMERCIAL, RETAIL OR COMMUNITY FACILITIES COMPONENT OF MIXED USE AFFORDABLE RESIDENTIAL DEVELOPMENTS, IN RURAL AND URBAN AREAS OF THE STATE.

2. PROGRAM CRITERIA. THE CORPORATION SHALL DEVELOP PROCEDURES, CRITERIA AND REQUIREMENTS RELATED TO THE APPLICATION AND AWARD OF PROJECTS PURSUANT TO THIS SECTION WHICH SHALL INCLUDE: ELIGIBILITY, MARKET DEMAND, FEASIBILITY AND FUNDING CRITERIA; THE FUNDING DETERMINATION PROCESS; SUPERVISION AND EVALUATION OF CONTRACTING APPLICANTS; REPORTING, BUDGETING AND RECORD-KEEPING REQUIREMENTS; PROVISIONS FOR MODIFICATION AND TERMINATION OF CONTRACTS; AND SUCH OTHER MATTERS NOT INCONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS ARTICLE AS THE CORPORATION SHALL DEEM NECESSARY OR APPROPRIATE.

3. FUND ALLOCATION. SIXTY PERCENT OF THE TOTAL FUNDS AWARDED PURSUANT TO THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED TO PROJECTS LOCATED IN URBAN AREAS OF THE STATE. FORTY PERCENT OF THE TOTAL FUNDS AWARDED PURSUANT TO THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED TO PROJECTS LOCATED IN RURAL AREAS OF THE STATE.

4. FUNDING CRITERIA. A ONE-THIRD MATCH REQUIREMENT SHALL BE REQUIRED OF ANY ELIGIBLE APPLICANT, WHICH MAY INCLUDE DONATED PROPERTY, MATERIALS OR LABOR AND OTHER RESOURCES, AND MAY BE REDUCED OR ELIMINATED FOR PROJECTS LOCATED WITHIN A DECLARED DISASTER AREA.

5. FUNDING AND ANNUAL REPORT. THE CORPORATION IN ITS SOLE DISCRETION SHALL AUTHORIZE ALL FUNDING DECISIONS AND MAKE ALL AWARD ANNOUNCEMENTS. THE CORPORATION SHALL, ON OR BEFORE DECEMBER THIRTY-FIRST IN EACH YEAR SUBMIT A REPORT TO THE LEGISLATURE ON THE IMPLEMENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, FOR EACH AWARD MADE TO A GRANTEE UNDER THIS ARTICLE: A DESCRIPTION OF SUCH AWARD; CONTRACT AMOUNT AND CUMULATIVE TOTAL; THE SPECIFIC ACTIVITIES IN RURAL AND URBAN AREAS PERFORMED BY SUCH GRANTEE; THE AMOUNTS OF MATCH MONIES RECEIVED BY THE GRANTEE FROM SOURCES OTHER THAN PAYMENTS MADE PURSUANT TO THIS ARTICLE; AND SUCH OTHER INFORMATION AS THE CORPORATION DEEMS PERTINENT.

S 2. This act shall take effect immediately.

PART EE

Section 1. Paragraph b of subdivision 2 of section 54-1 of the state finance law, as added by section 1 of part J of chapter 57 of the laws of 2011, is amended to read as follows:

b. Within the amounts appropriated therefor, eligible municipalities shall receive an amount equal to [forty-five] FIFTY-FIVE percent of the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities[, rounded up to the next thousand dollars].

S 2. This act shall take effect immediately.

PART FF

Section 1. The opening paragraph of subdivision a of section 265.20 of the penal law, as amended by chapter 496 of the laws of 1991, is amended to read as follows:

1 [Sections] PARAGRAPH (H) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00
2 AND SECTIONS 265.01, 265.01-A, SUBDIVISION ONE OF SECTION 265.01-B,
3 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15,
4 265.36, 265.37 and 270.05 shall not apply to:

5 S 2. Section 265.37 of the penal law, as added by chapter 1 of the
6 laws of 2013, is amended to read as follows:

7 S 265.37 Unlawful possession of certain ammunition feeding devices.

8 It shall be unlawful for a person to knowingly possess an ammunition
9 feeding device [that such person lawfully possessed before the effective
10 date of the chapter of the laws of two thousand thirteen which added
11 this section, that has a capacity of, or that can be readily restored or
12 converted to accept more than seven but less than ten rounds of ammu-
13 nition,] where such device contains more than seven rounds of ammunition.

14 If such device containing more than seven rounds of ammunition is
15 possessed within the home of the possessor, the person so possessing the
16 device shall, for a first offense, be guilty of a violation and subject
17 to a fine of two hundred dollars, and for [a second] EACH SUBSEQUENT
18 offense, be guilty of a class B misdemeanor and subject to a fine of two
19 hundred dollars and a term of up to three months imprisonment.

20 If such device containing more than seven rounds of ammunition is
21 possessed in any location other than the home of the possessor, the
22 person so possessing the device shall, for a first offense, be guilty of
23 a class B misdemeanor and subject to a fine of two hundred dollars and a
24 term of up to six months imprisonment, and for [a second] EACH SUBSE-
25 QUENT offense, be guilty of a class A misdemeanor.

26 S 3. Section 265.45 of the penal law, as added by chapter 1 of the
27 laws of 2013, is amended to read as follows:

28 S 265.45 Safe storage of rifles, shotguns, and firearms.

29 No person who owns or is custodian of a rifle, shotgun or firearm who
30 resides with an individual who such person knows or has reason to know
31 is prohibited from possessing a firearm pursuant to 18 U.S.C. S 922(g)
32 (1), (4), (8) or (9) shall store or otherwise leave such rifle, shotgun
33 or firearm out of his or her immediate possession or control without
34 having first securely locked such rifle, shotgun or firearm in an appro-
35 priate safe storage depository or rendered it incapable of being fired
36 by use of a gun locking device appropriate to that weapon. For purposes
37 of this section "safe storage depository" shall mean a safe or other
38 secure container which, when locked, is incapable of being opened with-
39 out the key, combination or other unlocking mechanism and is capable of
40 preventing an unauthorized person from obtaining access to and
41 possession of the weapon contained therein. With respect to a person who
42 is prohibited from possessing a firearm pursuant to 18 USC S 922(g)(9),
43 for purposes of this section, this section applies only if such person
44 has been convicted of a crime included in subdivision one of section
45 370.15 of the criminal procedure law and such gun is possessed within
46 five years from the later of the date of conviction or completion of
47 sentence. NOTHING IN THIS SECTION SHALL BE DEEMED TO AFFECT, IMPAIR OR
48 SUPERSEDE ANY SPECIAL OR LOCAL ACT RELATING TO THE SAFE STORAGE OF
49 RIFLES, SHOTGUNS OR FIREARMS WHICH IMPOSE ADDITIONAL REQUIREMENTS ON THE
50 OWNER OR CUSTODIAN OF SUCH WEAPONS.

51 A violation of this section shall constitute a class A misdemeanor.

52 S 4. Subdivision b of section 58 of chapter 1 of the laws of 2013
53 amending the criminal procedure law and other laws relating to suspen-
54 sion and revocation of firearms licenses, is amended to read as follows:

55 b. The amendments to subdivision 23 of section 265.00 of the penal law
56 made by section thirty-eight of this act shall take effect on the nine-

tieth day after this act shall have become a law, except that the amendments [made to] DESIGNATING paragraph (a) of subdivision 23 shall take effect immediately; AND PROVIDED FURTHER THAT THE EFFECTIVE DATE OF THE AMENDMENTS ADDING PARAGRAPHS (B) AND (C) TO SUCH SUBDIVISION SHALL BE SUSPENDED AND NOT EFFECTIVE;

S 5. This act shall take effect immediately; provided, however, that sections one and four of this act shall be deemed to have been in full force and effect on the same date as chapter 1 of the laws of 2013 took effect.

PART GG

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

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

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

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

10. The [chairman] CHAIR shall appoint for and with jurisdiction in the entire state of New York a single psychology practice committee composed of [two] THREE duly registered and licensed psychologists, at least one of whom shall be a member in good standing of the New York state psychological association recommended by the president of such organization[, and one duly licensed physician of the state of New York]. Each member of said committee shall receive compensation either on an annual basis or on a per diem basis to be fixed by the [chairman] CHAIR within amounts appropriated therefor. One of said psychologists shall be designated by the [chairman] CHAIR as a [chairman] CHAIR of said psychology practice committee. No member of said committee shall render psychological treatment under this section nor be an employer or accept or participate in any fee from any insurance company authorized to write workers' compensation insurance in this state or from any self-insurer, whether such employment or fee relates to a workers' compensation claim or otherwise. The attorney general, upon request, shall advise and assist such committee.

S 4. Subdivisions 2, 3 and 4 of section 13-g of the workers' compensation law, subdivision 2 as amended by chapter 649 of the laws of 1985, subdivision 3 as amended by chapter 674 of the laws of 1994, and subdi-

1 vision 4 as amended by chapter 639 of the laws of 1996, are amended to
2 read as follows:

3 (2) (A) IF THE PARTIES FAIL TO AGREE TO THE VALUE OF MEDICAL AID
4 RENDERED UNDER THIS CHAPTER AND THE AMOUNT OF THE DISPUTED BILL IS ONE
5 THOUSAND DOLLARS OR LESS, OR IF THE AMOUNT OF THE DISPUTED MEDICAL BILL
6 EXCEEDS ONE THOUSAND DOLLARS AND THE HEALTH CARE PROVIDER EXPRESSLY SO
7 REQUESTS, SUCH VALUE SHALL BE DECIDED BY A SINGLE ARBITRATOR PROCESS,
8 PURSUANT TO RULES PROMULGATED BY THE CHAIR. THE CHAIR SHALL APPOINT A
9 PHYSICIAN WHO IS A MEMBER IN GOOD STANDING OF THE MEDICAL SOCIETY OF THE
10 STATE OF NEW YORK TO DETERMINE THE VALUE OF SUCH DISPUTED MEDICAL BILL.
11 WHERE THE PHYSICIAN WHOSE CHARGES ARE BEING ARBITRATED IS A MEMBER IN
12 GOOD STANDING OF THE NEW YORK OSTEOPATHIC SOCIETY, THE VALUE OF SUCH
13 DISPUTED BILL SHALL BE DETERMINED BY A MEMBER IN GOOD STANDING OF THE
14 NEW YORK OSTEOPATHIC SOCIETY APPOINTED BY THE CHAIR. WHERE THE PHYSICIAN
15 WHOSE CHARGES ARE BEING ARBITRATED IS A MEMBER IN GOOD STANDING OF THE
16 NEW YORK HOMEOPATHIC SOCIETY, THE VALUE OF SUCH DISPUTED BILL SHALL BE
17 DETERMINED BY A MEMBER IN GOOD STANDING OF THE NEW YORK HOMEOPATHIC
18 SOCIETY APPOINTED BY THE CHAIR. WHERE THE VALUE OF PHYSICAL THERAPY
19 SERVICES OR OCCUPATIONAL THERAPY SERVICES IS AT ISSUE, SUCH VALUE SHALL
20 BE DETERMINED BY A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL
21 ASSOCIATION REPRESENTING ITS RESPECTIVE PROFESSION IN THE STATE OF NEW
22 YORK APPOINTED BY THE CHAIR. DECISIONS RENDERED UNDER THE SINGLE ARBI-
23 TRATOR PROCESS SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF
24 THE SERVICES IN DISPUTE.

25 (B) If the parties fail to agree as to the value of medical aid
26 rendered under this chapter AND THE AMOUNT OF THE DISPUTED BILL EXCEEDS
27 ONE THOUSAND DOLLARS, such value shall be decided by an arbitration
28 committee [consisting] UNLESS THE HEALTH CARE PROVIDER EXPRESSLY
29 REQUESTS A SINGLE ARBITRATOR PROCESS IN ACCORDANCE WITH PARAGRAPH (A) OF
30 THIS SUBDIVISION. THE ARBITRATION COMMITTEE SHALL CONSIST OF ONE PHYSI-
31 CIAN DESIGNATED BY THE PRESIDENT OF THE MEDICAL SOCIETY OF THE COUNTY IN
32 WHICH THE MEDICAL SERVICES WERE RENDERED, ONE PHYSICIAN WHO IS A MEMBER
33 OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK, APPOINTED BY THE
34 EMPLOYER OR CARRIER, AND ONE PHYSICIAN, ALSO A MEMBER OF THE MEDICAL
35 SOCIETY OF THE STATE OF NEW YORK, APPOINTED BY THE [CHAIRMAN] CHAIR OF
36 THE WORKERS' COMPENSATION BOARD. [THE MAJORITY DECISION OF ANY SUCH
37 COMMITTEE SHALL BE CONCLUSIVE UPON THE PARTIES AS TO THE VALUE OF THE
38 SERVICES RENDERED.] IF THE PHYSICIAN WHOSE CHARGES ARE BEING ARBITRATED
39 IS A MEMBER IN GOOD STANDING OF THE NEW YORK OSTEOPATHIC SOCIETY OR THE
40 NEW YORK HOMEOPATHIC SOCIETY, THE MEMBERS OF SUCH ARBITRATION COMMITTEE
41 SHALL BE PHYSICIANS OF SUCH ORGANIZATION, ONE TO BE APPOINTED BY THE
42 PRESIDENT OF THAT ORGANIZATION, ONE BY THE EMPLOYER OR CARRIER AND THE
43 THIRD BY THE [CHAIRMAN] CHAIR OF THE WORKERS' COMPENSATION BOARD. WHERE
44 THE VALUE OF PHYSICAL THERAPY SERVICES IS AT ISSUE AND THE AMOUNT OF THE
45 DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, THE ARBITRATION COMMITTEE
46 SHALL CONSIST OF A MEMBER IN GOOD STANDING OF A RECOGNIZED PROFESSIONAL
47 ASSOCIATION REPRESENTING PHYSICAL THERAPISTS IN THE STATE OF NEW YORK
48 APPOINTED BY THE PRESIDENT OF SUCH ORGANIZATION, A PHYSICIAN DESIGNATED
49 BY THE EMPLOYER OR CARRIER AND A PHYSICIAN DESIGNATED BY THE [CHAIRMAN]
50 CHAIR OF THE WORKERS' COMPENSATION BOARD PROVIDED HOWEVER, THAT THE
51 [CHAIRMAN] CHAIR FINDS THAT THERE ARE A SUFFICIENT NUMBER OF PHYSICAL
52 THERAPY ARBITRATIONS IN A GEOGRAPHICAL AREA COMPRISED OF ONE OR MORE
53 COUNTIES TO WARRANT A COMMITTEE SO COMPRISED. IN ALL OTHER CASES WHERE
54 THE VALUE OF PHYSICAL THERAPY SERVICES IS AT ISSUE AND THE AMOUNT OF THE
55 DISPUTED BILL EXCEEDS ONE THOUSAND DOLLARS, THE ARBITRATION COMMITTEE
56 SHALL BE SIMILARLY SELECTED AND IDENTICAL IN COMPOSITION, PROVIDED THAT

1 the physical therapist member shall serve without remuneration, and
2 provided further that in the event a physical therapist is not avail-
3 able, the committee shall be comprised of three physicians designated in
4 the same manner as in cases where the value of medical aid is at issue.

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

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

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

50 (4) A provider initiating an arbitration, INCLUDING A SINGLE ARBITRA-
51 TOR PROCESS, pursuant to this section shall pay a fee as determined by
52 regulations promulgated by the chair, to be used to cover the costs
53 related to the conduct of such arbitration. Upon resolution in favor of
54 such party, the amount due, based upon the bill in dispute, shall be
55 increased by the amount of the fee paid by such party. Where a partial
56 award is made, the amount due, based upon the bill in dispute, shall be

1 increased by a part of such fee. Each member of an arbitration commit-
2 tee for medical bills, and each member of an arbitration committee for
3 hospital bills shall be entitled to receive and shall be paid a fee for
4 each day's attendance at an arbitration session in any one count in an
5 amount fixed by the chair of the workers' compensation board.

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

9 6. (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 podiatrist for services rendered to an injured employee.

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

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

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

51 (E) A provider initiating an arbitration, INCLUDING A SINGLE ARBI-
52 TRATION PROCESS, pursuant to this section shall pay a fee, as determined
53 by regulations promulgated by the chair, to be used to cover the costs
54 related to the conduct of such arbitration. Upon resolution in favor of
55 such party, the amount due, based upon the bill in dispute, shall be
56 increased by the amount of the fee paid by such party. Where a partial

award is made, the amount due, based upon the bill in dispute shall be increased by a part of such fee. Each member of the arbitration committee shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in an amount fixed by the chair of the workers' compensation board.

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (a) Compensation for permanent or temporary total disability due to an
48 accident or disablement resulting from an occupational disease that
49 occurs, (1) on or after January first, nineteen hundred seventy-eight,
50 shall not exceed one hundred twenty-five dollars per week, that occurs
51 (2) on or after July first, nineteen hundred seventy-eight, shall not
52 exceed one hundred eighty dollars per week, that occurs (3) on or after
53 January first, nineteen hundred seventy-nine, shall not exceed two
54 hundred fifteen dollars per week, that occurs (4) on or after July
55 first, nineteen hundred eighty-three, shall not exceed two hundred
56 fifty-five dollars per week, that occurs (5) on or after July first,

19 nineteen hundred eighty-four, shall not exceed two hundred seventy-five
20 dollars per week, that occurs (6) on or after July first, nineteen
21 hundred eighty-five, shall not exceed three hundred dollars per week,
22 that occurs (7) on or after July first, nineteen hundred ninety, shall
23 not exceed three hundred forty dollars per week; and in the case of
24 temporary total disability shall not be less than thirty dollars per
25 week and in the case of permanent total disability shall not be less
26 than twenty dollars per week except that if the employee's wages at the
27 time of injury are less than thirty or twenty dollars per week respec-
28 tively, he or she shall receive his or her full weekly wages. Compen-
29 sation for permanent or temporary partial disability due to an accident
30 or disablement resulting from an occupational disease that occurs (1) on
31 or after January first, nineteen hundred seventy-eight, shall not exceed
32 one hundred five dollars per week, that occurs (2) on or after July
33 first, nineteen hundred eighty-three, shall not exceed one hundred twen-
34 ty-five dollars per week, that occurs (3) on or after July first, nine-
35 teen hundred eighty-four, shall not exceed one hundred thirty-five
36 dollars per week, that occurs (4) on or after July first, nineteen
37 hundred eighty-five, shall not exceed one hundred fifty dollars per
38 week, that occurs (5) on or after July first, nineteen hundred ninety,
39 shall not exceed two hundred eighty dollars per week; nor be less than
40 twenty dollars per week; except that if the employee's wages at the time
41 of injury are less than twenty dollars per week, he or she shall receive
42 his or her full weekly wages. In no event shall compensation when
43 combined with decreased earnings or earning capacity exceed the amount
44 of wages which the employee was receiving at the time the injury
45 occurred. Compensation for permanent or temporary partial disability, or
46 for permanent or temporary total disability due to an accident or disa-
47 blement resulting from an occupational disease that occurs (1) on or
48 after July first, nineteen hundred ninety-one and prior to July first,
49 nineteen hundred ninety-two, shall not exceed three hundred fifty
50 dollars per week; (2) on or after July first, nineteen hundred ninety-
51 two, shall not exceed four hundred dollars per week; nor be less than
52 forty dollars per week except that if the employee's wages at the time
53 of injury are less than forty dollars per week, the employee shall
54 receive his or her full wages. Compensation for permanent or temporary
55 partial disability, or for permanent or temporary total disability due
56 to an accident or disablement resulting from an occupational disease
that occurs (1) on or after July first, two thousand seven shall not
exceed five hundred dollars per week, (2) on or after July first, two
thousand eight shall not exceed five hundred fifty dollars per week, (3)
on or after July first, two thousand nine shall not exceed six hundred
dollars per week, and (4) on or after July first, two thousand ten, and
on or after July first of each succeeding year, shall not exceed two-
thirds of the New York state average weekly wage for the year in which
it is reported. Compensation for permanent or temporary partial disabili-
ty, or for permanent or temporary total disability due to an accident
or disablement resulting from an occupational disease that occurs on or
after July first, two thousand seven shall not be less than one hundred
dollars per week except that if the employee's wages at the time of
injury are less than one hundred dollars per week, the employee shall
receive his or her full wages. COMPENSATION FOR PERMANENT OR TEMPORARY
PARTIAL DISABILITY, OR FOR PERMANENT OR TEMPORARY TOTAL DISABILITY DUE
TO AN ACCIDENT OR DISABLEMENT RESULTING FROM AN OCCUPATIONAL DISEASE
THAT OCCURS ON OR AFTER MAY FIRST, TWO THOUSAND THIRTEEN SHALL NOT BE
LESS THAN ONE HUNDRED FIFTY DOLLARS PER WEEK EXCEPT THAT IF THE EMPLOY-

1 EE'S WAGES AT THE TIME OF INJURY ARE LESS THAN ONE HUNDRED FIFTY DOLLARS
2 PER WEEK, THE EMPLOYEE SHALL RECEIVE HIS OR HER FULL WAGES. In no event
3 shall compensation when combined with decreased earnings or earning
4 capacity exceed the amount of wages the employee was receiving at the
5 time the injury occurred. Compensation for permanent or temporary
6 partial disability, or for permanent or temporary total disability due
7 to an accident or disablement resulting from an occupational disease or
8 injury that occurred as a result of World Trade Center rescue activity
9 by an employee of a private voluntary hospital, who passed a physical
10 examination upon employment as a rescue worker that failed to reveal
11 evidence of a condition that was the proximate cause of disablement or
12 occupational disease or injury, shall not exceed three-quarters of a
13 claimant's wage on September eleventh, two thousand one. In no event
14 shall compensation when combined with decreased earnings or earning
15 capacity exceed the amount of wages the employee was receiving on
16 September eleventh, two thousand one.

17 S 8. Paragraph (h) of subdivision 8 of section 15 of the workers'
18 compensation law, as amended by chapter 6 of the laws of 2007, subpara-
19 graph 4 as amended by section 1 of part QQ of chapter 56 of the laws of
20 2009, the opening paragraph and clauses (A) and (B) of subparagraph 4 as
21 amended by section 1 of part G of chapter 57 of the laws of 2011, and
22 clause (B) of subparagraph 4 as further amended by section 104 of part A
23 of chapter 62 of the laws of 2011, is amended to read as follows:

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

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

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

53 [(C) All claims for reimbursement from the special disability fund
54 must be accompanied by a filing fee of two hundred fifty dollars, to be
55 deposited in the special disability fund. Upon any final ruling that a

1 claim is eligible for reimbursement from the fund, the fund will return
2 two hundred dollars of this fee to the claimant.]

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

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

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

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

55 The board is hereby authorized to issue credits or refunds as neces-
56 sary, in the case of overpayments made to the fund. An insurance carrier

1 that knowingly underreports premiums for the purposes of this section
2 shall be guilty of a class E felony] INCLUDED IN THE ASSESSMENT RATE
3 ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE
4 OF THIS CHAPTER. SUCH ASSESSMENTS SHALL BE DEPOSITED WITH THE COMMIS-
5 SIONER OF TAXATION AND FINANCE AND TRANSFERRED TO THE BENEFIT OF SUCH
6 FUND FOLLOWING PAYMENT OF DEBT SERVICE AND ASSOCIATED COSTS, IF ANY,
7 PURSUANT TO SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER.

8 [(5) (A)] (4) The chair and the commissioner of taxation and finance
9 are authorized and directed to enter into a financing agreement with the
10 dormitory authority, to be known as the "special disability fund financ-
11 ing agreement." Such agreement shall set forth the process for calculat-
12 ing the annual debt service of the bonds issued by the dormitory author-
13 ity and any other associated costs. For purposes of this section,
14 "associated costs" may include a coverage factor, reserve fund require-
15 ments, all costs of any nature incurred by the dormitory authority in
16 connection with the special disability fund financing agreement or
17 pursuant thereto, the operating costs of the waiver agreement management
18 office, the costs of any independent audits undertaken under this
19 section, and any other costs for the implementation of this subparagraph
20 and the issuance of bonds by the dormitory authority, including interest
21 rate exchange payments, rebate payments, liquidity fees, credit provider
22 fees, fiduciary fees, remarketing, dealer, auction agent and related
23 fees and other similar bond-related expenses, unless otherwise funded.
24 By January first of each year, the dormitory authority shall provide to
25 the chair the calculation of the amount expected to be paid by the
26 dormitory authority in debt service and associated costs for purposes of
27 calculating the debt service assessment as set forth in subparagraph
28 [four] THREE of this paragraph. All monies received on account of any
29 assessment under subparagraph [four] THREE of this paragraph and this
30 subparagraph shall be applied in accordance with this subparagraph and
31 in accordance with the financing agreement until the financial obli-
32 gations of the dormitory authority in respect to its contract with its
33 bondholders are met and all associated costs payable to the dormitory
34 authority have been paid, notwithstanding any other provision of law
35 respecting secured transactions. This provision may be included by the
36 dormitory authority in any contract of the dormitory authority with its
37 bondholders.

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

46 [(B) The chair may conduct periodic audits of any self-insurer, insur-
47 ance carrier and the state insurance fund concerning any information or
48 payment required under this paragraph including any information relevant
49 to the payment or calculation of any assessments. The self-insurer,
50 insurance carrier and the state insurance fund shall provide all neces-
51 sary documents and information in relation to an audit in a manner
52 prescribed by the chair. Upon the determination of the chair that a
53 self-insurer, insurance carrier or the state insurance fund has under-
54 paid an assessment as a result of its inaccurate reporting, the self-in-
55 surer, insurance carrier or the state insurance fund upon notice from
56 the chair, shall pay the full amount of the underpaid assessment, along

1 with interest at the rate of nine per cent per annum on the unpaid
2 assessment due not later than thirty days after such notice.

3 (6)] (5) The commissioner of taxation and finance is hereby authorized
4 to receive and credit to such special disability fund any sum or sums
5 that may at any time be contributed to the state by the United States of
6 America under any act of congress, or otherwise, to which the state may
7 be or become entitled by reason of any payments made out of such fund.

8 [(7)] (6) The commissioner of taxation and finance shall be the custo-
9 dian of said fund and, unless otherwise provided for in the special
10 disability fund financing agreement, shall invest any surplus or reserve
11 moneys thereof in securities which constitute legal investments for
12 savings banks under the laws of this state and in interest bearing
13 certificates of deposit of a bank or trust company located and author-
14 ized to do business in this state or of a national bank located in this
15 state secured by a pledge of direct obligations of the United States or
16 of the state of New York in an amount equal to the amount of such
17 certificates of deposit, and may sell any of the securities or certif-
18 icates of deposit in which such fund is invested if necessary for the
19 proper administration or in the best interest of such fund. Disburse-
20 ments from such fund as provided by this subdivision shall be made by
21 the commissioner of taxation and finance upon vouchers signed by the
22 chair of the board unless the financing agreement provides for some
23 other means of authorizing such disbursements that is no less protective
24 of the fund.

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

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

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

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

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

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

26 S 23. Appeals. An award or decision of the board shall be final and
27 conclusive upon all questions within its jurisdiction, as against the
28 state fund or between the parties, unless reversed or modified on appeal
29 therefrom as hereinafter provided. Any party may within thirty days
30 after notice of the filing of an award or decision of a referee, file
31 with the board an application in writing for a modification or rescis-
32 sion or review of such award or decision, as provided in this chapter.
33 The board shall render its decision upon such application in writing and
34 shall include in such decision a statement of the facts which formed the
35 basis of its action on the issues raised before it on such application.
36 Within thirty days after notice of the decision of the board upon such
37 application has been served upon the parties, or within thirty days
38 after notice of an administrative redetermination review decision by the
39 chair pursuant to subdivision five of section fifty-two, section one
40 hundred thirty-one or section one hundred forty-one-a of this chapter
41 has been served upon any party in interest, an appeal may be taken ther-
42 efrom to the appellate division of the supreme court, third department,
43 by any party in interest, including an employer insured in the state
44 fund; provided, however, that [if the decision or determination was that
45 of a panel of the board and there was a dissent from such decision or
46 determination other than a dissent the sole basis of which is to refer
47 the case to an impartial specialist,] any party in interest may within
48 thirty days after notice of the filing of the board panel's decision
49 with the secretary of the board, make application in writing for review
50 thereof by the full board[, and]. IF THE DECISION OR DETERMINATION WAS
51 THAT OF A PANEL OF THE BOARD AND THERE WAS A DISSENT FROM SUCH DECISION
52 OR DETERMINATION OTHER THAN A DISSENT THE SOLE BASIS OF WHICH IS TO
53 REFER THE CASE TO AN IMPARTIAL SPECIALIST, the full board shall review
54 and affirm, modify or rescind such decision or determination in the same
55 manner as herein above provided for an award or decision of a referee.
56 IF THE DECISION OR DETERMINATION WAS THAT OF A UNANIMOUS PANEL OF THE

1 BOARD, OR THERE WAS A DISSENT FROM SUCH DECISION OR DETERMINATION THE
2 SOLE BASIS OF WHICH IS TO REFER THE CASE TO AN IMPARTIAL SPECIALIST, THE
3 BOARD MAY IN ITS SOLE DISCRETION REVIEW AND AFFIRM, MODIFY OR RESCIND
4 SUCH DECISION OR DETERMINATION IN THE SAME MANNER AS HEREIN ABOVE
5 PROVIDED FOR AN AWARD OR DECISION OF A REFEREE. Failure to apply for
6 review by the full board shall not bar any party in interest from taking
7 an appeal directly to the court as above provided. The board may also,
8 in its discretion certify to such appellate division of the supreme
9 court, questions of law involved in its decision. Such appeals and the
10 question so certified shall be heard in a summary manner and shall have
11 precedence over all other civil cases in such court. The board shall be
12 deemed a party to every such appeal from its decision upon such applica-
13 tion, and the chair shall be deemed a party to every such appeal from an
14 administrative redetermination review decision pursuant to subdivision
15 five of section fifty-two of this chapter. The attorney general shall
16 represent the board and the chair thereon. An appeal may also be taken
17 to the court of appeals in the same manner and subject to the same limi-
18 tations not inconsistent herewith as is now provided in the civil prac-
19 tice law and rules. It shall not be necessary to file exceptions to the
20 rulings of the board. An appeal to the appellate division of the supreme
21 court, third department, or to the court of appeals, shall not operate
22 as a stay of the payment of compensation required by the terms of the
23 award or of the payment of the cost of such medical, dental, surgical,
24 optometric or other attendance, treatment, devices, apparatus or other
25 necessary items the employer is required to provide pursuant to section
26 thirteen of this article which are found to be fair and reasonable.
27 Where such award is modified or rescinded upon appeal, the appellant
28 shall be entitled to reimbursement in a sum equal to the compensation in
29 dispute paid to the respondent in addition to a sum equal to the cost of
30 such medical, dental, surgical, optometric or other attendance, treat-
31 ment, devices, apparatus or other necessary items the employer is
32 required to provide pursuant to section thirteen of this article paid by
33 the appellant pending adjudication of the appeal. Such reimbursement
34 shall be paid from administration expenses as provided in section one
35 hundred fifty-one of this chapter upon audit and warrant of the comp-
36 troller upon vouchers approved by the chair. Where such award is subject
37 to the provisions of section twenty-seven of this article, the appellant
38 shall pay directly to the claimant all compensation as it becomes due
39 during the pendency of the appeal, and upon affirmance shall be entitled
40 to credit for such payments. Neither the chair, the board, the commis-
41 sioners of the state insurance fund nor the claimant shall be required
42 to file a bond upon an appeal to the court of appeals. Upon final deter-
43 mination of such an appeal, the board or chair, as the case may be,
44 shall enter an order in accordance therewith. Whenever a notice of
45 appeal is served or an application made to the board by the employer or
46 insurance carrier for a modification or rescission or review of an award
47 or decision, and the board shall find that such notice of appeal was
48 served or such application was made for the purpose of delay or upon
49 frivolous grounds, the board shall impose a penalty in the amount of
50 five hundred dollars upon the employer or insurance carrier, which
51 penalty shall be added to the compensation and paid to the claimant. The
52 penalties provided herein shall be collected in like manner as compen-
53 sation. A party against whom an award of compensation shall be made may
54 appeal from a part of such award. In such a case the payment of such
55 part of the award as is not appealed from shall not prejudice any rights
56 of such party on appeal, nor be taken as an admission against such

1 party. Any appeal by an employer from an administrative redetermination
2 review decision pursuant to subdivision five of section fifty-two of
3 this chapter shall in no way serve to relieve the employer from the
4 obligation to timely pay compensation and benefits otherwise payable in
5 accordance with the provisions of this chapter.

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

9 S 11. Intentionally omitted.

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

13 Any review, hearing, rehearing, inquiry or investigation required or
14 authorized to be conducted or made by the workers' compensation board
15 may be conducted or made by any panel of the board consisting of not
16 less than three members thereof, and the order, decision or determi-
17 nation of a majority of the members of a panel shall be deemed the
18 order, decision or determination of the board from the date of filing
19 thereof with the secretary of the board, unless the board on its own
20 motion, or on application by a party in interest for a full board review
21 MADE IN ACCORDANCE WITH SECTION TWENTY-THREE OF THIS CHAPTER, shall
22 modify or rescind such order, decision or determination. Four panels
23 shall be constituted at all times, and the chair shall assign the
24 members to the panels upon which they shall serve. At least one member
25 on each panel shall be an attorney and counsellor-at-law, but the
26 absence of an attorney on any panel shall not invalidate the order,
27 decision or determination of a majority of the members of the panel if
28 at least two affirmative votes are cast in favor of such action. The
29 panels shall be constituted so that the members of the board shall
30 alternate in their periods of service together thereon. Whenever a
31 number of proceedings remains pending before the board for a period in
32 excess of thirty days, members of the board shall hold hearings and
33 otherwise act in the discharge of their duties evenings and at other
34 convenient times on all days of the week except Sundays, in addition to
35 the times when they would perform such duties in the ordinary conduct of
36 the business of the board, in order to expedite the disposal thereof.
37 The chair may and shall, when directed by the governor, prescribe the
38 hours and the times for such additional performance of duty by the
39 members of the board and the period or periods for the continuance ther-
40 eof.

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

47 1. Notwithstanding other provisions of this chapter, when an applica-
48 tion for compensation is made by an employee or for death benefits in
49 behalf of the dependents of a deceased employee, and the employer has
50 secured the payment of compensation in accordance with section fifty of
51 this chapter, (1) after a lapse of seven years from the date of the
52 injury or death and claim for compensation previously has been disal-
53 lowed or claim has been otherwise disposed of without an award of
54 compensation, or (2) after a lapse of seven years from the date of the
55 injury or death and also a lapse of three years from the date of the
56 last payment of compensation, or (3) where death resulting from the

1 injury shall occur after the time limited by the foregoing provisions of
2 (1) or (2) shall have elapsed, subject to the provisions of section one
3 hundred [and] twenty-three of this chapter, testimony may be taken,
4 either directly or through a referee and if an award is made it shall be
5 against the special fund provided by this section. Such an application
6 for compensation or death benefits must be made on a form prescribed by
7 the [chairman] CHAIR for that purpose and must, if a change in condition
8 is claimed, be accompanied by a verified medical or surgical report
9 setting forth facts on which the board may order a hearing.

10 1-A. Any award which shall be made against such special fund after the
11 effective date of this act upon such an application for compensation or
12 death benefits shall not be retroactive for a period of disability or
13 for death benefits longer than the two years immediately preceding the
14 date of filing of such application. NO APPLICATION BY A SELF-INSURED
15 EMPLOYER OR AN INSURANCE CARRIER FOR TRANSFER OF LIABILITY OF A CLAIM TO
16 THE FUND FOR REOPENED CASES SHALL BE ACCEPTED BY THE BOARD ON OR AFTER
17 THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN EXCEPT THAT THE BOARD
18 MAY MAKE A FINDING AFTER SUCH DATE PURSUANT TO SECTION TWENTY-THREE OF
19 THIS ARTICLE UPON A TIMELY APPLICATION FOR REVIEW.

20 3. Any awards so made shall be payable out of the special fund hereto-
21 fore created for such purpose, which fund is hereby continued and shall
22 be known as the fund for reopened cases. The employer, or, if insured,
23 his insurance carrier shall pay into such fund, or, in the case of
24 awards made on or after July first, nineteen hundred sixty-nine, either
25 into such fund or the uninsured employers' fund under section twenty-
26 six-a of this article in accordance with the provisions thereof, for
27 every case of injury causing death for which there are no persons enti-
28 tled to compensation the sum of three hundred dollars where such injury
29 occurred prior to July first, nineteen hundred forty and the sum of one
30 thousand dollars where such injury shall occur on or after said date and
31 prior to April first, nineteen hundred forty-five, and the sum of
32 fifteen hundred dollars where such injury shall occur on or after April
33 first, nineteen hundred forty-five and prior to September first, nine-
34 teen hundred seventy-eight and the sum of three thousand dollars where
35 such injury shall occur on or after September first, nineteen hundred
36 seventy-eight, and in each case of death resulting from injury sustained
37 on or after July first, nineteen hundred forty and prior to September
38 first, nineteen hundred seventy-eight, where there are persons entitled
39 to compensation but the total amount of such compensation is less than
40 two thousand dollars exclusive of funeral benefits, the employer, or, if
41 insured, his insurance carrier, shall pay into such fund, or, in the
42 case of awards made on or after July first, nineteen hundred sixty-nine
43 and prior to September first, nineteen hundred seventy-eight, either
44 into such fund or the uninsured employers' fund under section twenty-
45 six-a of this article in accordance with the provisions thereof, the
46 difference between the sum of two thousand dollars and the compensation,
47 exclusive of funeral benefits, and in each case of death resulting from
48 injury sustained on or after September first, nineteen hundred seventy-
49 eight, the employer, or if insured, his insurance carrier shall pay into
50 such fund or the uninsured employers' fund under section twenty-six-a of
51 this article in accordance with the provisions thereof, the difference
52 between the sum of five thousand dollars and the compensation, exclusive
53 of funeral benefits actually paid to or for the dependents of the
54 deceased employee together with any expense charge required by section
55 twenty-seven of this article; provided, however, that where death shall
56 occur subsequent to the periods limited by subdivision one of this

1 section no payment into such special fund nor to the special fund
2 provided by subdivision nine of section fifteen nor to the uninsured
3 employers' fund provided by section twenty-six-a of this article shall
4 be required. In addition to the assessments made against all insurance
5 carriers for the expenses of administering this chapter provided for
6 under the provisions of section one hundred fifty-one of this chapter,
7 and the payments above provided, the employer, or, if insured, his
8 insurance carrier, shall pay the sum of five dollars into said fund for
9 each case in which an award is made pursuant to the provisions of para-
10 graphs a to s inclusive of subdivision three of section fifteen of this
11 chapter, by reason of injury sustained between July first, nineteen
12 hundred forty and June thirtieth, nineteen hundred forty-two, both dates
13 inclusive, and the sum of ten dollars for each such case by reason of
14 injury sustained between July first, nineteen hundred forty-two and June
15 thirtieth, nineteen hundred fifty, both dates inclusive, which payment
16 shall be in addition to any payment of compensation to the injured
17 employee as provided in this chapter.

18 There shall be maintained in the special fund at all times assets at
19 least equal in value to the sum of (1) the value of awards charged
20 against such fund, (2) the value of all claims that have been reopened
21 by the board as a charge against such fund but as to which awards have
22 not yet been made, (3) effective January first, nineteen hundred seven-
23 ty-one, the VALUE OF total supplemental benefits TO BE paid from such
24 fund as reimbursement pursuant to subdivision nine of this section
25 [during the calendar year immediately preceding], and (4) a reserve
26 equal to ten per cent of the sum of items (1) [and], (2) AND (3) of this
27 paragraph. [For the purpose of accumulating funds for the payment of
28 supplemental benefits pursuant to subdivision nine of this section, the
29 chairman shall impose against all carriers an assessment in the sum of
30 five million dollars to be collected in the respective proportions
31 established in the fiscal year commencing April first, nineteen hundred
32 sixty-eight, under the provisions of section one hundred fifty-one of
33 this chapter for each carrier.] Annually, as soon as practicable after
34 January first in each year, the [chairman] CHAIR shall ascertain the
35 condition of the fund and whenever the assets shall fall below the
36 prescribed minimum as herein provided the [chairman] CHAIR shall [assess
37 and] collect [from all insurance carriers, in the respective proportions
38 established in the prior fiscal year under the provisions of section one
39 hundred fifty-one of this chapter for each carrier,] an amount suffi-
40 cient to restore the fund to the prescribed minimum. [The chairman
41 before making an assessment as provided in this section shall give thir-
42 ty days' notice to the representative of the fund, designated pursuant
43 to subdivision five of this section, that an itemized statement of the
44 condition of the fund is open for his inspection. The superintendent of
45 financial services may examine into the condition of the fund at any
46 time on his own initiative or on request of the chairman or represen-
47 tative of the fund.

48 Such assessment and the payments made into said fund shall not consti-
49 tute an element of loss for the purpose of establishing rates for work-
50 ers' compensation insurance as provided in the insurance law but shall
51 for the purpose of recoupment be treated as separate costs by carriers.
52 Carriers shall assess such costs on their policyholders in accordance
53 with rules set forth by the New York workers' compensation rating board,
54 as approved by the superintendent of financial services.] COMMENCING ON
55 THE FIRST OF JANUARY, TWO THOUSAND FOURTEEN, THE AMOUNT COLLECTED FROM
56 ALL EMPLOYERS REQUIRED TO OBTAIN WORKERS' COMPENSATION COVERAGE TO MAIN-

1 TAIN THE FINANCIAL INTEGRITY OF THE FUND MAY BE PAID OVER A PERIOD OF
2 TIME AT THE DISCRETION OF THE CHAIR BASED UPON AN ANALYSIS OF THE FINAN-
3 CIAL CONDITION OF THE FUND. SUCH PAYMENT AS DETERMINED BY THE CHAIR
4 SHALL BE INCLUDED IN THE ASSESSMENT RATE ESTABLISHED PURSUANT TO SUBDI-
5 VISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER. THE CHAIR
6 SHALL PROMULGATE REGULATIONS TO ADMINISTER CLAIMS WHOSE LIABILITY HAS
7 BEEN TRANSFERRED TO THE FUND FOR REOPENED CASES. SUCH REGULATIONS MAY
8 INCLUDE EXERCISE OF THE CHAIR'S AUTHORITY TO ADMINISTER EXISTING CLAIMS,
9 TO PROCURE MANAGEMENT FOR THOSE CLAIMS, OR TO SELL SUCH LIABILITY. THE
10 CHAIR MAY EXAMINE INTO THE CONDITION OF THE FUND AT ANY TIME ON HIS OR
11 HER OWN INITIATIVE OR ON REQUEST OF THE ATTORNEY OF THE FUND.

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

17 5. [When an application] FOR APPLICATIONS BY SELF-INSURED EMPLOYERS OR
18 INSURANCE CARRIERS FOR TRANSFER OF LIABILITY for compensation [is made]
19 TO THE FUND FOR REOPENED CASES under this section, RECEIVED BY THE BOARD
20 PRIOR TO THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN, the [chairman]
21 CHAIR shall appoint [a representative of such fund] AN ATTORNEY in such
22 proceedings [and, insofar as practicable, such representative shall be a
23 person designated by the employer originally liable for the payment of
24 compensation, or his insurance carrier, but whenever it shall appear to
25 the chairman that through any committee, board or organization or repre-
26 sentative of the interest of the insurance carriers an attorney has been
27 appointed to act for and on behalf of such carriers generally to repre-
28 sent such fund in any proceedings brought hereunder, the chairman shall
29 designate such attorney as the representative of the] TO REPRESENT SUCH
30 fund in proceedings brought to enforce a claim against such fund. Such
31 [representative] ATTORNEY may apply to the [chairman] CHAIR for authori-
32 ty to hire such medical or other experts and to defray the expense ther-
33 eof and of such witnesses as are necessary to a proper defense of the
34 application within an amount in the discretion of the [chairman] CHAIR
35 and, if authorized, it shall be a charge against the special fund
36 provided herein.

37 S 14. Intentionally omitted.

38 S 15. Intentionally omitted.

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

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

1 required before such office may enter into any waiver agreement, or
2 before the board may approve such waiver agreement. The chair may, in
3 his or her discretion, and as approved by the special disability fund
4 advisory committee, terminate the operation of the waiver agreement
5 management office, if he or she believes it no longer serves the inter-
6 est of the special disability fund.

7 S 17. Clause 2 of subparagraph (a) of paragraph 10 of subdivision
8 3-a of section 50 of the workers' compensation law, as added by section
9 4 of part G of chapter 57 of the laws of 2011, is amended to read as
10 follows:

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

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

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

52 2. At any time prior to April first, two thousand eleven, the chair
53 may withdraw funds from the uninsured employers fund provided for under
54 section twenty-six-a of this chapter, up to such amount as the chair
55 determines is sufficient to fund any anticipated additional expenses of
56 such fund, taking into account anticipated available revenues, but in no

1 event to exceed seventy-five million dollars in the aggregate. Such
2 funds shall be deposited into the [group] self-insurer offset fund, and
3 used in accordance with subdivision one of this section. As consistent
4 with this section, the chair may set the timing of such withdrawals in
5 its discretion.

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

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

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

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

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

51 S 87. Investment of surplus or reserve. 1. Any of the [surplus or]
52 reserve funds belonging to the state insurance fund, by order of the
53 commissioners, approved by the superintendent of financial services, may
54 be invested in the types of securities described in subdivisions one,
55 two, three, four, five, six, eleven, twelve, twelve-a, thirteen, four-
56 teen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four,

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

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

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

53 [2.] 4. (a) Any securities belonging to the state insurance fund may,
54 by order of the commissioners, approved by the superintendent of finan-
55 cial services, be loaned under a security loan agreement, as defined in
56 paragraph (b) of this subdivision, entered into with a registered brok-

er-dealer, or a New York state or national bank or trust company, with the custodial bank of the state insurance fund or another person or entity, approved by the commissioner of taxation and finance, which specializes in security loan transactions acting as the agent in arranging such agreement. The commissioners shall monitor the market value of the loaned securities daily. In no event shall the commissioners allow the value of the collateral posted to fall below the market value of the loaned securities.

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

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

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

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

S 21. Intentionally omitted.

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

S 151. ASSESSMENTS FOR ANNUAL EXPENSES. 1. THE ANNUAL EXPENSES NECESSARY FOR THE BOARD TO ADMINISTER THE PROVISIONS OF THIS CHAPTER, THE

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

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

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

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

24 4. FOR THOSE AFFECTED EMPLOYERS OBTAINING COVERAGE:

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

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

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

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

54 (B) ALL ASSESSMENT AMOUNTS COLLECTED BY INSURANCE CARRIERS, EXCEPT THE
55 STATE FUND, AND NOT YET REMITTED TO THE BOARD PRIOR TO THE FIRST DAY OF

1 JANUARY, TWO THOUSAND FOURTEEN MUST BE REMITTED TO THE CHAIR NO LATER
2 THAN THE FIRST DAY OF FEBRUARY, TWO THOUSAND FOURTEEN.

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

8 7-A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN THERE IS A DEFAULT
9 ON THE PAYMENT OF PREMIUM, INCLUDING ANY ASSESSMENTS PAYABLE UNDER
10 SUBDIVISION SEVEN OF THIS SECTION, ANY ACTION BY THE CARRIER, INCLUDING
11 THE STATE INSURANCE FUND, TO COLLECT ANY UNPAID PREMIUM SHALL INCLUDE AN
12 ACTION SEEKING RECOVERY OF SUCH ASSESSMENTS ON BEHALF OF THE BOARD. THE
13 CARRIER SHALL REMIT THE AMOUNT OF ANY SUCH UNPAID ASSESSMENTS COLLECTED
14 EITHER PURSUANT TO A JUDGMENT OR BY SETTLEMENT TO THE BOARD.

15 8. THE FOREGOING AND EVERY OTHER PREVISION OF LAW TO THE CONTRARY
16 NOTWITHSTANDING, ALL MONEYS RECEIVED ON ACCOUNT OF THE ASSESSMENT
17 AUTHORIZED BY THIS SECTION SHALL BE DEPOSITED UPON RECEIPT INTO THE
18 ADMINISTRATIVE CLEARING ACCOUNT HELD BY THE COMMISSIONER OF TAXATION AND
19 FINANCE AND APPLIED, AS PLEDGED ASSESSMENTS FOR PURPOSES OF SECTIONS
20 SIXTEEN HUNDRED EIGHTY-L AND SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC
21 AUTHORITIES LAW AND PRIOR TO ANY OTHER APPLICATION: FIRST, IN ACCORDANCE
22 WITH ANY OTHER PROVISION OF ANY SPECIAL DISABILITY FUND FINANCING AGREE-
23 MENT ENTERED INTO PRIOR TO MARCH THIRTY-FIRST, TWO THOUSAND THIRTEEN, TO
24 THE EXTENT REQUIRED TO FULLY FUND THE THEN CURRENT PAYMENT AND RESERVE
25 REQUIREMENTS UNDER SUCH FINANCING AGREEMENT; AND SECOND, IN ACCORDANCE
26 WITH EACH SPECIAL DISABILITY FUND FINANCING AGREEMENT AND EACH SELF-IN-
27 SURED BOND FINANCING AGREEMENT, TO THE EXTENT REQUIRED TO FULLY FUND THE
28 THEN CURRENT PAYMENT AND RESERVE REQUIREMENTS UNDER EACH SUCH FINANCING
29 AGREEMENT ENTERED INTO AFTER MARCH THIRTY-FIRST, TWO THOUSAND THIRTEEN
30 WITH RESPECT TO BONDS ISSUED BY THE DORMITORY AUTHORITY PURSUANT TO
31 EITHER SECTION SIXTEEN HUNDRED EIGHTY-L OR SECTION SIXTEEN HUNDRED
32 EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW, ON A PARI PASSU BASIS WITHOUT
33 PREFERENCE OR PRIORITY AMONG ALL SUCH OTHER BONDS. SUCH MONIES SHALL NOT
34 BE COMMINGLED WITH ANY OTHER MONIES IN THE COMMISSIONER'S CUSTODY PRIOR
35 TO THE COMPLETION OF SUCH APPLICATION AND SHALL NOT BE DEEMED TO BE PART
36 OF THE STATE TREASURY OR OF ANY FUNDS UNDER MANAGEMENT OF THE STATE.
37 THIS SECTION SHALL NOT BE DEEMED TO AUTHORIZE ANY INFRINGEMENT UPON THE
38 RIGHTS OF HOLDERS OF SUCH BONDS ISSUED OR TO BE ISSUED UNDER SUCH
39 SECTIONS OF THE PUBLIC AUTHORITIES LAW. THE PROVISIONS OF THIS SECTION
40 MAY BE INCLUDED BY THE DORMITORY AUTHORITY IN ANY CONTRACT WITH THE
41 HOLDERS OF ANY SUCH BONDS. THE OPERATION OF THIS SECTION AND THE APPLI-
42 CATION OF THE RECEIPTS OF THE ASSESSMENT AUTHORIZED BY THIS SECTION
43 SHALL BE SUBJECT TO THE PROVISIONS OF EACH FINANCING AGREEMENT AUTHOR-
44 IZED PURSUANT TO SUBPARAGRAPH FOUR OF PARAGRAPH (H) OF SUBDIVISION EIGHT
45 OF SECTION FIFTEEN OR TO SECTION FIFTY-C OF THIS CHAPTER AND THIS
46 SECTION SHALL NOT BE DEEMED TO AUTHORIZE ANY INFRINGEMENT UPON THE
47 RIGHTS OF HOLDERS OF BONDS ISSUED OR TO BE ISSUED PURSUANT TO EITHER
48 SUCH PROVISION.

49 9. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WITH RESPECT TO
50 POLICIES CONTAINING COVERAGE PURSUANT TO PARAGRAPH ONE OF SUBSECTION (J)
51 OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THE INSURANCE LAW
52 RELATING TO EVERY POLICY PROVIDING COMPREHENSIVE PERSONAL LIABILITY
53 INSURANCE ON A ONE, TWO, THREE OR FOUR FAMILY OWNER-OCCUPIED DWELLING.

54 10. IF THE ASSESSMENTS COLLECTED PURSUANT TO THIS SECTION ARE INSUFFI-
55 CIENT TO MEET THE OBLIGATIONS FINANCED BY THE ASSESSMENTS, THE CHAIR,
56 FOR A PERIOD OF THREE YEARS, MAY BORROW ANY SHORTFALL FROM THE STATE

1 INSURANCE FUND WITH ANY BORROWING TO BE ADDED TO THE ASSESSMENTS UNDER
2 THIS SECTION AND REPAID THE FOLLOWING YEAR TO THE STATE INSURANCE FUND
3 WITH INTEREST AT THE STATE INSURANCE FUND'S THEN CURRENT RATE OF RETURN.

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

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

20 (A) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND THIRTEEN,
21 THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER TWO HUNDRED
22 FIFTY MILLION DOLLARS TO THE GENERAL FUND FOR DEBT MANAGEMENT OR FISCAL
23 UNCERTAINTIES.

24 (B) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND FOURTEEN,
25 THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER ONE BILLION
26 DOLLARS TO THE GENERAL FUND FOR THE PURPOSE OF REDUCING BUDGET GAPS.

27 (C) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND FIFTEEN,
28 THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER TWO HUNDRED
29 FIFTY MILLION DOLLARS TO THE GENERAL FUND FOR THE PURPOSE OF REDUCING
30 BUDGET GAPS.

31 (D) AS SOON AS PRACTICABLE AFTER APRIL FIRST, TWO THOUSAND SIXTEEN,
32 THE CHAIR OF THE WORKERS' COMPENSATION BOARD SHALL TRANSFER TWO HUNDRED
33 FIFTY MILLION DOLLARS TO THE GENERAL FUND FOR THE PURPOSE OF REDUCING
34 BUDGET GAPS.

35 (E) ANY AND ALL FUNDS REMAINING AFTER ACCOUNTING FOR THE TRANSFERS SET
36 FORTH ABOVE MAY, AT THE DISCRETION OF THE DIRECTOR OF THE BUDGET, EITHER
37 REMAIN WITH THE WORKERS' COMPENSATION BOARD OR BE TRANSFERRED TO THE
38 GENERAL FUND FOR THE PURPOSE OF REDUCING BUDGET GAPS OR TO THE STATE
39 INSURANCE FUND. THE BUDGET DIRECTOR, ACTING IN CONSULTATION WITH THE
40 CHAIR OF THE WORKERS' COMPENSATION BOARD, SHALL DETERMINE WHETHER ANY
41 MONEY RETURNED TO THE STATE INSURANCE FUND IS A LOAN OR A TRANSFER AND
42 THE TERMS AND CONDITIONS THEREIN. ANY FUNDS TRANSFERRED OR LOANED TO
43 THE STATE INSURANCE FUND UPON THE BUDGET DIRECTOR'S REQUEST MAY BE
44 INVESTED IN A MANNER CONSISTENT WITH INVESTMENT GUIDELINES PURSUANT TO
45 SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THE WORKERS' COMPENSATION
46 LAW.

47 ANNUALLY, THE STATE INSURANCE FUND AND THE WORKERS' COMPENSATION BOARD
48 WILL PROVIDE TO THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE
49 FINANCE COMMITTEE, AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMIT-
50 TEE, AN ACCOUNTING OF SUCH FUNDS AND ALL ASSOCIATED INCOME RECEIVED.
51 SUCH ACCOUNTING WILL CONTINUE UNTIL MARCH THIRTY-FIRST, TWO THOUSAND
52 SEVENTEEN.

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

55 13. TO EFFECTUATE AN EFFICIENT ASSESSMENT PROCESS AND THE PROPER
56 MANAGEMENT OF THE WORKERS' COMPENSATION SYSTEM ALL DATA IN POSSESSION OF

1 THE COMPENSATION INSURANCE RATING BOARD SHALL BE MADE AVAILABLE TO THE
2 BOARD AND THE DEPARTMENT OF FINANCIAL SERVICES UPON REQUEST.

3 14. THE CHAIR MAY CONDUCT PERIODIC AUDITS OF ANY EMPLOYER, SELF-INSUR-
4 ER, INSURANCE CARRIER AND THE STATE INSURANCE FUND CONCERNING ANY INFOR-
5 MATION OR PAYMENT REQUIRED UNDER THIS SECTION, INCLUDING ANY INFORMATION
6 RELEVANT TO THE PAYMENT OR CALCULATION OF ANY ASSESSMENTS. THE EMPLOYER,
7 SELF-INSURER, INSURANCE CARRIER AND THE STATE INSURANCE FUND SHALL
8 PROVIDE ALL NECESSARY DOCUMENTS AND INFORMATION IN RELATION TO AN AUDIT
9 IN A MANNER PRESCRIBED BY THE CHAIR. UPON THE DETERMINATION OF THE CHAIR
10 THAT AN EMPLOYER, SELF-INSURER, INSURANCE CARRIER OR THE STATE INSURANCE
11 FUND HAS UNDERPAID AN ASSESSMENT AS A RESULT OF ITS INACCURATE REPORT-
12 ING, THE EMPLOYER, SELF-INSURER, INSURANCE CARRIER OR THE STATE INSUR-
13 ANCE FUND UPON NOTICE FROM THE CHAIR, SHALL PAY THE FULL AMOUNT OF THE
14 UNDERPAID ASSESSMENT, ALONG WITH INTEREST AT THE RATE OF NINE PER CENT
15 PER ANNUM ON THE UNPAID ASSESSMENT DUE NOT LATER THAN THIRTY DAYS AFTER
16 SUCH NOTICE. AN INSURANCE CARRIER OR EMPLOYER THAT KNOWINGLY MAKES A
17 MATERIAL MISREPRESENTATION OF INFORMATION REQUIRED FOR THE PURPOSE OF
18 EFFECTUATING THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

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

22 5. Cancellation and termination of insurance contracts. No contract of
23 insurance issued by an insurance carrier against liability arising under
24 this chapter shall be cancelled within the time limited in such contract
25 for its expiration unless notice is given as required by this section.
26 When cancellation is due to non-payment of premiums AND ASSESSMENTS,
27 such cancellation shall not be effective until at least ten days after a
28 notice of cancellation of such contract, on a date specified in such
29 notice, shall be filed in the office of the chair and also served on the
30 employer. When cancellation is due to any reason other than non-payment
31 of premiums AND ASSESSMENTS, such cancellation shall not be effective
32 until at least thirty days after a notice of cancellation of such
33 contract, on a date specified in such notice, shall be filed in the
34 office of the chair and also served on the employer; provided, however,
35 in either case, that if the employer has secured insurance with another
36 insurance carrier which becomes effective prior to the expiration of the
37 time stated in such notice, the cancellation shall be effective as of
38 the date of such other coverage. No insurer shall refuse to renew any
39 policy insuring against liability arising under this chapter unless at
40 least thirty days prior to its expiration notice of intention not to
41 renew has been filed in the office of the chair and also served on the
42 employer.

43 Such notice shall be served on the employer by delivering it to him,
44 her or it or by sending it by mail, by certified or registered letter,
45 return receipt requested, addressed to the employer at his, her or its
46 last known place of business; provided that, if the employer be a part-
47 nership, then such notice may be so given to any of one of the partners,
48 and if the employer be a corporation then the notice may be given to any
49 agent or officer of the corporation upon whom legal process may be
50 served; and further provided that an employer may designate any person
51 or entity at any address to receive such notice including the design-
52 ation of one person or entity to receive notice on behalf of multiple
53 entities insured under one insurance policy and that service of notice
54 at the address so designated upon the person or entity so designated by
55 delivery or by mail, by certified or registered letter, return receipt
56 requested, shall satisfy the notice requirement of this section.

1 Provided, however, the right to cancellation of a policy of insurance in
2 the state fund shall be exercised only for non-payment of premiums AND
3 ASSESSMENTS or as provided in section ninety-four of this chapter.

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

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

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

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

29 b. An employer, whose policy of insurance has been cancelled by the
30 state insurance fund for non-payment of premium AND ASSESSMENTS or with-
31 draws pursuant to section ninety-four of this article, is ineligible to
32 contract for a subsequent policy of insurance with the state insurance
33 fund while the billed premium on the cancelled policy remains uncol-
34 lected.

35 c. The state insurance fund shall not be required to write a policy of
36 insurance for any employer which is owned or controlled or the majority
37 interest of which is owned or controlled, directly or indirectly, by any
38 person who directly or indirectly owns or controls or owned or
39 controlled at the time of cancellation an employer whose former policy
40 of insurance with the state insurance fund was cancelled for non-payment
41 of premium AND ASSESSMENTS or withdraws pursuant to section ninety-four
42 of this article or who is or was at the time of cancellation the presi-
43 dent, vice-president, secretary or treasurer of such an employer until
44 the billed premium on the cancelled policy is paid.

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

47 S 25. Section 146 of the workers' compensation law, as added by chap-
48 ter 74 of the laws of 1945, is amended to read as follows:

49 S 146. Offices of the board. [The principal office of the board shall
50 be in the city of Albany.] There shall be [also] an office OF THE BOARD
51 in the city of New York and at such other place or places in the state
52 as may be required properly and conveniently to transact the business of
53 the board. The board may meet and exercise any or all of its powers at
54 any place in the state.

55 S 26. Section 214 of the workers' compensation law, as added by chap-
56 ter 600 of the laws of 1949, the opening paragraph as amended by chapter

653 of the laws of 1958, subdivision 2 as amended by chapter 187 of the laws of 1983, subdivision 3 as amended by chapter 629 of the laws of 1958, subdivision 4 as amended by chapter 727 of the laws of 1950 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, and subdivision 5 as added by chapter 18 of the laws of 2010, is amended to read as follows:

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

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

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

MENT RATE ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER. SUCH ASSESSMENTS SHALL BE DEPOSITED WITH THE COMMISSIONER OF TAXATION AND FINANCE AND TRANSFERRED TO THE BENEFIT OF SUCH FUND UPON PAYMENT OF DEBT SERVICE, IF ANY, PURSUANT TO SECTION ONE HUNDRED FIFTY-ONE OF THIS CHAPTER.

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

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

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

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

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

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

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

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

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

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

1 THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW SHALL BE BORNE BY ALL AFFECTED
2 EMPLOYERS AND INCLUDED AS PART OF THE ASSESSMENT RATE GENERATED PURSUANT
3 TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THE WORKERS'
4 COMPENSATION LAW.

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

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

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

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

19 S 60. ASSESSMENT FOR EXPENSES. 1. THE ESTIMATED ANNUAL EXPENSES NECES-
20 SARY FOR THE WORKERS' COMPENSATION BOARD TO ADMINISTER THE PROVISIONS OF
21 THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW SHALL BE BORNE BY ALL
22 AFFECTED EMPLOYERS AND INCLUDED AS PART OF THE ASSESSMENT RATE GENERATED
23 PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THE
24 WORKERS' COMPENSATION LAW.

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

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

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

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

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

44 S 34. The workers' compensation law is amended by adding a new section
45 50-c to read as follows:

46 S 50-C. SELF-INSURED BONDS. 1. THE CHAIR, WITH THE COMMISSIONER OF
47 TAXATION AND FINANCE, IS AUTHORIZED TO ENTER INTO A FINANCING AGREEMENT
48 WITH THE DORMITORY AUTHORITY, TO BE KNOWN AS THE "SELF-INSURED BOND
49 FINANCING AGREEMENT". SUCH AGREEMENT SHALL SET FORTH THE PROCESS FOR
50 CALCULATING THE ANNUAL DEBT SERVICE OF BONDS ISSUED BY THE DORMITORY
51 AUTHORITY AND ANY OTHER ASSOCIATED COSTS IN CONNECTION WITH THE SELF-IN-
52 SURER OFFSET FUND, AS SET FORTH IN SECTION SIXTEEN HUNDRED EIGHTY-Q OF
53 THE PUBLIC AUTHORITIES LAW. FOR PURPOSES OF THIS SECTION, "ASSOCIATED
54 COSTS" MAY INCLUDE A COVERAGE FACTOR, RESERVE FUND REQUIREMENTS, ALL
55 COSTS OF ANY NATURE INCURRED BY THE DORMITORY AUTHORITY IN CONNECTION
56 WITH THE SELF-INSURED BOND FINANCING AGREEMENT OR PURSUANT THERETO, THE

1 COSTS OF ANY INDEPENDENT AUDITS UNDERTAKEN UNDER THIS SECTION, AND ANY
2 OTHER COSTS FOR THE IMPLEMENTATION OF THIS SUBDIVISION AND THE ISSUANCE
3 OF BONDS BY THE DORMITORY AUTHORITY, INCLUDING INTEREST RATE EXCHANGE
4 PAYMENTS, REBATE PAYMENTS, LIQUIDITY FEES, CREDIT PROVIDER FEES, FIDUCI-
5 ARY FEES, REMARKETING, DEALER, AUCTION AGENT AND RELATED FEES AND OTHER
6 SIMILAR BOND-RELATED EXPENSES, UNLESS OTHERWISE FUNDED. BY SEPTEMBER
7 FIRST OF EACH YEAR, THE DORMITORY AUTHORITY SHALL PROVIDE TO THE CHAIR
8 THE CALCULATION OF THE AMOUNT EXPECTED TO BE PAID BY THE DORMITORY
9 AUTHORITY IN DEBT SERVICE AND ASSOCIATED COSTS FOR PURPOSES OF CALCULAT-
10 ING THE ASSESSMENTS FOR THE DEBT SERVICE PORTION OF THE ASSESSMENT
11 PROVIDED FOR UNDER THIS CHAPTER. ALL MONIES RECEIVED ON ACCOUNT OF SUCH
12 ASSESSMENTS SHALL BE APPLIED IN ACCORDANCE WITH THIS CHAPTER AND WITH
13 THE SELF-INSURED BOND FINANCING AGREEMENT UNTIL THE FINANCIAL OBLI-
14 GATIONS OF THE DORMITORY AUTHORITY IN RESPECT TO ITS CONTRACT WITH ITS
15 BONDHOLDERS ARE MET AND ALL ASSOCIATED COSTS PAYABLE TO OR BY THE DORMI-
16 TORY AUTHORITY HAVE BEEN PAID, NOTWITHSTANDING ANY OTHER PROVISION OF
17 LAW RESPECTING SECURED TRANSACTIONS. THIS PROVISION MAY BE INCLUDED BY
18 THE DORMITORY AUTHORITY IN ANY CONTRACT OF THE DORMITORY AUTHORITY WITH
19 ITS BONDHOLDERS. THE SELF-INSURED BOND FINANCING AGREEMENT MAY RESTRICT
20 DISBURSEMENTS, INVESTMENTS, OR REBATES, AND MAY PRESCRIBE A SYSTEM OF
21 ACCOUNTS APPLICABLE TO THE SELF-INSURER OFFSET FUND AS CONSISTENT WITH
22 THE PROVISIONS OF THIS CHAPTER GOVERNING SUCH FUND, INCLUDING CUSTODY OF
23 FUNDS AND ACCOUNTS WITH A TRUSTEE THAT MAY BE PRESCRIBED BY THE DORMITO-
24 RY AUTHORITY AS PART OF ITS CONTRACT WITH THE BONDHOLDERS. FOR PURPOSES
25 OF THIS SUBDIVISION, THE TERM "BONDS" SHALL INCLUDE NOTES ISSUED IN
26 ANTICIPATION OF THE ISSUANCE OF BONDS, OR NOTES ISSUED PURSUANT TO A
27 COMMERCIAL PAPER PROGRAM.

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

33 3. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE CHAIR SHALL BE
34 THE CUSTODIAN OF THE SELF-INSURER OFFSET FUND AND, UNLESS OTHERWISE
35 PROVIDED FOR IN THE SELF-INSURED BOND FINANCING AGREEMENT, THE COMMIS-
36 SIONER OF TAXATION AND FINANCE SHALL INVEST ANY SURPLUS OR RESERVE
37 MONEYS THEREOF IN SECURITIES WHICH CONSTITUTE LEGAL INVESTMENTS FOR
38 SAVINGS BANKS UNDER THE LAWS OF THIS STATE AND IN INTEREST BEARING
39 CERTIFICATES OF DEPOSIT OF A BANK OR TRUST COMPANY LOCATED AND AUTHOR-
40 IZED TO DO BUSINESS IN THIS STATE OR OF A NATIONAL BANK LOCATED IN THIS
41 STATE SECURED BY A PLEDGE OF DIRECT OBLIGATIONS OF THE UNITED STATES OR
42 OF THE STATE OF NEW YORK IN AN AMOUNT EQUAL TO THE AMOUNT OF SUCH
43 CERTIFICATES OF DEPOSIT, AND MAY SELL ANY OF THE SECURITIES OR CERTIF-
44 ICATES OF DEPOSIT IN WHICH SUCH FUND IS INVESTED IF NECESSARY FOR THE
45 PROPER ADMINISTRATION OR IN THE BEST INTEREST OF SUCH FUND. DISBURSE-
46 MENTS FROM SUCH FUND AS PROVIDED BY THIS SUBDIVISION SHALL BE MADE BY
47 THE COMMISSIONER OF TAXATION AND FINANCE UNLESS THE SELF-INSURED BOND
48 FINANCING AGREEMENT PROVIDES FOR SOME OTHER MEANS OF AUTHORIZING SUCH
49 DISBURSEMENTS THAT IS NO LESS PROTECTIVE OF THE FUND. THE COMMISSIONER
50 OF TAXATION AND FINANCE AS SOON AS PRACTICABLE AFTER JANUARY FIRST OF
51 EACH YEAR, SHALL FURNISH TO THE CHAIR A STATEMENT OF THE FUND, SETTING
52 FORTH THE BALANCE OF MONEYS IN THE SAID FUND AS OF THE BEGINNING OF THE
53 CALENDAR YEAR, THE INCOME OF THE FUND, THE SUMMARY OF PAYMENTS OUT OF
54 THE FUND ON ACCOUNT OF REIMBURSEMENTS AND OTHER CHARGES ORDERED TO BE
55 PAID BY THE BOARD, AND ALL OTHER CHARGES AGAINST THE FUND AND SETTING
56 FORTH THE BALANCE OF THE FUND REMAINING TO ITS CREDIT ON THE PRIOR

1 DECEMBER THIRTY-FIRST OF EACH YEAR. SUCH STATEMENT SHALL BE OPEN TO
2 PUBLIC INSPECTION IN THE OFFICE OF THE SECRETARY OF THE BOARD. THE
3 CHAIR SHALL INCLUDE IN THE REPORTS TO THE GOVERNOR, THE SPEAKER OF THE
4 ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AS REQUIRED BY
5 SECTION NINE OF PART G OF CHAPTER FIFTY-SEVEN OF THE LAWS OF TWO THOU-
6 SAND ELEVEN, A SUMMARY OF THE STATUS OF THE BONDING PROGRAM AUTHORIZED
7 BY THIS SECTION. THE COMMISSIONER OF TAXATION AND FINANCE MAY ESTABLISH
8 WITHIN THE SELF-INSURER OFFSET FUND SUCH ACCOUNTS AND SUB-ACCOUNTS AS HE
9 OR SHE DEEMS USEFUL FOR THE OPERATION OF THE FUND, OR AS NECESSARY TO
10 SEGREGATE MONEYS WITHIN THE FUND, SUBJECT TO THE PROVISIONS OF THE
11 SELF-INSURED BOND FINANCING AGREEMENT AND OF THIS CHAPTER.

12 S 35. The public authorities law is amended by adding a new section
13 1680-q to read as follows:

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

16 (A) "ANCILLARY BOND FACILITY" MEANS ANY INTEREST RATE EXCHANGE OR
17 SIMILAR AGREEMENT OR ANY BOND INSURANCE POLICY, LETTER OF CREDIT OR
18 OTHER CREDIT ENHANCEMENT FACILITY, LIQUIDITY FACILITY, GUARANTEED
19 INVESTMENT OR REINVESTMENT AGREEMENT, OR OTHER SIMILAR AGREEMENT,
20 ARRANGEMENT OR CONTRACT.

21 (B) "BENEFITED PARTY" MEANS ANY PERSON, FIRM OR CORPORATION THAT
22 ENTERS INTO AN ANCILLARY BOND FACILITY WITH THE AUTHORITY ACCORDING TO
23 THE PROVISIONS OF THIS SECTION.

24 (C) "BONDS" MEANS ANY BONDS, NOTES, CERTIFICATES OF PARTICIPATION AND
25 OTHER EVIDENCE OF INDEBTEDNESS ISSUED BY THE AUTHORITY PURSUANT TO
26 SUBDIVISION FIVE OF THIS SECTION.

27 (D) "BOND OWNERS OR OWNERS OF BONDS" MEANS ANY REGISTERED OWNERS OF
28 BONDS.

29 (E) "CHAIR" MEANS THE CHAIR OF THE WORKERS' COMPENSATION BOARD.

30 (F) "CODE" MEANS THE UNITED STATES INTERNAL REVENUE CODE OF 1986, AS
31 AMENDED.

32 (G) "COSTS OF ISSUANCE" MEANS ANY ITEM OF EXPENSE DIRECTLY OR INDI-
33 RECTLY PAYABLE OR REIMBURSABLE BY THE AUTHORITY AND RELATED TO THE
34 AUTHORIZATION, SALE, OR ISSUANCE OF BONDS, INCLUDING, BUT NOT LIMITED
35 TO, UNDERWRITING FEES AND FEES AND EXPENSES OF PROFESSIONAL CONSULTANTS
36 AND FIDUCIARIES.

37 (H) "DEBT SERVICE" MEANS ACTUAL DEBT SERVICE, COMPRISED OF PRINCIPAL,
38 INTEREST AND ASSOCIATED COSTS, AS DEFINED IN SECTION FIFTY-C OF THE
39 WORKERS' COMPENSATION LAW.

40 (I) "DIRECTOR OF THE BUDGET" OR "DIRECTOR" MEANS THE DIRECTOR OF THE
41 BUDGET OF THE STATE OF NEW YORK.

42 (J) "FINANCING COSTS" MEANS ALL COSTS OF ISSUANCE, CAPITALIZED INTER-
43 EST, CAPITALIZED OPERATING EXPENSES OF THE AUTHORITY AND, PURSUANT TO
44 THE SELF-INSURED BOND FINANCING AGREEMENT, FEES, COST OF ANY ANCILLARY
45 BOND FACILITY, AND ANY OTHER FEES, DISCOUNTS, EXPENSES AND COSTS RELATED
46 TO ISSUING, SECURING AND MARKETING THE BONDS INCLUDING, WITHOUT LIMITA-
47 TION, ANY NET ORIGINAL ISSUE DISCOUNT.

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

50 (L) "INTEREST RATE EXCHANGE OR SIMILAR AGREEMENT" MEANS A WRITTEN
51 CONTRACT ENTERED INTO IN CONNECTION WITH THE ISSUANCE OF BONDS OR WITH
52 SUCH BONDS OUTSTANDING WITH A COUNTERPARTY TO PROVIDE FOR AN EXCHANGE OR
53 SWAP OF PAYMENTS BASED UPON FIXED AND/OR VARIABLE INTEREST RATES, AND
54 SHALL BE FOR EXCHANGES IN CURRENCY OF THE UNITED STATES OF AMERICA ONLY.

55 (M) "NET PROCEEDS" MEANS THE AMOUNT OF PROCEEDS REMAINING FOLLOWING
56 EACH SALE OF BONDS WHICH ARE NOT REQUIRED BY THE AUTHORITY FOR PURPOSES

1 OF THIS SECTION TO PAY OR PROVIDE FOR DEBT SERVICE OR FINANCING COSTS,
2 AS PROVIDED IN THE SELF-INSURED BOND FINANCING AGREEMENT.

3 (N) "OPERATING EXPENSES" MEANS THE REASONABLE OR NECESSARY OPERATING
4 EXPENSES OF THE AUTHORITY FOR PURPOSES OF THIS SECTION, INCLUDING, WITH-
5 OUT LIMITATION, THE COSTS OF: RETENTION OF AUDITORS, PREPARATION OF
6 ACCOUNTING AND OTHER REPORTS, MAINTENANCE OF THE RATINGS ON THE BONDS,
7 ANY OPERATING EXPENSE RESERVE FUND, INSURANCE PREMIUMS, ANCILLARY BOND
8 FACILITIES, REBATE PAYMENTS, ANNUAL MEETINGS OR OTHER REQUIRED ACTIV-
9 ITIES OF THE AUTHORITY, AND PROFESSIONAL CONSULTANTS AND FIDUCIARIES.

10 (O) "OUTSTANDING", WHEN USED WITH RESPECT TO BONDS, SHALL EXCLUDE
11 BONDS THAT SHALL HAVE BEEN PAID IN FULL AT MATURITY, OR SHALL HAVE
12 OTHERWISE BEEN REFUNDED, REDEEMED, DEFEASED OR DISCHARGED, OR THAT MAY
13 BE DEEMED NOT OUTSTANDING PURSUANT TO AGREEMENTS WITH THE HOLDERS THERE-
14 OF.

15 (P) "PLEDGED ASSESSMENTS REVENUES", "PLEDGED REVENUES" OR "PLEDGED
16 ASSESSMENTS" MEANS RECEIPTS OF THE ASSESSMENTS IMPOSED PURSUANT TO
17 SECTION ONE HUNDRED FIFTY-ONE OF THE WORKERS' COMPENSATION LAW AND
18 PLEDGED FOR THE PAYMENT OF DEBT SERVICE ON THE BONDS OR AMOUNTS DUE
19 PURSUANT TO AN ANCILLARY BOND FACILITY, INCLUDING THE RIGHT TO RECEIVE
20 SAME.

21 (Q) "SELF-INSURER OFFSET FUND" SHALL MEAN THE FUND COMPOSED OF REVEN-
22 UES, INCLUDING THOSE OBTAINED BY THE BONDS ISSUED UNDER THIS SECTION,
23 WHICH SHALL BE USED SOLELY FOR THE PURPOSES DESCRIBED IN SUBDIVISION
24 FOUR OF THIS SECTION.

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

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

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

33 2. THE AUTHORITY IS HEREBY AUTHORIZED TO ISSUE BONDS TO REDUCE ASSESS-
34 MENTS IMPOSED ON SELF-INSURED EMPLOYERS UNDER SECTION FIFTY OF THE WORK-
35 ERS' COMPENSATION LAW AS A RESULT OF THE UNFUNDED CLAIMS OF INDIVIDUAL
36 AND GROUP SELF-INSURERS. THE AUTHORITY MAY ENTER INTO ONE OR MORE SELF-
37 INSURED BOND FINANCING AGREEMENTS DESCRIBED IN SECTION FIFTY-C OF THE
38 WORKERS' COMPENSATION LAW. ALL OF THE PROVISIONS OF THE PUBLIC AUTHORI-
39 TIES LAW RELATING TO BONDS AND NOTES OF THE DORMITORY AUTHORITY WHICH
40 ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION SHALL APPLY TO
41 OBLIGATIONS AUTHORIZED BY THIS SECTION, INCLUDING BUT NOT LIMITED TO THE
42 POWER TO ESTABLISH ADEQUATE RESERVES THEREFOR AND TO ISSUE RENEWAL NOTES
43 OR REFUNDING BONDS THEREOF. THE PROVISIONS OF THIS SECTION SHALL APPLY
44 SOLELY TO OBLIGATIONS AUTHORIZED BY THIS SECTION.

45 3. IT IS FOUND AND DECLARED THAT UNFUNDED CLAIMS IN EITHER THE INDI-
46 VIDUAL OR GROUP SELF-INSURANCE TRUST PROGRAM WILL, ABSENT PROVISION FOR
47 LONG-TERM FINANCING, RESULT IN IMPOSITION OF COSTS ON ALL SELF-INSURERS
48 THROUGH ASSESSMENTS; THAT SUCH UNFUNDED CLAIMS AND ASSESSMENTS MAY HAVE
49 A DETRIMENTAL IMPACT ON BUSINESSES AND NOT-FOR-PROFIT CORPORATIONS IN
50 NEW YORK STATE AND ON THE PROVISION OF SERVICES TO NEW YORK RESIDENTS;
51 THAT WITHOUT FINANCING THE BOARD MAY BE REQUIRED TO IMPOSE HIGHER
52 ASSESSMENTS TO PAY SUCH UNFUNDED CLAIMS; THAT FINANCING WILL ALLOW THE
53 WORKERS' COMPENSATION BOARD TO PURCHASE ONE OR MORE ASSUMPTIONS OF WORK-
54 ERS' COMPENSATION LIABILITY POLICIES THAT WILL LIMIT THE LONG TERM LOSS-
55 ES FROM THESE UNFUNDED CLAIMS; THAT THE BONDS WILL PROVIDE A MORE EFFI-
56 CIENT MEANS OF COVERING UNFUNDED CLAIMS THAN THE CURRENT SYSTEM OF

1 ASSESSMENT ON ALL SELF-INSURED; THAT BONDS ISSUED BY THE AUTHORITY AND
2 SECURED BY ASSESSMENTS LEVIED, FOR THE GOVERNMENTAL PURPOSE OF FUNDING
3 ASSUMPTION OF WORKERS' COMPENSATION LIABILITY POLICIES, AMORTIZED OVER A
4 SUBSTANTIAL PERIOD WOULD ALLOW THE STATE TO LIMIT LIABILITIES AND THE
5 ASSESSMENTS NEEDED TO PAY THEM, THEREBY FURTHERING THE POLICY OF THE
6 STATE TO REDUCE THE COSTS OF WORKERS' COMPENSATION AND TO IMPROVE THE
7 BUSINESS CLIMATE IN THE STATE AND THE ABILITY OF NOT-FOR-PROFIT CORPO-
8 RATIONS TO PERFORM ESSENTIAL SERVICES WHILE COMPENSATING INJURED WORK-
9 ERS; THAT ALL COSTS OF THE AUTHORITY IN RELATION TO THIS SECTION SHALL
10 BE PAID FROM ASSESSMENTS PROVIDED FOR IN THE WORKERS' COMPENSATION LAW;
11 AND THAT, THEREFORE, THE PROVISIONS OF THIS SECTION ARE FOR THE PUBLIC
12 BENEFIT AND GOOD AND THE AUTHORIZATION AS PROVIDED IN THIS SECTION FOR
13 THE ISSUANCE OF REVENUE OBLIGATIONS OF THE AUTHORITY IS DECLARED TO BE
14 FOR A PUBLIC PURPOSE AND THE EXERCISE OF AN ESSENTIAL GOVERNMENTAL FUNC-
15 TION.

16 4. (A) THE AUTHORITY, THE COMMISSIONER OF TAXATION AND FINANCE AND THE
17 CHAIR, IN CONSULTATION WITH THE DIRECTOR OF THE BUDGET SHALL EXECUTE A
18 FINANCING AGREEMENT PRIOR TO THE ISSUANCE OF ANY BONDS. SUCH AGREEMENT
19 SHALL CONTAIN SUCH TERMS AND CONDITIONS AS ARE NECESSARY TO CARRY OUT
20 AND EFFECTUATE THE PURPOSES OF THIS SECTION, INCLUDING COVENANTS WITH
21 RESPECT TO THE ASSESSMENTS AND ENFORCEMENT OF THE ASSESSMENTS, THE
22 APPLICATION AND USE OF THE PROCEEDS OF THE SALE OF BONDS TO PRESERVE THE
23 TAX EXEMPTION ON THE BONDS, THE INTEREST ON WHICH IS INTENDED TO BE
24 EXEMPT FROM TAXATION. THE STATE SHALL NOT BE AUTHORIZED TO MAKE ANY
25 COVENANT, PLEDGE, PROMISE OR AGREEMENT PURPORTING TO BIND THE STATE WITH
26 RESPECT TO PLEDGED REVENUES, EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED
27 BY THIS SECTION.

28 (B) THE NET PROCEEDS OF THE BONDS SHALL BE DEPOSITED IN ACCORDANCE
29 WITH THE SELF-INSURED BOND FINANCING AGREEMENT AND THIS SECTION. THE
30 SELF-INSURED BOND FINANCING AGREEMENT SHALL PROVIDE FOR THE APPLICATION
31 OF THE NET BOND PROCEEDS, AND SUCH BOND PROCEEDS SHALL BE USED, FOR ANY
32 OF THE FOLLOWING PURPOSES: (I) TO PAY UNMET COMPENSATION OR BENEFITS OF
33 INDIVIDUAL AND GROUP SELF-INSURED EMPLOYERS; (II) TO PURCHASE ONE OR
34 MORE ASSUMPTION OF WORKERS' COMPENSATION LIABILITY POLICIES TO DISCHARGE
35 THE LIABILITIES INCURRED OR TO BE INCURRED UNDER SUBDIVISION THREE OR
36 THREE-A OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW; OR (III) TO
37 PAY FINANCING COSTS OF THE BONDS ISSUED UNDER THIS SECTION. NOT INCON-
38 SISTENT WITH THIS SECTION, THE AUTHORITY MAY PROVIDE RESTRICTIONS ON THE
39 USE AND INVESTMENT OF NET PROCEEDS OF THE BONDS AND OTHER AMOUNTS IN THE
40 SELF-INSURED BOND FINANCING AGREEMENT OR OTHERWISE IN A TAX REGULATORY
41 AGREEMENT AS NECESSARY OR DESIRABLE TO ASSURE THAT THEY ARE EXEMPT FROM
42 TAXATION.

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

1 (II) EACH ISSUANCE OF BONDS SHALL BE AUTHORIZED BY A RESOLUTION OF THE
2 AUTHORITY, PROVIDED, HOWEVER, THAT ANY SUCH RESOLUTION MAY DELEGATE TO
3 AN OFFICER OF THE AUTHORITY THE POWER TO ISSUE SUCH BONDS FROM TIME TO
4 TIME AND TO FIX THE DETAILS OF ANY SUCH ISSUES OF BONDS BY AN APPROPRI-
5 ATE CERTIFICATE OF SUCH AUTHORIZED OFFICER. EVERY ISSUE OF THE BONDS OF
6 THE AUTHORITY FOR THE SELF-INSURER OFFSET FUND SHALL BE SPECIAL REVENUE
7 OBLIGATIONS PAYABLE FROM AND SECURED BY A PLEDGE OF REVENUES AND OTHER
8 ASSETS, INCLUDING THOSE PROCEEDS OF SUCH BONDS DEPOSITED IN A RESERVE
9 FUND FOR THE BENEFIT OF BONDHOLDERS, EARNINGS ON SUCH FUNDS AND SUCH
10 OTHER FUNDS AND ASSETS AS MAY BECOME AVAILABLE, UPON SUCH TERMS AND
11 CONDITIONS AS SPECIFIED BY THE AUTHORITY IN THE RESOLUTION UNDER WHICH
12 THE BONDS ARE ISSUED OR IN A RELATED TRUST INDENTURE.

13 (III) THE AUTHORITY SHALL HAVE THE POWER AND IS HEREBY AUTHORIZED FROM
14 TIME TO TIME TO ISSUE BONDS, IN CONSULTATION WITH THE CHAIR, THE COMMIS-
15 SIONER OF TAXATION AND FINANCE AND THE DIRECTOR OF THE BUDGET, TO REFUND
16 ANY BONDS ISSUED UNDER THIS SECTION BY THE ISSUANCE OF NEW BONDS, WHETH-
17 ER THE BONDS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND TO ISSUE BONDS
18 PARTLY TO REFUND BONDS THEN OUTSTANDING AND PARTLY FOR ANY OF ITS OTHER
19 CORPORATE PURPOSES UNDER THIS SECTION. THE REFUNDING BONDS MAY BE
20 EXCHANGED FOR THE BONDS TO BE REFUNDED OR SOLD AND THE PROCEEDS APPLIED
21 TO THE PURCHASE, REDEMPTION OR PAYMENT OF SUCH BONDS.

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

43 (C) THE AUTHORITY MAY SELL SUCH BONDS, EITHER AT A PUBLIC OR PRIVATE
44 SALE AND EITHER ON A COMPETITIVE OR NEGOTIATED BASIS, PROVIDED NO SUCH
45 BONDS MAY BE SOLD BY THE AUTHORITY AT PRIVATE SALE UNLESS SUCH SALE AND
46 THE TERMS THEREOF HAVE BEEN APPROVED IN WRITING BY THE COMPTROLLER OF
47 THE STATE OF NEW YORK. THE PROCEEDS OF SUCH BONDS SHALL BE DISBURSED FOR
48 THE PURPOSES FOR WHICH SUCH BONDS WERE ISSUED UNDER SUCH RESTRICTIONS AS
49 THE FINANCING AGREEMENT AND THE RESOLUTION AUTHORIZING THE ISSUANCE OF
50 SUCH BONDS OR THE RELATED TRUST INDENTURE MAY PROVIDE. SUCH BONDS SHALL
51 BE ISSUED WITHOUT ANY OTHER APPROVALS, FILINGS, PROCEEDINGS OR THE
52 HAPPENING OF ANY OTHER CONDITIONS OTHER THAN ANY APPROVALS, FINDINGS,
53 PROCEEDINGS, OR OTHER CONDITIONS THAT ARE SPECIFIED AND EXPRESSLY
54 REQUIRED BY THIS SECTION; PROVIDED, HOWEVER, THAT ANY ISSUANCE OF BONDS
55 UNDER THE AUTHORITY OF THIS SECTION SHALL BE CONSIDERED A PROJECT FOR

1 THE PURPOSES OF SECTION FIFTY-ONE OF THIS CHAPTER AND SUBJECT TO
2 APPROVAL UNDER SUCH SECTION.

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

18 (E) WHETHER OR NOT THE BONDS OF THE AUTHORITY ARE OF SUCH FORM AND
19 CHARACTER AS TO BE NEGOTIABLE INSTRUMENTS UNDER THE TERMS OF THE UNIFORM
20 COMMERCIAL CODE, THE BONDS ARE HEREBY MADE NEGOTIABLE INSTRUMENTS FOR
21 ALL PURPOSES, SUBJECT ONLY TO THE PROVISIONS OF THE BONDS FOR REGISTRA-
22 TION.

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

52 (G) THE AUTHORITY MAY ENTER INTO, AMEND OR TERMINATE, AS IT DETERMINES
53 TO BE NECESSARY OR APPROPRIATE, ANY ANCILLARY BOND FACILITY IN CONSULTA-
54 TION WITH THE CHAIR AND DIRECTOR OF THE BUDGET (I) TO FACILITATE THE
55 ISSUANCE, SALE, RESALE, PURCHASE, REPURCHASE OR PAYMENT OF BONDS, INTER-
56 EST RATE SAVINGS OR MARKET DIVERSIFICATION OR THE MAKING OR PERFORMANCE

1 OF INTEREST RATE EXCHANGE OR SIMILAR AGREEMENTS, INCLUDING WITHOUT LIM-
2 TATION BOND INSURANCE, LETTERS OF CREDIT AND LIQUIDITY FACILITIES, (II)
3 TO ATTEMPT TO MANAGE OR HEDGE RISK OR ACHIEVE A DESIRABLE EFFECTIVE
4 INTEREST RATE OR CASH FLOW, OR (III) TO PLACE THE OBLIGATIONS OR INVEST-
5 MENTS OF THE AUTHORITY, AS REPRESENTED BY THE BONDS OR THE INVESTMENT OF
6 RESERVED BOND PROCEEDS OR OTHER PLEDGED REVENUES OR OTHER ASSETS, IN
7 WHOLE OR IN PART, ON THE INTEREST RATE, CASH FLOW OR OTHER BASIS DECIDED
8 IN CONSULTATION WITH THE CHAIR AND DIRECTOR OF THE BUDGET, WHICH FACILI-
9 TY MAY INCLUDE WITHOUT LIMITATION CONTRACTS COMMONLY KNOWN AS INTEREST
10 RATE EXCHANGE OR SIMILAR AGREEMENTS, FORWARD PURCHASE CONTRACTS OR GUAR-
11 ANTEED INVESTMENT CONTRACTS AND FUTURES OR CONTRACTS PROVIDING FOR
12 PAYMENTS BASED ON LEVELS OF, OR CHANGES IN, INTEREST RATES. THESE
13 CONTRACTS OR ARRANGEMENTS MAY BE ENTERED INTO BY THE AUTHORITY IN
14 CONNECTION WITH, OR INCIDENTAL TO, ENTERING INTO, OR MAINTAINING ANY
15 AGREEMENT WHICH SECURES BONDS OF THE AUTHORITY OR INVESTMENT, OR
16 CONTRACT PROVIDING FOR INVESTMENT OF RESERVES OR SIMILAR FACILITY GUAR-
17 ANTEEING AN INVESTMENT RATE FOR A PERIOD OF YEARS NOT TO EXCEED THE
18 UNDERLYING TERM OF THE BONDS. THE DETERMINATION BY THE AUTHORITY THAT AN
19 ANCILLARY BOND FACILITY OR THE AMENDMENT OR TERMINATION THEREOF IS
20 NECESSARY OR APPROPRIATE AS AFORESAID SHALL BE CONCLUSIVE. ANY ANCILLARY
21 BOND FACILITY MAY CONTAIN SUCH PAYMENT, SECURITY, DEFAULT, REMEDY, AND
22 TERMINATION PROVISIONS AND PAYMENTS AND OTHER TERMS AND CONDITIONS AS
23 DETERMINED BY THE AUTHORITY, AFTER GIVING DUE CONSIDERATION TO THE
24 CREDITWORTHINESS OF THE COUNTERPARTY OR OTHER OBLIGATED PARTY, INCLUDING
25 ANY RATING BY ANY NATIONALLY RECOGNIZED RATING AGENCY, AND ANY OTHER
26 CRITERIA AS MAY BE APPROPRIATE.

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

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

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

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

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

44 6. NEITHER ANY BOND ISSUED PURSUANT TO THIS SECTION NOR ANY ANCILLARY
45 BOND FACILITY OF THE AUTHORITY SHALL CONSTITUTE A DEBT OR MORAL OBLI-
46 GATION OF THE STATE OR A STATE SUPPORTED OBLIGATION WITHIN THE MEANING
47 OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR A PLEDGE OF THE FAITH
48 AND CREDIT OF THE STATE OR OF THE TAXING POWER OF THE STATE, AND THE
49 STATE SHALL NOT BE LIABLE TO MAKE ANY PAYMENTS THEREON NOR SHALL ANY
50 BOND OR ANY ANCILLARY BOND FACILITY BE PAYABLE OUT OF ANY FUNDS OR
51 ASSETS OTHER THAN PLEDGED REVENUES AND OTHER ASSETS OF THE AUTHORITY AND
52 OTHER FUNDS AND ASSETS OF OR AVAILABLE TO THE AUTHORITY PLEDGED THERE-
53 FOR, AND THE BONDS AND ANY ANCILLARY BOND FACILITY OF THE AUTHORITY
54 SHALL CONTAIN ON THE FACE THEREOF OR OTHER PROMINENT PLACE THEREON A
55 STATEMENT TO THE FOREGOING EFFECT.

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

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

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

19 (II) BRING SUIT UPON SUCH BONDS;

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

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

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

32 (C) THE SUPREME COURT SHALL HAVE JURISDICTION OF ANY SUIT, ACTION OR
33 PROCEEDING BY THE TRUSTEE ON BEHALF OF SUCH BONDHOLDERS. THE VENUE OF
34 ANY SUCH SUIT, ACTION OR PROCEEDING SHALL BE LAID IN THE COUNTY OF ALBANY.
35

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

38 8. ALL MONIES OF THE AUTHORITY FROM WHATEVER SOURCE DERIVED SHALL BE
39 PAID TO THE TREASURER OF THE AUTHORITY AND SHALL BE DEPOSITED FORTHWITH
40 IN A BANK OR BANKS DESIGNATED BY THE AUTHORITY. THE MONIES IN SUCH
41 ACCOUNTS SHALL BE PAID OUT OR WITHDRAWN ON THE ORDER OF SUCH PERSON OR
42 PERSONS AS THE AUTHORITY MAY AUTHORIZE TO MAKE SUCH REQUISITIONS. ALL
43 DEPOSITS OF SUCH MONIES SHALL EITHER BE SECURED BY OBLIGATIONS OF THE
44 UNITED STATES OR OF THE STATE OR OF ANY MUNICIPALITY OF A MARKET VALUE
45 EQUAL AT ALL TIMES TO THE AMOUNT ON DEPOSIT, OR MONIES OF THE AUTHORITY
46 MAY BE DEPOSITED IN MONEY MARKET FUNDS RATED IN THE HIGHEST SHORT-TERM
47 OR LONG-TERM RATING CATEGORY BY AT LEAST ONE NATIONALLY RECOGNIZED
48 RATING AGENCY. TO THE EXTENT PRACTICABLE, AND CONSISTENT WITH THE
49 REQUIREMENTS OF THE AUTHORITY, ALL SUCH MONIES SHALL BE DEPOSITED IN
50 INTEREST BEARING ACCOUNTS. THE AUTHORITY SHALL HAVE POWER, NOTWITHSTANDING
51 THE PROVISIONS OF THIS SECTION, TO CONTRACT WITH THE HOLDERS OF ANY
52 BONDS AS TO THE CUSTODY, COLLECTION, SECURITY, INVESTMENT AND PAYMENT OF
53 ANY MONIES OF THE AUTHORITY OR ANY MONIES HELD IN TRUST OR OTHERWISE FOR
54 THE PAYMENT OF BONDS OR ANY WAY TO SECURE BONDS, AND CARRY OUT ANY SUCH
55 CONTRACT NOTWITHSTANDING THAT SUCH CONTRACT MAY BE INCONSISTENT WITH THE
56

1 PROVISIONS OF THIS SECTION. MONIES HELD IN TRUST OR OTHERWISE FOR THE
2 PAYMENT OF BONDS OR IN ANY WAY TO SECURE BONDS AND DEPOSITS OF SUCH
3 MONEYS MAY BE SECURED IN THE SAME MANNER AS MONIES OF THE AUTHORITY AND
4 ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITY FOR
5 SUCH DEPOSITS. ANY MONIES OF THE AUTHORITY NOT REQUIRED FOR IMMEDIATE
6 USE OR DISBURSEMENT MAY, AT THE DISCRETION OF THE AUTHORITY, BE INVESTED
7 IN ACCORDANCE WITH LAW AND SUCH GUIDELINES AS ARE APPROVED BY THE
8 AUTHORITY.

9 9. (A) IT IS HEREBY DETERMINED THAT THE CARRYING OUT BY THE AUTHORITY
10 OF ITS CORPORATE PURPOSES UNDER THIS SECTION ARE IN ALL RESPECTS FOR THE
11 BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND ARE PUBLIC PURPOSES.
12 ACCORDINGLY, THE AUTHORITY SHALL BE REGARDED AS PERFORMING AN ESSENTIAL
13 GOVERNMENTAL FUNCTION IN THE EXERCISE OF THE POWERS CONFERRED UPON IT BY
14 THIS SECTION. THE PROPERTY OF THE AUTHORITY, ITS INCOME AND ITS OPER-
15 ATIONS SHALL BE EXEMPT FROM TAXATION, ASSESSMENTS, SPECIAL ASSESSMENTS
16 AND AD VALOREM LEVIES. THE AUTHORITY SHALL NOT BE REQUIRED TO PAY ANY
17 FEES, TAXES, SPECIAL AD VALOREM LEVIES OR ASSESSMENTS OF ANY KIND,
18 WHETHER STATE OR LOCAL, INCLUDING, BUT NOT LIMITED TO, REAL PROPERTY
19 TAXES, FRANCHISE TAXES, SALES TAXES OR OTHER TAXES, UPON OR WITH RESPECT
20 TO ANY PROPERTY OWNED BY IT OR UNDER ITS JURISDICTION, CONTROL OR SUPER-
21 VISION, OR UPON THE USES THEREOF, OR UPON OR WITH RESPECT TO ITS ACTIV-
22 ITIES OR OPERATIONS IN FURTHERANCE OF THE POWERS CONFERRED UPON IT BY
23 THIS SECTION, OR UPON OR WITH RESPECT TO ANY ASSESSMENTS, RATES, CHARG-
24 ES, FEES, REVENUES OR OTHER INCOME RECEIVED BY THE AUTHORITY.

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

28 (C) THE STATE HEREBY COVENANTS WITH THE PURCHASERS AND WITH ALL SUBSE-
29 QUENT HOLDERS AND TRANSFEREES OF BONDS ISSUED BY THE AUTHORITY PURSUANT
30 TO THIS SECTION, IN CONSIDERATION OF THE ACCEPTANCE OF AND PAYMENT FOR
31 THE BONDS, THAT THE BONDS OF THE AUTHORITY ISSUED PURSUANT TO THIS
32 SECTION AND THE INCOME THEREFROM AND ALL ASSESSMENTS, REVENUES, MONEYS,
33 AND OTHER PROPERTY RECEIVED BY THE AUTHORITY AND PLEDGED TO PAY OR TO
34 SECURE THE PAYMENT OF SUCH BONDS SHALL AT ALL TIMES BE EXEMPT FROM TAXA-
35 TION.

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

48 10. (A) THE STATE, SOLELY WITH RESPECT TO THE RESOURCES OF THE
49 SELF-INSURER OFFSET FUND AND AS SET FORTH IN THE SELF-INSURED BOND
50 FINANCING AGREEMENT, COVENANTS WITH THE PURCHASERS AND ALL SUBSEQUENT
51 OWNERS AND TRANSFEREES OF BONDS ISSUED BY THE AUTHORITY PURSUANT TO THIS
52 SECTION IN CONSIDERATION OF THE ACCEPTANCE OF THE PAYMENT OF THE BONDS,
53 UNTIL THE BONDS, TOGETHER WITH THE INTEREST THEREON, WITH INTEREST ON
54 ANY UNPAID INSTALLMENT OF INTEREST AND ALL COSTS AND EXPENSES IN
55 CONNECTION WITH ANY ACTION OR PROCEEDING ON BEHALF OF THE OWNERS, ARE
56 FULLY MET AND DISCHARGED OR UNLESS EXPRESSLY PERMITTED OR OTHERWISE

1 AUTHORIZED BY THE TERMS OF EACH FINANCING AGREEMENT AND ANY CONTRACT
2 MADE OR ENTERED INTO BY THE AUTHORITY WITH OR FOR THE BENEFIT OF SUCH
3 OWNERS:

4 (I) THAT IN THE EVENT BONDS OF THE AUTHORITY ARE SOLD AS FEDERALLY
5 TAX-EXEMPT BONDS, THE STATE SHALL NOT TAKE ANY ACTION OR FAIL TO TAKE
6 ACTION THAT WOULD RESULT IN THE LOSS OF SUCH FEDERAL TAX EXEMPTION ON
7 SAID BONDS;

8 (II) THAT THE STATE WILL CAUSE THE WORKERS' COMPENSATION BOARD TO
9 IMPOSE, CHARGE, RAISE, LEVY, COLLECT AND APPLY THE PLEDGED ASSESSMENTS
10 FOR THE PAYMENT OF DEBT SERVICE REQUIREMENTS IN EACH YEAR IN WHICH BONDS
11 ARE OUTSTANDING; AND

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

14 (A) WILL NOT MATERIALLY LIMIT OR ALTER THE DUTIES IMPOSED ON THE WORK-
15 ERS' COMPENSATION BOARD, THE AUTHORITY, AND OTHER OFFICERS OF THE STATE
16 BY THE SELF-INSURED BOND FINANCING AGREEMENT AND THE BOND PROCEEDINGS
17 AUTHORIZING THE ISSUANCE OF BONDS WITH RESPECT TO APPLICATION OF PLEDGED
18 ASSESSMENTS FOR THE PAYMENT OF DEBT SERVICE REQUIREMENTS;

19 (B) WILL NOT ISSUE ANY BONDS, NOTES OR OTHER EVIDENCES OF INDEBT-
20 EDNESS, OTHER THAN THE BONDS AUTHORIZED BY THIS SECTION, HAVING ANY
21 RIGHTS ARISING OUT OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION
22 FIVE OF SECTION FIFTY OF THE WORKERS' COMPENSATION LAW OR THIS SECTION
23 OR SECURED BY ANY PLEDGE OF OR OTHER LIEN OR CHARGE ON THE REVENUES
24 PLEDGED FOR THE PAYMENT OF DEBT SERVICE REQUIREMENTS; EXCEPT FOR BONDS
25 AUTHORIZED UNDER SUBDIVISION EIGHT OF SECTION FIFTEEN OF THE WORKERS'
26 COMPENSATION LAW.

27 (C) WILL NOT CREATE OR CAUSE TO BE CREATED ANY LIEN OR CHARGE ON THE
28 PLEDGED REVENUES, OTHER THAN A LIEN OR PLEDGE CREATED THEREON PURSUANT
29 TO SAID SECTIONS;

30 (D) WILL CARRY OUT AND PERFORM, OR CAUSE TO BE CARRIED OUT AND
31 PERFORMED, EACH AND EVERY PROMISE, COVENANT, AGREEMENT OR CONTRACT MADE
32 OR ENTERED INTO BY THE FINANCING AGREEMENT, BY THE AUTHORITY OR ON ITS
33 BEHALF WITH THE BOND OWNERS OF ANY BONDS;

34 (E) WILL NOT IN ANY WAY IMPAIR THE RIGHTS, EXEMPTIONS OR REMEDIES OF
35 THE BOND OWNERS; AND

36 (F) WILL NOT LIMIT, MODIFY, RESCIND, REPEAL OR OTHERWISE ALTER THE
37 RIGHTS OR OBLIGATIONS OF THE APPROPRIATE OFFICERS OF THE STATE TO
38 IMPOSE, MAINTAIN, CHARGE OR COLLECT THE ASSESSMENTS CONSTITUTING THE
39 PLEDGED REVENUES AS MAY BE NECESSARY TO PRODUCE SUFFICIENT REVENUES TO
40 FULFILL THE TERMS OF THE PROCEEDINGS AUTHORIZING THE ISSUANCE OF THE
41 BONDS, INCLUDING PLEDGED REVENUE COVERAGE REQUIREMENTS.

42 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
43 SION:

44 (I) THE REMEDIES AVAILABLE TO THE AUTHORITY AND THE BONDHOLDERS FOR
45 ANY BREACH OF THE PLEDGES AND AGREEMENTS OF THE STATE SET FORTH IN THIS
46 SUBDIVISION SHALL BE LIMITED TO INJUNCTIVE RELIEF;

47 (II) NOTHING IN THIS SUBDIVISION SHALL PREVENT THE AUTHORITY FROM
48 ISSUING EVIDENCES OF INDEBTEDNESS:

49 (A) WHICH ARE SECURED BY A PLEDGE OR LIEN WHICH IS, AND SHALL ON THE
50 FACE THEREOF, BE EXPRESSLY SUBORDINATE AND JUNIOR IN ALL RESPECTS TO
51 EVERY LIEN AND PLEDGE CREATED BY OR PURSUANT TO SAID SECTIONS; OR

52 (B) WHICH ARE SECURED BY A PLEDGE OF OR LIEN ON MONEYS OR FUNDS
53 DERIVED ON OR AFTER THE DATE EVERY PLEDGE OR LIEN THEREON CREATED BY OR
54 PURSUANT TO SAID SECTIONS SHALL BE DISCHARGED AND SATISFIED; AND

55 (III) NOTHING IN THIS SUBDIVISION SHALL PRECLUDE THE STATE FROM EXER-
56 CISING ITS POWER, THROUGH A CHANGE IN LAW, TO LIMIT, MODIFY, RESCIND,

1 REPEAL OR OTHERWISE ALTER THE CHARACTER OF THE PLEDGED ASSESSMENTS OR
2 REVENUES OR TO SUBSTITUTE LIKE OR DIFFERENT SOURCES OF ASSESSMENTS,
3 TAXES, FEES, CHARGES OR OTHER RECEIPTS AS PLEDGED REVENUES IF AND WHEN
4 ADEQUATE PROVISION SHALL BE MADE BY LAW FOR THE PROTECTION OF THE HOLD-
5 ERS OF OUTSTANDING BONDS PURSUANT TO THE PROCEEDINGS UNDER WHICH THE
6 BONDS ARE ISSUED, INCLUDING CHANGING OR ALTERING THE METHOD OF ESTAB-
7 LISHING THE SPECIAL ASSESSMENTS.

8 (C) THE AUTHORITY IS AUTHORIZED TO INCLUDE THIS COVENANT OF THE STATE,
9 AS A CONTRACT OF THE STATE, IN ANY AGREEMENT WITH THE OWNER OF ANY BONDS
10 ISSUED PURSUANT TO THIS SECTION AND IN ANY CREDIT FACILITY OR REIMBURSE-
11 MENT AGREEMENT WITH RESPECT TO SUCH BONDS. NOTWITHSTANDING THESE PLEDG-
12 ES AND AGREEMENTS BY THE STATE, THE ATTORNEY GENERAL MAY IN HIS OR HER
13 DISCRETION ENFORCE ANY AND ALL PROVISIONS RELATED TO THE SELF-INSURED
14 BOND FUND, WITHOUT LIMITATION.

15 (D) PRIOR TO THE DATE WHICH IS ONE YEAR AND ONE DAY AFTER THE AUTHORI-
16 TY NO LONGER HAS ANY BONDS ISSUED PURSUANT TO THIS SECTION OUTSTANDING,
17 THE AUTHORITY SHALL HAVE NO AUTHORITY TO FILE A VOLUNTARY PETITION UNDER
18 CHAPTER NINE OF THE FEDERAL BANKRUPTCY CODE OR SUCH CORRESPONDING CHAP-
19 TER OR SECTIONS AS MAY BE IN EFFECT, AND NEITHER ANY PUBLIC OFFICER NOR
20 ANY ORGANIZATION, ENTITY OR OTHER PERSON SHALL AUTHORIZE THE AUTHORITY
21 TO BE OR BECOME A DEBTOR UNDER CHAPTER NINE OR ANY SUCCESSOR OR CORRE-
22 SPONDING CHAPTER OR SECTIONS DURING SUCH PERIOD. THE STATE HEREBY COVEN-
23 ANTS WITH THE OWNERS OF THE BONDS OF THE AUTHORITY THAT THE STATE WILL
24 NOT LIMIT OR ALTER THE DENIAL OF AUTHORITY UNDER THIS SUBDIVISION DURING
25 THE PERIOD REFERRED TO IN THE PRECEDING SENTENCE. THE AUTHORITY IS
26 AUTHORIZED TO INCLUDE THIS COVENANT OF THE STATE, AS A CONTRACT OF THE
27 STATE, IN ANY AGREEMENT WITH THE OWNER OF ANY BONDS ISSUED PURSUANT TO
28 THIS SECTION.

29 (E) TO THE EXTENT DEEMED APPROPRIATE BY THE AUTHORITY ANY PLEDGE AND
30 AGREEMENT OF THE STATE WITH RESPECT TO THE BONDS AS PROVIDED IN THIS
31 SECTION MAY BE EXTENDED TO, AND INCLUDED IN, ANY ANCILLARY BOND FACILITY
32 AS A PLEDGE AND AGREEMENT OF THE STATE WITH THE AUTHORITY AND THE BENE-
33 FITED PARTY.

34 11. THE BONDS OF THE AUTHORITY ARE HEREBY MADE SECURITIES IN WHICH ALL
35 PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES AND
36 POLITICAL SUBDIVISIONS, ALL INSURANCE COMPANIES AND ASSOCIATIONS AND
37 OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS, ALL BANKS, BANKERS,
38 TRUST COMPANIES, SAVINGS BANKS AND SAVINGS ASSOCIATIONS, INCLUDING
39 SAVINGS AND LOAN ASSOCIATIONS, BUILDING AND LOAN ASSOCIATIONS, INVEST-
40 MENT COMPANIES AND OTHER PERSONS CARRYING ON A BANKING BUSINESS, ALL
41 ADMINISTRATORS, GUARDIANS, EXECUTORS, TRUSTEES AND OTHER FIDUCIARIES,
42 AND ALL OTHER PERSONS WHATSOEVER WHO ARE NOW OR MAY HEREAFTER BE AUTHOR-
43 IZED TO INVEST IN BONDS OR IN OTHER OBLIGATIONS OF THE STATE, MAY PROP-
44 ERLY AND LEGALLY INVEST FUNDS, INCLUDING CAPITAL, IN THEIR CONTROL OR
45 BELONGING TO THEM. THE BONDS ARE ALSO HEREBY MADE SECURITIES WHICH MAY
46 BE DEPOSITED WITH AND MAY BE RECEIVED BY ALL PUBLIC OFFICERS AND BODIES
47 OF THE STATE AND ALL MUNICIPALITIES, POLITICAL SUBDIVISIONS AND PUBLIC
48 CORPORATIONS FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OTHER
49 OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE AUTHORIZED.

50 12. (A) AN ACTION AGAINST THE AUTHORITY FOR DEATH, PERSONAL INJURY OR
51 PROPERTY DAMAGE OR FOUNDED ON TORT SHALL NOT BE COMMENCED MORE THAN ONE
52 YEAR AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREOF SHALL HAVE
53 ACCRUED NOR UNLESS A NOTICE OF CLAIM SHALL HAVE BEEN SERVED ON A MEMBER
54 OF THE AUTHORITY OR OFFICER OR EMPLOYEE THEREOF DESIGNATED BY THE
55 AUTHORITY FOR SUCH PURPOSE, WITHIN THE TIME LIMITED BY, AND IN COMPLI-

ANCE WITH THE REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW.

(B) THE VENUE OF EVERY ACTION, SUIT OR SPECIAL PROCEEDING BROUGHT AGAINST THE AUTHORITY OR CONCERNING THE VALIDITY OF THIS SECTION SHALL BE LAID IN THE COUNTY OF ALBANY.

(C) THE BONDS, AND ANY OBLIGATION OF THE AUTHORITY UNDER ANY ANCILLARY BOND FACILITY, MAY CONTAIN A RECITAL THAT THEY ARE ISSUED OR EXECUTED, RESPECTIVELY, PURSUANT TO THIS SECTION, WHICH RECITAL SHALL BE CONCLUSIVE EVIDENCE OF THE VALIDITY OF THE BONDS AND ANY SUCH OBLIGATION, RESPECTIVELY, AND THE REGULARITY OF THE PROCEEDINGS OF THE AUTHORITY RELATING THERETO.

13. ANY ACTION OR PROCEEDING TO WHICH THE AUTHORITY OR THE PEOPLE OF THE STATE MAY BE PARTIES, IN WHICH ANY QUESTION ARISES AS TO THE VALIDITY OF THIS SECTION, SHALL BE PREFERRED OVER ALL OTHER CIVIL CAUSES OF ACTION OR CASES, EXCEPT ELECTION CAUSES OF ACTION OR CASES, IN ALL COURTS OF THE STATE AND SHALL BE HEARD AND DETERMINED IN PREFERENCE TO ALL OTHER CIVIL BUSINESS PENDING THEREIN, EXCEPT ELECTION CAUSES, IRRESPECTIVE OF POSITION ON THE CALENDAR. THE SAME PREFERENCE SHALL BE GRANTED UPON APPLICATION OF THE AUTHORITY OR ITS COUNSEL IN ANY ACTION OR PROCEEDING QUESTIONING THE VALIDITY OF THIS SECTION IN WHICH THE AUTHORITY MAY BE ALLOWED TO INTERVENE.

14. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO FUNDS OF THE SELF-INSURER OFFSET FUND MAY BE USED FOR ANY PURPOSE OTHER THAN THOSE SET FORTH IN THIS SECTION AND SECTION FIFTY-A OF THE WORKERS' COMPENSATION LAW.

S 36. Subdivision 1 of section 17 of the public officers law is amended by adding a new paragraph (x) to read as follows:

(X) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE THE MEMBERS OF THE BOARD, OFFICERS AND EMPLOYEES OF THE DORMITORY AUTHORITY FOR PURPOSES OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW.

S 37. This act shall take effect immediately, provided, however that section ten of this act shall take effect on the ninetieth day after it shall have become a law.

PART HH

Section 1. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:

1. Tuition reimbursement fund:

a. Tuition reimbursement account (20451).

b. Proprietary vocational school supervision account (20452).

2. Local government records management improvement fund:

a. Local government records management account (20501).

3. Dedicated highway and bridge trust fund:

a. Highway and bridge capital account (30051).

4. State university residence hall rehabilitation fund.

5. State parks infrastructure trust fund:

a. State parks infrastructure account (30351).

6. Clean water/clean air implementation fund.

7. Employees health insurance fund.

a. Employees health insurance account (60201).

8. State lottery fund:

a. Education - New (20901).

b. VLT - Sound basic education fund (20904).

- 1 9. Medicaid management information system escrow fund.
- 2 10. Sewage treatment program management and administration fund.
- 3 11. Environmental conservation special revenue fund:
- 4 a. Waste cleanup and management account (21053).
- 5 b. Hazardous bulk storage account (21061).
- 6 c. Great lakes restoration initiative account (21087).
- 7 d. Low level radioactive waste siting account (21066).
- 8 e. Recreation account (21067).
- 9 f. Public safety recovery account (21077).
- 10 g. Conservationist magazine account (21080).
- 11 h. Environmental regulatory account (21081).
- 12 i. Natural resource account (21082).
- 13 j. Mined land reclamation program account (21084).
- 14 k. Federal grants indirect cost recovery account (21065).
- 15 12. Environmental protection and oil spill compensation fund.
- 16 13. Hazardous waste remedial fund:
- 17 a. Hazardous waste remedial cleanup account (31506).
- 18 14. Mass transportation operating assistance fund:
- 19 a. Public transportation systems account (21401).
- 20 b. Metropolitan mass transportation (21402).
- 21 15. Clean air fund:
- 22 a. Operating permit program account (21451).
- 23 b. Mobile source account (21452).
- 24 16. Centralized services fund.
- 25 17. State exposition special fund.
- 26 18. Agency enterprise fund:
- 27 a. OGS convention center account (50318).
- 28 19. Agencies internal service fund:
- 29 a. Archives records management account (55052).
- 30 b. Federal single audit account (55053).
- 31 c. Civil service law: sec 11 admin account (55055).
- 32 d. Civil service EHS occupational health program account (55056).
- 33 e. Banking services account (55057).
- 34 f. Cultural resources survey account (55058).
- 35 g. Neighborhood work project (55059).
- 36 h. Automation & printing chargeback account (55060).
- 37 i. OFT NYT account (55061).
- 38 j. Data center account (55062).
- 39 k. Human service telecom account (55063).
- 40 l. Centralized technology services account (55069).
- 41 m. OPWDD copy center account (55065).
- 42 n. Intrusion detection account (55066).
- 43 o. Domestic violence grant account (55067).
- 44 p. Learning management system account (55070).
- 45 q. Tax contact center account.
- 46 r. Human services contact center account.
- 47 s. Labor contact center account.
- 48 20. Miscellaneous special revenue fund:
- 49 a. Statewide planning and research cooperative system account (21902).
- 50 b. OPWDD provider of service account (21903).
- 51 c. New York state thruway authority account (21905).
- 52 d. Mental hygiene patient income account (21909).
- 53 e. Financial control board account (21911).
- 54 f. Regulation of racing account (21912).
- 55 g. New York metropolitan transportation council account (21913).
- 56 h. Cyber upgrade account (21919).

- 1 i. State university dormitory income reimbursable account (21937).
- 2 j. Energy research account (21943).
- 3 k. Criminal justice improvement account (21945).
- 4 l. Fingerprint identification and technology account (21950).
- 5 m. Environmental laboratory reference fee account (21959).
- 6 n. Clinical laboratory reference system assessment account (21962).
- 7 o. Public employment relations board account (21964).
- 8 p. Cable television account (21971).
- 9 q. Indirect cost recovery account (21978).
- 10 r. High school equivalency program account (21979).
- 11 s. Rail safety inspection account (21983).
- 12 t. Multi-agency training account (21989).
- 13 u. Critical infrastructure account (21992).
- 14 v. Bell jar collection account (22003).
- 15 w. Industry and utility service account (22004).
- 16 x. Real property disposition account (22006).
- 17 y. Parking account (22007).
- 18 z. Asbestos safety training program account (22009).
- 19 aa. Public service account (22011).
- 20 bb. Batavia school for the blind account (22032).
- 21 cc. Investment services account (22034).
- 22 dd. Surplus property account (22036).
- 23 ee. Financial oversight account (22039).
- 24 ff. Regulation of indian gaming account (22046).
- 25 gg. Rome school for the deaf account (22053).
- 26 hh. Seized assets account (22054).
- 27 ii. Administrative adjudication account (22055).
- 28 jj. Federal salary sharing account (22056).
- 29 kk. New York City assessment account (22062).
- 30 ll. Cultural education account (22063).
- 31 mm. Examination and miscellaneous revenue account (22065).
- 32 nn. Local services account (22078).
- 33 oo. DHCR mortgage servicing account (22085).
- 34 pp. Department of motor vehicles compulsory insurance account (22087).
- 35 qq. Housing indirect cost recovery account (22090).
- 36 rr. DHCR-HCA application fee account (22100).
- 37 ss. Low income housing monitoring account (22130).
- 38 tt. Corporation administration account (22135).
- 39 uu. Montrose veteran's home account (22144).
- 40 vv. Motor fuel quality account (22149).
- 41 ww. Deferred compensation administration account (22151).
- 42 xx. Rent revenue other account (22156).
- 43 yy. Rent revenue account (22158).
- 44 zz. Tax revenue arrearage account (22168).
- 45 aaa. Solid waste management account (22176).
- 46 bbb. Capacity contracting (22016).
- 47 ccc. Point insurance reduction program account.
- 48 ddd. Internet point insurance reduction program account (22094).
- 49 eee. Mental hygiene program fund account (21907).
- 50 fff. Third party debt collection account.
- 51 21. New York State Storm Recovery Capital Fund:
- 52 22. State university income fund:
- 53 a. State university general income offset account (22654).
- 54 23. State police and motor vehicle law enforcement fund:
- 55 a. State police motor vehicle law enforcement account (22802).
- 56 24. Youth facilities improvement fund:

1 a. Youth facilities improvement account (31701).
2 25. Highway safety program fund:
3 a. Highway safety program account (23001).
4 26. Drinking water program management and administration fund:
5 a. EFC drinking water program account (23101).
6 b. DOH drinking water program account (23102).
7 27. New York city county clerks offset fund:
8 a. NYCCC operating offset account (23151).
9 28. Housing assistance fund.
10 29. Housing program fund.
11 30. Department of transportation - engineering services fund:
12 a. Highway facility purpose account (31951).
13 31. Miscellaneous capital projects fund:
14 a. New York racing account (32213).
15 32. Mental hygiene facilities capital improvement fund.
16 33. Joint labor/management administration fund:
17 a. Joint labor/management administration fund (55201).
18 34. Audit and control revolving fund:
19 a. Executive direction internal audit account (55251).
20 b. CIO Information technology centralized services account (55252).
21 35. Health insurance internal service fund:
22 a. Health insurance internal service account (55300).
23 b. Civil service employee benefits div admin (55301).
24 36. Correctional industries revolving fund.
25 37. Correctional facilities capital improvement fund.
26 38. HCRA resources fund:
27 a. EPIC premium account (20818).
28 b. Hospital based grants program account (20812).
29 c. Child health plus program account (20810).
30 S 1-a. The state comptroller is hereby authorized and directed to loan
31 money in accordance with the provisions set forth in subdivision 5 of
32 section 4 of the state finance law to any account within the following
33 federal funds, provided the comptroller has made a determination that
34 sufficient federal grant award authority is available to reimburse such
35 loans:
36 1. Federal USDA-food nutrition services fund.
37 2. Federal health and human services fund.
38 3. Federal education grants fund.
39 4. Federal block grant fund.
40 5. Federal operating grants fund.
41 6. Federal capital projects fund.
42 7. Federal unemployment insurance administration fund.
43 8. Federal unemployment insurance occupational training fund.
44 9. Federal employment and training grants.
45 S 2. Notwithstanding any law to the contrary, and in accordance with
46 section 4 of the state finance law, the comptroller is hereby authorized
47 and directed to transfer, upon request of the director of the budget, on
48 or before March 31, 2014, up to the unencumbered balance or the follow-
49 ing amounts:
50 Economic Development and Public Authorities:
51 1. \$175,000 from the miscellaneous special revenue fund underground
52 facilities safety training account (22172), to the general fund.
53 2. An amount up to the unencumbered balance from the miscellaneous
54 special revenue fund, business and licensing services account (21977),
55 to the general fund.

1 3. \$14,810,000 from the miscellaneous special revenue fund, code
2 enforcement account (21904), to the general fund.

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

6 5. \$3,000,000 from the general fund to the miscellaneous special
7 revenue fund, tax revenue arrearage account (22168).

8 Education:

9 1. \$2,230,000,000 from the general fund to the state lottery fund,
10 education account (20901), as reimbursement for disbursements made from
11 such fund for supplemental aid to education pursuant to section 92-c of
12 the state finance law that are in excess of the amounts deposited in
13 such fund for such purposes pursuant to section 1612 of the tax law.

14 2. \$951,800,000 from the general fund to the state lottery fund, VLT
15 education account (20904), as reimbursement for disbursements made from
16 such fund for supplemental aid to education pursuant to section 92-c of
17 the state finance law that are in excess of the amounts deposited in
18 such fund for such purposes pursuant to section 1612 of the tax law.

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

23 4. \$300,000 from the local government records management improvement
24 fund to the archives partnership trust fund.

25 5. \$900,000 from the general fund to the miscellaneous special revenue
26 fund, Batavia school for the blind account (22032).

27 6. \$900,000 from the general fund to the miscellaneous special revenue
28 fund, Rome school for the deaf account (22053).

29 7. \$80,000,000 from the state university dormitory income fund to the
30 state university residence hall rehabilitation fund.

31 8. \$343,400,000 from the state university dormitory income fund to the
32 miscellaneous special revenue fund, state university dormitory income
33 reimbursable account (21937).

34 9. \$24,000,000 from any of the state education department special
35 revenue and internal service funds to the miscellaneous special revenue
36 fund, indirect cost recovery account (21978).

37 10. \$8,318,000 from the general fund to the state university income
38 fund, state university income offset account (22654), for the state's
39 share of repayment of the STIP loan.

40 11. \$51,700,000 from the state university income fund, state universi-
41 ty hospitals income reimbursable account (22656) to the general fund for
42 hospital debt service for the period April 1, 2013 through March 31,
43 2014.

44 Environmental Affairs:

45 1. \$5,000,000 from the department of transportation's federal capital
46 projects fund to the office of parks and recreation federal operating
47 grants fund, miscellaneous operating grants account (25300).

48 2. \$16,000,000 from any of the department of environmental conserva-
49 tion's special revenue federal funds to the special revenue fund federal
50 grant indirect cost recovery account (22188).

51 3. \$2,000,000 from any of the department of environmental conserva-
52 tion's special revenue federal funds to the conservation fund as neces-
53 sary to avoid diversion of conservation funds.

54 4. \$15,000,000 from the environmental protection fund, environmental
55 protection transfer account (30451) to the general fund.

1 5. \$3,000,000 from any of the office of parks, recreation and historic
2 preservation capital projects federal funds and special revenue federal
3 funds to the special revenue fund federal grant indirect cost recovery
4 account (22188).
5 6. \$1,000,000 from any of the office of parks, recreation and historic
6 preservation special revenue federal funds to the special revenue fund,
7 I love NY water account (21930).
8 Family Assistance:
9 1. \$10,000,000 from any of the office of children and family services,
10 office of temporary and disability assistance, or department of health
11 special revenue federal funds and the general fund, in accordance with
12 agreements with social services districts, to the miscellaneous special
13 revenue fund, office of human resources development state match account
14 (21967).
15 2. \$3,000,000 from any of the office of children and family services
16 or office of temporary and disability assistance special revenue federal
17 funds to the miscellaneous special revenue fund, family preservation and
18 support services and family violence services account (22082).
19 3. \$6,000,000 from any of the office of children and family services
20 special revenue federal funds to the general fund for title IV-E
21 reimbursement of youth facility costs.
22 4. \$12,670,000 from any of the office of children and family services,
23 office of temporary and disability assistance, or department of health
24 special revenue federal funds and any other miscellaneous revenues
25 generated from the operation of office of children and family services
26 programs to the general fund.
27 5. \$10,000,000 from any of the office of children and family services
28 or office of temporary and disability assistance special revenue funds
29 or the general fund to the miscellaneous special revenue fund,
30 connections account (22180).
31 6. \$41,000,000 from any of the office of temporary and disability
32 assistance accounts within the federal health and human services fund to
33 the general fund.
34 7. \$159,000,000 from any of the office of temporary and disability
35 assistance or department of health special revenue funds to the general
36 fund.
37 8. \$2,500,000 from any of the office of temporary and disability
38 assistance or office of children and family services special revenue
39 federal funds to the miscellaneous special revenue fund, office of
40 temporary and disability assistance program account (21980).
41 9. \$50,000,000 from any of the office of children and family services,
42 office of temporary and disability assistance, department of labor, and
43 department of health special revenue federal funds to the office of
44 children and family services miscellaneous special revenue fund, multi-
45 agency training contract account (21989).
46 10. \$152,400,000 from the miscellaneous special revenue fund, youth
47 facility per Diem account (22186), to the general fund.
48 11. \$621,850 from the general fund to the combined gifts, grants, and
49 bequests fund, WB Hoyt Memorial account (20128).
50 12. \$4,822,000 from the miscellaneous special revenue fund state
51 central registry (22028) to the general fund.
52 General Government:
53 1. \$1,566,000 from the miscellaneous special revenue fund, examination
54 and miscellaneous revenue account (22065) to the general fund.
55 2. \$12,500,000 from the general fund to the health insurance revolving
56 fund.

1 3. \$192,400,000 from the health insurance reserve receipts fund to the
2 general fund.
3 4. \$150,000 from the general fund to the not-for-profit revolving loan
4 fund.
5 5. \$150,000 from the not-for-profit revolving loan fund to the general
6 fund.
7 6. \$31,000,000 from the miscellaneous special revenue fund, real prop-
8 erty disposition account (22006), to the general fund.
9 7. \$3,000,000 from the miscellaneous special revenue fund, surplus
10 property account (22036), to the general fund.
11 8. \$18,200,000 from the general fund to the miscellaneous special
12 revenue fund, alcoholic beverage control account (22033).
13 9. \$23,000,000 from the miscellaneous special revenue fund, revenue
14 arrearage account (22024), to the general fund.
15 10. \$1,826,000 from the miscellaneous special revenue fund revenue
16 arrearage account (22024), to the miscellaneous special revenue fund
17 authority budget office account (22138).
18 11. \$1,000,000 from the miscellaneous special revenue fund, parking
19 services account (22007), to the general fund, for the purpose of reim-
20 bursing the costs of debt service related to state parking facilities.
21 12. \$52,600,000 from the general fund to the miscellaneous special
22 revenue fund, statewide financial system account (22074).
23 13. \$40,000,000 from the general fund to the office for technology
24 internal service fund, central technology services account (55069), for
25 the purpose of enterprise technology projects.
26 Health:
27 1. \$139,560,000 from the miscellaneous special revenue fund, quality
28 of care account (21915) to the general fund.
29 2. \$1,000,000 from the general fund to the combined gifts, grants and
30 bequests fund, breast cancer research and education account (20155), an
31 amount equal to the monies collected and deposited into that account in
32 the previous fiscal year.
33 3. \$2,464,000 from any of the department of health accounts within the
34 federal health and human services fund to the department of health
35 miscellaneous special revenue fund, statewide planning and research
36 cooperation system (SPARCS) program account (21902).
37 4. \$250,000 from the general fund to the combined gifts, grants and
38 bequests fund, prostate cancer research, detection, and education
39 account (20183), an amount equal to the moneys collected and deposited
40 into that account in the previous fiscal year.
41 5. \$500,000 from the general fund to the combined gifts, grants and
42 bequests fund, Alzheimer's disease research and assistance account
43 (20143), an amount equal to the moneys collected and deposited into that
44 account in the previous fiscal year.
45 6. \$1,000,000 from the miscellaneous special revenue fund, adminis-
46 tration account (21982), to the general fund.
47 7. \$600,000,000 from any of the department of health accounts within
48 the federal health and human services fund to the miscellaneous special
49 revenue fund, federal state health reform partnership account (22076).
50 8. \$26,000,000 from the special revenue fund, HCRA resources fund, to
51 the miscellaneous special revenue fund, empire state stem cell trust
52 fund account (22161).
53 9. \$1,250,000 from the miscellaneous New York state agency fund,
54 medical assistance account to the general fund.
55 10. \$3,700,000 from the miscellaneous New York state agency fund,
56 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. \$1,250,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).

5. \$1,400,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).

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

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

Public Protection:

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

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

3. \$9,500,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

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

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

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

1 7. \$22,000,000 from the miscellaneous special revenue fund, criminal
2 justice improvement account (21945) to the general fund.
3 8. \$20,000,000 from the miscellaneous special revenue fund, statewide
4 public safety communications account (22123), to the general fund.
5 9. \$106,000,000 from the state police and motor vehicle law enforce-
6 ment and motor vehicle theft and insurance fund prevention fund, state
7 police motor vehicle enforcement account (22802) to the general fund for
8 state operation expenses of the division of state police.
9 10. \$21,500,000 from the general fund to the correctional facilities
10 capital improvement fund.
11 11. \$1,500,000 from the miscellaneous special revenue fund, statewide
12 public safety communications account (22123), to the combined gifts,
13 grants and bequests fund, New York state emergency services revolving
14 loan account (20150).
15 12. \$3,000,000 from the general fund to the dedicated highway and
16 bridge trust fund for the purpose of work zone safety activities
17 provided by the division of state police for the department of transpor-
18 tation.
19 13. \$11,000,000 from the indigent legal services fund to the general
20 fund.
21 Transportation:
22 1. \$17,672,000 from the federal miscellaneous operating grants fund to
23 the special revenue fund, tri-state federal regional planning account
24 (21913).
25 2. \$20,147,000 from the federal capital projects fund to the special
26 revenue fund, tri-state federal regional planning accounts (21913).
27 3. \$15,368,000 from the miscellaneous special revenue fund, compulsory
28 insurance account (22087), to the general fund.
29 4. \$12,000,000 from the general fund to the mass transportation oper-
30 ating assistance fund, public transportation systems operating assist-
31 ance account (21401).
32 5. \$624,691,000 from the general fund to the dedicated highway and
33 bridge trust fund.
34 6. \$606,000 from the miscellaneous special revenue fund, internet
35 point insurance reduction program account (22094), to the general fund.
36 7. \$6,000 from the miscellaneous special revenue fund, motorcycle
37 safety account (21976), to the general fund.
38 8. \$307,200,000 from the general fund to the MTA financial assistance
39 fund, mobility tax trust account (23651).
40 9. \$20,000,000 from the mass transportation operating assistance fund,
41 metropolitan mass transportation operating assistance account (21402),
42 to the general debt service fund, for reimbursement of the state's
43 expenses in connection with payments of debt service and related
44 expenses for the metropolitan transportation authority's state service
45 contract bonds.
46 Miscellaneous:
47 1. \$150,000,000 from the general fund to any funds or accounts for the
48 purpose of reimbursing certain outstanding accounts receivable balances.
49 2. \$500,000,000 from the general fund to the debt reduction reserve
50 fund.
51 3. \$450,000,000 from the New York state storm recovery capital fund to
52 the revenue bond tax fund (40152).
53 4. \$1,000,000 from any of the state lottery fund administration
54 accounts, the miscellaneous special revenue fund, regulation of racing
55 account (21912), the miscellaneous special revenue fund, bell jar
56 collection account (22003), or the miscellaneous special revenue fund,

1 regulation of Indian gaming account (22046), to the miscellaneous
2 special revenue fund, New York state gaming commission account.

3 S 3. 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, on or before March 31, 2014:

6 1. Upon request of the commissioner of environmental conservation, up
7 to \$11,126,800 from revenues credited to any of the department of envi-
8 ronmental conservation special revenue funds, including \$3,253,200 from
9 the environmental protection and oil spill compensation fund, and
10 \$1,762,600 from the conservation fund, to the environmental conservation
11 special revenue fund, indirect charges account (21060).

12 2. Upon request of the commissioner of agriculture and markets, up to
13 \$3,000,000 from any special revenue fund or enterprise fund within the
14 department of agriculture and markets to the general fund, to pay appro-
15 priate administrative expenses.

16 3. Upon request of the commissioner of agriculture and markets, up to
17 \$2,000,000 from the state exposition special fund, state fair receipts
18 account (50051) to the miscellaneous capital projects fund, state fair
19 capital improvement account (32208).

20 4. Upon request of the commissioner of the division of housing and
21 community renewal, up to \$6,221,000 from revenues credited to any divi-
22 sion of housing and community renewal federal or miscellaneous special
23 revenue fund to the agency cost recovery account (22090).

24 5. Upon request of the commissioner of the division of housing and
25 community renewal, up to \$5,500,000 may be transferred from any miscel-
26 laneous special revenue fund account, to any miscellaneous special
27 revenue fund.

28 6. Upon request of the commissioner of health up to \$15,000,000 from
29 revenues credited to any of the department of health's special revenue
30 funds, to the miscellaneous special revenue fund, administration account
31 (21982).

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

39 S 4-a. Subdivision 3 of section 1680-j of the public authorities law,
40 as amended by section 9 of part C of chapter 59 of the laws of 2011, is
41 amended to read as follows:

42 3. Notwithstanding any law to the contrary, and in accordance with
43 section four of the state finance law, the comptroller is hereby author-
44 ized and directed to transfer from the health care reform act (HCRA)
45 resources fund (061) to the general fund, upon the request of the direc-
46 tor of the budget, up to \$6,500,000 on or before March 31, 2006, and the
47 comptroller is further hereby authorized and directed to transfer from
48 the healthcare reform act (HCRA); Resources fund (061) to the Capital
49 Projects Fund, upon the request of the director of budget, up to
50 \$139,000,000 for the period April 1, 2006 through March 31, 2007, up to
51 \$171,100,000 for the period April 1, 2007 through March 31, 2008, up to
52 \$208,100,000 for the period April 1, 2008 through March 31, 2009, up to
53 \$151,600,000 for the period April 1, 2009 through March 31, 2010, up to
54 \$215,743,000 for the period April 1, 2010 through March 31, 2011, up to
55 \$433,366,000 for the period April 1, 2011 through March 31, 2012, up to
56 \$150,806,000 for the period April 1, 2012 through March 31, 2013, up to

1 [\$78,071,000] \$290,000,000 for the period April 1, 2013 through March
2 31, 2014, and up to \$86,005,000 for the period April 1, 2014 through
3 March 31, 2015.

4 S 5. On or before March 31, 2014, the comptroller is hereby authorized
5 and directed to deposit earnings that would otherwise accrue to the
6 general fund that are attributable to the operation of section 98-a of
7 the state finance law, to the agencies internal service fund, banking
8 services account (55057), for the purpose of meeting direct payments
9 from such account.

10 S 6. Notwithstanding any law to the contrary, upon the direction of
11 the director of the budget and upon requisition by the state university
12 of New York, the dormitory authority of the state of New York is
13 directed to transfer, up to \$22,000,000 in revenues generated from the
14 sale of notes or bonds, to the state university of New York for
15 reimbursement of bondable equipment for further transfer to the state's
16 general fund.

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

26 S 8. 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 and
29 upon consultation with the state university chancellor or his or her
30 designee, on or before March 31, 2014, up to \$6,500,000 from the state
31 university income fund general revenue account (22653) to the state
32 general fund for debt service costs related to campus supported capital
33 project costs for the NY-SUNY 2020 challenge grant program at the
34 University at Albany.

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

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

48 S 10-a. Notwithstanding any law to the contrary, upon approval of the
49 state university board of trustees, the state university of New York
50 shall transfer from any applicable state university income fund account
51 to the state university income fund, state university hospitals income
52 reimbursable account (22656) up to a total of \$27,790,440 in savings
53 resulting from an agreement between the state and the collective negoti-
54 ating unit designated as the professional services negotiating unit in
55 the state university of New York established pursuant to article 14 of

1 the civil service law. Such transfer shall be made in a form and manner
2 prescribed by the board of trustees.

3 S 10-b. Notwithstanding any law to the contrary, and in accordance
4 with section 4 of the state finance law and subdivision 20 of section
5 2807 of the public health law, the comptroller is hereby authorized to
6 transfer, upon direction of the state university chancellor, an amount
7 necessary to fund the non-federal share of Medicaid payments authorized
8 by such subdivision 20 from the state university income fund to the
9 Medicaid Management Information System (MMIS) statewide escrow fund
10 (179).

11 S 10-c. Notwithstanding any law to the contrary, and in accordance
12 with section 4 of the state finance law and subdivision 21 of section
13 2807 of the public health law, the comptroller is hereby authorized to
14 transfer, upon direction of the state university chancellor, an amount
15 necessary to fund the non-federal share of Medicaid payments authorized
16 by such subdivision 21 from the state university income fund, state
17 university hospitals income reimbursable account (22656), to the Medi-
18 caid Management Information System (MMIS) statewide escrow fund (179).

19 S 11. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, upon request of the director of the budget, up
22 to \$971,259,860 from the general fund to the state university income
23 fund, state university general revenue offset account (22655) during the
24 period of July 1, 2013 through June 30, 2014 to support operations at
25 the state university.

26 S 12. 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 state university chancel-
29 lor or his or her designee, up to \$50,000,000 from the state university
30 income fund, state university hospitals income reimbursable account
31 (22656), for hospital income reimbursable for services and expenses of
32 hospital operations and capital expenditures at the state university
33 hospitals, and the state university income fund Long Island veterans'
34 home account (22652) to the state university capital projects fund on or
35 before June 30, 2014.

36 S 13. Notwithstanding any law to the contrary, and in accordance with
37 section 4 of the state finance law, the comptroller, after consultation
38 with the state university chancellor or his or her designee, is hereby
39 authorized and directed to transfer moneys, in the first instance, from
40 the state university collection fund, Stony Brook hospital collection
41 account (61006), Brooklyn hospital collection account (61007), and Syra-
42 cuse hospital collection account (61008) to the state university income
43 fund, state university hospitals income reimbursable account (22656) in
44 the event insufficient funds are available in the state university
45 income fund, state university hospitals income reimbursable account
46 (22656) to transfer moneys, in amounts sufficient to permit the full
47 transfer of moneys authorized for transfer, to the general fund for
48 payment of debt service related to the SUNY hospitals. Notwithstanding
49 any law to the contrary, the comptroller is also hereby authorized and
50 directed, after consultation with the state university chancellor or his
51 or her designee, to transfer moneys from the state university income
52 fund to the state university income fund, state university hospitals
53 income reimbursable account (22656) in the event insufficient funds are
54 available in the state university income fund, state university hospi-
55 tals income reimbursable account (22656) to pay hospital operating costs
56 or to transfer moneys, in amounts sufficient to permit the full transfer

1 of moneys authorized for transfer, to the general fund for payment of
2 debt service related to the SUNY hospitals on or before March 31, 2014.

3 S 14. 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 monies, upon request of the director of the
6 budget, on or before March 31, 2014, from and to any of the following
7 accounts: the miscellaneous special revenue fund, patient income account
8 (21909), the miscellaneous special revenue fund, mental hygiene program
9 fund account (21907), the miscellaneous special revenue fund, federal
10 salary sharing account (22056) or the general fund in any combination,
11 the aggregate of which shall not exceed \$350 million.

12 S 14-a. Notwithstanding any law to the contrary, and in accordance
13 with section 4 of the state finance law, the comptroller is hereby
14 authorized and directed to transfer, at the request of the director of
15 the budget, up to thirty-three million dollars (\$33,000,000) from the
16 unencumbered balance of any special revenue fund or account, or combina-
17 tion of funds and accounts, to the community projects fund. The amounts
18 transferred pursuant to this authorization shall be in addition to any
19 other transfers expressly authorized in the 2013-14 budget. Transfers
20 from federal funds, debt services funds, capital projects funds, or
21 funds that would result in the loss of eligibility for federal benefits
22 or federal funds pursuant to federal law, rule, or regulation as assent-
23 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
24 1951 are not permitted pursuant to this authorization. The director of
25 the budget shall (a) have received a request in writing from one or both
26 houses of the legislature, and (b) notify both houses of the legislature
27 in writing prior to initiating transfers pursuant to this authorization.
28 The comptroller shall provide the director of the budget, the chair of
29 the senate finance committee, and the chair of the assembly ways and
30 means committee with an accurate accounting and report of any transfers
31 that occur pursuant to this section on or before the fifteenth day of
32 the following month in which such transfers occur.

33 S 15. Notwithstanding any law to the contrary, and in accordance with
34 section 4 of the state finance law, the comptroller is hereby authorized
35 and directed to transfer, at the request of the director of the budget,
36 up to \$500 million from the unencumbered balance of any special revenue
37 fund or account, or combination of funds and accounts, to the general
38 fund. The amounts transferred pursuant to this authorization shall be in
39 addition to any other transfers expressly authorized in the 2013-14
40 budget. Transfers from federal funds, debt service funds, capital
41 projects funds, the community projects fund, or funds that would result
42 in the loss of eligibility for federal benefits or federal funds pursu-
43 ant to federal law, rule, or regulation as assented to in chapter 683 of
44 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
45 pursuant to this authorization. The director of the budget shall notify
46 both houses of the legislature in writing prior to initiating transfers
47 pursuant to this authorization.

48 S 16. Notwithstanding any law to the contrary, and in accordance with
49 section 4 of the state finance law, the comptroller is hereby authorized
50 and directed to transfer, at the request of the director of the budget,
51 up to \$100 million from any non-general fund or account, or combination
52 of funds and accounts, to the special revenue other-technology financing
53 account for the purpose of consolidating technology procurement and
54 services. The amounts transferred pursuant to this authorization shall
55 be equal to or less than the amount of such monies intended to support
56 information technology costs which are attributable, according to a

1 plan, to such account made in pursuance to an appropriation by law.
2 Transfers to the technology financing account shall be completed from
3 amounts collected by non-general funds or accounts pursuant to a fund
4 deposit schedule or permanent statute, and shall be transferred to the
5 technology financing account pursuant to a schedule agreed upon by the
6 affected agency commissioner. Transfers from federal funds are not
7 permitted pursuant to this authorization; nor may transfers be made from
8 funds that would result in the loss of eligibility for federal benefits
9 or federal funds pursuant to federal law, rule, or regulation as assent-
10 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
11 1951. The director of the budget shall notify both houses of the legis-
12 lature in writing prior to initiating transfers pursuant to this author-
13 ization.

14 S 17. Notwithstanding any provision of law to the contrary, as deemed
15 feasible and advisable by its trustees, the power authority of the state
16 of New York is authorized and directed to (i) make a contribution to the
17 state treasury to the credit of the general fund, or as otherwise
18 directed in writing by the director of the budget, in an amount of up to
19 \$90,000,000 for the state fiscal year commencing April 1, 2013, the
20 proceeds of which will be utilized to support energy-related initiatives
21 of the state or for economic development purposes, and (ii) transfer up
22 to \$25,000,000 of any such contribution by June 30, 2013 and the remain-
23 der of any such contribution by March 31, 2014.

24 S 18. \$5,000,000 from the general fund to the miscellaneous special
25 revenue fund, tribal state compact revenue account (22169). Notwith-
26 standing any provision of law to the contrary, such funds may be
27 advanced to a municipality located within the county of Cattaraugus
28 hosting a gaming facility pursuant to the requirements of an appropri-
29 ation contained in chapter 53 of the laws of 2012; provided, however,
30 that any such advance shall reduce the amount otherwise due to such
31 municipality by an equivalent amount, and that, upon receipt of any
32 funds in the tribal state compact revenue account pursuant to a tribal
33 state compact, such funds shall first be used to reimburse any transfer
34 from the general fund pursuant to this section.

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

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

47 S 20. Subdivision 5 of section 97-rrr of the state finance law, as
48 amended by section 16 of part U of chapter 59 of the laws of 2012, is
49 amended to read as follows:

50 5. Notwithstanding the provisions of section one hundred seventy-one-a
51 of the tax law, as separately amended by chapters four hundred eighty-
52 one and four hundred eighty-four of the laws of nineteen hundred eight-
53 y-one, and notwithstanding the provisions of chapter ninety-four of the
54 laws of two thousand eleven, or any other provisions of law to the
55 contrary, during the fiscal year beginning April first, two thousand
56 [twelve] THIRTEEN, the state comptroller is hereby authorized and

1 directed to deposit to the fund created pursuant to this section from
2 amounts collected pursuant to article twenty-two of the tax law and
3 pursuant to a schedule submitted by the director of the budget, up to
4 [\$3,322,067,000] \$3,419,375,000, as may be certified in such schedule as
5 necessary to meet the purposes of such fund for the fiscal year begin-
6 ning April first, two thousand [twelve] THIRTEEN.

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

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

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

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

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

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

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

1 for such purposes shall be transferred to the general fund for the
2 support of government during the fiscal year in which they are received.
3 S 24. Paragraphs (a) and (b) of subdivision 7 of section 5-a of
4 section 1 of chapter 392 of the laws of 1973, constituting the New York
5 state medical care facilities finance agency act, paragraph (a) as
6 amended by chapter 55 of the laws of 1992 and paragraph (b) as amended
7 by chapter 59 of the laws of 1993, are amended to read as follows:

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

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

28 S 25. In the event that a capital appropriation in the amount of
29 \$25,000,000 is included in the enacted budget for the fiscal year
30 commencing April 1, 2013 for the cleaner, greener communities program
31 administered by the New York State energy research and development
32 authority, then notwithstanding any provision of law, rule or regulation
33 to the contrary, the New York State energy research and development
34 authority is authorized and directed to pay to the state treasury to the
35 credit of the general fund for the cost of such program the amount of
36 \$25,000,000 for the fiscal year commencing April 1, 2013 from proceeds
37 collected by the authority from the auction or sale of carbon dioxide
38 emission allowances allocated by the department of environmental conser-
39 vation under the Regional Greenhouse Gas Initiative. If, in any fiscal
40 year, such \$25,000,000 appropriation or any reappropriation thereof is
41 reduced or eliminated prior to disbursement of \$15,000,000, where such
42 reduction or elimination is not based upon the disbursement of such
43 \$25,000,000 appropriation, the comptroller is authorized and directed to
44 transfer, at the request of the director of the division of the budget,
45 an amount equal to such reduced or eliminated amount from the general
46 fund to the New York State energy research and development authority,
47 not to exceed in the aggregate \$25,000,000.

48 S 26. 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 dormitory authority of the
52 state of New York for a capital appropriation for \$215,650,000 author-
53 ized by chapter 55 of the laws of 2000 to all state agencies for payment
54 of costs related to the strategic investment program.

55 S 27. Notwithstanding any other law, rule, or regulation to the
56 contrary, the comptroller is hereby authorized and directed to deposit

1 to the credit of the capital projects fund, reimbursement from the
2 proceeds of notes or bonds issued by the environmental facilities corpo-
3 ration for a capital appropriation of \$30,174,000 authorized by chapter
4 55 of the laws of 2003 to the department of environmental conservation
5 for payment of a portion of the state's match for federal capitalization
6 grants for the water pollution control revolving loan fund, reimburse-
7 ment from the proceeds of notes or bonds issued by the urban development
8 corporation or other financing source for a capital appropriation of
9 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
10 of general services for payment of capital construction costs for the 51
11 Elk street parking garage building located in the city of Albany,
12 reimbursement from the proceeds of notes or bonds issued by the urban
13 development corporation for disbursements of up to \$10,000,000 from any
14 capital appropriation or reappropriation authorized by chapter 50 of the
15 laws of 2003 to the office of general services for various purposes,
16 reimbursement from the proceeds of notes or bonds issued by the environ-
17 mental facilities corporation for a capital appropriation of \$13,250,000
18 authorized by chapter 55 of the laws of 2003 to the energy research and
19 development authority for the Western New York Nuclear Service Center at
20 West Valley, reimbursement from the proceeds of notes or bonds issued by
21 the dormitory authority for disbursements of up to \$16,400,000 from any
22 capital appropriation or reappropriation authorized by chapter 51 of the
23 laws of 2003 to the judiciary for courthouse improvements, reimbursement
24 from the proceeds of notes or bonds issued by the urban development
25 corporation for disbursements of up to \$10,000,000 from appropriations
26 or reappropriations authorized by chapter 50 of the laws of 2003 to any
27 agency for costs related to homeland security, reimbursement from the
28 proceeds of notes or bonds issued by the environmental facilities corpo-
29 ration for a capital appropriation of \$10,000,000 authorized by chapter
30 55 of the laws of 2003 to the department of environmental conservation
31 for Onondaga lake, reimbursement from the proceeds of notes or bonds
32 issued by the environmental facilities corporation for disbursements of
33 up to \$11,000,000 from any capital appropriations or reappropriations
34 authorized by chapter 55 of the laws of 2003 to the department of envi-
35 ronmental conservation for environmental purposes, and reimbursement
36 from the proceeds of notes or bonds issued by the dormitory authority
37 for disbursements of up to \$100,000,000 from a capital appropriation
38 authorized by chapter 50 of the laws of 2003 to the department of state
39 for enhanced 911 wireless service.

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

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

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

1 development corporation for a capital appropriation of \$48,517,000
2 authorized by chapter 162 of the laws of 2005 for the New York state
3 economic development program, reimbursement from the proceeds of notes
4 or bonds issued by the urban development corporation for a capital
5 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
6 2005 for the higher education facilities capital matching grants
7 program, reimbursement from the proceeds of notes or bonds issued by the
8 dormitory authority or other financing source for a capital appropri-
9 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
10 office of general services for payment of capital construction costs for
11 the Elk street parking garage building located in the city of Albany,
12 reimbursement from the proceeds of notes or bonds issued by the urban
13 development corporation for a capital appropriation of \$15,000,000
14 authorized by chapter 53 of the laws of 2005 to the state education
15 department for payment of capital construction costs for public broad-
16 casting facilities, reimbursement from the proceeds of notes or bonds
17 issued by the urban development corporation for a capital appropriation
18 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
19 sion of state police for public protection facilities, and reimbursement
20 from the proceeds of notes or bonds issued by the urban development
21 corporation for capital disbursements of up to \$3,000,000 from any capi-
22 tal appropriation or reappropriation authorized by chapter 50 of the
23 laws of 2005 to the division of military and naval affairs for various
24 purposes.

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

1 division of state police for public protection facilities, reimbursement
2 from the proceeds of notes or bonds issued by the urban development
3 corporation for a capital appropriation of \$117,000,000 authorized by
4 chapter 50 of the laws of 2006 to all state departments and agencies for
5 the purchase of equipment, reimbursement from the proceeds of notes or
6 bonds issued by the dormitory authority or the urban development corpo-
7 ration for all or a portion of capital appropriations of \$603,050,000
8 authorized by chapter 108 of the laws of 2006 to the urban development
9 corporation for economic development/other projects, reimbursement from
10 the proceeds of notes or bonds issued by the urban development corpo-
11 ration for a capital appropriation of \$269,500,000 authorized by chapter
12 108 of the laws of 2006 to the dormitory authority or the urban develop-
13 ment corporation for economic development projects, reimbursement from
14 the proceeds of notes or bonds issued by the dormitory authority or the
15 urban development corporation for a capital appropriation of
16 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
17 development corporation for university development projects, reimburse-
18 ment from the proceeds of notes or bonds issued by the dormitory author-
19 ity or for a capital appropriation of \$143,000,000 authorized by chapter
20 108 of the laws of 2006 to the urban development corporation for
21 cultural facilities projects, reimbursement from the proceeds of notes
22 or bonds issued by the dormitory authority or the urban development
23 corporation for capital appropriations totaling \$60,000,000 authorized
24 by chapter 108 of the laws of 2006 to the urban development corporation
25 for energy/environmental projects, reimbursement from the proceeds of
26 notes or bonds issued by the dormitory authority or the urban develop-
27 ment corporation for a capital appropriation of \$20,000,000 authorized
28 by chapter 108 of the laws of 2006 to the urban development corporation
29 for a competitive solicitation for construction of a pilot cellulosic
30 ethanol refinery, reimbursement from the proceeds of notes or bonds
31 issued by the urban development corporation for a capital appropriation
32 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
33 development corporation for services and expenses related to infrastruc-
34 ture for a new stadium in Queens county, and reimbursement from the
35 proceeds of notes or bonds issued by the urban development corporation
36 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
37 the laws of 2006 to the urban development corporation for services and
38 expenses related to infrastructure improvements to construct a new park-
39 ing facility at a new stadium in Bronx county, reimbursement from the
40 proceeds of notes and bonds issued by the environmental facilities
41 corporation for a capital appropriation of \$5,000,000 authorized by
42 chapter 55 of the laws of 2006 to the environmental facilities corpo-
43 ration for payment for the pipeline for jobs program, reimbursement from
44 the proceeds of notes or bonds issued by the dormitory authority for
45 capital disbursements of up to \$14,000,000 from any capital appropri-
46 ation or reappropriation authorized by chapter 53 of the laws of 2006
47 for the library construction purpose, 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 \$1,200,000 authorized by chapter
50 53 of the laws of 2006 for the towns of Bristol and Canandaigua public
51 water systems, reimbursement from the proceeds of notes or bonds issued
52 by the urban development corporation or the dormitory authority for an
53 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006
54 for Belleayre mountain ski center, reimbursement from the proceeds of
55 notes or bonds issued by the urban development corporation or the dormi-
56 tory authority for an appropriation of \$25,000,000 authorized by chapter

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

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

1 corporation for disbursements of up to \$12,000,000 from any capital
2 appropriations or reappropriations authorized by chapter 55 of the laws
3 of 2007 to the department of environmental conservation for environ-
4 mental purposes, reimbursement from the proceeds of notes or bonds
5 issued by the urban development corporation for capital disbursements of
6 up to \$3,000,000 from any capital appropriation or reappropriation
7 authorized by chapter 50 of the laws of 2007 to the division of military
8 and naval affairs for various purposes, reimbursement from the proceeds
9 of notes or bonds issued by the urban development corporation for
10 disbursements from a capital appropriation of \$50,000,000 authorized by
11 chapter 50 of the laws of 2007 to the division of state police for
12 construction of a Troop G facility, reimbursement from the proceeds of
13 notes or bonds issued by the urban development corporation for disburse-
14 ments from a capital appropriation of \$6,000,000 authorized by chapter
15 50 of the laws of 2007 to the division of state police for construction
16 of evidence storage facilities, reimbursement from the proceeds of notes
17 or bonds issued by the dormitory authority or the urban development
18 corporation for capital appropriations totaling \$77,900,000 authorized
19 by chapter 51 of the laws of 2007 to the judiciary for court training
20 facilities and courthouse improvement projects, reimbursement from the
21 proceeds of notes or bonds issued by the urban development corporation
22 for a capital appropriation of \$20,000,000 authorized by chapter 50 of
23 the laws of 2007 to all state departments and agencies for the purchase
24 of equipment, reimbursement from the proceeds of notes or bonds issued
25 by the dormitory authority for capital disbursements of up to
26 \$14,000,000 from any capital appropriation or reappropriation authorized
27 by chapter 53 of the laws of 2007 for library construction, reimburse-
28 ment from the proceeds of notes or bonds issued by the dormitory author-
29 ity for capital disbursements of up to \$60,000,000 from any capital
30 appropriation or reappropriation authorized by chapter 53 of the laws of
31 2007 for cultural education storage facilities, reimbursement from the
32 proceeds of notes or bonds issued by the urban development corporation
33 for capital disbursements of up to \$15,000,000 from any capital appro-
34 priation or reappropriation authorized by chapter 55 of the laws of 2007
35 for Roosevelt Island Operating Corporation aerial tramway, reimbursement
36 from the proceeds of notes or bonds issued by the urban development
37 corporation for capital disbursements of up to \$20,000,000 from any
38 capital appropriation or reappropriation authorized by chapter 55 of the
39 laws of 2007 for Governor's Island, reimbursement from the proceeds of
40 notes or bonds issued by the urban development corporation for capital
41 disbursements of up to \$7,500,000 from any capital appropriation or
42 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-
43 man research and technology park, reimbursement from the proceeds of
44 notes or bonds issued by the urban development corporation for capital
45 disbursements of up to \$7,950,000 from any capital appropriation or
46 reappropriation authorized by chapter 55 of the laws of 2007 for USA
47 Niagara, and reimbursement from the proceeds of notes or bonds issued by
48 the urban development corporation for capital disbursements of up to
49 \$1,300,000 from appropriations authorized by chapter 50 of the laws of
50 2007 made to the office of general services for legislative office
51 building hearing rooms.

52 S 32. Notwithstanding any other law, rule, or regulation to the
53 contrary, the comptroller is hereby authorized and directed to deposit
54 to the credit of the capital projects fund, reimbursement from the
55 proceeds of notes or bonds issued by the environmental facilities corpo-
56 ration for a capital appropriation of \$29,600,000 authorized by chapter

1 55 of the laws of 2008 to the department of environmental conservation
2 for payment of a portion of the state's match for federal capitalization
3 grants for the water pollution control revolving loan fund, reimburse-
4 ment from the proceeds of notes or bonds issued by the urban development
5 corporation for a capital appropriation of \$141,000,000 authorized by
6 chapter 50 of the laws of 2008 to all state departments and agencies for
7 the purchase of equipment or systems development, reimbursement from the
8 proceeds of notes or bonds issued by the urban development corporation
9 for disbursements of up to \$45,500,000 from any capital appropriation or
10 reappropriation authorized by chapter 50 of the laws of 2008 to the
11 office of general services for various purposes, reimbursement from the
12 proceeds of notes or bonds issued by the environmental facilities corpo-
13 ration for a capital appropriation of \$13,500,000 authorized by chapter
14 55 of the laws of 2008 to the energy research and development authority
15 for the Western New York Nuclear Service Center at West Valley,
16 reimbursement from the proceeds of notes or bonds issued by the environ-
17 mental facilities corporation for a capital appropriation of \$10,000,000
18 authorized by chapter 55 of the laws of 2008 to the department of envi-
19 ronmental conservation for Onondaga lake, reimbursement from the
20 proceeds of notes or bonds issued by the environmental facilities corpo-
21 ration for disbursements of up to \$12,000,000 from any capital appropri-
22 ations or reappropriations authorized by chapter 55 of the laws of 2008
23 to the department of environmental conservation for environmental
24 purposes, reimbursement from the proceeds of notes or bonds issued by
25 the urban development corporation for capital disbursements of up to
26 \$3,000,000 from any capital appropriation or reappropriation authorized
27 by chapter 50 of the laws of 2008 to the division of military and naval
28 affairs for various purposes, reimbursement from the proceeds of notes
29 or bonds issued by the urban development corporation for a capital
30 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008
31 to the office for technology for activities related to broadband
32 service, reimbursement from the proceeds of notes or bonds issued by the
33 urban development corporation for a capital appropriation of \$6,000,000
34 authorized by chapter 50 of the laws of 2008 to the division of state
35 police for rehabilitation of facilities, reimbursement from the proceeds
36 of notes or bonds issued by the dormitory authority of the state of New
37 York or other financing source for a capital appropriation authorized by
38 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
39 ment for library construction, reimbursement from the proceeds of notes
40 or bonds issued by the dormitory authority of the state of New York or
41 other financing source for a capital appropriation authorized by chapter
42 53 of the laws of 2008 of \$15,000,000 to the education department for
43 museum renewal projects, reimbursement from the proceeds of notes or
44 bonds issued by the urban development corporation for capital appropri-
45 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
46 urban development corporation for services and expenses related to the
47 investment opportunity fund, reimbursement from the proceeds of notes or
48 bonds issued by the urban development corporation for capital appropri-
49 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the
50 urban development corporation for services and expenses related to arts
51 and cultural projects, reimbursement from the proceeds of bonds or notes
52 issued by the urban development corporation for a capital appropriation
53 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic
54 and community development projects, reimbursement from the proceeds of
55 bonds or notes issued by the urban development corporation for a capital
56 appropriation of \$30,000,000 authorized by chapter 53 of the laws of

1 2008 for New York city waterfront development projects, reimbursement
2 from the proceeds of bonds or notes issued by the urban development
3 corporation for a capital appropriation of \$45,000,000 authorized by
4 chapter 53 of the laws of 2008 for Luther Forest infrastructure
5 projects, reimbursement from the proceeds of notes or bonds issued by
6 the urban development corporation for capital appropriation of
7 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
8 development corporation for services and expenses related to downstate
9 regional projects, reimbursement from the proceeds of notes or bonds
10 issued by the urban development corporation for capital appropriation of
11 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban
12 development corporation for services and expenses related to upstate
13 city-by-city projects, reimbursement from the proceeds of notes or bonds
14 issued by the urban development corporation for capital appropriation of
15 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
16 development corporation for services and expenses related to the down-
17 state revitalization projects, reimbursement from the proceeds of notes
18 or bonds issued by the urban development corporation for capital appro-
19 priation of \$117,265,000 authorized by chapter 53 of the laws of 2008 to
20 the urban development corporation for services and expenses related to
21 the upstate regional blueprint fund, reimbursement from the proceeds of
22 notes or bonds issued by the urban development corporation for capital
23 appropriation of \$25,000,000 authorized by chapter 53 of the laws of
24 2008 to the urban development corporation for services and expenses
25 related to the upstate agricultural economic development fund,
26 reimbursement from the proceeds of notes or bonds issued by the urban
27 development corporation for capital appropriation of \$350,000,000
28 authorized by chapter 53 of the laws of 2008 to the urban development
29 corporation for services and expenses related to the New York state
30 capital assistance program, reimbursement from the proceeds of notes or
31 bonds issued by the urban development corporation for capital appropri-
32 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
33 the urban development corporation for services and expenses related to
34 the New York state economic development assistance program, and
35 reimbursement from the proceeds of notes or bonds issued by the urban
36 development corporation for capital appropriation of \$20,000,000 author-
37 ized by chapter 55 of the laws of 2008 to the urban development corpo-
38 ration for services and expenses related to the empire state economic
39 development fund.

40 S 33. Notwithstanding any other law, rule, or regulation to the
41 contrary, the comptroller is hereby authorized and directed to deposit
42 to the credit of the capital projects fund, reimbursement from the
43 proceeds of notes or bonds issued by the environmental facilities corpo-
44 ration for a capital appropriation of \$29,600,000 authorized by chapter
45 55 of the laws of 2009 to the department of environmental conservation
46 for payment of a portion of the state's match for federal capitalization
47 grants for the water pollution control revolving loan fund, reimburse-
48 ment from the proceeds of notes or bonds issued by the urban development
49 corporation for a capital appropriation of \$129,800,000 authorized by
50 chapter 50 of the laws of 2009 to all state departments and agencies for
51 the purchase of equipment or systems development, reimbursement from the
52 proceeds of notes or bonds issued by the urban development corporation
53 for disbursements of up to \$24,000,000 from any capital appropriation or
54 reappropriation authorized by chapter 50 of the laws of 2009 to the
55 office of general services for various purposes, reimbursement from the
56 proceeds of notes or bonds issued by the environmental facilities corpo-

1 ration for a capital appropriation of \$13,500,000 authorized by chapter
2 55 of the laws of 2009 to the energy research and development authority
3 for the Western New York Nuclear Service Center at West Valley,
4 reimbursement from the proceeds of notes or bonds issued by the environ-
5 mental facilities corporation for a capital appropriation of \$10,000,000
6 authorized by chapter 55 of the laws of 2009 to the department of envi-
7 ronmental conservation for Onondaga lake, reimbursement from the
8 proceeds of notes or bonds issued by the environmental facilities corpo-
9 ration for disbursements of up to \$12,000,000 from any capital appropri-
10 ations or reappropriations authorized by chapter 55 of the laws of 2009
11 to the department of environmental conservation for environmental
12 purposes, reimbursement from the proceeds of notes or bonds issued by
13 the urban development corporation for capital disbursements of up to
14 \$3,000,000 from any capital appropriation or reappropriation authorized
15 by chapter 50 of the laws of 2009 to the division of military and naval
16 affairs for various purposes, reimbursement from the proceeds of notes
17 or bonds issued by the urban development corporation for a capital
18 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
19 to the division of state police for rehabilitation of facilities,
20 reimbursement from the proceeds of notes or bonds issued by the dormito-
21 ry authority of the state of New York or other financing source for a
22 capital appropriation authorized by chapter 53 of the laws of 2009 of
23 \$14,000,000 to the state education department for library construction,
24 reimbursement from the proceeds of notes or bonds issued by the dormito-
25 ry authority of the state of New York or other financing source for a
26 capital appropriation of \$4,000,000 to the state education department
27 for rehabilitation associated with the St. Regis Mohawk elementary
28 school authorized by chapter 53 of the laws of 2009 and reimbursement
29 from the proceeds of notes or bonds issued by the urban development
30 corporation for capital appropriation of \$25,000,000 authorized by chap-
31 ter 55 of the laws of 2009 to the urban development corporation for
32 services and expenses related to the empire state economic development
33 fund.

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

1 environmental conservation for environmental purposes, reimbursement from
2 the proceeds of notes or bonds issued by the urban development corpo-
3 ration for capital disbursements of up to \$3,000,000 from any capital
4 appropriation or reappropriation authorized by chapter 50 of the laws of
5 2010 to the division of military and naval affairs for various purposes,
6 reimbursement from the proceeds of notes or bonds issued by the urban
7 development corporation for a capital appropriation of \$6,000,000
8 authorized by chapter 50 of the laws of 2010 to the division of state
9 police for rehabilitation of facilities, reimbursement from the proceeds
10 of notes or bonds issued by the dormitory authority of the state of New
11 York or other financing source for a capital appropriation of
12 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state
13 education department for library construction, reimbursements from the
14 proceeds of notes or bonds issued by the dormitory authority of the
15 state of New York or other financing source for a capital appropriation
16 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the
17 state education department for the longitudinal data system and
18 reimbursement from the proceeds of notes or bonds issued by the dormito-
19 ry authority of the state of New York or other financing source for a
20 capital appropriation of \$42,000,000 for the state preparedness and
21 training center.

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

1 corporation for services and expenses related to the regional economic
2 development council initiative, reimbursement from the proceeds of notes
3 or bonds issued by the urban development corporation for capital appro-
4 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to
5 the urban development corporation for services and expenses related to
6 the economic transformation program. Reimbursements from the proceeds
7 of notes or bonds issued by the urban development corporation for
8 disbursements of up to \$40,000,000 from any capital appropriation or
9 reappropriation authorized by a chapter of the laws of 2011 to the
10 office of general services for various purposes.

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

1 corporation for a capital appropriation of \$250,000,000 authorized by a
2 chapter of the laws of 2012 to the urban development corporation for
3 services and expenses related to the state university of New York
4 college for nanoscale and science engineering project, reimbursements
5 from the proceeds of notes or bonds issued by the urban development
6 corporation for disbursements of up to \$26,000,000 from any capital
7 appropriation or reappropriation authorized by a chapter of the laws of
8 2012 to the office of general services for various purposes.

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

1 ter of the laws of 2013 to the office of general services for various
2 purposes, reimbursement from the proceeds of notes or bonds issued by
3 the urban development corporation for a capital appropriation of
4 \$53,891,000 authorized by a chapter of the laws of 2013 to the urban
5 development corporation for services and expenses related to capital
6 improvements at Ralph Wilson Stadium, reimbursement from the proceeds of
7 notes or bonds issued by the thruway authority for a capital appropri-
8 ation of \$155,000,000 authorized by a chapter of the laws of 2013 to the
9 department of transportation for highway infrastructure projects,
10 reimbursement from the proceeds of notes or bonds issued by the thruway
11 authority for a capital appropriation of \$45,000,000 authorized by a
12 chapter of the laws of 2013 to the department of transportation for
13 engineering purposes, reimbursement from the proceeds of notes or bonds
14 issued by the thruway authority for capital appropriations of
15 \$10,000,000, \$10,000,000 and \$5,000,000 authorized by a chapter of the
16 laws of 2013 to the department of transportation for aviation projects,
17 non-MTA transit projects, and rail service preservation projects.

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

24 S 39. 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 state university residence hall rehabilitation
27 fund, reimbursement from the proceeds of notes or bonds issued by the
28 dormitory authority of the state of New York for capital disbursements
29 of up to \$331,000,000 from any appropriation or reappropriation author-
30 ized by a chapter of the laws of 2013.

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

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

1 received in the mental health services fund as a result of the invest-
2 ment of monies deposited therein that will or may have to be rebated to
3 the federal government pursuant to the provisions of the internal reven-
4 ue code of 1986, as amended.

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

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

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

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

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

1 of this subdivision, for the period April first, two thousand nine
2 through March thirty-first, two thousand thirteen, mental health
3 services facilities, as authorized by section nine-a of section one of
4 chapter three hundred ninety-two of the laws of nineteen hundred seven-
5 ty-three constituting the New York state medical care facilities financ-
6 ing act, shall constitute an authorized purpose].

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

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

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

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

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

49 S 46. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE
50 CONTRARY, THE DORMITORY AUTHORITY AND THE CORPORATION ARE HEREBY AUTHOR-
51 IZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF
52 FUNDING PROJECT COSTS FOR RESTORING STATE PROPERTIES DAMAGED AS A RESULT
53 OF STORM SANDY AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL
54 PROJECTS. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE
55 ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED FOUR HUNDRED FIFTY
56 MILLION DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE

1 RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR
2 NOTES ISSUED TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY
3 ISSUED. SUCH BONDS AND NOTES OF THE DORMITORY AUTHORITY AND THE CORPO-
4 RATION SHALL NOT BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE
5 LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN
6 THOSE APPROPRIATED BY THE STATE TO THE DORMITORY AUTHORITY AND THE
7 CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A
8 SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE
9 THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING
10 WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND
11 PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

12 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
13 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE CORPORATION IN UNDERTAK-
14 ING THE FINANCING FOR PROJECT COSTS FOR RESTORING STATE PROPERTIES
15 DAMAGED AS A RESULT OF STORM SANDY AND OTHER STATE COSTS ASSOCIATED WITH
16 SUCH CAPITAL PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED
17 TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE DORMITORY AUTHORITY
18 AND THE CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURA-
19 TION, UPON SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND
20 THE DORMITORY AUTHORITY AND THE CORPORATION AGREE, SO AS TO ANNUALLY
21 PROVIDE TO THE DORMITORY AUTHORITY AND THE CORPORATION, IN THE AGGRE-
22 GATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES
23 REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO
24 PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE
25 TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE
26 STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION
27 AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND
28 THAT NO LIABILITY SHALL BE INCURRED BY THE STATE BEYOND THE MONIES
29 AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE
30 LEGISLATURE. ANY SUCH CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THERE-
31 UNDER MAY BE ASSIGNED AND PLEDGED BY THE DORMITORY AUTHORITY AND THE
32 CORPORATION AS SECURITY FOR ITS BONDS AND NOTES, AS AUTHORIZED BY THIS
33 SECTION.

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

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

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

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

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

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

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

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

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

6 1. Subject to the provisions of chapter 59 of the laws of 2000, but
7 notwithstanding the provisions of section 18 of section 1 of chapter 174
8 of the laws of 1968, the New York state urban development corporation is
9 hereby authorized to issue bonds, notes and other obligations in an
10 aggregate principal amount not to exceed [six] SEVEN billion [eight] ONE
11 hundred [sixteen] THIRTY-THREE million [eight hundred] sixty-nine thou-
12 sand dollars [\$6,816,869,000] \$7,133,069,000, and shall include all
13 bonds, notes and other obligations issued pursuant to chapter 56 of the
14 laws of 1983, as amended or supplemented. The proceeds of such bonds,
15 notes or other obligations shall be paid to the state, for deposit in
16 the correctional facilities capital improvement fund to pay for all or
17 any portion of the amount or amounts paid by the state from appropri-
18 ations or reappropriations made to the department of corrections and
19 community supervision from the correctional facilities capital improve-
20 ment fund for capital projects. The aggregate amount of bonds, notes or
21 other obligations authorized to be issued pursuant to this section shall
22 exclude bonds, notes or other obligations issued to refund or otherwise
23 repay bonds, notes or other obligations theretofore issued, the proceeds
24 of which were paid to the state for all or a portion of the amounts
25 expended by the state from appropriations or reappropriations made to
26 the department of corrections and community supervision; provided,
27 however, that upon any such refunding or repayment the total aggregate
28 principal amount of outstanding bonds, notes or other obligations may be
29 greater than [six] SEVEN billion [eight] ONE hundred [sixteen]
30 THIRTY-THREE million [eight hundred] sixty-nine thousand dollars
31 [\$6,816,869,000] \$7,133,069,000, only if the present value of the aggre-
32 gate debt service of the refunding or repayment bonds, notes or other
33 obligations to be issued shall not exceed the present value of the
34 aggregate debt service of the bonds, notes or other obligations so to be
35 refunded or repaid. For the purposes hereof, the present value of the
36 aggregate debt service of the refunding or repayment bonds, notes or
37 other obligations and of the aggregate debt service of the bonds, notes
38 or other obligations so refunded or repaid, shall be calculated by
39 utilizing the effective interest rate of the refunding or repayment
40 bonds, notes or other obligations, which shall be that rate arrived at
41 by doubling the semi-annual interest rate (compounded semi-annually)
42 necessary to discount the debt service payments on the refunding or
43 repayment bonds, notes or other obligations from the payment dates ther-
44 eof to the date of issue of the refunding or repayment bonds, notes or
45 other obligations and to the price bid including estimated accrued
46 interest or proceeds received by the corporation including estimated
47 accrued interest from the sale thereof.

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

51 (a) Subject to the provisions of chapter fifty-nine of the laws of two
52 thousand, in order to enhance and encourage the promotion of housing
53 programs and thereby achieve the stated purposes and objectives of such
54 housing programs, the agency shall have the power and is hereby author-
55 ized from time to time to issue negotiable housing program bonds and
56 notes in such principal amount as shall be necessary to provide suffi-

1 cient funds for the repayment of amounts disbursed (and not previously
2 reimbursed) pursuant to law or any prior year making capital appropri-
3 ations or reappropriations for the purposes of the housing program;
4 provided, however, that the agency may issue such bonds and notes in an
5 aggregate principal amount not exceeding two billion [seven] EIGHT
6 hundred [forty] FORTY-FOUR million [six] EIGHT hundred ninety-nine thou-
7 sand dollars, plus a principal amount of bonds issued to fund the debt
8 service reserve fund in accordance with the debt service reserve fund
9 requirement established by the agency and to fund any other reserves
10 that the agency reasonably deems necessary for the security or marketa-
11 bility of such bonds and to provide for the payment of fees and other
12 charges and expenses, including underwriters' discount, trustee and
13 rating agency fees, bond insurance, credit enhancement and liquidity
14 enhancement related to the issuance of such bonds and notes. No reserve
15 fund securing the housing program bonds shall be entitled or eligible to
16 receive state funds apportioned or appropriated to maintain or restore
17 such reserve fund at or to a particular level, except to the extent of
18 any deficiency resulting directly or indirectly from a failure of the
19 state to appropriate or pay the agreed amount under any of the contracts
20 provided for in subdivision four of this section.

21 S 51. Subdivision (b) of section 11 of chapter 329 of the laws of
22 1991, amending the state finance law and other laws relating to the
23 establishment of the dedicated highway and bridge trust fund, as amended
24 by section 42 of part U of chapter 59 of the laws of 2012, is amended to
25 read as follows:

26 (b) Any service contract or contracts for projects authorized pursuant
27 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
28 14-k of the transportation law, and entered into pursuant to subdivision
29 (a) of this section, shall provide for state commitments to provide
30 annually to the thruway authority a sum or sums, upon such terms and
31 conditions as shall be deemed appropriate by the director of the budget,
32 to fund, or fund the debt service requirements of any bonds or any obli-
33 gations of the thruway authority issued to fund such projects having a
34 cost not in excess of [\$7,106,022,000] \$7,591,875,000 cumulatively by
35 the end of fiscal year [2012-13] 2013-14.

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

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

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

50 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
51 notwithstanding any provisions of law to the contrary, the urban devel-
52 opment corporation is hereby authorized to issue bonds or notes in one
53 or more series in an aggregate principal amount not to exceed
54 [\$114,100,000] \$133,600,000, excluding bonds issued to finance one or
55 more debt service reserve funds, to pay costs of issuance of such bonds,
56 and bonds or notes issued to refund or otherwise repay such bonds or

1 notes previously issued, for the purpose of financing capital projects
2 for THE division of state police [facilities], debt service and leases;
3 and to reimburse the state general fund for disbursements made therefor.
4 Such bonds and notes of such authorized issuer shall not be a debt of
5 the state, and the state shall not be liable thereon, nor shall they be
6 payable out of any funds other than those appropriated by the state to
7 such authorized issuer for debt service and related expenses pursuant to
8 any service contract executed pursuant to subdivision (b) of this
9 section and such bonds and notes shall contain on the face thereof a
10 statement to such effect. Except for purposes of complying with the
11 internal revenue code, any interest income earned on bond proceeds shall
12 only be used to pay debt service on such bonds.

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

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

42 2. Notwithstanding any other provision of law to the contrary, in
43 order to assist the dormitory authority and the corporation in undertak-
44 ing the financing for project costs for the regional economic develop-
45 ment council initiative, the economic transformation program, state
46 university of New York college for nanoscale and science engineering,
47 projects within the city of Buffalo or surrounding environs [and], the
48 New York works economic development fund, PROJECTS FOR THE RETENTION OF
49 PROFESSIONAL FOOTBALL IN WESTERN NEW YORK, THE EMPIRE STATE ECONOMIC
50 DEVELOPMENT FUND, and other state costs associated with such projects,
51 the director of the budget is hereby authorized to enter into one or
52 more service contracts with the dormitory authority and the corporation,
53 none of which shall exceed thirty years in duration, upon such terms and
54 conditions as the director of the budget and the dormitory authority and
55 the corporation agree, so as to annually provide to the dormitory
56 authority and the corporation, in the aggregate, a sum not to exceed the

1 principal, interest, and related expenses required for such bonds and
2 notes. Any service contract entered into pursuant to this section shall
3 provide that the obligation of the state to pay the amount therein
4 provided shall not constitute a debt of the state within the meaning of
5 any constitutional or statutory provision and shall be deemed executory
6 only to the extent of monies available and that no liability shall be
7 incurred by the state beyond the monies available for such purpose,
8 subject to annual appropriation by the legislature. Any such contract or
9 any payments made or to be made thereunder may be assigned and pledged
10 by the dormitory authority and the corporation as security for its bonds
11 and notes, as authorized by this section.

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

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

1 3. The maximum amount of bonds that may be issued for the purpose of
2 financing environmental infrastructure projects authorized by this
3 section shall be one billion [one hundred eighteen] TWO HUNDRED
4 SIXTY-FIVE million seven hundred sixty thousand dollars, exclusive of
5 bonds issued to fund any debt service reserve funds, pay costs of issu-
6 ance of such bonds, and bonds or notes issued to refund or otherwise
7 repay bonds or notes previously issued. Such bonds and notes of the
8 corporation shall not be a debt of the state, and the state shall not be
9 liable thereon, nor shall they be payable out of any funds other than
10 those appropriated by the state to the corporation for debt service and
11 related expenses pursuant to any service contracts executed pursuant to
12 subdivision one of this section, and such bonds and notes shall contain
13 on the face thereof a statement to such effect.

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

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

20 2. SUCH FUND SHALL CONSIST OF THE AMOUNT OF REVENUE COLLECTED WITHIN
21 THE STATE FROM THE IMPOSITION OF THE SALES AND COMPENSATING USE TAXES
22 (INCLUDING INTEREST AND PENALTIES) PURSUANT TO SECTION ELEVEN HUNDRED
23 FIVE AND SECTION ELEVEN HUNDRED TEN OF THE TAX LAW EQUAL TO THE AMOUNT
24 ATTRIBUTABLE TO A ONE PERCENT RATE OF TAXATION, LESS SUCH AMOUNTS AS THE
25 COMMISSIONER OF TAXATION AND FINANCE MAY DETERMINE TO BE NECESSARY FOR
26 REFUNDS. ON AND AFTER THE DATE THAT ALL OF THE OBLIGATIONS AND LIABIL-
27 ITIES OF THE NEW YORK LOCAL GOVERNMENT ASSISTANCE CORPORATION SHALL HAVE
28 BEEN MET OR OTHERWISE DISCHARGED, OTHER THAN PAYMENT OBLIGATIONS
29 REQUIRED BY SECTION THIRTY-TWO HUNDRED THIRTY-EIGHT-A OF THE PUBLIC
30 AUTHORITIES LAW, IT SHALL EQUAL THE AMOUNT ATTRIBUTABLE TO A TWO PERCENT
31 RATE OF TAXATION, LESS SUCH AMOUNTS AS THE COMMISSIONER OF TAXATION AND
32 FINANCE MAY DETERMINE TO BE NECESSARY FOR REFUNDS. SUCH SALES AND
33 COMPENSATING USE TAX REVENUES SHALL BE SEPARATE AND DISTINCT FROM THE
34 SALES AND COMPENSATING USE TAX REVENUES DEPOSITED FROM TIME TO TIME IN
35 THE LOCAL GOVERNMENT ASSISTANCE TAX FUND, PURSUANT TO SECTION
36 NINETY-TWO-R OF THIS CHAPTER.

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

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

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

53 (B) NO LATER THAN THIRTY DAYS AFTER THE SUBMISSION OF THE EXECUTIVE
54 BUDGET IN ACCORDANCE WITH ARTICLE SEVEN OF THE CONSTITUTION, THE DIREC-
55 TOR OF THE BUDGET SHALL PREPARE A CERTIFICATE OF THE AMOUNT OF MONTHLY
56 RECEIPTS ANTICIPATED TO BE DEPOSITED PURSUANT TO SUBDIVISION TWO OF THIS

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

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

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

53 S 1148. Deposit and disposition of revenue. All taxes, interest and
54 penalties collected or received by the commissioner under this article
55 shall be deposited and disposed of pursuant to the provisions of section
56 one hundred seventy-one-a of this chapter; provided however, the comp-

troller shall on or before the twelfth day of each month, pay all such taxes, interest and penalties collected under this article and remaining to the comptroller's credit in such banks, banking houses or trust companies at the close of business on the last day of the preceding month, into the general fund of the state treasury, except as otherwise provided in sections ninety-two-d, NINETY-TWO-H, and ninety-two-r of the state finance law and sections eleven hundred two, eleven hundred four and eleven hundred nine of this article.

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

ARTICLE 5-F

SALES TAX REVENUE BOND FINANCING PROGRAM

SECTION 69-M. DEFINITIONS.

69-N. ISSUANCE OF BONDS AND NOTES.

69-O. PAYMENTS TO AUTHORIZED ISSUERS.

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

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

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

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

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

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

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

(E) THE REVENUE BONDS OF THE AUTHORIZED ISSUERS AUTHORIZED BY THIS SECTION SHALL NOT BE A DEBT OF THE STATE AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE OF THE AUTHORIZED ISSUERS PLEDGED THEREFOR; AND SUCH REVENUE BONDS SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. IN ADDITION, ANY AGREEMENTS ENTERED INTO BY ANY ENTITY PURSUANT TO SECTIONS SIXTY-NINE-O AND NINETY-TWO-H OF THIS CHAPTER ON BEHALF OF THE STATE TO EFFECT THE IMPLEMENTATION OF ANY OF THE ACTIVITIES FINANCED IN WHOLE OR IN PART WITH PROCEEDS OF THE REVENUE BONDS OF THE AUTHORIZED ISSUERS, AUTHORIZED IN THIS SECTION DO NOT CONSTITUTE OR CREATE A DEBT OF THE STATE, NOR A CONTRACTUAL OBLIGATION IN EXCESS OF THE AMOUNTS APPROPRIATED THEREFOR, AND THE STATE HAS NO CONTINUING LEGAL OR MORAL OBLIGATION TO APPROPRIATE MONEY FOR PAYMENTS DUE UNDER ANY SUCH AGREEMENT.

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

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

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

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

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

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

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

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

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

(F) THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY CONTRACT WITH HOLDERS OF REVENUE BONDS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF

1 REVENUE BONDS THE HOLDERS OF WHICH MUST CONSENT THERETO AND THE MANNER
2 IN WHICH SUCH CONSENT MAY BE GIVEN;

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

11 (H) THE ACTS OR OMISSIONS TO ACT WHICH SHALL CONSTITUTE A DEFAULT IN
12 THE OBLIGATIONS AND DUTIES OF THE AUTHORIZED ISSUERS TO THE HOLDERS OF
13 THE REVENUE BONDS AND PROVIDING FOR THE RIGHTS AND REMEDIES OF THE HOLD-
14 ERS OF THE REVENUE BONDS IN EVENT OF SUCH DEFAULT, INCLUDING THE RIGHT
15 TO APPOINTMENT OF A RECEIVER; PROVIDED, HOWEVER, THAT SUCH RIGHTS AND
16 REMEDIES SHALL NOT BE INCONSISTENT WITH THE OTHER PROVISIONS OF THIS
17 ARTICLE;

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

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

23 NOTWITHSTANDING THE FOREGOING, THE AUTHORIZED ISSUERS SHALL NOT BE
24 AUTHORIZED TO MAKE ANY COVENANT, PLEDGE, PROMISE, OR AGREEMENT PURPORT-
25 ING TO BIND THE STATE EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED BY
26 THIS ARTICLE.

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

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

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

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

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

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

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

7 8. REVENUE BONDS MAY ONLY BE ISSUED FOR AUTHORIZED PURPOSES, AS
8 DEFINED IN SECTION SIXTY-NINE-M OF THIS ARTICLE. NOTWITHSTANDING THE
9 FOREGOING, ANY AUTHORIZED ISSUER MAY ISSUE REVENUE BONDS FOR ANY AUTHOR-
10 IZED PURPOSE. THE AUTHORIZED ISSUERS SHALL NOT ISSUE ANY REVENUE BONDS
11 IN AN AMOUNT IN EXCESS OF STATUTORY AUTHORIZATIONS FOR SUCH AUTHORIZED
12 PURPOSES. AUTHORIZATIONS FOR SUCH AUTHORIZED PURPOSES SHALL BE REDUCED
13 IN AN AMOUNT EQUAL TO THE AMOUNT OF REVENUE BONDS ISSUED FOR SUCH
14 AUTHORIZED PURPOSES UNDER THIS ARTICLE. SUCH REDUCTION SHALL NOT BE MADE
15 IN RELATION TO REVENUE BONDS ISSUED TO FUND RESERVE FUNDS, IF ANY, AND
16 COSTS OF ISSUANCE, IF THESE ITEMS ARE NOT COUNTED UNDER EXISTING AUTHOR-
17 IZATIONS, NOR SHALL REVENUE BONDS ISSUED TO REFUND BONDS ISSUED UNDER
18 EXISTING AUTHORIZATIONS REDUCE THE AMOUNT OF SUCH AUTHORIZATIONS.

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

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

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

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

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

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

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

10 5. NOTHING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO RESTRICT THE
11 RIGHT OF THE STATE TO AMEND, REPEAL, MODIFY OR OTHERWISE ALTER STATUTES
12 IMPOSING OR RELATING TO THE TAXES IMPOSED PURSUANT TO SECTION ELEVEN
13 HUNDRED FIVE AND SECTION ELEVEN HUNDRED TEN OF THE TAX LAW. THE AUTHOR-
14 IZED ISSUERS SHALL NOT INCLUDE WITHIN ANY RESOLUTION, CONTRACT OR AGREE-
15 MENT WITH HOLDERS OF THE REVENUE BONDS ISSUED UNDER THIS ARTICLE ANY
16 PROVISION WHICH PROVIDES THAT A DEFAULT OCCURS AS A RESULT OF THE STATE
17 EXERCISING ITS RIGHT TO AMEND, REPEAL, MODIFY OR OTHERWISE ALTER THE
18 TAXES IMPOSED PURSUANT TO SECTION ELEVEN HUNDRED FIVE AND SECTION ELEVEN
19 HUNDRED TEN OF THE TAX LAW.

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

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

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

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

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

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

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

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

53 a. Moneys in the dedicated highway and bridge trust fund shall,
54 following appropriation by the legislature, be utilized for: recon-
55 struction, replacement, reconditioning, restoration, rehabilitation and
56 preservation of state, county, town, city and village roads, highways,

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

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

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

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

41 S 62. Subdivision 3 of section 97-g of the state finance law, as
42 amended by section 1 of subpart A of part C of chapter 97 of the laws of
43 2011, is amended to read as follows:

44 3. Moneys of the fund shall be available to the commissioner of gener-
45 al services for the purchase of food, supplies and equipment for state
46 agencies, and for the purpose of furnishing or providing centralized
47 services to or for state agencies; provided further that such moneys
48 shall be available to the commissioner of general services for purposes
49 pursuant to items (d) and (f) of subdivision four of this section to or
50 for political subdivisions. Beginning the first day of April, two thou-
51 sand two, moneys in such fund shall also be transferred by the state
52 comptroller to the revenue bond tax fund account of the general debt
53 service fund in amounts equal to those required for payments to author-
54 ized issuers for revenue bonds issued pursuant to article five-C AND
55 ARTICLE FIVE-F of this chapter for the purpose of lease purchases and

installment purchases by or for state agencies and institutions for personal or real property purposes.

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

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

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

S 93-A. NEW YORK STATE STORM RECOVERY CAPITAL FUND. 1. (A) THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE STORM RECOVERY CAPITAL FUND".

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

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

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

1. Notwithstanding the provisions of any other law to the contrary, the urban development corporation of the state of New York is hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the implementation of a NY-SUNY AND NY-CUNY 2020 challenge grant program subject to the approval of a NY-SUNY AND NY-CUNY 2020 plan or plans by the governor and EITHER the chancellor of the state university of New York OR THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK, AS APPLICABLE. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [\$110,000,000] \$220,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for principal, interest, and related

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

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

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

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

18 10-a. Subject to the provisions of chapter fifty-nine of the laws of
19 two thousand, but notwithstanding any other provision of the law to the
20 contrary, the maximum amount of bonds and notes to be issued after March
21 thirty-first, two thousand two, on behalf of the state, in relation to
22 any locally sponsored community college, shall be six hundred [twenty-
23 three] SIXTY-THREE million dollars. Such amount shall be exclusive of
24 bonds and notes issued to fund any reserve fund or funds, costs of issu-
25 ance and to refund any outstanding bonds and notes, issued on behalf of
26 the state, relating to a locally sponsored community college.

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

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

1 prohibited from covenanting or making any other agreements with or for
2 the benefit of bondholders which might in any way affect such right.

3 S 68. Subdivision (a) of section 48 of part K of chapter 81 of the
4 laws of 2002, providing for the administration of certain funds and
5 accounts related to the 2002-2003 budget, as amended by section 40 of
6 part BB of chapter 58 of the laws of 2011, is amended to read as
7 follows:

8 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
9 notwithstanding the provisions of section 18 of the urban development
10 corporation act, the corporation is hereby authorized to issue bonds or
11 notes in one or more series in an aggregate principal amount not to
12 exceed \$67,000,000 excluding bonds issued to fund one or more debt
13 service reserve funds, to pay costs of issuance of such bonds, and bonds
14 or notes issued to refund or otherwise repay such bonds or notes previ-
15 ously issued, for the purpose of financing capital costs related to
16 homeland security and training facilities for the division of state
17 police, the division of military and naval affairs, and any other state
18 agency, including the reimbursement of any disbursements made from the
19 state capital projects fund, and is hereby authorized to issue bonds or
20 notes in one or more series in an aggregate principal amount not to
21 exceed [\$205,800,000] \$220,800,000, excluding bonds issued to fund one
22 or more debt service reserve funds, to pay costs of issuance of such
23 bonds, and bonds or notes issued to refund or otherwise repay such bonds
24 or notes previously issued, for the purpose of financing improvements to
25 State office buildings and other facilities located statewide, including
26 the reimbursement of any disbursements made from the state capital
27 projects fund. Such bonds and notes of the corporation shall not be a
28 debt of the state, and the state shall not be liable thereon, nor shall
29 they be payable out of any funds other than those appropriated by the
30 state to the corporation for debt service and related expenses pursuant
31 to any service contracts executed pursuant to subdivision (b) of this
32 section, and such bonds and notes shall contain on the face thereof a
33 statement to such effect.

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

37 Financing of peace bridge AND TRANSPORTATION CAPITAL projects. 1.
38 Notwithstanding any other provision of law to the contrary, the authori-
39 ty, the dormitory authority and the urban development corporation are
40 hereby authorized to issue bonds or notes in one or more series for the
41 purpose of financing peace bridge projects AND CAPITAL COSTS OF STATE
42 AND LOCAL HIGHWAYS, PARKWAYS, BRIDGES, THE NEW YORK STATE THRUWAY, INDI-
43 AN RESERVATION ROADS, AND FACILITIES, AND TRANSPORTATION INFRASTRUCTURE
44 PROJECTS INCLUDING AVIATION PROJECTS, NON-MTA MASS TRANSIT PROJECTS, AND
45 RAIL SERVICE PRESERVATION PROJECTS, INCLUDING WORK APPURTENANT AND
46 ANCILLARY THERETO. The aggregate principal amount of bonds authorized
47 to be issued pursuant to this section shall not exceed [fifteen] TWO
48 HUNDRED FORTY million dollars [(\$15,000,000)] (\$240,000,000), excluding
49 bonds issued to fund one or more debt service reserve funds, to pay
50 costs of issuance of such bonds, and to refund or otherwise repay such
51 bonds or notes previously issued. Such bonds and notes of the authority,
52 the dormitory authority and the urban development corporation shall not
53 be a debt of the state, and the state shall not be liable thereon, nor
54 shall they be payable out of any funds other than those appropriated by
55 the state to the authority, the dormitory authority and the urban devel-
56 opment corporation for principal, interest, and related expenses pursu-

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

5 S 69-a. Paragraph (c) of subdivision 19 of section 1680 of the public
6 authorities law, as amended by section 52 of part U of chapter 59 of the
7 laws of 2012, is amended to read as follows:

8 (c) Subject to the provisions of chapter fifty-nine of the laws of two
9 thousand, the dormitory authority shall not issue any bonds for state
10 university educational facilities purposes if the principal amount of
11 bonds to be issued when added to the aggregate principal amount of bonds
12 issued by the dormitory authority on and after July first, nineteen
13 hundred eighty-eight for state university educational facilities will
14 exceed ten billion [three] FOUR hundred [four] TWENTY-TWO million
15 dollars; provided, however, that bonds issued or to be issued shall be
16 excluded from such limitation if: (1) such bonds are issued to refund
17 state university construction bonds and state university construction
18 notes previously issued by the housing finance agency; or (2) such bonds
19 are issued to refund bonds of the authority or other obligations issued
20 for state university educational facilities purposes and the present
21 value of the aggregate debt service on the refunding bonds does not
22 exceed the present value of the aggregate debt service on the bonds
23 refunded thereby; provided, further that upon certification by the
24 director of the budget that the issuance of refunding bonds or other
25 obligations issued between April first, nineteen hundred ninety-two and
26 March thirty-first, nineteen hundred ninety-three will generate long
27 term economic benefits to the state, as assessed on a present value
28 basis, such issuance will be deemed to have met the present value test
29 noted above. For purposes of this subdivision, the present value of the
30 aggregate debt service of the refunding bonds and the aggregate debt
31 service of the bonds refunded, shall be calculated by utilizing the true
32 interest cost of the refunding bonds, which shall be that rate arrived
33 at by doubling the semi-annual interest rate (compounded semi-annually)
34 necessary to discount the debt service payments on the refunding bonds
35 from the payment dates thereof to the date of issue of the refunding
36 bonds to the purchase price of the refunding bonds, including interest
37 accrued thereon prior to the issuance thereof. The maturity of such
38 bonds, other than bonds issued to refund outstanding bonds, shall not
39 exceed the weighted average economic life, as certified by the state
40 university construction fund, of the facilities in connection with which
41 the bonds are issued, and in any case not later than the earlier of
42 thirty years or the expiration of the term of any lease, sublease or
43 other agreement relating thereto; provided that no note, including
44 renewals thereof, shall mature later than five years after the date of
45 issuance of such note. The legislature reserves the right to amend or
46 repeal such limit, and the state of New York, the dormitory authority,
47 the state university of New York, and the state university construction
48 fund are prohibited from covenanting or making any other agreements with
49 or for the benefit of bondholders which might in any way affect such
50 right.

51 S 69-b. Section 1 of chapter 174 of the laws of 1968, constituting the
52 New York state urban development corporation act, is amended by adding a
53 new section 48 to read as follows:

54 S 48. AUTHORIZATION FOR TRANSPORTATION INFRASTRUCTURE FINANCE AND
55 INNOVATION ACT LOANS. 1. (A) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER
56 LAW TO THE CONTRARY, EACH OF THE AUTHORIZED ISSUERS, AS SUCH TERM IS

1 DEFINED IN PARAGRAPHS (A) AND (B) OF SUBDIVISION 1 OF SECTION 68-A OF
2 THE STATE FINANCE LAW, ARE HEREBY AUTHORIZED TO ACCEPT TRANSPORTATION
3 INFRASTRUCTURE FINANCE AND INNOVATION ACT (TIFIA) LOANS FROM THE UNITED
4 STATES OF AMERICA, SUBJECT TO ANY APPLICABLE AGREEMENT WITH BONDHOLDERS
5 OR NOTEHOLDERS, TO ENTER INTO CONTRACTS, SECURED LOAN AGREEMENTS,
6 SERVICE AGREEMENTS OR REPAYMENT AGREEMENTS AND TO EXECUTE ALL INSTRU-
7 MENTS NECESSARY, CONVENIENT OR DESIRABLE IN CONNECTION THEREWITH,
8 INCLUDING, ITS BONDS, NOTES OR OTHER OBLIGATIONS EVIDENCING ANY SUCH
9 LOAN FROM THE UNITED STATES OF AMERICA, AND TO PLEDGE AND ASSIGN AS
10 SECURITY FOR ANY SUCH GRANTS OR LOANS, BONDS OR NOTES ISSUED BY SUCH
11 AUTHORIZED ISSUER OR PAYMENTS DUE TO SUCH AUTHORIZED ISSUER IN
12 CONNECTION THEREWITH OR REVENUES OF SUCH AUTHORIZED ISSUER, AS APPLICA-
13 BLE. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED BY
14 THE AUTHORIZED ISSUERS PURSUANT TO THIS SECTION SHALL NOT EXCEED SEVEN
15 HUNDRED FIFTY MILLION DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR
16 MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS,
17 AND BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED TO REFUND OR OTHERWISE
18 REPAY SUCH BONDS, NOTES, OR OTHER OBLIGATIONS PREVIOUSLY ISSUED. IF SUCH
19 BONDS, NOTES, OR OTHER OBLIGATIONS ARE SECURED BY A SERVICE CONTRACT
20 WITH THE STATE OF NEW YORK, SUCH BONDS, NOTES, OR OTHER OBLIGATIONS OF
21 THE AUTHORIZED ISSUERS SHALL NOT BE A DEBT OF THE STATE, AND THE STATE
22 SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS
23 OTHER THAN THOSE APPROPRIATED BY THE STATE TO THE AUTHORIZED ISSUERS FOR
24 PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT
25 AND SUCH BONDS, NOTES, AND OTHER OBLIGATIONS SHALL CONTAIN ON THE FACE
26 THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING
27 WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND
28 PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

29 (B) ANY BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED PURSUANT TO THIS
30 SECTION SHALL (I) BE IN FURTHERANCE OF CAPITAL PROJECTS AND PUBLIC
31 PURPOSES CONSISTENT WITH THE OBJECTIVES OF THE TIFIA LOANS FROM THE
32 UNITED STATES OF AMERICA, AND (II) ANY SUCH FINANCINGS SHALL PROVIDE A
33 DEMONSTRABLE BENEFIT TO THE STATE OF NEW YORK AND THE AUTHORIZED ISSUERS
34 THROUGH A LOWER COST OF FINANCING THAN COULD OTHERWISE BE ACHIEVED, AS
35 EVIDENCED BY A REPORT FROM AN INDEPENDENT FINANCIAL ADVISOR.

36 2. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, IN
37 ORDER TO ASSIST THE AUTHORIZED ISSUERS IN UNDERTAKING THE TIFIA LOANS
38 FROM THE UNITED STATES OF AMERICA, THE STATE OF NEW YORK, ACTING THROUGH
39 THE DIRECTOR OF THE BUDGET, IS HEREBY AUTHORIZED TO ENTER INTO ONE OR
40 MORE SERVICE CONTRACTS WITH THE AUTHORIZED ISSUERS UPON SUCH TERMS AND
41 CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE AUTHORIZED ISSUERS
42 AGREE, SO AS TO ANNUALLY PROVIDE TO THE AUTHORIZED ISSUERS, IN THE
43 AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST, AND RELATED
44 EXPENSES REQUIRED FOR SUCH BONDS, NOTES, AND OTHER OBLIGATIONS. ANY
45 SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE
46 THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED
47 SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY
48 CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY
49 TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE
50 INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE,
51 SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH CONTRACT OR
52 ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED
53 BY THE AUTHORIZED ISSUERS AS SECURITY FOR THEIR BONDS, NOTES, AND OTHER
54 OBLIGATIONS AS AUTHORIZED BY THIS SECTION.

55 3. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE
56 AUTHORIZED ISSUERS TIFIA LOAN PROCEEDS FROM THE UNITED STATES OF AMERI-

1 CA, TO REIMBURSE THE STATE FOR COSTS ASSOCIATED WITH CAPITAL PROJECTS
2 RELATED THERETO AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND
3 OR ANY OTHER APPROPRIATE FUND.

4 4. PRIOR TO SUBMITTING A LETTER OF INTEREST TO THE UNITED STATES
5 DEPARTMENT OF TRANSPORTATION FOR A TIFIA LOAN, THE DIRECTOR OF THE BUDG-
6 ET SHALL SUBMIT A REPORT FROM AN INDEPENDENT FINANCIAL ADVISOR TO THE
7 SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE
8 CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS
9 AND MEANS COMMITTEE EVIDENCING A DEMONSTRABLE BENEFIT TO THE STATE OF
10 NEW YORK THROUGH A LOWER COST OF FINANCING THAN COULD OTHERWISE BE
11 ACHIEVED.

12 S 69-c. Section 1 of chapter 174 of the laws of 1968, constituting the
13 New York state urban development corporation act, is amended by adding a
14 new section 49 to read as follows:

15 S 49. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE
16 CONTRARY, THE DORMITORY AUTHORITY AND THE CORPORATION ARE HEREBY AUTHOR-
17 IZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF
18 FUNDING PROJECT COSTS FOR THE STATE AND MUNICIPAL FACILITIES PROGRAM AND
19 OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS. THE AGGREGATE
20 PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS
21 SECTION SHALL NOT EXCEED THREE HUNDRED EIGHTY-FIVE MILLION 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 STATE AND MUNICIPAL FACILI-
37 TIES PROGRAM AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL
38 PROJECTS, THE DIRECTOR OF THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO
39 ONE OR MORE SERVICE CONTRACTS WITH THE DORMITORY AUTHORITY AND THE
40 CORPORATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON
41 SUCH TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE DORMITO-
42 RY AUTHORITY AND THE CORPORATION AGREE, SO AS TO ANNUALLY PROVIDE TO THE
43 DORMITORY AUTHORITY AND THE CORPORATION, IN THE AGGREGATE, A SUM NOT TO
44 EXCEED THE PRINCIPAL, INTEREST, AND RELATED EXPENSES REQUIRED FOR SUCH
45 BONDS AND NOTES. ANY SERVICE CONTRACT ENTERED INTO PURSUANT TO THIS
46 SECTION SHALL PROVIDE THAT THE OBLIGATION OF THE STATE TO PAY THE AMOUNT
47 THEREIN PROVIDED SHALL NOT CONSTITUTE A DEBT OF THE STATE WITHIN THE
48 MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION AND SHALL BE DEEMED
49 EXECUTORY ONLY TO THE EXTENT OF MONIES AVAILABLE AND THAT NO LIABILITY
50 SHALL BE INCURRED BY THE STATE BEYOND THE MONIES AVAILABLE FOR SUCH
51 PURPOSE, SUBJECT TO ANNUAL APPROPRIATION BY THE LEGISLATURE. ANY SUCH
52 CONTRACT OR ANY PAYMENTS MADE OR TO BE MADE THEREUNDER MAY BE ASSIGNED
53 AND PLEDGED BY THE DORMITORY AUTHORITY AND THE CORPORATION AS SECURITY
54 FOR ITS BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

55 3. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE DORMITORY
56 AUTHORITY AND THE CORPORATION ANY PORTION OF BOND PROCEEDS PAID TO

1 PROVIDE FUNDS FOR OR REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH
2 SUCH CAPITAL PROJECT COSTS AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL
3 PROJECTS FUND OR ANY OTHER APPROPRIATE FUND.

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

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

10 (b) the amendments to subdivision 3 of section 99-h of the state
11 finance law made by section twenty-three of this act shall take effect
12 on the same date as the reversion of such subdivision as provided in
13 section 3 of part W of chapter 60 of the laws of 2011, as amended;

14 (c) the amendments to subdivision 5 of section 3234 of the public
15 authorities law made by section forty-five of this act shall take effect
16 upon the expiration and reversion of such subdivision as provided in
17 section 59 of part BB of chapter 58 of the laws of 2011;

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

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

28 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
29 sion, section or part of this act shall be adjudged by any court of
30 competent jurisdiction to be invalid, such judgment shall not affect,
31 impair, or invalidate the remainder thereof, but shall be confined in
32 its operation to the clause, sentence, paragraph, subdivision, section
33 or part thereof directly involved in the controversy in which such judg-
34 ment shall have been rendered. It is hereby declared to be the intent of
35 the legislature that this act would have been enacted even if such
36 invalid provisions had not been included herein.

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