

S. 6406--C

A. 9006--C

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

January 14, 2016

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

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the gap elimination adjustment; to amend the education law, in relation to the apportionment of public moneys in school districts employing eight or more teachers including foundation aid; to amend the education law, in relation to community school aid; to amend the education law, in relation to English language learner pupils; relates to pre-kindergarten programs; to amend the education law, in relation to charter school facilities aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to building aid; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to 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 reimbursements for the 2015-2016 school year; to 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 withholding a portion of employment

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

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preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; 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, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; 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, in relation to the effectiveness thereof; 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, in relation to the effectiveness thereof; 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 the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to suballocations of appropriations; relates to the development, maintenance or expansion of magnet schools; relates to the support of public libraries; 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 certain apportionments; to amend the education law, in relation to aid for employment preparation education programs; to direct the commissioner of education to examine the reduced price lunch program; to amend the education law, in relation to extending the apportionment of public moneys to school districts employing eight or more teachers; and to direct the commissioner of education on how to recover certain penalties (Part A); to amend the education law, in relation to school emergency response plans (Part B); intentionally omitted (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and 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 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); intentionally omitted (Part F); to amend chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, in relation to the effectiveness thereof; to amend part V of chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof; to amend chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions, in relation to the effectiveness thereof; and to amend the education law, in relation to forgiving loans upon the death of the recipient (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to amend the labor law, in relation to the rate of minimum wage; and to repeal certain provisions of such law relating thereto (Part K); intentionally omitted (Part L); to amend the family court act, in relation to findings that must be made at

permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); intentionally omitted (Part N); 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 O); to utilize reserves in the mortgage insurance fund for various housing purposes (Part P); to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part Q); to amend the education law, in relation to income for the purposes of student financial aid (Part R); to amend part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration project, in relation to extending the period of effectiveness thereof (Part S); to amend the education law, in relation to associate of occupational studies degree options (Part T); to amend the education law, in relation to the foster youth college success initiative (Part U); to amend the education law, in relation to tuition, aid and placement report for all non-public institutions of higher education (Part V); to amend the social services law, in relation to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator; and providing for the repeal of such provisions upon expiration thereof (Part W); to amend the social services law, in relation to exempting certain automobiles from calculations of benefits of households under public assistance programs (Part X); to amend the social services law, in relation to requiring an explicit written determination by the health care practitioner when the diagnoses differ from an applicant's treating health care practitioner (Part Y); to amend the retirement and social security law, in relation to authorizing the state as an amortizing employer to make certain prepayments into the retirement system (Part Z); to amend chapter 495 of the laws of 2004 amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part AA); to amend the insurance law, in relation to reduction in rates of property/casualty insurance on residential property for insureds who complete an approved homeowner natural disaster preparedness, home safety and loss prevention course (Part BB); to amend the banking law, in relation to utilization of the standard financial aid award letter for undergraduate financial aid applicants (Part CC); to amend the education law, in relation to chargeback rates for students of the state university of New York and the city university of New York (Part DD); to amend part U of chapter 55 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to extending the effectiveness thereof and limiting state liability for reimbursement to the city of New York pursuant thereto; and to amend section 4 of chapter 129 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities, in relation to extending the effectiveness thereof (Part EE); authorizing the town of Riverhead, county of Suffolk to refund bonds previously issued for the acquisition of land for permanent rights on land (Part FF); to

amend the volunteer firefighters' benefit law, in relation to increasing the amount of permanent total disability benefits (Part GG); to amend the transportation law, in relation to airport improvement and revitalization grants and loans (Part HH); to amend part C of chapter 58 of the laws of 2005 authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to authorizing the commissioner of health to establish a statewide Medicaid integrity and efficiency initiative; and providing for the repeal of such provisions upon expiration thereof (Part II); to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund Medicaid expenditures, in relation to minimum wage increases (Part JJ); to amend the administrative code of the city of New York, in relation to police department reporting requirements (Part KK); to amend the state finance law, in relation to establishing the Health Republic Insurance of New York fund (Part LL); to amend the executive law, in relation to transferring certain functions to the division of state police from the division of homeland security and emergency services (Part MM); to amend public authorities law, in relation to committing the state of New York and the city of New York to partially fund part of the costs of the Metropolitan Transportation Authority's capital program (Part NN); to amend the public authorities law, in relation to procurements by the New York City transit authority and the metropolitan transportation authority; and providing for the repeal of such provisions upon expiration thereof (Part OO); to amend the public authorities law and the general municipal law, in relation to the New York transit authority and the metropolitan transportation authority; and providing for the repeal of certain provisions upon expiration thereof (Part PP); to amend chapter 60 of the laws of 2011, amending the New York state urban development corporation act relating to the new markets tax credits, in relation to extending the effectiveness thereof (Part QQ); to amend the public authorities law, in relation to establishing the New York state design and construction corporation act; and providing for the repeal of such provisions upon expiration thereof (Part RR); to amend the workers' compensation law and the insurance law, in relation to providing paid family leave benefits (Part SS); to amend the public authorities law, the canal law, the state finance law, the public officers law, the transportation law, and the parks, recreation and historic preservation law, in relation to eliminating the canal corporation; and to repeal certain provisions of the public authorities law and the public officers law relating thereto (Part TT); and to provide for the administration of certain funds and accounts related to the 2016-17 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the rainy day reserve fund, the dedicated infrastructure investment fund infrastructure investment account, and the school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to the period for which appropriations can be made; to amend the state finance law, in relation to certain reports; to amend chapter 453 of the laws of 2015 amending the state finance law relating to tax check-off fund, in relation to source of monies; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities

improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds; to amend the public authorities law, in relation to the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to direct the distribution of local sales tax revenue from the city of New York; to amend the public authorities law, in relation to cultural education facilities; to amend chapter 35 of the laws of 1979 relating to appropriating funds to the New York state urban development corporation, in relation to making technical corrections; and providing for the repeal of certain provisions upon expiration thereof (Part UU)

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 2016-2017
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through UU. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes 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.

1

PART A

2 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
3 tion law, as amended by section 1 of part A of chapter 56 of the laws of
4 2015, is amended to read as follows:

5 e. Notwithstanding paragraphs a and b of this subdivision, a school
6 district that submitted a contract for excellence for the two thousand
7 eight--two thousand nine school year shall submit a contract for excel-
8 lence for the two thousand nine--two thousand ten school year in
9 conformity with the requirements of subparagraph (vi) of paragraph a of
10 subdivision two of this section unless all schools in the district are
11 identified as in good standing and provided further that, a school
12 district that submitted a contract for excellence for the two thousand
13 nine--two thousand ten school year, unless all schools in the district
14 are identified as in good standing, shall submit a contract for excel-
15 lence for the two thousand eleven--two thousand twelve school year which
16 shall, notwithstanding the requirements of subparagraph (vi) of para-
17 graph a of subdivision two of this section, provide for the expenditure
18 of an amount which shall be not less than the product of the amount
19 approved by the commissioner in the contract for excellence for the two
20 thousand nine--two thousand ten school year, multiplied by the
21 district's gap elimination adjustment percentage and provided further
22 that, a school district that submitted a contract for excellence for the
23 two thousand eleven--two thousand twelve school year, unless all schools
24 in the district are identified as in good standing, shall submit a
25 contract for excellence for the two thousand twelve--two thousand thir-
26 teen school year which shall, notwithstanding the requirements of
27 subparagraph (vi) of paragraph a of subdivision two of this section,
28 provide for the expenditure of an amount which shall be not less than
29 the amount approved by the commissioner in the contract for excellence
30 for the two thousand eleven--two thousand twelve school year and
31 provided further that, a school district that submitted a contract for
32 excellence for the two thousand twelve--two thousand thirteen school
33 year, unless all schools in the district are identified as in good
34 standing, shall submit a contract for excellence for the two thousand
35 thirteen--two thousand fourteen school year which shall, notwithstanding
36 the requirements of subparagraph (vi) of paragraph a of subdivision two
37 of this section, provide for the expenditure of an amount which shall be
38 not less than the amount approved by the commissioner in the contract
39 for excellence for the two thousand twelve--two thousand thirteen school
40 year and provided further that, a school district that submitted a
41 contract for excellence for the two thousand thirteen--two thousand
42 fourteen school year, unless all schools in the district are identified
43 as in good standing, shall submit a contract for excellence for the two
44 thousand fourteen--two thousand fifteen school year which shall,
45 notwithstanding the requirements of subparagraph (vi) of paragraph a of
46 subdivision two of this section, provide for the expenditure of an
47 amount which shall be not less than the amount approved by the commis-
48 sioner in the contract for excellence for the two thousand thirteen--two
49 thousand fourteen school year; and provided further that, a school
50 district that submitted a contract for excellence for the two thousand
51 fourteen--two thousand fifteen school year, unless all schools in the
52 district are identified as in good standing, shall submit a contract for
53 excellence for the two thousand fifteen--two thousand sixteen school
54 year which shall, notwithstanding the requirements of subparagraph (vi)
55 of paragraph a of subdivision two of this section, provide for the

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

30 S 2. The closing paragraph of subdivision 5-a of section 3602 of the
31 education law, as amended by section 2 of part A of chapter 56 of the
32 laws of 2015, is amended to read as follows:

33 For the two thousand eight--two thousand nine school year, each school
34 district shall be entitled to an apportionment equal to the product of
35 fifteen percent and the additional apportionment computed pursuant to
36 this subdivision for the two thousand seven--two thousand eight school
37 year. For the two thousand nine--two thousand ten through two thousand
38 [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, each
39 school district shall be entitled to an apportionment equal to the
40 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
41 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
42 computer listing produced by the commissioner in support of the budget
43 for the two thousand nine--two thousand ten school year and entitled
44 "SA0910".

45 S 3. Subdivision 12 of section 3602 of the education law is amended by
46 adding a fourth undesignated paragraph to read as follows:

47 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, EACH
48 SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE
49 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT"
50 UNDER THE HEADING "2015-16 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER
51 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE
52 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED
53 "SA151-6", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE
54 OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF
55 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

1 S 4. The opening paragraph of subdivision 16 of section 3602 of the
2 education law, as amended by section 4 of part A of chapter 56 of the
3 laws of 2015, is amended to read as follows:

4 Each school district shall be eligible to receive a high tax aid
5 apportionment in the two thousand eight--two thousand nine school year,
6 which shall equal the greater of (i) the sum of the tier 1 high tax aid
7 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
8 tax aid apportionment or (ii) the product of the apportionment received
9 by the school district pursuant to this subdivision in the two thousand
10 seven--two thousand eight school year, multiplied by the due-minimum
11 factor, which shall equal, for districts with an alternate pupil wealth
12 ratio computed pursuant to paragraph b of subdivision three of this
13 section that is less than two, seventy percent (0.70), and for all other
14 districts, fifty percent (0.50). Each school district shall be eligible
15 to receive a high tax aid apportionment in the two thousand nine--two
16 thousand ten through two thousand twelve--two thousand thirteen school
17 years in the amount set forth for such school district as "HIGH TAX AID"
18 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
19 listing produced by the commissioner in support of the budget for the
20 two thousand nine--two thousand ten school year and entitled "SA0910".
21 Each school district shall be eligible to receive a high tax aid appor-
22 tionment in the two thousand thirteen--two thousand fourteen through
23 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
24 THOUSAND SEVENTEEN school years equal to the greater of (1) the amount
25 set forth for such school district as "HIGH TAX AID" under the heading
26 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
27 the commissioner in support of the budget for the two thousand nine--two
28 thousand ten school year and entitled "SA0910" or (2) the amount set
29 forth for such school district as "HIGH TAX AID" under the heading
30 "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by
31 the commissioner in support of the executive budget for the 2013-14
32 fiscal year and entitled "BT131-4".

33 S 5. The opening paragraph of subdivision 10 of section 3602-e of the
34 education law, as amended by section 5 of part A of chapter 56 of the
35 laws of 2015, is amended to read as follows:

36 Notwithstanding any provision of law to the contrary, for aid payable
37 in the two thousand eight--two thousand nine school year, the grant to
38 each eligible school district for universal prekindergarten aid shall be
39 computed pursuant to this subdivision, and for the two thousand nine--
40 two thousand ten and two thousand ten--two thousand eleven school years,
41 each school district shall be eligible for a maximum grant equal to the
42 amount computed for such school district for the base year in the elec-
43 tronic data file produced by the commissioner in support of the two
44 thousand nine--two thousand ten education, labor and family assistance
45 budget, provided, however, that in the case of a district implementing
46 programs for the first time or implementing expansion programs in the
47 two thousand eight--two thousand nine school year where such programs
48 operate for a minimum of ninety days in any one school year as provided
49 in section 151-1.4 of the regulations of the commissioner, for the two
50 thousand nine--two thousand ten and two thousand ten--two thousand elev-
51 en school years, such school district shall be eligible for a maximum
52 grant equal to the amount computed pursuant to paragraph a of subdivi-
53 sion nine of this section in the two thousand eight--two thousand nine
54 school year, and for the two thousand eleven--two thousand twelve school
55 year each school district shall be eligible for a maximum grant equal to
56 the amount set forth for such school district as "UNIVERSAL PREKINDER-

1 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
2 computer listing produced by the commissioner in support of the enacted
3 budget for the 2011-12 school year and entitled "SA111-2", and for two
4 thousand twelve--two thousand thirteen through two thousand [fifteen]
5 SIXTEEN--two thousand [sixteen] SEVENTEEN school years each school
6 district shall be eligible for a maximum grant equal to the greater of
7 (i) the amount set forth for such school district as "UNIVERSAL PREKIN-
8 DERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid
9 computer listing produced by the commissioner in support of the enacted
10 budget for the 2011-12 school year and entitled "SA111-2", or (ii) the
11 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
12 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer
13 listing produced by the commissioner on May fifteenth, two thousand
14 eleven pursuant to paragraph b of subdivision twenty-one of section
15 three hundred five of this chapter, and provided further that the maxi-
16 mum grant shall not exceed the total actual grant expenditures incurred
17 by the school district in the current school year as approved by the
18 commissioner.

19 S 6. Paragraph h of subdivision 17 of section 3602 of the education
20 law, as added by section 5-b of part A of chapter 56 of the laws of
21 2015, is amended to read as follows:

22 h. The gap elimination adjustment [restoration amount] for the two
23 thousand sixteen--two thousand seventeen school year and thereafter
24 shall equal [the product of the gap elimination percentage for such
25 district and the gap elimination adjustment restoration allocation
26 established pursuant to subdivision eighteen of this section] ZERO.

27 S 7. The opening paragraph, subparagraph 1 of paragraph a, clause (ii)
28 of subparagraph 2 of paragraph b and paragraph d of subdivision 4 of
29 section 3602 of the education law, as amended by section 5-a of part A
30 of chapter 56 of the laws of 2015, are amended and a new paragraph b-2
31 is added to read as follows:

32 In addition to any other apportionment pursuant to this chapter, a
33 school district, other than a special act school district as defined in
34 subdivision eight of section four thousand one of this chapter, shall be
35 eligible for total foundation aid equal to the product of total aidable
36 foundation pupil units multiplied by the district's selected foundation
37 aid, which shall be the greater of five hundred dollars (\$500) or foun-
38 dation formula aid, provided, however that for the two thousand seven--
39 two thousand eight through two thousand eight--two thousand nine school
40 years, no school district shall receive total foundation aid in excess
41 of the sum of the total foundation aid base for aid payable in the two
42 thousand seven--two thousand eight school year computed pursuant to
43 subparagraph (i) of paragraph j of subdivision one of this section, plus
44 the phase-in foundation increase computed pursuant to paragraph b of
45 this subdivision, and provided further that for the two thousand twelve-
46 -two thousand thirteen school year, no school district shall receive
47 total foundation aid in excess of the sum of the total foundation aid
48 base for aid payable in the two thousand eleven--two thousand twelve
49 school year computed pursuant to SUBPARAGRAPH (II) OF paragraph j of
50 subdivision one of this section, plus the phase-in foundation increase
51 computed pursuant to paragraph b of this subdivision, and provided
52 further that for the two thousand thirteen--two thousand fourteen school
53 year and thereafter, no school district shall receive total foundation
54 aid in excess of the sum of the total foundation aid base computed
55 pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this
56 section, plus the phase-in foundation increase computed pursuant to

1 paragraph b of this subdivision, AND PROVIDED FURTHER THAT FOR THE TWO
2 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO ELIGIBLE SCHOOL
3 DISTRICTS SHALL RECEIVE TOTAL FOUNDATION AID IN EXCESS OF THE SUM OF THE
4 TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF
5 PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION PLUS THE SUM OF (A) THE
6 PHASE-IN FOUNDATION INCREASE, (B) THE EXECUTIVE FOUNDATION INCREASE WITH
7 A MINIMUM INCREASE PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION, AND
8 (C) AN AMOUNT EQUAL TO "COMMUNITY SCHOOLS AID" IN THE COMPUTER LISTING
9 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
10 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND
11 ENTITLED "BT161-7", WHERE (1) "ELIGIBLE SCHOOL DISTRICT" SHALL BE
12 DEFINED AS A DISTRICT WITH (A) AN UNRESTRICTED AID INCREASE OF LESS THAN
13 SEVEN PERCENT (0.07) AND (B) A THREE YEAR AVERAGE FREE AND REDUCED PRICE
14 LUNCH PERCENT GREATER THAN FIFTEEN PERCENT (0.15), AND (2) "UNRESTRICTED
15 AID INCREASE" SHALL MEAN THE QUOTIENT ARRIVED AT WHEN DIVIDING (A) THE
16 SUM OF THE EXECUTIVE FOUNDATION AID INCREASE PLUS THE GAP ELIMINATION
17 ADJUSTMENT FOR THE BASE YEAR, BY (B) THE DIFFERENCE OF FOUNDATION AID
18 FOR THE BASE YEAR LESS THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR,
19 AND (3) "EXECUTIVE FOUNDATION INCREASE" SHALL MEAN THE DIFFERENCE OF (A)
20 THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "FOUNDATION AID" UNDER
21 THE HEADING "2016-17 ESTIMATED AID" IN THE SCHOOL AID COMPUTER LISTING
22 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
23 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND
24 ENTITLED "BT161-7" LESS (B) THE AMOUNTS SET FORTH FOR EACH SCHOOL
25 DISTRICT AS "FOUNDATION AID" UNDER THE HEADING "2015-16 BASE YEAR AID"
26 IN SUCH COMPUTER LISTING and provided further that total foundation aid
27 shall not be less than the product of the total foundation aid base
28 computed pursuant to paragraph j of subdivision one of this section and
29 the due-minimum percent which shall be, for the two thousand twelve--two
30 thousand thirteen school year, one hundred and six-tenths percent
31 (1.006) and for the two thousand thirteen--two thousand fourteen school
32 year for city school districts of those cities having populations in
33 excess of one hundred twenty-five thousand and less than one million
34 inhabitants one hundred and one and one hundred and seventy-six thou-
35 sandths percent (1.01176), and for all other districts one hundred and
36 three-tenths percent (1.003), and for the two thousand fourteen--two
37 thousand fifteen school year one hundred and eighty-five hundredths
38 percent (1.0085), and for the two thousand fifteen--two thousand sixteen
39 school year, one hundred thirty-seven hundredths percent (1.0037),
40 subject to allocation pursuant to the provisions of subdivision eighteen
41 of this section and any provisions of a chapter of the laws of New York
42 as described therein, nor more than the product of such total foundation
43 aid base and one hundred fifteen percent, PROVIDED, HOWEVER, THAT FOR
44 THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR SUCH MAXI-
45 MUM SHALL BE NO MORE THAN THE SUM OF (I) THE PRODUCT OF SUCH TOTAL FOUN-
46 DATION AID BASE AND ONE HUNDRED FIFTEEN PERCENT PLUS (II) THE EXECUTIVE
47 FOUNDATION INCREASE AND PLUS (III) "COMMUNITY SCHOOLS AID" IN THE
48 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
49 TIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
50 SCHOOL YEAR AND ENTITLED "BT161-7" and provided further that for the two
51 thousand nine--two thousand ten through two thousand eleven--two thou-
52 sand twelve school years, each school district shall receive total foun-
53 dation aid in an amount equal to the amount apportioned to such school
54 district for the two thousand eight--two thousand nine school year
55 pursuant to this subdivision. Total aidable foundation pupil units shall
56 be calculated pursuant to paragraph g of subdivision two of this

1 section. For the purposes of calculating aid pursuant to this subdivi-
2 sion, aid for the city school district of the city of New York shall be
3 calculated on a citywide basis.

4 (1) The foundation amount shall reflect the average per pupil cost of
5 general education instruction in successful school districts, as deter-
6 mined by a statistical analysis of the costs of special education and
7 general education in successful school districts, provided that the
8 foundation amount shall be adjusted annually to reflect the percentage
9 increase in the consumer price index as computed pursuant to section two
10 thousand twenty-two of this chapter, provided that for the two thousand
11 eight--two thousand nine school year, for the purpose of such adjust-
12 ment, the percentage increase in the consumer price index shall be
13 deemed to be two and nine-tenths percent (0.029), and provided further
14 that the foundation amount for the two thousand seven--two thousand
15 eight school year shall be five thousand two hundred fifty-eight
16 dollars, and provided further that for the two thousand seven--two thou-
17 sand eight through two thousand [fifteen] SIXTEEN--two thousand
18 [sixteen] SEVENTEEN school years, the foundation amount shall be further
19 adjusted by the phase-in foundation percent established pursuant to
20 paragraph b of this subdivision.

21 (ii) Phase-in foundation increase factor. For the two thousand
22 eleven--two thousand twelve school year, the phase-in foundation
23 increase factor shall equal thirty-seven and one-half percent (0.375)
24 and the phase-in due minimum percent shall equal nineteen and forty-one
25 hundredths percent (0.1941), for the two thousand twelve--two thousand
26 thirteen school year the phase-in foundation increase factor shall equal
27 one and seven-tenths percent (0.017), for the two thousand thirteen--two
28 thousand fourteen school year the phase-in foundation increase factor
29 shall equal (1) for a city school district in a city having a population
30 of one million or more, five and twenty-three hundredths percent
31 (0.0523) or (2) for all other school districts zero percent, for the two
32 thousand fourteen--two thousand fifteen school year the phase-in founda-
33 tion increase factor shall equal (1) for a city school district of a
34 city having a population of one million or more, four and thirty-two
35 hundredths percent (0.0432) or (2) for a school district other than a
36 city school district having a population of one million or more for
37 which (A) the quotient of the positive difference of the foundation
38 formula aid minus the foundation aid base computed pursuant to paragraph
39 j of subdivision one of this section divided by the foundation formula
40 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
41 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
42 (3) for all other school districts, four and thirty-one hundredths
43 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
44 school year the phase-in foundation increase factor shall equal: (1) for
45 a city school district of a city having a population of one million or
46 more, thirteen and two hundred seventy-four thousandths percent
47 (0.13274); or (2) for districts where the quotient arrived at when
48 dividing (A) the product of the total aidable foundation pupil units
49 multiplied by the district's selected foundation aid less the total
50 foundation aid base computed pursuant to paragraph j of subdivision one
51 of this section divided by (B) the product of the total aidable founda-
52 tion pupil units multiplied by the district's selected foundation aid is
53 greater than nineteen percent (0.19), and where the district's combined
54 wealth ratio is less than thirty-three hundredths (0.33), seven and
55 seventy-five hundredths percent (0.0775); or (3) for any other district
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", four percent (0.04); or (4) for a city school
5 district in a city having a population of one hundred twenty-five thou-
6 sand or more but less than one million, fourteen percent (0.14); or (5)
7 for school districts that were designated as small city school districts
8 or central school districts whose boundaries include a portion of a
9 small city for the school aid computer listing produced by the commis-
10 sioner in support of the enacted budget for the two thousand fourteen--
11 two thousand fifteen school year and entitled "SA1415", four and seven
12 hundred fifty-one thousandths percent (0.04751); or (6) for all other
13 districts one percent (0.01), and for the two thousand sixteen--two
14 thousand seventeen SCHOOL YEAR SHALL EQUAL FOR AN ELIGIBLE SCHOOL
15 DISTRICT THE GREATER OF: (1) FOR A CITY SCHOOL DISTRICT IN A CITY WITH A
16 POPULATION OF ONE MILLION OR MORE, SEVEN AND SEVEN HUNDRED EIGHTY FOUR
17 THOUSANDTHS PERCENT (0.07784); OR (2) FOR A CITY SCHOOL DISTRICT IN A
18 CITY WITH A POPULATION OF MORE THAN TWO HUNDRED FIFTY THOUSAND BUT LESS
19 THAN ONE MILLION AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, SEVEN
20 AND THREE HUNDREDTHS PERCENT (0.0703); OR (3) FOR A CITY SCHOOL DISTRICT
21 IN A CITY WITH A POPULATION OF MORE THAN TWO HUNDRED THOUSAND BUT LESS
22 THAN TWO HUNDRED FIFTY THOUSAND AS OF THE MOST RECENT FEDERAL DECENNIAL
23 CENSUS, SIX AND SEVENTY-TWO HUNDREDTHS PERCENT (0.0672); OR (4) FOR A
24 CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION OF MORE THAN ONE
25 HUNDRED FIFTY THOUSAND BUT LESS THAN TWO HUNDRED THOUSAND AS OF THE MOST
26 RECENT FEDERAL DECENNIAL CENSUS, SIX AND SEVENTY-FOUR HUNDREDTHS PERCENT
27 (0.0674); OR (5) FOR A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
28 OF MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND BUT LESS THAN ONE HUNDRED
29 FIFTY THOUSAND AS OF THE MOST RECENT FEDERAL DECENNIAL CENSUS, NINE AND
30 FIFTY-FIVE HUNDREDTHS PERCENT (0.0955); OR (6) FOR SCHOOL DISTRICTS THAT
31 WERE DESIGNATED AS SMALL CITY SCHOOL DISTRICTS OR CENTRAL SCHOOL
32 DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION OF A SMALL CITY FOR THE
33 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
34 THE ENACTED BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
35 SCHOOL YEAR AND ENTITLED "SA141-5" WITH A COMBINED WEALTH RATIO LESS
36 THAN ONE AND FOUR TENTHS (1.4), NINE PERCENT (0.09), PROVIDED, HOWEVER,
37 THAT FOR SUCH DISTRICTS THAT ARE ALSO DISTRICTS DESIGNATED AS HIGH NEED
38 URBAN-SUBURBAN PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C
39 OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING
40 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
41 TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED
42 "SA0708", NINE AND SEVEN HUNDRED AND NINETEEN THOUSANDTHS PERCENT
43 (0.09719); OR (7) FOR SCHOOL DISTRICTS DESIGNATED AS HIGH NEED RURAL
44 PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION
45 SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
46 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
47 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", THIRTEEN
48 AND SIX TENTHS PERCENT (0.136); OR (8) FOR SCHOOL DISTRICTS DESIGNATED
49 AS HIGH NEED URBAN-SUBURBAN PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO
50 OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID
51 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
52 BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND
53 ENTITLED "SA0708", SEVEN HUNDRED NINETEEN THOUSANDTHS PERCENT (0.00719);
54 OR (9) FOR ALL OTHER ELIGIBLE SCHOOL DISTRICTS, FORTY-SEVEN HUNDREDTHS
55 PERCENT (0.0047) AND FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGH-
56 TEEN school year and thereafter the commissioner shall annually deter-

1 mine the phase-in foundation increase factor subject to allocation
 2 pursuant to the provisions of subdivision eighteen of this section and
 3 any provisions of a chapter of the laws of New York as described there-
 4 in.

5 B-2. DUE MINIMUM FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
 6 SCHOOL YEAR. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
 7 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR THE
 8 TOTAL FOUNDATION AID SHALL NOT BE LESS THAN THE SUM OF THE TOTAL FOUNDA-
 9 TION AID BASE COMPUTED PURSUANT TO PARAGRAPH J OF SUBDIVISION ONE OF
 10 THIS SECTION PLUS THE DUE MINIMUM FOR THE TWO THOUSAND SIXTEEN--TWO
 11 THOUSAND SEVENTEEN SCHOOL YEAR, WHERE SUCH DUE MINIMUM SHALL EQUAL THE
 12 DIFFERENCE OF (1) THE PRODUCT OF (A) TWO PERCENT (0.02) MULTIPLIED BY
 13 (B) THE DIFFERENCE OF TOTAL FOUNDATION AID FOR THE BASE YEAR LESS THE
 14 GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR, LESS (2) THE SUM OF (A)
 15 THE DIFFERENCE OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS
 16 "FOUNDATION AID" UNDER THE HEADING "2016-17 ESTIMATED AIDS" IN THE
 17 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
 18 THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND
 19 SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7" LESS THE AMOUNTS SET FORTH
 20 FOR EACH SCHOOL DISTRICT AS "FOUNDATION AID" UNDER THE HEADING "2015-16
 21 BASE YEAR AIDS" IN SUCH COMPUTER LISTING PLUS (B) THE GAP ELIMINATION
 22 ADJUSTMENT FOR THE BASE YEAR.

23 d. For the two thousand fourteen--two thousand fifteen [and two thou-
 24 sand fifteen--two thousand sixteen] THROUGH TWO THOUSAND SIXTEEN--TWO
 25 THOUSAND SEVENTEEN school years a city school district of a city having
 26 a population of one million or more may use amounts apportioned pursuant
 27 to this subdivision for afterschool programs.

28 S 8. Subdivision 4 of section 3602 of the education law is amended by
 29 adding a new paragraph e to read as follows:

30 E. COMMUNITY SCHOOLS AID SET-ASIDE. EACH SCHOOL DISTRICT SHALL SET
 31 ASIDE FROM ITS TOTAL FOUNDATION AID COMPUTED FOR THE CURRENT YEAR PURSU-
 32 ANT TO THIS SUBDIVISION AN AMOUNT EQUAL TO THE FOLLOWING AMOUNT, IF ANY,
 33 FOR SUCH DISTRICT AND SHALL USE THE AMOUNT SO SET ASIDE TO SUPPORT THE
 34 TRANSFORMATION OF SCHOOL BUILDINGS INTO COMMUNITY HUBS TO DELIVER CO-LO-
 35 CATED OR SCHOOL-LINKED ACADEMIC, HEALTH, MENTAL HEALTH, NUTRITION, COUN-
 36 SELING, LEGAL AND/OR OTHER SERVICES TO STUDENTS AND THEIR FAMILIES,
 37 INCLUDING BUT NOT LIMITED TO PROVIDING A COMMUNITY SCHOOL SITE COORDINA-
 38 TOR, OR TO SUPPORT OTHER COSTS INCURRED TO MAXIMIZE STUDENTS' ACADEMIC
 39 ACHIEVEMENT:

40 ADDISON	\$132,624
41 ADIRONDACK	\$98,303
42 AFTON	\$62,527
43 ALBANY	\$2,696,127
44 ALBION	\$171,687
45 ALTMAR-PARISH-WILLIAMSTOWN	\$154,393
46 AMITYVILLE	\$140,803
47 AMSTERDAM	\$365,464
48 ANDOVER	\$41,343
49 AUBURN	\$211,759
50 AUSABLE VALLEY	\$82,258
51 AVOCA	\$40,506
52 BATAVIA	\$116,085
53 BATH	\$139,788
54 BEACON	\$87,748
55 BEAVER RIVER	\$67,970
56 BEEKMANTOWN	\$98,308

1	BELFAST	\$44,520
2	BELLEVILLE HENDERSON	\$21,795
3	BINGHAMTON	\$477,949
4	BOLIVAR-RICHBURG	\$102,276
5	BRADFORD	\$28,058
6	BRASHER FALLS	\$146,944
7	BRENTWOOD	\$2,089,437
8	BRIDGEWATER-WEST WINFIELD (MT. MARKHAM)	\$101,498
9	BROCTON	\$63,939
10	BROOKFIELD	\$24,973
11	BRUSHTON-MOIRA	\$102,613
12	BUFFALO	\$12,524,617
13	CAMDEN	\$243,929
14	CAMPBELL-SAVONA	\$81,862
15	CANAJOHARIE	\$78,428
16	CANASERAGA	\$24,622
17	CANDOR	\$69,400
18	CANISTEO-GREENWOOD	\$105,783
19	CARTHAGE	\$273,578
20	CASSADAGA VALLEY	\$99,547
21	CATSKILL	\$69,599
22	CATTARAUGUS-LITTLE VALLEY	\$89,771
23	CENTRAL ISLIP	\$650,359
24	CENTRAL VALLEY	\$154,059
25	CHARLOTTE VALLEY	\$27,925
26	CHATEAUGAY	\$43,580
27	CHEEKTOWAGA-SLOAN	\$68,242
28	CHENANGO VALLEY	\$46,359
29	CHERRY VALLEY-SPRINGFIELD	\$29,704
30	CINCINNATUS	\$71,378
31	CLIFTON-FINE	\$17,837
32	CLYDE-SAVANNAH	\$84,797
33	CLYMER	\$28,267
34	COHOES	\$110,625
35	COPENHAGEN	\$35,037
36	COPIAGUE	\$308,995
37	CORTLAND	\$147,875
38	CROWN POINT	\$24,277
39	CUBA-RUSHFORD	\$67,917
40	DALTON-NUNDA (KESHEQUA)	\$65,630
41	DANSVILLE	\$136,766
42	DE RUYTER	\$38,793
43	DEPOSIT	\$37,615
44	DOLGEVILLE	\$82,884
45	DOWNSVILLE	\$10,000
46	DUNDEE	\$59,404
47	DUNKIRK	\$224,658
48	EAST RAMAPO (SPRING VALLEY)	\$360,848
49	EDMESTON	\$30,288
50	EDWARDS-KNOX	\$95,261
51	ELIZABETHTOWN-LEWIS	\$14,844
52	ELLENVILLE	\$128,950
53	ELMIRA	\$501,348
54	FALLSBURG	\$111,523
55	FILLMORE	\$84,252
56	FORESTVILLE	\$34,773

1	FORT EDWARD	\$32,403
2	FORT PLAIN	\$86,187
3	FRANKLIN	\$19,086
4	FRANKLINVILLE	\$84,503
5	FREEPORT	\$479,702
6	FRIENDSHIP	\$51,013
7	FULTON	\$241,424
8	GENESEE VALLEY	\$65,066
9	GENEVA	\$146,409
10	GEORGETOWN-SOUTH OTSELIC	\$34,626
11	GILBERTSVILLE-MOUNT UPTON	\$30,930
12	GLENS FALLS COMMON	\$10,000
13	GLOVERSVILLE	\$257,549
14	GOUVERNEUR	\$197,139
15	GOWANDA	\$122,173
16	GRANVILLE	\$86,044
17	GREEN ISLAND	\$17,390
18	GREENE	\$87,782
19	HADLEY-LUZERNE	\$37,868
20	HAMMOND	\$18,750
21	HANCOCK	\$34,174
22	HANNIBAL	\$149,286
23	HARPURSVILLE	\$89,804
24	HEMPSTEAD	\$3,123,056
25	HERKIMER	\$64,467
26	HERMON-DEKALB	\$49,211
27	HEUVELTON	\$53,905
28	HINSDALE	\$47,128
29	HORNELL	\$152,327
30	HUDSON	\$86,263
31	HUDSON FALLS	\$125,709
32	INDIAN RIVER	\$404,452
33	JAMESTOWN	\$422,610
34	JASPER-TROUPSBURG	\$65,899
35	JEFFERSON	\$22,350
36	JOHNSON	\$179,735
37	JOHNSTOWN	\$98,329
38	KINGSTON	\$241,138
39	KIRYAS JOEL	\$10,000
40	LA FARGEVILLE	\$36,602
41	LACKAWANNA	\$293,188
42	LANSINGBURGH	\$170,080
43	LAURENS	\$32,110
44	LIBERTY	\$141,704
45	LISBON	\$56,498
46	LITTLE FALLS	\$76,292
47	LIVINGSTON MANOR	\$32,996
48	LOWVILLE	\$117,907
49	LYME	\$15,856
50	LYONS	\$89,298
51	MADISON	\$43,805
52	MADRID-WADDINGTON	\$59,412
53	MALONE	\$241,483
54	MARATHON	\$79,560
55	MARGARETVILLE	\$10,000
56	MASSENA	\$227,985

1	MCGRAW	\$51,558
2	MEDINA	\$135,337
3	MIDDLEBURGH	\$58,936
4	MIDDLETOWN	\$683,511
5	MILFORD	\$28,281
6	MONTICELLO	\$185,418
7	MORIAH	\$76,592
8	MORRIS	\$45,012
9	MORRISTOWN	\$25,106
10	MORRISVILLE-EATON	\$62,490
11	MT MORRIS	\$58,594
12	MT VERNON	\$517,463
13	NEW YORK CITY	\$28,491,241
14	NEWARK	\$137,556
15	NEWBURGH	\$837,244
16	NEWFIELD	\$60,998
17	NIAGARA FALLS	\$733,330
18	NORTH ROSE-WOLCOTT	\$107,958
19	NORTHERN ADIRONDACK	\$84,115
20	NORWICH	\$155,921
21	NORWOOD-NORFOLK	\$116,262
22	ODESSA-MONTOUR	\$70,110
23	OGDENSBURG	\$126,942
24	OLEAN	\$129,603
25	OPPENHEIM-EPHRATAH-ST. JOHNSVILLE	\$86,646
26	OTEGO-UNADILLA	\$72,613
27	OXFORD ACAD & CENTRAL SCHOOLS	\$80,443
28	PARISHVILLE-HOPKINTON	\$35,003
29	PEEKSKILL	\$230,795
30	PENN YAN	\$71,001
31	PINE VALLEY (SOUTH DAYTON)	\$67,455
32	PLATTSBURGH	\$75,055
33	POLAND	\$37,498
34	PORT CHESTER-RYE	\$241,428
35	PORT JERVIS	\$189,220
36	POUGHKEEPSIE	\$1,747,582
37	PRATTSBURGH	\$35,110
38	PULASKI	\$89,146
39	PUTNAM	\$10,000
40	RANDOLPH	\$88,646
41	RED CREEK	\$87,007
42	REMSEN	\$32,650
43	RENSSELAER	\$74,616
44	RICHFIELD SPRINGS	\$37,071
45	RIPLEY	\$18,495
46	ROCHESTER	\$7,624,908
47	ROME	\$369,655
48	ROMULUS	\$22,112
49	ROOSEVELT	\$353,005
50	SALAMANCA	\$139,051
51	SALMON RIVER	\$200,831
52	SANDY CREEK	\$72,287
53	SCHENECTADY	\$642,884
54	SCHENEVUS	\$29,516
55	SCIO	\$47,097
56	SHARON SPRINGS	\$26,994

1	SHERBURNE-EARLVILLE	\$154,286
2	SHERMAN	\$45,067
3	SIDNEY	\$98,699
4	SILVER CREEK	\$68,538
5	SODUS	\$100,038
6	SOLVAY	\$85,506
7	SOUTH KORTRIGHT	\$23,420
8	SOUTH LEWIS	\$95,627
9	SOUTH SENECA	\$49,768
10	SPENCER-VAN ETTEN	\$76,108
11	ST REGIS FALLS	\$30,078
12	STAMFORD	\$20,137
13	STOCKBRIDGE VALLEY	\$38,537
14	SYRACUSE	\$10,186,478
15	TICONDEROGA	\$36,467
16	TIOGA	\$99,411
17	TROY	\$277,420
18	UNADILLA VALLEY	\$90,571
19	UNIONDALE	\$362,887
20	UTICA	\$273,267
21	VAN HORNEVILLE-OWEN D. YOUNG	\$18,604
22	WALTON	\$82,541
23	WARRENSBURG	\$57,996
24	WATERLOO	\$123,111
25	WATERTOWN	\$222,343
26	WATERVLIET	\$94,487
27	WAVERLY	\$120,319
28	WAYLAND-COHOCTON	\$125,273
29	WELLSVILLE	\$114,359
30	WEST CANADA VALLEY	\$58,917
31	WESTBURY	\$403,563
32	WESTFIELD	\$46,542
33	WHITEHALL	\$46,192
34	WHITESVILLE	\$26,719
35	WHITNEY POINT	\$152,109
36	WILLIAM FLOYD	\$492,842
37	WORCESTER	\$26,862
38	WYANDANCH	\$402,010
39	YONKERS	\$4,286,726
40	YORKSHIRE-PIONEER	\$210,306

41 S 9. Intentionally Omitted.

42 S 10. The opening paragraph of section 3609-a of the education law, as
 43 amended by section 6 of part A of chapter 56 of the laws of 2015, is
 44 amended to read as follows:

45 For aid payable in the two thousand seven--two thousand eight school
 46 year through the [two thousand fifteen--two thousand sixteen] TWO THOU-
 47 SAND SIXTEEN--TWO THOUSAND SEVENTEEN school year, "moneys apportioned"
 48 shall mean the lesser of (i) the sum of one hundred percent of the
 49 respective amount set forth for each school district as payable pursuant
 50 to this section in the school aid computer listing for the current year
 51 produced by the commissioner in support of the budget which includes the
 52 appropriation for the general support for public schools for the
 53 prescribed payments and individualized payments due prior to April first
 54 for the current year plus the apportionment payable during the current
 55 school year pursuant to subdivision six-a and subdivision fifteen of
 56 section thirty-six hundred two of this part minus any reductions to

1 current year aids pursuant to subdivision seven of section thirty-six
2 hundred four of this part or any deduction from apportionment payable
3 pursuant to this chapter for collection of a school district basic
4 contribution as defined in subdivision eight of section forty-four
5 hundred one of this chapter, less any grants provided pursuant to
6 subparagraph two-a of paragraph b of subdivision four of section nine-
7 ty-two-c of the state finance law, less any grants provided pursuant to
8 subdivision six of section ninety-seven-nnnn of the state finance law,
9 less any grants provided pursuant to subdivision twelve of section thir-
10 ty-six hundred forty-one of this article, or (ii) the apportionment
11 calculated by the commissioner based on data on file at the time the
12 payment is processed; provided however, that for the purposes of any
13 payments made pursuant to this section prior to the first business day
14 of June of the current year, moneys apportioned shall not include any
15 aids payable pursuant to subdivisions six and fourteen, if applicable,
16 of section thirty-six hundred two of this part as current year aid for
17 debt service on bond anticipation notes and/or bonds first issued in the
18 current year or any aids payable for full-day kindergarten for the
19 current year pursuant to subdivision nine of section thirty-six hundred
20 two of this part. The definitions of "base year" and "current year" as
21 set forth in subdivision one of section thirty-six hundred two of this
22 part shall apply to this section. [For aid payable in the two thousand
23 fourteen--two thousand fifteen school year, reference to such "school
24 aid computer listing for the current year" shall mean the printouts
25 entitled "SA141-5". For aid payable in the two thousand fifteen--two
26 thousand sixteen school year, reference to such "school aid computer
27 listing for the current year" shall mean the printouts entitled
28 "SA151-6".] FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND
29 SEVENTEEN SCHOOL YEAR, REFERENCE TO SUCH "SCHOOL AID COMPUTER LISTING
30 FOR THE CURRENT YEAR" SHALL MEAN THE PRINTOUTS ENTITLED "SA161-7".

31 S 11. Subparagraphs 5, 6 and 7 of paragraph (e) of subdivision 3 of
32 section 2853 of the education law, as added by section 5 of part BB of
33 chapter 56 of the laws of 2014, are amended to read as follows:

34 (5) For a new charter school whose charter is granted or for an exist-
35 ing charter school whose expansion of grade level, pursuant to this
36 article, is approved by their charter entity [before October first, two
37 thousand sixteen], if the appeal results in a determination in favor of
38 the charter school, the city school district shall pay the charter
39 school an amount attributable to the grade level expansion or the forma-
40 tion of the new charter school that is equal to the lesser of:

41 (A) the actual rental cost of an alternative privately owned site
42 selected by the charter school or

43 (B) twenty percent of the product of the charter school's basic
44 tuition for the current school year and (i) for a new charter school
45 that first commences instruction on or after July first, two thousand
46 fourteen, the charter school's current year enrollment; or (ii) for a
47 charter school which expands its grade level, pursuant to this article,
48 [before October first, two thousand sixteen,] the positive difference of
49 the charter school's enrollment in the current school year minus the
50 charter school's enrollment in the school year prior to the first year
51 of the expansion.

52 (6) [For a new charter school whose charter is granted or for an
53 existing charter school whose expansion of grade level, pursuant to this
54 article, is approved by their charter entity on or after October first,
55 two thousand sixteen, if the appeal results in a determination in favor
56 of the charter school, the city school district shall pay the charter

1 school an amount attributable to the grade level expansion or the forma-
2 tion of the new charter school that is equal to the maximum cost allow-
3 ance established by the commissioner for leases aidable under subdivi-
4 sion six of section thirty-six hundred two of this chapter.

5 (7)] An arbitration in an appeal pursuant to this paragraph shall be
6 conducted by a single arbitrator selected in accordance with this
7 subparagraph from a list of arbitrators from the American arbitration
8 association's panel of labor arbitrators, with relevant biographical
9 information, submitted by such association to the commissioner pursuant
10 to paragraph a of subdivision three of section three thousand twenty-a
11 of this chapter. Upon request by the charter school, the commissioner
12 shall forthwith send a copy of such list and biographical information
13 simultaneously to the charter school and city school district. The
14 parties shall, by mutual agreement, select an arbitrator from the list
15 within fifteen days from receipt of the list, and if the parties fail to
16 agree on an arbitrator within such fifteen day period or fail within
17 such fifteen day period to notify the commissioner that an arbitrator
18 has been selected, the commissioner shall appoint an arbitrator from the
19 list to serve as the arbitrator. The arbitration shall be conducted in
20 accordance with the American arbitration association's rules for labor
21 arbitration, except that the arbitrator shall conduct a pre-hearing
22 conference within ten to fifteen days of agreeing to serve and the arbi-
23 tration shall be completed and a decision rendered within the time
24 frames prescribed for hearings pursuant to section three thousand twen-
25 ty-a of this chapter. The arbitrator's fee shall not exceed the rate
26 established by the commissioner for hearings conducted pursuant to
27 section three thousand twenty-a of this chapter, and the cost of such
28 fee, the arbitrator's necessary travel and other reasonable expenses,
29 and all other hearing expenses shall be borne equally by the parties to
30 the arbitration.

31 S 11-a. Subdivision 6-g of section 3602 of the education law, as added
32 by section 6 of part BB of chapter 56 of the laws of 2014, is amended to
33 read as follows:

34 6-g. Charter schools facilities aid. a. The city school district of
35 the city of New York, upon documenting that it has incurred total aggre-
36 gate expenses of forty million dollars or more pursuant to [subpara-
37 graphs] SUBPARAGRAPH five [and six] of paragraph (e) of subdivision
38 three of section twenty-eight hundred fifty-three of this chapter, shall
39 be eligible for an apportionment pursuant to this subdivision for its
40 annual approved expenditures for the lease of space for charter schools
41 incurred in the base year in accordance with paragraph (e) of subdivi-
42 sion three of section twenty-eight hundred fifty-three of this chapter.

43 b. The apportionment shall equal the product of (1) the sum of:

44 [(A)] for aid payable for expenses incurred pursuant to subparagraph
45 five of paragraph (e) of subdivision three of section twenty-eight
46 hundred fifty-three of this chapter where the charter school prevails on
47 appeal, the annual approved expenses incurred by the city school
48 district pursuant to such subparagraph five[; and

49 (B) for aid payable for expenses incurred pursuant to subparagraph six
50 of paragraph (e) of subdivision three of section twenty-eight hundred
51 fifty-three of this chapter where the charter school prevails on appeal,
52 the actual annual approved rental expenses incurred pursuant to such
53 subparagraph six] multiplied by

54 (2) six-tenths.

55 c. For purposes of this subdivision, the approved expenses attribut-
56 able to a lease by a charter school of a privately owned site shall be

1 the lesser of the actual rent paid under the lease or the maximum cost
2 allowance established by the commissioner for leases aidable under
3 subdivision six of this section.

4 d. Notwithstanding any provision of law to the contrary, amounts
5 apportioned pursuant to this subdivision shall not be included in: (1)
6 the allowable growth amount computed pursuant to paragraph dd of subdivi-
7 sion one of this section, (2) the preliminary growth amount computed
8 pursuant to paragraph ff of subdivision one of this section, and (3) the
9 allocable growth amount computed pursuant to paragraph gg of subdivision
10 one of this section, and shall not be considered, and shall not be
11 available for interchange with, general support for public schools.

12 S 12. Intentionally omitted.

13 S 13. Intentionally omitted.

14 S 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e of subdivi-
15 sion 1 of section 3602 of the education law, as amended by section 11
16 of part B of chapter 57 of the laws of 2007, are amended to read as
17 follows:

18 (i) determine the number of pupils tested who scored below the state-
19 wide reference point as determined by the commissioner on each test
20 administered pursuant to this subparagraph, plus pupils, other than
21 pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with
22 limited English proficiency] as defined by the commissioner who are
23 exempt from taking such tests, provided, however, that a district
24 employing eight or more teachers in such years but not operating each
25 grade may use the percentage computed pursuant to this paragraph for the
26 district which in such years enrolled the greatest number of pupils in
27 such grade from such district;

28 (ii) divide the sum of such numbers by the number of such pupils who
29 took each of such tests, plus pupils, other than pupils with disabili-
30 ties and ENGLISH LANGUAGE LEARNER pupils [with limited English profi-
31 ciency] as defined by the commissioner who are exempt from taking such
32 tests, provided, however, that a district which in any of the applicable
33 school years did not maintain a home school or employed fewer than eight
34 teachers, and which in the base year employed eight or more teachers,
35 may use the scores in a later test as designated by the commissioner for
36 the purposes of this paragraph;

37 S 15. Paragraph o of subdivision 1 of section 3602 of the education
38 law, as amended by section 11 of part B of chapter 57 of the laws of
39 2007, is amended to read as follows:

40 o. "[Limited English proficient] ENGLISH LANGUAGE LEARNER count" shall
41 mean the number of pupils served in the base year in programs for pupils
42 with limited English proficiency approved by the commissioner pursuant
43 to the provisions of this chapter and in accordance with regulations
44 adopted for such purpose.

45 S 16. Paragraph b of subdivision 2 of section 3602-d of the education
46 law, as added by chapter 792 of the laws of 1990, is amended to read as
47 follows:

48 (b) "Disadvantaged" shall mean individuals (other than handicapped
49 individuals) who have economic or academic disadvantages and who require
50 special services and assistance in order to enable them to succeed in
51 work-prep programs. Such term includes individuals who are: members of
52 economically disadvantaged families as set forth in regulations promul-
53 gated by the department pursuant to sections sixty-four hundred fifty-
54 one and sixty-four hundred fifty-two of this chapter or as set forth in
55 the Federal Job Training Partnership Act of nineteen hundred eighty-two
56 (PL 97-300) (29 U.S.C.A. S 1501 et seq.); migrants; [individuals who

1 have limited English proficiency] ENGLISH LANGUAGE LEARNERS; and indi-
2 viduals who are identified as potential dropouts from secondary school.

3 S 17. Paragraph d of subdivision 4 of section 3602-f of the education
4 law, as added by section 83-a of part L of chapter 405 of the laws of
5 1999, is amended to read as follows:

6 d. [Limited English proficient] ENGLISH LANGUAGE LEARNER pupil count
7 as defined in paragraph o of subdivision one of section thirty-six
8 hundred two of this article.

9 S 18. Section 3604 of the education law is amended by adding a new
10 subdivision 13 to read as follows:

11 13. FOR PURPOSES OF THIS CHAPTER, "LIMITED ENGLISH PROFICIENT" AND
12 "LIMITED ENGLISH PROFICIENCY" SHALL MEAN "ENGLISH LANGUAGE LEARNER".

13 S 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of
14 section 3641 of the education law, as added by section 2 of part B of
15 chapter 58 of the laws of 2011, is amended to read as follows:

16 (B) [students with limited English proficiency and] students who are
17 English language learners;

18 S 20. Intentionally Omitted.

19 S 21. Notwithstanding any provision of law to the contrary, for the
20 2016-2017 school year and thereafter, for any pre-kindergarten program
21 receiving state funds that is identified by the office of children and
22 family services, the department of health and mental hygiene of the city
23 of New York, or the state education department as needing extraordinary
24 quality support, such entity shall provide a recommendation for such
25 program to voluntarily participate in QUALITYstarsNY subject to avail-
26 able appropriation.

27 S 22. Intentionally omitted.

28 S 23. Subdivision 16 of section 3602-ee of the education law, as added
29 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to
30 read as follows:

31 16. The authority of the department to administer the universal full-
32 day pre-kindergarten program shall expire June thirtieth, two thousand
33 [sixteen] SEVENTEEN; provided that the program shall continue and remain
34 in full effect.

35 S 24. Paragraph b of subdivision 6-c of section 3602 of the education
36 law, as added by chapter 1 of the laws of 2013, is amended to read as
37 follows:

38 b. For projects approved by the commissioner authorized to receive
39 additional building aid pursuant to this subdivision for the purchase of
40 stationary metal detectors, security cameras or other security devices
41 approved by the commissioner that increase the safety of students and
42 school personnel, provided that for purposes of this paragraph such
43 other security devices shall be limited to electronic security systems
44 and hardened doors, and provided that for projects approved by the
45 commissioner on or after the first day of July two thousand thirteen and
46 before the first day of July [two thousand sixteen] TWO THOUSAND SEVEN-
47 TEEN such additional aid shall equal the product of (i) the building aid
48 ratio computed for use in the current year pursuant to paragraph c of
49 subdivision six of this section plus ten percentage points, except that
50 in no case shall this amount exceed one hundred percent, and (ii) the
51 actual approved expenditures incurred in the base year pursuant to this
52 subdivision, provided that the limitations on cost allowances prescribed
53 by paragraph a of subdivision six of this section shall not apply, and
54 provided further that any projects aided under this paragraph must be
55 included in a district's school safety plan. The commissioner shall
56 annually prescribe a special cost allowance for metal detectors, and

1 security cameras, and the approved expenditures shall not exceed such
2 cost allowance.

3 S 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-
4 tion law relating to contracts for the transportation of school chil-
5 dren, as amended by chapter 116 of the laws of 2013, is amended to read
6 as follows:

7 S 2. This act shall take effect on the first day of January next
8 succeeding the date on which it shall have become a law and shall remain
9 in full force and effect until January 1, [2017] 2020, when upon such
10 date the provisions of this act shall be deemed repealed.

11 S 26. Paragraph b of subdivision 2 of section 3612 of the education
12 law, as amended by section 8 of part A of chapter 56 of the laws of
13 2015, is amended to read as follows:

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

33 S 27. Subdivision 6 of section 4402 of the education law, as amended
34 by section 9 of part A of chapter 56 of the laws of 2015, is amended to
35 read as follows:

36 6. Notwithstanding any other law, rule or regulation to the contrary,
37 the board of education of a city school district with a population of
38 one hundred twenty-five thousand or more inhabitants shall be permitted
39 to establish maximum class sizes for special classes for certain
40 students with disabilities in accordance with the provisions of this
41 subdivision. For the purpose of obtaining relief from any adverse fiscal
42 impact from under-utilization of special education resources due to low
43 student attendance in special education classes at the middle and
44 secondary level as determined by the commissioner, such boards of educa-
45 tion shall, during the school years nineteen hundred ninety-five--nine-
46 ty-six through June thirtieth, two thousand [sixteen] SEVENTEEN of the
47 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
48 THOUSAND SEVENTEEN school year, be authorized to increase class sizes in
49 special classes containing students with disabilities whose age ranges
50 are equivalent to those of students in middle and secondary schools as
51 defined by the commissioner for purposes of this section by up to but
52 not to exceed one and two tenths times the applicable maximum class size
53 specified in regulations of the commissioner rounded up to the nearest
54 whole number, provided that in a city school district having a popu-
55 lation of one million or more, classes that have a maximum class size of
56 fifteen may be increased by no more than one student and provided that

1 the projected average class size shall not exceed the maximum specified
2 in the applicable regulation, provided that such authorization shall
3 terminate on June thirtieth, two thousand. Such authorization shall be
4 granted upon filing of a notice by such a board of education with the
5 commissioner stating the board's intention to increase such class sizes
6 and a certification that the board will conduct a study of attendance
7 problems at the secondary level and will implement a corrective action
8 plan to increase the rate of attendance of students in such classes to
9 at least the rate for students attending regular education classes in
10 secondary schools of the district. Such corrective action plan shall be
11 submitted for approval by the commissioner by a date during the school
12 year in which such board increases class sizes as provided pursuant to
13 this subdivision to be prescribed by the commissioner. Upon at least
14 thirty days notice to the board of education, after conclusion of the
15 school year in which such board increases class sizes as provided pursu-
16 ant to this subdivision, the commissioner shall be authorized to termi-
17 nate such authorization upon a finding that the board has failed to
18 develop or implement an approved corrective action plan.

19 S 28. Subdivision b of section 2 of chapter 756 of the laws of 1992,
20 relating to funding a program for work force education conducted by the
21 consortium for worker education in New York city, as amended by section
22 13 of part A of chapter 56 of the laws of 2015, is amended to read as
23 follows:

24 b. Reimbursement for programs approved in accordance with subdivision
25 a of this section for the 2012--2013 school year shall not exceed 63.3
26 percent of the lesser of such approvable costs per contact hour or
27 twelve dollars and thirty-five cents per contact hour, reimbursement for
28 the 2013--2014 school year shall not exceed 62.3 percent of the lesser
29 of such approvable costs per contact hour or twelve dollars and sixty-
30 five cents per contact hour, reimbursement for the 2014--2015 school
31 year shall not exceed 61.6 percent of the lesser of such approvable
32 costs per contact hour or thirteen dollars per contact hour, [and]
33 reimbursement for the 2015--2016 school year shall not exceed 60.7
34 percent of the lesser of such approvable costs per contact hour or thir-
35 teen dollars and forty cents per contact hour, AND REIMBURSEMENT FOR THE
36 2016--2017 SCHOOL YEAR SHALL NOT EXCEED 60.3 PERCENT OF THE LESSER OF
37 SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS NINETY CENTS
38 PER CONTACT HOUR where a contact hour represents sixty minutes of
39 instruction services provided to an eligible adult. Notwithstanding any
40 other provision of law to the contrary, for the 2012--2013 school year
41 such contact hours shall not exceed one million six hundred sixty-four
42 thousand five hundred thirty-two (1,664,532) hours; whereas for the
43 2013--2014 school year such contact hours shall not exceed one million
44 six hundred forty-nine thousand seven hundred forty-six (1,649,746)
45 hours; whereas for the 2014--2015 school year such contact hours shall
46 not exceed one million six hundred twenty-five thousand (1,625,000)
47 hours; whereas for the 2015--2016 school year such contact hours shall
48 not exceed one million five hundred ninety-nine thousand fifteen
49 (1,599,015) HOURS; WHEREAS FOR THE 2016--2017 SCHOOL YEAR SUCH CONTACT
50 HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED FIFTY-ONE THOUSAND THREE
51 HUNDRED TWELVE (1,551,312). Notwithstanding any other provision of law
52 to the contrary, the apportionment calculated for the city school
53 district of the city of New York pursuant to subdivision 11 of section
54 3602 of the education law shall be computed as if such contact hours
55 provided by the consortium for worker education, not to exceed the
56 contact hours set forth herein, were eligible for aid in accordance with

1 the provisions of such subdivision 11 of section 3602 of the education
2 law.

3 S 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-
4 ing a program for work force education conducted by the consortium for
5 worker education in New York city, is amended by adding a new subdivi-
6 sion u to read as follows:

7 U. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
8 COMPLETION OF PAYMENTS FOR THE 2016--2017 SCHOOL YEAR. NOTWITHSTANDING
9 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER SHALL WITHHOLD A
10 PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL
11 DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF
12 THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE
13 ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT AND
14 SHALL NOT EXCEED THIRTEEN MILLION DOLLARS.

15 S 30. Section 6 of chapter 756 of the laws of 1992, relating to fund-
16 ing a program for work force education conducted by the consortium for
17 worker education in New York city, as amended by section 15 of part A of
18 chapter 56 of the laws of 2015, is amended to read as follows:

19 S 6. This act shall take effect July 1, 1992, and shall be deemed
20 repealed on June 30, [2016] 2017.

21 S 31. Section 99-u of the state finance law, as added by section 2 of
22 part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by
23 chapter 453 of the laws of 2015, is amended to read as follows:

24 S 99-u. New York state teen health education fund. 1. There is hereby
25 established in the JOINT custody of the STATE COMPTROLLER AND commis-
26 sioner of taxation and finance a special [account] FUND to be known as
27 the "New York state teen health education fund".

28 2. Such fund shall consist of all revenues received by the department
29 of taxation and finance, pursuant to the provisions of section six
30 hundred thirty-c of the tax law and all other moneys appropriated there-
31 to from any other fund or source pursuant to law. Nothing contained in
32 this section shall prevent the state from receiving grants, gifts or
33 bequests for the purposes of the fund as defined in this section and
34 depositing them into the fund according to law.

35 2-a. On or before the first day of February each year, the commission-
36 er of [health] EDUCATION shall provide a written report to the temporary
37 president of the senate, speaker of the assembly, chair of the senate
38 finance committee, chair of the assembly ways and means committee, chair
39 of the senate committee on health, chair of the assembly health commit-
40 tee, the state comptroller and the public. Such report shall include how
41 the monies of the fund were utilized during the preceding calendar year,
42 and shall include:

43 (i) the amount of money dispersed from the fund and the award process
44 used for such disbursements;

45 (ii) recipients of awards from the fund;

46 (iii) the amount awarded to each;

47 (iv) the purposes for which such awards were granted; and

48 (v) a summary financial plan for such monies which shall include esti-
49 mates of all receipts and all disbursements for the current and succeed-
50 ing fiscal years, along with the actual results from the prior fiscal
51 year.

52 3. [The moneys in said account shall be retained by the fund and shall
53 be released by the commissioner of taxation and finance only upon
54 certificates signed by the commissioner of education or his or her
55 designee and only for the purposes set forth in this section.] MONEYS
56 SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMP-

1 TROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCA-
2 TION.

3 4. The moneys in such fund shall be expended for the purpose of
4 supplementing educational programs in schools for health and awareness
5 of issues facing teens today when it comes to their health. Eligible
6 health programs are those with an established curriculum providing
7 instruction on alcohol, tobacco and other drug abuse prevention, the
8 causes and problems associated with teen obesity, and for awareness of
9 the symptoms of teen endometriosis.

10 S 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
11 relating to certain provisions related to the 1994-95 state operations,
12 aid to localities, capital projects and debt service budgets, as amended
13 by section 16 of part A of chapter 56 of the laws of 2015, is amended to
14 read as follows:

15 1. Sections one through seventy of this act shall be deemed to have
16 been in full force and effect as of April 1, 1994 provided, however,
17 that sections one, two, twenty-four, twenty-five and twenty-seven
18 through seventy of this act shall expire and be deemed repealed on March
19 31, 2000; provided, however, that section twenty of this act shall apply
20 only to hearings commenced prior to September 1, 1994, and provided
21 further that section twenty-six of this act shall expire and be deemed
22 repealed on March 31, 1997; and provided further that sections four
23 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
24 twenty-one-a of this act shall expire and be deemed repealed on March
25 31, 1997; and provided further that sections three, fifteen, seventeen,
26 twenty, twenty-two and twenty-three of this act shall expire and be
27 deemed repealed on March 31, [2017] 2018.

28 S 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
29 of 1995, amending the education law and other laws relating to state aid
30 to school districts and the appropriation of funds for the support of
31 government, as amended by section 17 of part A of chapter 56 of the laws
32 of 2015, are amended to read as follows:

33 (22) sections one hundred twelve, one hundred thirteen, one hundred
34 fourteen, one hundred fifteen and one hundred sixteen of this act shall
35 take effect on July 1, 1995; provided, however, that section one hundred
36 thirteen of this act shall remain in full force and effect until July 1,
37 [2016] 2017 at which time it shall be deemed repealed;

38 (24) sections one hundred eighteen through one hundred thirty of this
39 act shall be deemed to have been in full force and effect on and after
40 July 1, 1995; provided further, however, that the amendments made pursu-
41 ant to section one hundred twenty-four of this act shall be deemed to be
42 repealed on and after July 1, [2016] 2017;

43 S 34. Section 12 of chapter 147 of the laws of 2001, amending the
44 education law relating to conditional appointment of school district,
45 charter school or BOCES employees, as amended by section 19 of part A of
46 chapter 56 of the laws of 2015, is amended to read as follows:

47 S 12. This act shall take effect on the same date as chapter 180 of
48 the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when
49 upon such date the provisions of this act shall be deemed repealed.

50 S 35. Section 4 of chapter 425 of the laws of 2002, amending the
51 education law relating to the provision of supplemental educational
52 services, attendance at a safe public school and the suspension of
53 pupils who bring a firearm to or possess a firearm at a school, as
54 amended by section 20 of part A of chapter 56 of the laws of 2015, is
55 amended to read as follows:

1 S 4. This act shall take effect July 1, 2002 and shall expire and be
2 deemed repealed June 30, [2016] 2017.

3 S 36. Section 5 of chapter 101 of the laws of 2003, amending the
4 education law relating to the implementation of the No Child Left Behind
5 Act of 2001, as amended by section 21 of part A of chapter 56 of the
6 laws of 2015, is amended to read as follows:

7 S 5. This act shall take effect immediately; provided that sections
8 one, two and three of this act shall expire and be deemed repealed on
9 June 30, [2016] 2017.

10 S 37. School bus driver training. In addition to apportionments other-
11 wise provided by section 3602 of the education law, for aid payable in
12 the 2016--2017 school year, the commissioner of education shall allocate
13 school bus driver training grants to school districts and boards of
14 cooperative educational services pursuant to sections 3650-a, 3650-b and
15 3650-c of the education law, or for contracts directly with not-for-pro-
16 fit educational organizations for the purposes of this section. Such
17 payments shall not exceed four hundred thousand dollars (\$400,000) per
18 school year.

19 S 38. Special apportionment for salary expenses. a. Notwithstanding
20 any other provision of law, upon application to the commissioner of
21 education, not sooner than the first day of the second full business
22 week of June 2017 and not later than the last day of the third full
23 business week of June 2017, a school district eligible for an apportion-
24 ment pursuant to section 3602 of the education law shall be eligible to
25 receive an apportionment pursuant to this section, for the school year
26 ending June 30, 2017, for salary expenses incurred between April 1 and
27 June 30, 2016 and such apportionment shall not exceed the sum of (i) the
28 deficit reduction assessment of 1990--1991 as determined by the commis-
29 sioner of education, pursuant to paragraph f of subdivision 1 of section
30 3602 of the education law, as in effect through June 30, 1993, plus (ii)
31 186 percent of such amount for a city school district in a city with a
32 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
33 such amount for a city school district in a city with a population of
34 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
35 ing to the latest federal census, plus (iv) the net gap elimination
36 adjustment for 2010--2011, as determined by the commissioner of educa-
37 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
38 nation adjustment for 2011--2012 as determined by the commissioner of
39 education pursuant to subdivision 17 of section 3602 of the education
40 law, and provided further that such apportionment shall not exceed such
41 salary expenses. Such application shall be made by a school district,
42 after the board of education or trustees have adopted a resolution to do
43 so and in the case of a city school district in a city with a population
44 in excess of 125,000 inhabitants, with the approval of the mayor of such
45 city.

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

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

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

21 S 39. Special apportionment for public pension accruals. a. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2017, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2017 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--2005 and 2005--2006 school years associated with
29 changes for such public pension liabilities. The amount of such addi-
30 tional accrual shall be certified to the commissioner of education by
31 the president of the board of education or the trustees or, in the case
32 of a city school district in a city with a population in excess of
33 125,000 inhabitants, the mayor of such city. Such application shall be
34 made by a school district, after the board of education or trustees have
35 adopted a resolution to do so and in the case of a city school district
36 in a city with a population in excess of 125,000 inhabitants, with the
37 approval of the mayor of such city.

38 b. The claim for an apportionment to be paid to a school district
39 pursuant to subdivision a of this section shall be submitted to the
40 commissioner of education on a form prescribed for such purpose, and
41 shall be payable upon determination by such commissioner that the form
42 has been submitted as prescribed. Such approved amounts shall be payable
43 on the same day in September of the school year following the year in
44 which application was made as funds provided pursuant to subparagraph
45 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
46 law, on the audit and warrant of the state comptroller on vouchers
47 certified or approved by the commissioner of education in the manner
48 prescribed by law from moneys in the state lottery fund and from the
49 general fund to the extent that the amount paid to a school district
50 pursuant to this section exceeds the amount, if any, due such school
51 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
52 section 3609-a of the education law in the school year following the
53 year in which application was made.

54 c. Notwithstanding the provisions of section 3609-a of the education
55 law, an amount equal to the amount paid to a school district pursuant to
56 subdivisions a and b of this section shall first be deducted from the

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

13 S 40. a. Notwithstanding any other law, rule or regulation to the
14 contrary, any moneys appropriated to the state education department may
15 be suballocated to other state departments or agencies, as needed, to
16 accomplish the intent of the specific appropriations contained therein.

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

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

27 d. Notwithstanding any other law, rule or regulation to the contrary,
28 moneys appropriated to the state education department for general
29 support for public schools may be interchanged with any other item of
30 appropriation for general support for public schools within the general
31 fund local assistance account office of prekindergarten through grade
32 twelve education programs.

33 S 41. Notwithstanding the provision of any law, rule, or regulation to
34 the contrary, the city school district of the city of Rochester, upon
35 the consent of the board of cooperative educational services of the
36 supervisory district serving its geographic region may purchase from
37 such board for the 2016--2017 school year, as a non-component school
38 district, services required by article 19 of the education law.

39 S 42. The amounts specified in this section shall be a set aside from
40 the state funds which each such district is receiving from the total
41 foundation aid: for the purpose of the development, maintenance or
42 expansion of magnet schools or magnet school programs for the 2016--2017
43 school year. To the city school district of the city of New York there
44 shall be paid forty-eight million one hundred seventy-five thousand
45 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
46 for the Andrew Jackson High School; to the Buffalo city school district,
47 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
48 Rochester city school district, fifteen million dollars (\$15,000,000);
49 to the Syracuse city school district, thirteen million dollars
50 (\$13,000,000); to the Yonkers city school district, forty-nine million
51 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
52 district, four million six hundred forty-five thousand dollars
53 (\$4,645,000); to the Poughkeepsie city school district, two million four
54 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
55 city school district, two million dollars (\$2,000,000); to the New
56 Rochelle city school district, one million four hundred ten thousand

1 dollars (\$1,410,000); to the Schenectady city school district, one
2 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
3 city school district, one million one hundred fifty thousand dollars
4 (\$1,150,000); to the White Plains city school district, nine hundred
5 thousand dollars (\$900,000); to the Niagara Falls city school district,
6 six hundred thousand dollars (\$600,000); to the Albany city school
7 district, three million five hundred fifty thousand dollars
8 (\$3,550,000); to the Utica city school district, two million dollars
9 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
10 thousand dollars (\$566,000); to the Middletown city school district,
11 four hundred thousand dollars (\$400,000); to the Freeport union free
12 school district, four hundred thousand dollars (\$400,000); to the Green-
13 burgh central school district, three hundred thousand dollars
14 (\$300,000); to the Amsterdam city school district, eight hundred thou-
15 sand dollars (\$800,000); to the Peekskill city school district, two
16 hundred thousand dollars (\$200,000); and to the Hudson city school
17 district, four hundred thousand dollars (\$400,000). Notwithstanding the
18 provisions of this section, a school district receiving a grant pursuant
19 to this section may use such grant funds for: (i) any instructional or
20 instructional support costs associated with the operation of a magnet
21 school; or (ii) any instructional or instructional support costs associ-
22 ated with implementation of an alternative approach to reduction of
23 racial isolation and/or enhancement of the instructional program and
24 raising of standards in elementary and secondary schools of school
25 districts having substantial concentrations of minority students. The
26 commissioner of education shall not be authorized to withhold magnet
27 grant funds from a school district that used such funds in accordance
28 with this section, notwithstanding any inconsistency with a request for
29 proposals issued by such commissioner. For the purpose of attendance
30 improvement and dropout prevention for the 2016--2017 school year, for
31 any city school district in a city having a population of more than one
32 million, the set aside for attendance improvement and dropout prevention
33 shall equal the amount set aside in the base year. For the 2016--2017
34 school year, it is further provided that any city school district in a
35 city having a population of more than one million shall allocate at
36 least one-third of any increase from base year levels in funds set aside
37 pursuant to the requirements of this section to community-based organ-
38 izations. Any increase required pursuant to this section to community-
39 based organizations must be in addition to allocations provided to
40 community-based organizations in the base year. For the purpose of
41 teacher support for the 2016--2017 school year: to the city school
42 district of the city of New York, sixty-two million seven hundred seven
43 thousand dollars (\$62,707,000); to the Buffalo city school district, one
44 million seven hundred forty-one thousand dollars (\$1,741,000); to the
45 Rochester city school district, one million seventy-six thousand dollars
46 (\$1,076,000); to the Yonkers city school district, one million one
47 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse
48 city school district, eight hundred nine thousand dollars (\$809,000).
49 All funds made available to a school district pursuant to this section
50 shall be distributed among teachers including prekindergarten teachers
51 and teachers of adult vocational and academic subjects in accordance
52 with this section and shall be in addition to salaries heretofore or
53 hereafter negotiated or made available; provided, however, that all
54 funds distributed pursuant to this section for the current year shall be
55 deemed to incorporate all funds distributed pursuant to former subdivi-
56 sion 27 of section 3602 of the education law for prior years. In school

1 districts where the teachers are represented by certified or recognized
2 employee organizations, all salary increases funded pursuant to this
3 section shall be determined by separate collective negotiations
4 conducted pursuant to the provisions and procedures of article 14 of the
5 civil service law, notwithstanding the existence of a negotiated agree-
6 ment between a school district and a certified or recognized employee
7 organization.

8 S 43. Support of public libraries. The moneys appropriated for the
9 support of public libraries by a chapter of the laws of 2016 enacting
10 the aid to localities budget shall be apportioned for the 2016-2017
11 state fiscal year in accordance with the provisions of sections 271,
12 272, 273, 282, 284, and 285 of the education law as amended by the
13 provisions of this chapter and the provisions of this section, provided
14 that library construction aid pursuant to section 273-a of the education
15 law shall not be payable from the appropriations for the support of
16 public libraries and provided further that no library, library system or
17 program, as defined by the commissioner of education, shall receive less
18 total system or program aid than it received for the year 2001-2002
19 except as a result of a reduction adjustment necessary to conform to the
20 appropriations for support of public libraries. Notwithstanding any
21 other provision of law to the contrary the moneys appropriated for the
22 support of public libraries for the year 2016-2017 by a chapter of the
23 laws of 2016 enacting the education, labor and family assistance budget
24 shall fulfill the state's obligation to provide such aid and, pursuant
25 to a plan developed by the commissioner of education and approved by the
26 director of the budget, the aid payable to libraries and library systems
27 pursuant to such appropriations shall be reduced proportionately to
28 assure that the total amount of aid payable does not exceed the total
29 appropriations for such purpose.

30 S 44. Subdivision a of section 5 of chapter 121 of the laws of 1996
31 relating to authorizing the Roosevelt union free school district to
32 finance deficits by the issuance of serial bonds, as amended by section
33 26-b of part A of chapter 56 of the laws of 2015, is amended to read as
34 follows:

35 a. Notwithstanding any other provisions of law, upon application to
36 the commissioner of education submitted not sooner than April first and
37 not later than June thirtieth of the applicable school year, the Roose-
38 velt union free school district shall be eligible to receive an appor-
39 tionment pursuant to this chapter for salary expenses, including related
40 benefits, incurred between April first and June thirtieth of such school
41 year. Such apportionment shall not exceed: for the 1996-97 school year
42 through the [2015-16] 2016-17 school year, four million dollars
43 (\$4,000,000); for the [2016-17] 2017-18 school year, three million
44 dollars (\$3,000,000); for the [2017-18] 2018-19 school year, two million
45 dollars (\$2,000,000); for the [2018-19] 2019-20 school year, one million
46 dollars (\$1,000,000); and for the [2019-20] 2020-21 school year, zero
47 dollars. Such annual application shall be made after the board of
48 education has adopted a resolution to do so with the approval of the
49 commissioner of education.

50 S 45. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
51 tion law, as amended by section 15-a of part A of chapter 56 of the laws
52 of 2015, is amended to read as follows:

53 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
54 sion, for aid payable in the school years two thousand--two thousand one
55 through two thousand nine--two thousand ten, and two thousand eleven--
56 two thousand twelve through two thousand [fifteen] SIXTEEN--two thousand

1 [sixteen] SEVENTEEN, the commissioner may set aside an amount not to
2 exceed two million five hundred thousand dollars from the funds appro-
3 priated for purposes of this subdivision for the purpose of serving
4 persons twenty-one years of age or older who have not been enrolled in
5 any school for the preceding school year, including persons who have
6 received a high school diploma or high school equivalency diploma but
7 fail to demonstrate basic educational competencies as defined in regu-
8 lation by the commissioner, when measured by accepted standardized
9 tests, and who shall be eligible to attend employment preparation educa-
10 tion programs operated pursuant to this subdivision.

11 S 46. The commissioner of education is hereby authorized and directed
12 to examine the process for determining the number of eligible students
13 in the federal and state free and reduced price lunch program that are
14 used to calculate aid under section 3602 of the education law for
15 districts that are participating in the community eligibility provision
16 program authorized by the Healthy, Hunger-Free Kids Act of 2010 and
17 prepare a report of recommendations that would ensure a more accurate
18 representation of this population for use in such education aid formu-
19 lae. In developing such recommendations the commissioner shall consult
20 with impacted districts, including city school districts of cities with
21 one hundred twenty-five thousand inhabitants or more. Provided further,
22 in developing such recommendations, the commissioner shall examine other
23 reliable measures of student poverty. The report shall be submitted to
24 the director of the budget, the chairs of the senate finance committee,
25 the assembly ways and means committee, the senate education committee,
26 and the assembly education committee on or before October 1, 2016.

27 S 47. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of
28 section 3602 of the education law, as amended by section 7-a of part A
29 of chapter 56 of the laws of 2015, is amended to read as follows:

30 (c) At the end of each ten year segment of an assumed amortization
31 established pursuant to subparagraphs two, three and four of this para-
32 graph, or in the [two thousand sixteen--two thousand seventeen] TWO
33 THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN school year in the case of
34 assumed amortizations whose ten year segment ends prior to such school
35 year, the commissioner shall revise the remaining scheduled semiannual
36 payments of the outstanding principal and interest of such assumed amor-
37 tization, other than the outstanding principal and interest of refunding
38 bonds where the district can demonstrate to the commissioner that it is
39 precluded by state or federal law, rule or regulation from refinancing
40 such outstanding principal and interest, based on the interest rates
41 applicable for the current year if the difference of the interest rate
42 upon which the existing assumed amortization is based minus such inter-
43 est rate applicable for the current year is equal to or greater than one
44 quarter of one-one hundredth. Provided however, in the case of assumed
45 amortization whose ten year segment ended prior to the [two thousand
46 sixteen--two thousand seventeen] TWO THOUSAND SEVENTEEN--TWO THOUSAND
47 EIGHTEEN school year the next ten year segment shall be deemed to
48 commence with the [two thousand sixteen--two thousand seventeen] TWO
49 THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN school year. The department
50 shall notify school districts of projects subject to the provisions of
51 this clause by no later than December first next preceding the school
52 year in which the assumed amortization is scheduled to be revised pursu-
53 ant to this clause.

54 S 48. Notwithstanding any provision of law to the contrary, for the
55 Sandy Creek central school district having a penalty arising from the
56 late filing of a final cost report pursuant to section 31 of part A of

1 chapter 57 of the laws of 2012 in the amount of not more than
2 \$4,694,839, the commissioner of education shall recover such penalty in
3 five equal annual installments beginning the later of June of 2017 or
4 June of the school year in which such district is notified of the penal-
5 ty. Provided further that such district may elect to make an initial
6 payment no later than thirty days in advance of the first annual
7 installment which shall reduce the amount of each annual installment.

8 S 49. Notwithstanding any provision of law to the contrary, for the
9 Newburgh city school district having a penalty arising from the late
10 filing of a final cost report pursuant to section 31 of part A of chap-
11 ter 57 of the laws of 2012 in the amount of not more than \$12,747,495,
12 the commissioner of education shall recover such penalty in five equal
13 annual installments beginning the later of June of 2017 or June of the
14 school year in which such district is notified of the penalty. Provided
15 further that such district may elect to make an initial payment no later
16 than thirty days in advance of the first annual installment which shall
17 reduce the amount of each annual installment.

18 S 50. Notwithstanding any provision of law to the contrary, for the
19 Islip union free school district having a penalty arising from the late
20 filing of a final cost report pursuant to section 31 of part A of chap-
21 ter 57 of the laws of 2012 in the amount of not more than \$1,246,922,
22 the commissioner of education shall recover such penalty in five equal
23 annual installments beginning the later of June of 2017 or June of the
24 school year in which such district is notified of the penalty. Provided
25 further that such district may elect to make an initial payment no later
26 than thirty days in advance of the first annual installment which shall
27 reduce the amount of each annual installment.

28 S 51. Notwithstanding any provision of law to the contrary, for the
29 Mattituck-Cutchogue union free school district having a penalty arising
30 from the late filing of a final cost report pursuant to section 31 of
31 part A of chapter 57 of the laws of 2012 in the amount of not more than
32 \$999,823, the commissioner of education shall recover such penalty in
33 five equal annual installments beginning the later of June of 2017 or
34 June of the school year in which such district is notified of the penal-
35 ty. Provided further that such district may elect to make an initial
36 payment no later than thirty days in advance of the first annual
37 installment which shall reduce the amount of each annual installment.

38 S 52. Notwithstanding any provision of the law to the contrary, for
39 the Lackawanna city school district having a penalty arising from the
40 late filing of a final cost report pursuant to section 31 of part A of
41 chapter 57 of the laws of 2012 in the amount of not more than \$839,524,
42 the commissioner of education shall recover such penalty in five equal
43 annual installments beginning the later of June of 2017 or June of the
44 school year in which such district is notified of the penalty. Provided
45 further that such district may elect to make an initial payment no later
46 than thirty days in advance of the first annual installment which shall
47 reduce the amount of each annual installment.

48 S 53. Subdivision 4 of section 3627 of the education law, as amended
49 by section 1 of part C of chapter 60 of the laws of 2015, is amended to
50 read as follows:

51 4. Notwithstanding any other provision of law to the contrary, any
52 expenditures for transportation provided pursuant to this section in the
53 two thousand thirteen--two thousand fourteen [and two thousand four-
54 teen--two thousand fifteen] school year and thereafter and otherwise
55 eligible for transportation aid pursuant to subdivision seven of section
56 thirty-six hundred two of this article shall be considered approved

1 transportation expenses eligible for transportation aid, provided
2 further that for the two thousand thirteen--two thousand fourteen school
3 year such aid shall be limited to eight million one hundred thousand
4 dollars and for the two thousand fourteen--two thousand fifteen school
5 year [and thereafter] such aid shall be limited to THE SUM OF twelve
6 million six hundred thousand dollars PLUS THE BASE AMOUNT AND FOR THE
7 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER
8 SUCH AID SHALL BE LIMITED TO THE SUM OF SEVENTEEN MILLION ONE HUNDRED
9 THOUSAND DOLLARS PLUS THE BASE AMOUNT. FOR PURPOSES OF THIS SUBDIVISION,
10 "BASE AMOUNT" MEANS THE AMOUNT OF TRANSPORTATION AID PAID TO THE SCHOOL
11 DISTRICT FOR EXPENDITURES INCURRED IN THE TWO THOUSAND TWELVE--TWO THOU-
12 SAND THIRTEEN SCHOOL YEAR FOR TRANSPORTATION THAT WOULD HAVE BEEN ELIGI-
13 BLE FOR AID PURSUANT TO THIS SECTION HAD THIS SECTION BEEN IN EFFECT IN
14 SUCH SCHOOL YEAR, EXCEPT THAT SUBDIVISION SIX OF THIS SECTION SHALL BE
15 DEEMED NOT TO HAVE BEEN IN EFFECT. And provided further that [such
16 expenditures eligible for aid under this section shall supplement not
17 supplant local expenditures for such transportation in the two thousand
18 twelve--two thousand thirteen school year] THE SCHOOL DISTRICT SHALL
19 CONTINUE TO ANNUALLY EXPEND FOR THE TRANSPORTATION DESCRIBED IN SUBDIVI-
20 SION ONE OF THIS SECTION AT LEAST THE EXPENDITURES USED FOR THE BASE
21 AMOUNT.

22 S 54. Severability. The provisions of this act shall be severable, and
23 if the application of any clause, sentence, paragraph, subdivision,
24 section or part of this act to any person or circumstance shall be
25 adjudged by any court of competent jurisdiction to be invalid, such
26 judgment shall not necessarily affect, impair or invalidate the applica-
27 tion of any such clause, sentence, paragraph, subdivision, section, part
28 of this act or remainder thereof, as the case may be, to any other
29 person or circumstance, but shall be confined in its operation to the
30 clause, sentence, paragraph, subdivision, section or part thereof
31 directly involved in the controversy in which such judgment shall have
32 been rendered.

33 S 55. This act shall take effect immediately, and shall be deemed to
34 have been in full force and effect on and after April 1, 2016, provided,
35 however, that sections one, six, seven, eight, ten, twenty-six, twenty-
36 seven, twenty-eight, twenty-nine, thirty-seven, forty-one and forty-two
37 of this act shall take effect July 1, 2016; provided, further, that the
38 amendments to chapter 756 of the laws of 1992, amending the education
39 law relating to funding a program for work force education conducted by
40 a consortium for worker education in New York City made by sections
41 twenty-eight and twenty-nine of this act shall not affect the repeal of
42 such chapter and shall be deemed repealed therewith, provided, further,
43 that section thirty-three of this act shall take effect immediately and
44 shall be deemed to have been in full force and effect on and after the
45 effective date of section 140 of chapter 82 of the laws of 1995.

46

PART B

47 Section 1. Section 2801-a of the education law, as added by chapter
48 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the
49 laws of 2001, is amended to read as follows:

50 S 2801-a. School safety plans. 1. The board of education or trustees,
51 as defined in section two of this chapter, of every school district
52 within the state, however created, and every board of cooperative educa-
53 tional services and county vocational education and extension board and
54 the chancellor of the city school district of the city of New York shall

1 adopt and amend a comprehensive district-wide school safety plan and
2 building-level [school safety] EMERGENCY RESPONSE plans regarding crisis
3 intervention, emergency response and management, provided that in the
4 city school district of the city of New York, such plans shall be
5 adopted by the chancellor of the city school district. Such plans shall
6 be developed by a district-wide school safety team and a building-level
7 [school safety] EMERGENCY RESPONSE team established pursuant to subdivi-
8 sion four of this section and shall be in a form developed by the
9 commissioner in consultation with the division of criminal justice
10 services, the superintendent of the state police and any other appropri-
11 ate state agencies. [A school district having only one school building,
12 shall develop a single building-level school safety plan, which shall
13 also fulfill all requirements for development of a district-wide plan.]

14 THE COMMISSIONER, IN CONSULTATION WITH THE SUPERINTENDENT OF THE STATE
15 POLICE, IS AUTHORIZED TO DEVELOP AN APPEALS PROCESS FROM DUPLICATIVE
16 REQUIREMENTS OF A DISTRICT-WIDE SCHOOL SAFETY PLAN FOR SCHOOL DISTRICTS
17 HAVING ONLY ONE SCHOOL BUILDING.

18 2. Such comprehensive district-wide safety plan shall be developed by
19 the district-wide school safety team and shall include at a minimum:

20 a. policies and procedures for responding to implied or direct threats
21 of violence by students, teachers, other school personnel as well as
22 visitors to the school, INCLUDING THREATS BY STUDENTS AGAINST THEM-
23 SELVES, WHICH FOR THE PURPOSES OF THIS SECTION SHALL INCLUDE SUICIDE;

24 b. policies and procedures for responding to acts of violence by
25 students, teachers, other school personnel as well as visitors to the
26 school, including consideration of zero-tolerance policies for school
27 violence;

28 c. appropriate prevention and intervention strategies such as:

29 (i) collaborative arrangements with state and local law enforcement
30 officials, designed to ensure that school safety officers and other
31 security personnel are adequately trained, including being trained to
32 de-escalate potentially violent situations, and are effectively and
33 fairly recruited;

34 (ii) non-violent conflict resolution training programs;

35 (iii) peer mediation programs and youth courts; and

36 (iv) extended day and other school safety programs;

37 d. policies and procedures for contacting appropriate law enforcement
38 officials in the event of a violent incident;

39 e. policies and procedures for contacting parents, guardians or
40 persons in parental relation to the students of the district in the
41 event of a violent incident AND POLICIES AND PROCEDURES FOR CONTACTING
42 PARENTS, GUARDIANS OR PERSONS IN PARENTAL RELATION TO AN INDIVIDUAL
43 STUDENT OF THE DISTRICT IN THE EVENT OF AN IMPLIED OR DIRECT THREAT OF
44 VIOLENCE BY SUCH STUDENT AGAINST THEMSELVES, WHICH FOR PURPOSES OF THIS
45 SECTION SHALL INCLUDE SUICIDE;

46 f. policies and procedures relating to school building security,
47 including where appropriate the use of school safety officers and/or
48 security devices or procedures;

49 g. policies and procedures for the dissemination of informative mate-
50 rials regarding the early detection of potentially violent behaviors,
51 including but not limited to the identification of family, community and
52 environmental factors, to teachers, administrators, school personnel,
53 persons in parental relation to students of the district, students and
54 other persons deemed appropriate to receive such information;

55 h. policies and procedures for annual school safety training for staff
56 and students; PROVIDED THAT THE DISTRICT MUST CERTIFY TO THE COMMISSION-

1 ER THAT ALL STAFF HAVE UNDERGONE ANNUAL TRAINING ON THE EMERGENCY
2 RESPONSE PLAN, AND THAT THE SCHOOL SAFETY TRAINING INCLUDE COMPONENTS ON
3 VIOLENCE PREVENTION AND MENTAL HEALTH, SUCH TRAINING MAY BE IMPLEMENTED
4 AND CONDUCTED IN CONJUNCTION WITH EXISTING PROFESSIONAL DEVELOPMENT AND
5 TRAINING; PROVIDED HOWEVER THAT NEW EMPLOYEES HIRED AFTER THE START OF
6 THE SCHOOL YEAR SHALL RECEIVE TRAINING WITHIN THIRTY DAYS OF SUCH HIRE
7 OR AS PART OF A DISTRICT'S EXISTING NEW HIRE TRAINING PROGRAM, WHICHEVER
8 IS SOONER;

9 i. protocols for responding to bomb threats, hostage-takings, intru-
10 sions and kidnappings;

11 j. strategies for improving communication among students and between
12 students and staff and reporting of potentially violent incidents, such
13 as the establishment of youth-run programs, peer mediation, conflict
14 resolution, creating a forum or designating a mentor for students
15 concerned with bullying or violence and establishing anonymous reporting
16 mechanisms for school violence; [and]

17 k. a description of the duties of hall monitors and any other school
18 safety personnel, the training required of all personnel acting in a
19 school security capacity, and the hiring and screening process for all
20 personnel acting in a school security capacity; AND

21 1. THE DESIGNATION OF THE SUPERINTENDENT, OR SUPERINTENDENT'S DESIG-
22 NEE, AS THE DISTRICT CHIEF EMERGENCY OFFICER RESPONSIBLE FOR COORDINAT-
23 ING COMMUNICATION BETWEEN SCHOOL STAFF AND LAW ENFORCEMENT AND FIRST
24 RESPONDERS, AND ENSURING STAFF UNDERSTANDING OF THE DISTRICT-LEVEL SAFE-
25 TY PLAN. THE CHIEF EMERGENCY OFFICER SHALL ALSO BE RESPONSIBLE FOR
26 ENSURING THE COMPLETION AND YEARLY UPDATING OF BUILDING-LEVEL EMERGENCY
27 RESPONSE PLANS.

28 3. A [school] BUILDING LEVEL emergency response plan, developed by the
29 building-level [school safety] EMERGENCY RESPONSE team defined in subdi-
30 vision four of this section, shall BE KEPT CONFIDENTIAL, INCLUDING BUT
31 NOT LIMITED TO THE FLOOR PLANS, BLUEPRINTS, SCHEMATICS OR OTHER MAPS OF
32 THE SCHOOL INTERIOR, SCHOOL GROUNDS AND ROAD MAPS OF THE IMMEDIATE
33 SURROUNDING AREA, AND SHALL NOT BE DISCLOSED EXCEPT TO AUTHORIZED
34 DEPARTMENT OR SCHOOL STAFF, AND LAW ENFORCEMENT OFFICERS, AND SHALL
35 include the following elements:

36 a. policies and procedures for [the safe evacuation of students,
37 teachers, other school personnel as well as visitors to the school in
38 the event of a serious violent incident or other emergency, which shall
39 include evacuation routes and shelter sites and procedures for address-
40 ing medical needs, transportation and emergency notification to persons
41 in parental relation to a student. For purposes of this subdivision,
42 "serious violent incident" means an incident of violent criminal conduct
43 that is, or appears to be, life threatening and warrants the evacuation
44 of students and/or staff, as defined in regulations of the commissioner
45 developed in conjunction with the division of criminal justice services]
46 RESPONSE TO EMERGENCY SITUATIONS, SUCH AS THOSE REQUIRING EVACUATION,
47 SHELTERING, AND LOCK-DOWN. THESE POLICIES SHALL INCLUDE, AT A MINIMUM,
48 EVACUATION ROUTES, SHELTER SITES, AND PROCEDURES FOR ADDRESSING MEDICAL
49 NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION OF PARENTS AND GUARDI-
50 ANS;

51 b. designation of an emergency response team comprised of school
52 personnel, [local] law enforcement officials, FIRE OFFICIALS and repre-
53 sentatives from local regional and/or state emergency response agencies,
54 other appropriate incident response teams, and a post-incident response
55 team that includes appropriate school personnel, medical personnel,

1 mental health counselors and others who can assist the school community
2 in coping with the aftermath of a violent incident;

3 c. [procedures for assuring that crisis response and law enforcement
4 officials have access to] floor plans, blueprints, schematics or other
5 maps of the school interior, school grounds and road maps of the immedi-
6 ate surrounding area;

7 d. establishment of internal and external communication systems in
8 emergencies;

9 e. definition of the chain of command in a manner consistent with the
10 national interagency incident management system/incident command system;

11 f. coordination of the [school safety] EMERGENCY RESPONSE plan with
12 the state-wide plan for disaster mental health services to assure that
13 the school has access to federal, state and local mental health
14 resources in the event of a violent incident;

15 g. procedures for review and the conduct of drills and other exercises
16 to test components of the emergency response plan; and

17 h. policies and procedures for securing and restricting access to the
18 crime scene in order to preserve evidence in cases of violent crimes on
19 school property.

20 4. Each district-wide school safety team shall be appointed by the
21 board of education, or the chancellor in the case of the city school
22 district of the city of New York, and shall include but not be limited
23 to representatives of the school board, [student,] teacher, administra-
24 tor, and parent organizations, school safety personnel, and other school
25 personnel. AT THE DISCRETION OF THE BOARD OF EDUCATION, OR THE CHANCEL-
26 LOR IN THE CASE OF THE CITY OF NEW YORK, A STUDENT MAY BE ALLOWED TO
27 PARTICIPATE ON THE SAFETY TEAM, PROVIDED HOWEVER, THAT NO PORTION OF A
28 CONFIDENTIAL BUILDING-LEVEL EMERGENCY RESPONSE PLAN SHALL BE SHARED WITH
29 SUCH STUDENT NOR SHALL SUCH STUDENT BE PRESENT WHERE DETAILS OF A CONFIDENTIAL BUILDING-LEVEL EMERGENCY RESPONSE PLAN OR CONFIDENTIAL PORTIONS OF A DISTRICT-WIDE EMERGENCY RESPONSE STRATEGY ARE DISCUSSED. Each building-level [school safety] EMERGENCY RESPONSE team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, chancellor or other governing body. Such building-level teams shall include but not be limited to representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, [local] law enforcement officials, [local ambulance] FIRE OFFICIALS or other emergency response agencies, and any other representatives the board of education, chancellor or other governing body deems appropriate.

42 5. [Each safety plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed] THE DISTRICT-WIDE SAFETY PLAN AND BUILDING-LEVEL EMERGENCY RESPONSE PLANS SHALL BE REVIEWED BY THE APPROPRIATE TEAM ON AT LEAST AN ANNUAL BASIS AND UPDATED AS NEEDED.

47 6. Each board of education, chancellor or other governing body shall make each district-wide [and building-level school] safety plan available for public comment at least thirty days prior to its adoption[, provided that only a summary of each building-level emergency response plan shall be made available for public comment]. Such district-wide [and building-level] plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each district shall file a copy of its district-wide [comprehensive] safety plan with the commissioner and all amendments to such plan shall

1 be filed with the commissioner no later than thirty days after their
2 adoption.

3 [A] 7. EACH BOARD OF EDUCATION, CHANCELLOR OR OTHER GOVERNING BODY OR
4 OFFICER SHALL ENSURE A copy of each building-level [safety] EMERGENCY
5 RESPONSE plan and any amendments thereto, shall be filed with the appro-
6 priate local law enforcement agency and with the state police within
7 thirty days of its adoption. Building-level emergency response plans
8 shall be confidential and shall not be subject to disclosure under arti-
9 cle six of the public officers law or any other provision of law. If the
10 board of education, chancellor or other governing body or chancellor
11 fails to file such plan as required by this section, the commissioner
12 may, in an amount determined by the commissioner, withhold public money
13 from the district until the district is in compliance.

14 [7. The commissioner may grant a waiver of the requirements of this
15 section to any school district or board of cooperative educational
16 services for a period of up to two years from the date of enactment upon
17 a finding by the commissioner that such district had adopted a compre-
18 hensive school safety plan on the effective date of this section which
19 is in substantial compliance with the requirements of this section.]

20 8. The commissioner shall annually report to the governor and the
21 legislature on the implementation and compliance with the provisions of
22 this section.

23 9. Whenever it shall have been demonstrated to the satisfaction of the
24 commissioner that a school district has failed to adopt a code of
25 conduct which fully satisfies the requirements of section twenty-eight
26 hundred one of this article, or a [school safety plan] DISTRICT-WIDE
27 SAFETY PLAN OR BUILDING-LEVEL EMERGENCY RESPONSE PLANS which satisfies
28 the requirements of this section, or to faithfully and completely imple-
29 ment [either or both] ALL THREE, the commissioner may, on thirty days
30 notice to the district, withhold from the district monies to be paid to
31 such district for the current school year pursuant to section thirty-six
32 hundred nine-a of this chapter, exclusive of monies to be paid in
33 respect of obligations to the retirement systems for school and district
34 staff and pursuant to collective bargaining agreements, or the commis-
35 sioner may direct the district to expend up to such amount upon the
36 development and implementation of a code of conduct and a school
37 district safety plan as required by such sections. Prior to such with-
38 holding or redirection, the commissioner shall provide the district an
39 opportunity to present evidence of extenuating circumstances; when
40 combined with evidence that the district shall promptly comply within
41 short time frames that shall be established by the commissioner as part
42 of an agreement between the district and the commissioner, the commis-
43 sioner may temporarily stay the withholding or redirection of funds
44 pending implementation of such agreement. If the district promptly and
45 fully complies with the agreement and is in full compliance with this
46 section and section twenty-eight hundred one of this article, the
47 commissioner shall abate the withholding in its entirety. Any failure to
48 meet the obligations of the compliance agreement by the district within
49 the time frames established shall be considered a willful violation of a
50 commissioner's order by the members of the district board for purposes
51 of subdivision one of section three hundred six of the education law.
52 Notwithstanding any other law, rule or regulation, such transfer shall
53 take effect upon filing of a notice thereof with the director of the
54 budget and the chairs of the senate finance and assembly ways and means
55 committees.

1 S 2. The section heading and subdivisions 1 and 1-a of section 807 of
2 the education law, the section heading as amended by chapter 765 of the
3 laws of 1964, subdivision 1 as amended by chapter 143 of the laws of
4 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are
5 amended to read as follows:

6 Fire AND EMERGENCY drills. 1. It shall be the duty of the principal
7 or other person in charge of every public or private school or educa-
8 tional institution within the state, other than colleges or universi-
9 ties, to instruct and train the pupils by means of drills, so that they
10 may in a sudden emergency be able to [leave the school building] RESPOND
11 APPROPRIATELY in the shortest possible time and without confusion or
12 panic. Such drills [or rapid dismissals] shall be held at least twelve
13 times in each school year, eight of which required drills shall be held
14 between September first and December [first] THIRTY-FIRST of each such
15 year. [At least one-third of all such required drills shall be through
16 use of the fire escapes on buildings where fire escapes are provided. In
17 the course of at least one such drill, pupils shall be instructed in the
18 procedure to be followed in the event that a fire occurs during lunch
19 period, provided however, that such additional instruction may be waived
20 where a drill is held during the regular school lunch period. At least
21 four] EIGHT OF ALL SUCH DRILLS SHALL BE EVACUATION DRILLS, FOUR OF WHICH
22 SHALL BE THROUGH USE OF THE FIRE ESCAPES ON BUILDINGS WHERE FIRE ESCAPES
23 ARE PROVIDED OR THROUGH THE USE OF IDENTIFIED SECONDARY MEANS OF EGRESS.
24 FOUR OF ALL SUCH REQUIRED DRILLS SHALL BE LOCK-DOWN DRILLS. DRILLS
25 SHALL BE CONDUCTED AT DIFFERENT TIMES OF THE SCHOOL DAY. PUPILS SHALL
26 BE INSTRUCTED IN THE PROCEDURE TO BE FOLLOWED IN THE EVENT THAT A FIRE
27 OCCURS DURING THE LUNCH PERIOD OR ASSEMBLY, PROVIDED HOWEVER, THAT SUCH
28 ADDITIONAL INSTRUCTION MAY BE WAIVED WHERE A DRILL IS HELD DURING THE
29 REGULAR SCHOOL LUNCH PERIOD OR ASSEMBLY. FOUR additional drills shall
30 be held in each school year during the hours after sunset and before
31 sunrise in school buildings in which students are provided with sleeping
32 accommodations. At least two additional drills shall be held during
33 summer school in buildings where summer school is conducted, and one of
34 such drills shall be held during the first week of summer school.

35 1-a. In the case of after-school programs, events or performances
36 which are conducted within a school building and which include persons
37 who do not regularly attend classes in such school building, the princi-
38 pal or other person in charge of the building shall require the teacher
39 or person in charge of such after-school program, event or performance
40 to notify persons in attendance at the beginning of each such program,
41 event or performance, of the procedures to be followed in the event of
42 an emergency so that they may be able to [leave the building] RESPOND in
43 a timely, orderly manner.

44 S 3. Subdivision 7 of section 3604 of the education law, as amended by
45 section 31 of part B of chapter 57 of the laws of 2007, is amended to
46 read as follows:

47 7. No district shall be entitled to any portion of such school moneys
48 on such apportionment unless the report of the trustees or board of
49 education for the preceding school year shall show that the public
50 schools were actually in session in the district and taught by a quali-
51 fied teacher or by successive qualified teachers or by qualified teach-
52 ers for not less than one hundred eighty days. The moneys payable to a
53 school district pursuant to section thirty-six hundred nine-a of this
54 chapter in the current year shall be reduced by one one-hundred eight-
55 ieth of the district's total foundation aid for each day less than one
56 hundred eighty days that the schools of the district were actually in

1 session, except that the commissioner may disregard such reduction, up
2 to five days, in the apportionment of public money, if he finds that the
3 schools of the district were not in session for one hundred eighty days
4 because of extraordinarily adverse weather conditions, impairment of
5 heating facilities, insufficiency of water supply, shortage of fuel,
6 lack of electricity, natural gas leakage, unacceptable levels of chemi-
7 cal substances, A CREDIBLE THREAT TO STUDENT SAFETY AS REASONABLY DETER-
8 MINED BY A LEAD SCHOOL OFFICIAL or the destruction of a school building
9 either in whole or in part, and if, further, the commissioner finds that
10 such district cannot make up such days of instruction by using for the
11 secondary grades all scheduled vacation days which occur prior to the
12 first scheduled regents examination day in June, and for the elementary
13 grades all scheduled vacation days which occur prior to the last sched-
14 uled regents examination day in June. For the purposes of this subdivi-
15 sion, "scheduled vacation days" shall mean days on which the schools of
16 the district are not in session and for which no prohibition exists in
17 subdivision eight of this section for them to be in session.

18 S 4. This act shall take effect July 1, 2016.

19 PART C

20 Intentionally Omitted

21 PART D

22 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
23 355 of the education law, as amended by chapter 260 of the laws of 2011,
24 the opening paragraph as amended by chapter 437 of the laws of 2015 and
25 clause (ii) as amended by section 1 of part P of chapter 57 of the laws
26 of 2012, is amended to read as follows:

27 (4) The trustees shall not impose a differential tuition charge based
28 upon need or income. Except as hereinafter provided, all students
29 enrolled in programs leading to like degrees at state-operated insti-
30 tutions of the state university shall be charged a uniform rate of
31 tuition except for differential tuition rates based on state residency.
32 Provided, however, that the trustees may authorize the presidents of the
33 colleges of technology and the colleges of agriculture and technology to
34 set differing rates of tuition for each of the colleges for students
35 enrolled in degree-granting programs leading to an associate degree and
36 non-degree granting programs so long as such tuition rate does not
37 exceed the tuition rate charged to students who are enrolled in like
38 degree programs or degree-granting undergraduate programs leading to a
39 baccalaureate degree at other state-operated institutions of the state
40 university of New York. Notwithstanding any other provision of this
41 subparagraph, the trustees may authorize the setting of a separate cate-
42 gory of tuition rate, that shall be greater than the tuition rate for
43 resident students and less than the tuition rate for non-resident
44 students, only for students enrolled in distance learning courses who
45 are not residents of the state. Except as otherwise authorized in this
46 subparagraph, the trustees shall not adopt changes affecting tuition
47 charges prior to the enactment of the annual budget, provided however
48 that:

49 (i) Commencing with the two thousand eleven--two thousand twelve
50 academic year and ending in the two thousand fifteen--two thousand
51 sixteen academic year the state university of New York board of trustees
52 shall be empowered to increase the resident undergraduate rate of

1 tuition by not more than three hundred dollars over the resident under-
2 graduate rate of tuition adopted by the board of trustees in the prior
3 academic year, provided however that COMMENCING WITH THE TWO THOUSAND
4 ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND EACH YEAR THEREAFTER if
5 the annual resident undergraduate rate of tuition would exceed five
6 thousand dollars, then a tuition credit for each eligible student, as
7 determined and calculated by the New York state higher education
8 services corporation pursuant to section six hundred eighty-nine-a of
9 this title, shall be applied toward the tuition charged for each semes-
10 ter, quarter or term of study. Tuition for each semester, quarter or
11 term of study shall not be due for any student eligible to receive such
12 tuition credit until the tuition credit is calculated and applied
13 against the tuition charged for the corresponding semester, quarter or
14 term.

15 (ii) On or before November thirtieth, two thousand eleven, the trus-
16 tees shall approve and submit to the chairs of the assembly ways and
17 means committee and the senate finance committee and to the director of
18 the budget a master tuition plan setting forth the tuition rates that
19 the trustees propose for resident undergraduate students for the five
20 year period commencing with the two thousand eleven--two thousand twelve
21 academic year and ending in the two thousand fifteen--two thousand
22 sixteen academic year, and shall submit any proposed amendments to such
23 plan by November thirtieth of each subsequent year thereafter through
24 November thirtieth, two thousand fifteen, and provided further, that
25 with the approval of the board of trustees, each university center may
26 increase non-resident undergraduate tuition rates each year by not more
27 than ten percent over the tuition rates of the prior academic year for a
28 [five] SIX year period commencing with the [semester following the
29 semester in which the governor and the chancellor of the state universi-
30 ty of New York approve the NY-SUNY 2020 proposal for such university
31 center] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND
32 ENDING IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC
33 YEAR.

34 (iii) [The state shall appropriate annually and make available general
35 fund operating support, including fringe benefits, for the state univer-
36 sity in an amount not less than the amount appropriated and made avail-
37 able to the state university in state fiscal year two thousand eleven--
38 two thousand twelve.] Beginning in state fiscal year two thousand
39 twelve--two thousand thirteen and [thereafter] ENDING IN STATE FISCAL
40 YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall appro-
41 priate and make available general fund operating support, including
42 fringe benefits, for the state university in an amount not less than the
43 amount appropriated and made available in the prior state fiscal year;
44 provided, however, that if the governor declares a fiscal emergency, and
45 communicates such emergency to the temporary president of the senate and
46 speaker of the assembly, state support for operating expenses at the
47 state university and city university may be reduced in a manner propor-
48 tionate to one another, and the aforementioned provisions shall not
49 apply.

50 (iv) For the state university fiscal years commencing two thousand
51 eleven--two thousand twelve and ending two thousand fifteen--two thou-
52 sand sixteen, each university center may set aside a portion of its
53 tuition revenues derived from tuition increases to provide increased
54 financial aid for New York state resident undergraduate students whose
55 net taxable income is eighty thousand dollars or more subject to the
56 approval of a NY-SUNY 2020 proposal by the governor and the chancellor

1 of the state university of New York. Nothing in this paragraph shall be
2 construed as to authorize that students whose net taxable income is
3 eighty thousand dollars or more are eligible for tuition assistance
4 program awards pursuant to section six hundred sixty-seven of this chap-
5 ter.

6 S 2. Paragraph (a) of subdivision 7 of section 6206 of the education
7 law, as amended by chapter 260 of the laws of 2011 and the opening para-
8 graph as amended by chapter 437 of the laws of 2015, is amended to read
9 as follows:

10 (a) The board of trustees shall establish positions, departments,
11 divisions and faculties; appoint and in accordance with the provisions
12 of law fix salaries of instructional and non-instructional employees
13 therein; establish and conduct courses and curricula; prescribe condi-
14 tions of student admission, attendance and discharge; and shall have the
15 power to determine in its discretion whether tuition shall be charged
16 and to regulate tuition charges, and other instructional and non-in-
17 structional fees and other fees and charges at the educational units of
18 the city university. The trustees shall review any proposed community
19 college tuition increase and the justification for such increase. The
20 justification provided by the community college for such increase shall
21 include a detailed analysis of ongoing operating costs, capital, debt
22 service expenditures, and all revenues. The trustees shall not impose a
23 differential tuition charge based upon need or income. All students
24 enrolled in programs leading to like degrees at the senior colleges
25 shall be charged a uniform rate of tuition, except for differential
26 tuition rates based on state residency. Notwithstanding any other
27 provision of this paragraph, the trustees may authorize the setting of a
28 separate category of tuition rate, that shall be greater than the
29 tuition rate for resident students and less than the tuition rate for
30 non-resident students, only for students enrolled in distance learning
31 courses who are not residents of the state; provided, however, that:

32 (i) Commencing with the two thousand eleven--two thousand twelve
33 academic year and ending in the two thousand fifteen--two thousand
34 sixteen academic year, the city university of New York board of trustees
35 shall be empowered to increase the resident undergraduate rate of
36 tuition by not more than three hundred dollars over the resident under-
37 graduate rate of tuition adopted by the board of trustees in the prior
38 academic year, provided however that COMMENCING WITH THE TWO THOUSAND
39 ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND EACH YEAR THEREAFTER if
40 the annual resident undergraduate rate of tuition would exceed five
41 thousand dollars, then a tuition credit for each eligible student, as
42 determined and calculated by the New York state higher education
43 services corporation pursuant to section six hundred eighty-nine-a of
44 this chapter, shall be applied toward the tuition charged for each
45 semester, quarter or term of study. Tuition for each semester, quarter
46 or term of study shall not be due for any student eligible to receive
47 such tuition credit until the tuition credit is calculated and applied
48 against the tuition charged for the corresponding semester, quarter or
49 term.

50 (ii) On or before November thirtieth, two thousand eleven, the trus-
51 tees shall approve and submit to the chairs of the assembly ways and
52 means committee and the senate finance committee and to the director of
53 the budget a master tuition plan setting forth the tuition rates that
54 the trustees propose for resident undergraduate students for the five
55 year period commencing with the two thousand eleven--two thousand twelve
56 academic year and ending in the two thousand fifteen--two thousand

1 sixteen academic year, and shall submit any proposed amendments to such
2 plan by November thirtieth of each subsequent year thereafter through
3 November thirtieth, two thousand fifteen.

4 (iii) [The state shall appropriate annually and make available state
5 support for operating expenses, including fringe benefits, for the city
6 university in an amount not less than the amount appropriated and made
7 available to the city university in state fiscal year two thousand
8 eleven--two thousand twelve.] Beginning in state fiscal year two thou-
9 sand twelve--two thousand thirteen and [thereafter] ENDING IN STATE
10 FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall
11 appropriate and make available state support for operating expenses,
12 including fringe benefits, for the city university in an amount not less
13 than the amount appropriated and made available in the prior state
14 fiscal year; provided, however, that if the governor declares a fiscal
15 emergency, and communicates such emergency to the temporary president of
16 the senate and speaker of the assembly, state support for operating
17 expenses of the state university and city university may be reduced in a
18 manner proportionate to one another, and the aforementioned provisions
19 shall not apply.

20 S 3. Intentionally omitted.

21 S 4. Intentionally omitted.

22 S 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-
23 tion law and the New York state urban development corporation act relat-
24 ing to establishing components of the NY-SUNY 2020 challenge grant
25 program, as amended by section 65-a of part HH of chapter 57 of the laws
26 of 2013, is amended to read as follows:

27 S 16. This act shall take effect July 1, 2011; provided that sections
28 one, two, three, four, five, six, eight, nine, ten, eleven, twelve[,]
29 AND thirteen[, fourteen and fifteen] of this act shall expire [5] 6
30 years after such effective date when upon such date the provisions of
31 this act shall be deemed repealed; AND PROVIDED FURTHER THAT SECTIONS
32 FOURTEEN AND FIFTEEN OF THIS ACT SHALL EXPIRE 5 YEARS AFTER SUCH EFFEC-
33 TIVE DATE WHEN UPON SUCH DATE THE PROVISIONS OF THIS ACT SHALL BE DEEMED
34 REPEALED.

35 S 6. This act shall take effect immediately; provided that the amend-
36 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
37 of the education law made by section one of this act and the amendments
38 to paragraph (a) of subdivision 7 of section 6206 of the education law
39 made by section two of this act shall not affect the expiration of such
40 provisions and shall be deemed to expire therewith; provided further,
41 that if chapter 437 of the laws of 2015 shall not have taken effect by
42 such effective date, then sections one and two of this act shall take
43 effect on the same day and in the same manner as sections 1 and 3 of
44 chapter 437 of the laws of 2015, take effect.

45 PART E

46 Section 1. The state finance law is amended by adding a new section
47 99-y to read as follows:

48 S 99-Y. SUNY STONY BROOK AFFILIATION ESCROW FUND. 1. NOTWITHSTANDING
49 ANY OTHER PROVISION OF LAW, RULE, REGULATION, OR PRACTICE TO THE CONTRA-
50 RY, THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER
51 AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK (SUNY) A TRUST
52 AND AGENCY FUND, TO BE KNOWN AS THE "SUNY STONY BROOK AFFILIATION ESCROW
53 FUND" WHICH SHALL BE AVAILABLE WITHOUT FISCAL YEAR LIMITATION.

1 2. THE SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL CONSIST OF (I)
2 ALL MONIES GENERATED THROUGH THE ACTIVITIES OF STONY BROOK AT SOUTHAMP-
3 TON HOSPITAL, INCLUDING BUT NOT LIMITED TO PATIENT REVENUE, FEDERAL
4 REIMBURSEMENT, AND OTHER ASSOCIATED REVENUE SOURCES, (II) RENT PAYMENTS
5 MADE BY STONY BROOK UNIVERSITY HOSPITAL TO THE SOUTHAMPTON HOSPITAL
6 ASSOCIATION UNDER A CERTAIN LEASE AGREEMENT APPROVED BY THE DIRECTOR OF
7 THE BUDGET, THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL AND THE
8 OFFICE OF THE NEW YORK STATE COMPTROLLER AND (III) TO THE EXTENT PERMIT-
9 TED UNDER THE LEASE AGREEMENT REFERRED TO IN PARAGRAPH (II) OF THIS
10 SUBDIVISION, WORKING CAPITAL ADVANCES AND CAPITAL ACQUISITION ADVANCES
11 MADE BY STONY BROOK UNIVERSITY HOSPITAL TO THE SOUTHAMPTON HOSPITAL
12 ASSOCIATION.

13 3. MONIES OF THE SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL BE
14 EXPENDED ONLY FOR THE PURPOSES OF STONY BROOK HOSPITAL AT SOUTHAMPTON.

15 S 2. This act shall take effect immediately.

16 PART F

17 Intentionally Omitted

18 PART G

19 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
20 2005 amending the education law relating to the New York state licensed
21 social worker loan forgiveness program, as amended by section 1 of part
22 M of chapter 58 of the laws of 2011, is amended to read as follows:

23 (a) [section two of this act shall expire and be deemed repealed June
24 30, 2016; and provided, further that] the amendment to paragraph b of
25 subdivision 1 of section 679-c and the amendment to paragraph 2 of
26 subdivision a of section 679-d of the education law made by sections
27 three and four of this act shall not affect the repeal of such sections
28 and shall be deemed repealed therewith;

29 S 2. Section 3 of part V of chapter 57 of the laws of 2005 amending
30 the education law relating to the New York state nursing faculty loan
31 forgiveness incentive program and the New York state nursing faculty
32 scholarship program, as amended by section 1 of part L of chapter 58 of
33 the laws of 2011, is amended to read as follows:

34 S 3. This act shall take effect on the same date and in the same
35 manner as Part H of this chapter; provided that section two of this act
36 shall take effect on the same date and in the same manner as Part I of
37 this chapter[; and provided further that this act shall expire and be
38 deemed repealed on June 30, 2016].

39 S 3. Section 17 of chapter 31 of the laws of 1985 amending the educa-
40 tion law relating to regents scholarships in certain professions, as
41 amended by section 1 of part K of chapter 58 of the laws of 2011, is
42 amended to read as follows:

43 S 17. This act shall take effect immediately; provided, however, that
44 the scholarship and loan forgiveness programs established pursuant to
45 the provisions of this act shall terminate upon the granting of such
46 awards for the 2008-2009 school year provided, however, that the regents
47 physician loan forgiveness program established pursuant to this act
48 shall [not terminate until the granting of such awards] CONTINUE for the
49 2015-16 school year[, provided that the final disbursement of any
50 multi-year awards granted in such school year shall be paid] AND THERE-
51 AFTER.

1 S 4. Paragraph a of subdivision 5 of section 679-c of the education
2 law, as amended by section 1 of part E3 of chapter 57 of the laws of
3 2007, is amended to read as follows:

4 a. The corporation shall convert to a student loan the full amount of
5 the award given pursuant to this section, plus interest, according to a
6 schedule to be determined by the corporation if: (1) three years after
7 the completion of the degree program it is found that an applicant did
8 not begin to provide nursing faculty or clinical nurse faculty services;
9 (2) if such applicant does not provide nursing faculty or clinical nurs-
10 ing faculty services for four years within seven years of the completion
11 of the master's degree program in nursing or doctoral degree; or (3) the
12 student fails to receive a master's degree in nursing or doctoral degree
13 that will qualify them as nursing faculty or adjunct clinical faculty
14 within the three years of receiving the award. THE TERMS AND CONDITIONS
15 OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN GRADUATE
16 OR DOCTORAL STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGU-
17 LATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH
18 PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH
19 OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO
20 THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND
21 REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL
22 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

23 S 5. Subdivision 5 of section 669-d of the education law, as amended
24 by section 1 of part H1 of chapter 109 of the laws of 2006, is amended
25 to read as follows:

26 5. The corporation shall convert to a student loan the full amount of
27 the award given pursuant to this section, plus interest, according to a
28 schedule to be determined by the corporation if: (a) two years after the
29 completion of the degree program and receipt of initial certification it
30 is found that a recipient is not teaching in the field of math or
31 science in a school located within New York state providing secondary
32 education recognized by the board of regents or the university of the
33 state of New York; or (b) a recipient has not taught in the field of
34 math or science in a school located within New York state providing
35 secondary education recognized by the board of regents or the university
36 of the state of New York for five of the seven years after the
37 completion of the degree program and receipt of initial certification;
38 or (c) a recipient fails to complete their degree program or changes
39 majors to an undergraduate degree program other than in science or math;
40 or (d) a recipient fails to receive or maintain their teaching certifi-
41 cate or license in New York state; or (e) a recipient fails to respond
42 to requests by the corporation for the status of his or her academic or
43 professional progress. THE TERMS AND CONDITIONS OF THIS SUBDIVISION
44 SHALL BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE OR GRADUATE
45 STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE
46 CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED
47 IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.
48 NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE
49 CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE
50 FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD
51 INVOLVE EXTREME HARDSHIP.

52 S 6. This act shall take effect immediately.

53 PART H

54 Intentionally Omitted

1 PART I

2 Intentionally Omitted

3 PART J

4 Intentionally Omitted

5 PART K

6 Section 1. Subdivision 1 of section 652 of the labor law, as amended
7 by section 1 of part P of chapter 57 of the laws of 2013, is amended to
8 read as follows:

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

- 11 \$4.25 on and after April 1, 1991,
- 12 \$5.15 on and after March 31, 2000,
- 13 \$6.00 on and after January 1, 2005,
- 14 \$6.75 on and after January 1, 2006,
- 15 \$7.15 on and after January 1, 2007,
- 16 \$8.00 on and after December 31, 2013,
- 17 \$8.75 on and after December 31, 2014,
- 18 \$9.00 on and after December 31, 2015, AND UNTIL DECEMBER 31, 2016, or,

19 if greater, such other wage as may be established by federal law pursu-
20 ant to 29 U.S.C. section 206 or its successors
21 or such other wage as may be established in accordance with the
22 provisions of this article.

23 (A) NEW YORK CITY. (I) LARGE EMPLOYERS. EVERY EMPLOYER OF ELEVEN OR
24 MORE EMPLOYEES SHALL PAY TO EACH OF ITS EMPLOYEES FOR EACH HOUR WORKED
25 IN THE CITY OF NEW YORK A WAGE OF NOT LESS THAN:

- 26 \$11.00 PER HOUR ON AND AFTER DECEMBER 31, 2016,
- 27 \$13.00 PER HOUR ON AND AFTER DECEMBER 31, 2017,
- 28 \$15.00 PER HOUR ON AND AFTER DECEMBER 31, 2018, OR, IF GREATER, SUCH
- 29 OTHER WAGE AS MAY BE ESTABLISHED BY FEDERAL LAW PURSUANT TO 29 U.S.C.
- 30 SECTION 206 OR ITS SUCCESSORS OR SUCH OTHER WAGE AS MAY BE ESTABLISHED
- 31 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

32 (II) SMALL EMPLOYERS. EVERY EMPLOYER OF TEN OR LESS EMPLOYEES SHALL
33 PAY TO EACH OF ITS EMPLOYEES FOR EACH HOUR WORKED IN THE CITY OF NEW
34 YORK A WAGE OF NOT LESS THAN:

- 35 \$10.50 PER HOUR ON AND AFTER DECEMBER 31, 2016,
- 36 \$12.00 PER HOUR ON AND AFTER DECEMBER 31, 2017,
- 37 \$13.50 PER HOUR ON AND AFTER DECEMBER 31, 2018,
- 38 \$15.00 PER HOUR ON AND AFTER DECEMBER 31, 2019, OR, IF GREATER, SUCH
- 39 OTHER WAGE AS MAY BE ESTABLISHED BY FEDERAL LAW PURSUANT TO 29 U.S.C.
- 40 SECTION 206 OR ITS SUCCESSORS OR SUCH OTHER WAGE AS MAY BE ESTABLISHED
- 41 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

42 (B) REMAINDER OF DOWNSTATE. EVERY EMPLOYER SHALL PAY TO EACH OF ITS
43 EMPLOYEES FOR EACH HOUR WORKED IN THE COUNTIES OF NASSAU, SUFFOLK AND
44 WESTCHESTER A WAGE NOT LESS THAN:

- 45 \$10.00 PER HOUR ON AND AFTER DECEMBER 31, 2016,
- 46 \$11.00 PER HOUR ON AND AFTER DECEMBER 31, 2017,
- 47 \$12.00 PER HOUR ON AND AFTER DECEMBER 31, 2018,
- 48 \$13.00 PER HOUR ON AND AFTER DECEMBER 31, 2019,
- 49 \$14.00 PER HOUR ON AND AFTER DECEMBER 31, 2020,
- 50 \$15.00 PER HOUR ON AND AFTER DECEMBER 31, 2021,

1 OR, IF GREATER, SUCH OTHER WAGE AS MAY BE ESTABLISHED BY FEDERAL LAW
2 PURSUANT TO 29 U.S.C. SECTION 206 OR ITS SUCCESSORS OR SUCH OTHER WAGE
3 AS MAY BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

4 (C) REMAINDER OF STATE. EVERY EMPLOYER SHALL PAY TO EACH OF ITS
5 EMPLOYEES FOR EACH HOUR WORKED OUTSIDE OF THE CITY OF NEW YORK AND THE
6 COUNTIES OF NASSAU, SUFFOLK, AND WESTCHESTER, A WAGE OF NOT LESS THAN:

7 \$9.70 ON AND AFTER DECEMBER 31, 2016,

8 \$10.40 ON AND AFTER DECEMBER 31, 2017,

9 \$11.10 ON AND AFTER DECEMBER 31, 2018,

10 \$11.80 ON AND AFTER DECEMBER 31, 2019,

11 \$12.50 ON AND AFTER DECEMBER 31, 2020,

12 AND ON EACH FOLLOWING DECEMBER THIRTY-FIRST, A WAGE PUBLISHED BY THE
13 COMMISSIONER ON OR BEFORE OCTOBER FIRST, BASED ON THE THEN CURRENT MINI-
14 MUM WAGE INCREASED BY A PERCENTAGE DETERMINED BY THE DIRECTOR OF THE
15 BUDGET IN CONSULTATION WITH THE COMMISSIONER, WITH THE RESULT ROUNDED TO
16 THE NEAREST FIVE CENTS, TOTALING NO MORE THAN FIFTEEN DOLLARS, WHERE THE
17 PERCENTAGE INCREASE SHALL BE BASED ON INDICES INCLUDING, BUT NOT LIMITED
18 TO, (I) THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD
19 ENDING JUNE OF THAT YEAR BASED ON THE CONSUMER PRICE INDEX FOR ALL URBAN
20 CONSUMERS ON A NATIONAL AND SEASONALLY UNADJUSTED BASIS (CPI-U), OR A
21 SUCCESSOR INDEX AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR,
22 (II) THE RATE OF STATE PERSONAL INCOME GROWTH FOR THE PRIOR CALENDAR
23 YEAR, OR A SUCCESSOR INDEX, PUBLISHED BY THE BUREAU OF ECONOMIC ANALYSIS
24 OF THE UNITED STATES DEPARTMENT OF COMMERCE, OR (III) WAGE GROWTH; OR,
25 IF GREATER, SUCH OTHER WAGE AS MAY BE ESTABLISHED BY FEDERAL LAW PURSU-
26 ANT TO 29 U.S.C. SECTION 206 OR ITS SUCCESSORS OR SUCH OTHER WAGE AS MAY
27 BE ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

28 (D) THE RATES AND SCHEDULES ESTABLISHED IN PARAGRAPHS (A) AND (B) OF
29 THIS SUBDIVISION SHALL NOT BE DEEMED TO BE THE MINIMUM WAGE UNDER THIS
30 SUBDIVISION FOR PURPOSES OF THE CALCULATIONS SPECIFIED IN SUBDIVISIONS
31 ONE AND TWO OF SECTION FIVE HUNDRED TWENTY-SEVEN OF THIS CHAPTER.

32 S 2. Subdivisions 4 and 5 of section 652 of the labor law, as amended
33 by chapter 747 of the laws of 2004, are amended to read as follows:

34 4. Notwithstanding subdivisions one and two of this section, the wage
35 for an employee who is a food service worker receiving tips shall be a
36 cash wage of at least [three dollars and thirty cents per hour on or
37 after March thirty-first, two thousand; three dollars and eighty-five
38 cents on or after January first, two thousand five; at least four
39 dollars and thirty-five cents on or after January first, two thousand
40 six; and at least four dollars and sixty cents on or after January
41 first, two thousand seven] TWO-THIRDS OF THE MINIMUM WAGE RATES SET
42 FORTH IN SUBDIVISION ONE OF THIS SECTION, ROUNDED TO THE NEAREST FIVE
43 CENTS OR SEVEN DOLLARS AND FIFTY CENTS, WHICHEVER IS HIGHER, provided
44 that the tips of such an employee, when added to such cash wage, are
45 equal to or exceed the minimum wage in effect pursuant to subdivision
46 one of this section and provided further that no other cash wage is
47 established pursuant to section six hundred fifty-three of this article.
48 [In the event the cash wage payable under the Fair Labor Standards Act
49 (29 United States Code Sec. 203 (m), as amended), is increased after
50 enactment of this subdivision, the cash wage payable under this subdivi-
51 sion shall automatically be increased by the proportionate increase in
52 the cash wage payable under such federal law, and will be immediately
53 enforceable as the cash wage payable to food service workers under this
54 article.]

55 5. Notwithstanding subdivisions one and two of this section, meal and
56 lodging allowances for a food service worker receiving a cash wage

1 [amounting to three dollars and thirty cents per hour on or after March
 2 thirty-first, two thousand; three dollars and eighty-five cents on or
 3 after January first, two thousand five; four dollars and thirty-five
 4 cents on or after January first, two thousand six; and four dollars and
 5 sixty cents on or after January first, two thousand seven,] PURSUANT TO
 6 SUBDIVISION FOUR OF THIS SECTION shall not increase more than two-thirds
 7 of the increase required by subdivision two of this section as applied
 8 to state wage orders in effect pursuant to subdivision one of this
 9 section.

10 S 3. Subdivision 6 of section 652 of the labor law is REPEALED and a
 11 new subdivision 6 is added to read as follows:

12 6. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, AND SECTIONS SIX
 13 HUNDRED FIFTY-THREE AND SIX HUNDRED FIFTY-FIVE OF THIS ARTICLE, ON OR
 14 AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, AND EACH JANUARY FIRST THEREAFTER
 15 UNTIL SUCH TIME AS THE MINIMUM WAGE IS FIFTEEN DOLLARS IN ALL
 16 AREAS OF THE STATE, THE DIVISION OF BUDGET SHALL CONDUCT AN ANALYSIS OF
 17 THE STATE OF THE ECONOMY IN EACH REGION, AND THE EFFECT OF THE MINIMUM
 18 WAGE INCREASES LISTED IN THIS SECTION, TO DETERMINE WHETHER THERE SHOULD
 19 BE A TEMPORARY SUSPENSION OR DELAY IN ANY SCHEDULED INCREASES. IN
 20 CONDUCTING ITS ANALYSIS, THE DIVISION OF BUDGET SHALL CONSULT THE
 21 DEPARTMENT, THE DEPARTMENT'S DIVISION OF RESEARCH AND STATISTICS, THE
 22 UNITED STATES DEPARTMENT OF LABOR, THE FEDERAL RESERVE BANK OF NEW YORK
 23 AND OTHER ECONOMIC EXPERTS. THE DIVISION OF BUDGET WILL REFERENCE WELL-
 24 ESTABLISHED ECONOMIC INDEXES AND ACCEPTED ECONOMIC FACTORS, INCLUDING
 25 THOSE SET FORTH IN SECTION SIX HUNDRED FIFTY-FOUR OF THIS ARTICLE, TO
 26 JUSTIFY AND EXPLAIN ITS DECISION. AFTER REVIEWING SUCH INDEXES AND
 27 FACTORS, THE DIVISION SHALL DETERMINE WHETHER SCHEDULED INCREASES IN THE
 28 MINIMUM WAGE SHALL CONTINUE UP TO AND INCLUDING FIFTEEN DOLLARS. THE
 29 DIVISION OF BUDGET WILL ISSUE A REPORT AND RECOMMENDATION TO THE COMMISSIONER,
 30 WHO SHALL TAKE ACTION ON THAT REPORT AND RECOMMENDATION PURSUANT
 31 TO SECTION SIX HUNDRED FIFTY-SIX OF THIS ARTICLE.

32 S 4. Notwithstanding sections 653, 655, 656 and 659 of the labor law,
 33 the power of the commissioner of labor to appoint, convene, or reconvene
 34 a wage board, and to take action upon the report and recommendation of a
 35 wage board shall exclude the power to appoint, convene, or reconvene a
 36 wage board to inquire into, report, and recommend a wage that exceeds
 37 the highest rate listed in section 652 of the labor law as amended by
 38 section one of this act prior to such rate becoming effective, and shall
 39 exclude the power to take action on, adopt, or modify, any prior recommendation
 40 by any wage board to establish such wage. Such limitation
 41 shall not preclude such commissioner's power to appoint, convene, or
 42 reconvene a wage board to inquire into, report and recommend regulations
 43 to carry out the purposes of article 19 of the labor law.

44 S 5. Notwithstanding subdivision 2 of section 652 and subdivision (2)
 45 of section 653 of the labor law, the commissioner of labor may smooth
 46 wages and modify an existing wage order to conform with subdivision 1 of
 47 section 652 of the labor law, as amended by section one of this act, and
 48 provided further that in no event may a worker's wages be reduced by
 49 such conformity.

50 S 6. This act shall take effect immediately.

51 PART L

52 Intentionally Omitted

53 PART M

1 Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivi-
2 sion (d) of section 1089 of the family court act, as added by section 27
3 of part A of chapter 3 of the laws of 2005, is amended to read as
4 follows:

5 (G) where a child has or will before the next permanency hearing reach
6 the age of fourteen, (I) the services and assistance necessary to assist
7 the child in learning independent living skills TO ASSIST THE CHILD TO
8 MAKE THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL ADULTHOOD; AND (II)
9 A. THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD IN FOSTER CARE WHO
10 HAS ATTAINED THE AGE OF FOURTEEN, AND ANY REVISION OR ADDITION TO THE
11 PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE CHILD AND, AT THE
12 OPTION OF THE CHILD, WITH UP TO TWO MEMBERS OF THE CHILD'S PERMANENCY
13 PLANNING TEAM WHO ARE SELECTED BY THE CHILD AND WHO ARE NOT A FOSTER
14 PARENT OF, OR THE CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE
15 CHILD EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY
16 OF THE CHILD MAY REJECT AN INDIVIDUAL SO SELECTED BY THE CHILD IF SUCH
17 LOCAL COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD
18 NOT ACT IN THE BEST INTERESTS OF THE CHILD, AND B. THAT ONE INDIVIDUAL
19 SO SELECTED BY THE CHILD MAY BE DESIGNATED TO BE THE CHILD'S ADVISOR
20 AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE
21 REASONABLE AND PRUDENT PARENT STANDARD TO THE CHILD; and

22 S 2. Paragraph (b) of subdivision 7 of section 355.5 of the family
23 court act, as amended by section 17 of part L of chapter 56 of the laws
24 of 2015, is amended to read as follows:

25 (b) in the case of a respondent who has attained the age of fourteen,
26 (I) the services needed, if any, to assist the respondent to make the
27 transition from foster care to [independent living] SUCCESSFUL ADULT-
28 HOOD; AND (II)(A) THAT THE PERMANENCY PLAN DEVELOPED FOR THE RESPONDENT,
29 AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSUL-
30 TATION WITH THE RESPONDENT AND, AT THE OPTION OF THE RESPONDENT, WITH UP
31 TO TWO MEMBERS OF THE RESPONDENT'S PERMANENCY PLANNING TEAM WHO ARE
32 SELECTED BY THE RESPONDENT AND WHO ARE NOT A FOSTER PARENT OF, OR CASE
33 WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE
34 LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE RESPONDENT OR
35 THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IF SUCH
36 OFFICE HAS CUSTODY OF THE RESPONDENT MAY REJECT AN INDIVIDUAL SELECTED
37 BY THE RESPONDENT IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT
38 THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE RESPONDENT,
39 AND (B) THAT ONE INDIVIDUAL SO SELECTED BY THE RESPONDENT MAY BE DESIG-
40 NATED TO BE THE RESPONDENT'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH
41 RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT
42 STANDARD;

43 S 3. Paragraph (ii) of subdivision (d) of section 756-a of the family
44 court act, as amended by section 22 of part L of chapter 56 of the laws
45 of 2015, is amended to read as follows:

46 (ii) in the case of a child who has attained the age of fourteen, (A)
47 the services needed, if any, to assist the child to make the transition
48 from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND
49 (B)(1) THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD, AND ANY
50 REVISION OR ADDITION TO THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH
51 THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO ADDITIONAL
52 MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE
53 CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER
54 OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF
55 SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO
56 SELECTED BY THE CHILD IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE

1 THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD,
2 AND (2) THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED
3 TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE WITH RESPECT TO
4 THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

5 S 4. Subdivisions 1 and 2 of section 458-c of the social services law,
6 as added by section 4 of part F of chapter 58 of the laws of 2010, are
7 amended to read as follows:

8 1. A social services official shall make payments for non-recurring
9 guardianship expenses incurred by or on behalf of the relatives OR
10 SUCCESSOR GUARDIANS who have been approved by the social services offi-
11 cial to receive kinship guardianship assistance payments, when such
12 expenses are incurred in connection with assuming the guardianship of a
13 foster child OR A FORMER FOSTER CHILD IN REGARD TO SUCCESSOR GUARDIANS.
14 The agreement for the payment of non-recurring guardianship expenses
15 must be reflected in the written agreement set forth in subdivision four
16 of section four hundred fifty-eight-b of this title. In accordance with
17 subdivision two of this section, the payments shall be made by the
18 social services official either to the relative OR SUCCESSOR guardian or
19 guardians directly or to an attorney on behalf of the relative OR
20 SUCCESSOR guardian or guardians, AS APPLICABLE, for the allowable amount
21 of non-recurring guardianship expenses incurred in connection with
22 obtaining such guardianship.

23 2. The amount of the payment made pursuant to this section shall not
24 exceed two thousand dollars for each foster child for whom the
25 relatives, OR EACH FORMER FOSTER CHILD FOR WHOM THE SUCCESSOR GUARDIANS,
26 seek guardianship or permanent guardianship and shall be available only
27 for those expenses that are determined to be eligible for reimbursement
28 by the social services official in accordance with the regulations of
29 the office of children and family services.

30 S 5. The social services law is amended by adding a new section 383-a
31 to read as follows:

32 S 383-A. IMMUNITY FROM LIABILITY FOR APPLICATION OF THE REASONABLE AND
33 PRUDENT PARENT STANDARD. 1. LEGISLATIVE INTENT. IT IS THE INTENT OF THE
34 LEGISLATURE TO PROMOTE A SAFE AND NURTURING ENVIRONMENT FOR CHILDREN IN
35 FOSTER CARE THAT, AMONG OTHER THINGS, ALLOWS THEM TO ENGAGE IN AGE AND
36 DEVELOPMENTALLY APPROPRIATE ACTIVITIES WITH THEIR PEERS. IT IS ALSO THE
37 INTENT OF THE LEGISLATURE TO ENCOURAGE CAREGIVERS TO ALLOW FOSTER CHIL-
38 DREN TO PARTICIPATE IN SUCH ACTIVITIES BY PROVIDING TRAINING, GUIDANCE,
39 AND APPROPRIATE LIABILITY PROTECTIONS WHEN CAREGIVERS MAKE REASONABLE
40 AND PRUDENT DECISIONS WITH REGARD TO SUCH ACTIVITIES. IT IS NOT THE
41 INTENT OF THE LEGISLATURE TO RELIEVE CAREGIVERS OR ANY OTHER PERSON OF
42 ANY DUTY OR RESPONSIBILITY OWED TO A FOSTER CHILD.

43 2. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL
44 HAVE THE FOLLOWING MEANINGS:

45 (A) "CAREGIVER" SHALL MEAN THE FOLLOWING PERSON OR ENTITY AT THE TIME
46 THAT SUCH PERSON OR ENTITY WAS RESPONSIBLE FOR THE CARE OF THE FOSTER
47 CHILD OR CHILDREN:

48 (I) A FOSTER PARENT WHO HAS BEEN TRAINED IN THE REASONABLE AND PRUDENT
49 PARENT STANDARD IN ACCORDANCE WITH 42 U.S.C. 671 AS AMENDED BY P.L.
50 113-183 AND THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
51 SERVICES; OR

52 (II) THE EMPLOYEE OF A CHILD CARE FACILITY OPERATED BY AN AUTHORIZED
53 AGENCY THAT IS DESIGNATED TO APPLY THE REASONABLE AND PRUDENT PARENT
54 STANDARD WHO HAS BEEN TRAINED IN THE REASONABLE AND PRUDENT PARENT STAN-
55 DARD IN ACCORDANCE WITH 42 U.S.C. 671 AS AMENDED BY P.L. 113-183 AND THE
56 REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

1 (B) "CHILD" SHALL MEAN A CHILD WHO IS IN FOSTER CARE OR WHO WAS IN
2 FOSTER CARE AT THE TIME THE REASONABLE AND PRUDENT PARENT STANDARD WAS
3 APPLIED.

4 (C) "CHILD CARE FACILITY" SHALL MEAN AN INSTITUTION, GROUP RESIDENCE,
5 GROUP HOME, AGENCY OPERATED BOARDING HOME, OR SUPERVISED INDEPENDENT
6 LIVING PROGRAM.

7 (D) "REASONABLE AND PRUDENT PARENT STANDARD" SHALL MEAN, IN ACCORDANCE
8 WITH 42 U.S.C. 675 AS AMENDED BY P.L. 113-183, THE STANDARD CHARACTER-
9 IZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT MAINTAIN THE
10 HEALTH, SAFETY, AND BEST INTERESTS OF A CHILD WHILE AT THE SAME TIME
11 ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD THAT A
12 CAREGIVER SHALL USE WHEN DETERMINING WHETHER TO ALLOW A CHILD IN FOSTER
13 CARE TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL OR SOCIAL
14 ACTIVITIES.

15 (E) "AGE OR DEVELOPMENTALLY-APPROPRIATE" SHALL MEAN:

16 (I) ACTIVITIES OR ITEMS THAT ARE GENERALLY ACCEPTED AS SUITABLE FOR
17 CHILDREN OF THE SAME CHRONOLOGICAL AGE OR LEVEL OF MATURITY OR THAT ARE
18 DETERMINED TO BE DEVELOPMENTALLY-APPROPRIATE FOR A CHILD, BASED ON THE
19 DEVELOPMENT OF COGNITIVE, EMOTIONAL, PHYSICAL, AND BEHAVIORAL CAPACITIES
20 THAT ARE TYPICAL FOR AN AGE OR AGE GROUP; AND

21 (II) IN THE CASE OF A SPECIFIC CHILD, ACTIVITIES OR ITEMS THAT ARE
22 SUITABLE FOR THE CHILD BASED ON THE DEVELOPMENTAL STAGE ATTAINED BY THE
23 CHILD WITH RESPECT TO THE COGNITIVE, EMOTIONAL, PHYSICAL, AND BEHAVIORAL
24 CAPACITIES OF THE CHILD.

25 3. CAREGIVERS SHALL APPLY THE REASONABLE AND PRUDENT PARENT STANDARD
26 WHEN DECIDING WHETHER OR NOT TO ALLOW A CHILD IN FOSTER CARE TO PARTIC-
27 IPATE IN AGE OR DEVELOPMENTALLY APPROPRIATE EXTRACURRICULAR, ENRICHMENT,
28 CULTURAL, OR SOCIAL ACTIVITIES. WHERE SUCH DECISIONS REQUIRE THE INPUT
29 OR PERMISSION OF A LOCAL DEPARTMENT OF SOCIAL SERVICES OR A VOLUNTARY
30 AUTHORIZED AGENCY, SUCH DEPARTMENT OR AGENCY SHALL ALSO APPLY THE
31 REASONABLE AND PRUDENT PARENT STANDARD IN MAKING A DECISION ABOUT
32 PARTICIPATION IN SUCH ACTIVITIES.

33 4. WHETHER OR NOT A CAREGIVER IS LIABLE FOR INJURIES TO THE CHILD THAT
34 OCCUR AS A RESULT OF PARTICIPATION IN AGE OR DEVELOPMENTALLY APPROPRIATE
35 EXTRACURRICULAR, ENRICHMENT, CULTURAL, OR SOCIAL ACTIVITIES SHALL BE
36 DETERMINED BASED UPON WHETHER SUCH DECISION TO ALLOW PARTICIPATION WAS
37 MADE IN COMPLIANCE WITH THE STANDARD DEFINED IN PARAGRAPH (D) OF SUBDI-
38 VISION TWO OF THIS SECTION AND ANY OTHER FACTORS AS REQUIRED BY LAW.
39 WHERE SUCH CHILD IS INJURED AS A RESULT OF THE DECISION TO ALLOW PARTIC-
40 IPATION IN SUCH ACTIVITIES, A CAREGIVER SHALL NOT BE LIABLE FOR SUCH
41 INJURIES IF THE DECISION TO ALLOW SUCH PARTICIPATION WAS MADE IN COMPLI-
42 ANCE WITH THE REASONABLE AND PRUDENT PARENT STANDARD AS SET FORTH HERE-
43 IN. PROVIDED HOWEVER NOTHING IN THIS SECTION SHALL OTHERWISE LIMIT THE
44 ABILITY OF A CHILD TO BRING AN ACTION AGAINST A CAREGIVER OR ANY OTHER
45 PARTY WHOSE ACTS OR OMISSIONS RESULT IN INJURY TO SUCH CHILD. WHERE A
46 LOCAL DEPARTMENT OF SOCIAL SERVICES OR VOLUNTARY AUTHORIZED AGENCY HAS
47 MADE OR BEEN INVOLVED IN THE DECISIONS UNDER SUBDIVISION THREE OF THIS
48 SECTION, THE LIABILITY STANDARDS FOR CAREGIVERS SHALL APPLY TO SUCH
49 DISTRICT OR AGENCY.

50 S 6. The opening paragraph of paragraph (e) of subdivision 2 of
51 section 378-a of the social services law, as amended by section 10 of
52 part L of chapter 56 of the laws of 2015, is amended to read as follows:

53 [After] EXCEPT AS SET FORTH IN PARAGRAPH (M) OF THIS SECTION, AFTER
54 reviewing any criminal history record information provided by the divi-
55 sion of criminal justice services, the office of children and family

1 services shall promptly notify the authorized agency or other state
2 agency that:

3 S 7. Subdivision 2 of section 378-a of the social services law is
4 amended by adding a new paragraph (m) to read as follows:

5 (M)(1) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT RELEASE
6 THE CONTENT OF THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
7 CHECK CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE
8 WITH THIS SUBDIVISION TO AN AUTHORIZED AGENCY, AS DEFINED IN PARAGRAPHS
9 (A) OR (C) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF
10 THIS TITLE.

11 (2) FOR ANY APPLICATION MADE TO SUCH AN AUTHORIZED AGENCY UNDER THIS
12 SUBDIVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL:

13 (A) REVIEW AND EVALUATE THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY
14 RECORD CHECK OF THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE
15 PARENT AND ANY OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDES IN THE
16 HOME OF SUCH APPLICANT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN
17 PARAGRAPH (E) OF THIS SUBDIVISION RELATING TO MANDATORY DISQUALIFYING
18 CONVICTIONS, HOLD IN ABEYANCE CHARGES OR CONVICTIONS, AND DISCRETIONARY
19 CHARGES AND CONVICTIONS; AND

20 (B) BASED ON THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
21 CHECK, INFORM SUCH AUTHORIZED AGENCY THAT THE APPLICATION FOR CERTIF-
22 ICATION OR APPROVAL OF THE PROSPECTIVE FOSTER PARENT OR THE PROSPECTIVE
23 ADOPTIVE PARENT EITHER: (I) MUST BE DENIED; (II) MUST BE HELD IN ABEY-
24 ANCE PENDING SUBSEQUENT NOTIFICATION FROM THE OFFICE OF CHILDREN AND
25 FAMILY SERVICES; OR (III) THAT THE OFFICE OF CHILDREN AND FAMILY
26 SERVICES HAS NO OBJECTION, SOLELY BASED ON THE NATIONWIDE CRIMINAL
27 HISTORY RECORD CHECK, FOR THE AUTHORIZED AGENCY TO PROCEED WITH A DETER-
28 MINATION ON SUCH APPLICATION BASED ON THE STANDARDS FOR CERTIFICATION OR
29 APPROVAL OF A PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT,
30 AS SET FORTH IN THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
31 SERVICES.

32 (3) WHERE THE OFFICE OF CHILDREN AND FAMILY SERVICES DIRECTS THE
33 AUTHORIZED AGENCY TO DENY THE APPLICATION OF A PROSPECTIVE FOSTER PARENT
34 OR A PROSPECTIVE ADOPTIVE PARENT IN ACCORDANCE WITH THIS PARAGRAPH, THE
35 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ALSO NOTIFY THE PROSPECTIVE
36 FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT OR OTHER PERSON OVER THE AGE
37 OF EIGHTEEN WHO RESIDED IN THE HOME OF THE APPLICANT WHOSE CRIMINAL
38 HISTORY WAS THE BASIS FOR THE DENIAL AND SHALL PROVIDE SUCH PROSPECTIVE
39 FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT OR OTHER PERSON A COPY OF THE
40 RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD CHECK UPON WHICH SUCH
41 DENIAL WAS BASED AND A WRITTEN STATEMENT SETTING FORTH THE REASONS FOR
42 SUCH DENIAL. IF THE APPLICANT IS DISQUALIFIED UNDER ITEM (II) OF CLAUSE
43 (A) OF SUBPARAGRAPH ONE OF PARAGRAPH (E) OF THIS SUBDIVISION, THEN THE
44 APPLICANT MAY APPLY FOR RELIEF FROM THE MANDATORY DISQUALIFICATION BASED
45 ON THE GROUNDS THAT THE OFFENSE WAS NOT SPOUSAL ABUSE AS THAT TERM IS
46 DEFINED IN PARAGRAPH (J) OF THIS SUBDIVISION.

47 (4) THIS PARAGRAPH DOES NOT APPLY TO NATIONWIDE CRIMINAL HISTORY
48 RECORD CHECKS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION ON BEHALF
49 OF STATE AGENCIES OR AUTHORIZED AGENCIES, AS DEFINED IN PARAGRAPH (B) OF
50 SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE, OR
51 TO THE RESULTS OF STATEWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY
52 THE DIVISION OF CRIMINAL JUSTICE SERVICES.

53 S 8. Severability. If any clause, sentence, paragraph, subdivision,
54 section or part contained in any part of this act shall be adjudged by
55 any court of competent jurisdiction to be invalid, such judgement shall
56 not affect, impair, or invalidate the remainder thereof, but shall be

1 confined in its operation to the clause, sentence, paragraph, subdivi-
2 sion, section or part contained in any part thereof directly involved in
3 the controversy in which such judgment shall have been rendered. It is
4 hereby declared to be the intent of the legislature that this act would
5 have been enacted even if such invalid provisions had not been included
6 herein.

7 S 9. This act shall take effect immediately, provided however that
8 sections six and seven of this act shall take effect on the two hundred
9 seventieth day after it shall have become a law.

10 PART N

11 Intentionally Omitted

12 PART O

13 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
14 section 131-o of the social services law, as amended by section 1 of
15 part I of chapter 56 of the laws of 2015, are amended to read as
16 follows:

17 (a) in the case of each individual receiving family care, an amount
18 equal to at least \$141.00 for each month beginning on or after January
19 first, two thousand [fifteen] SIXTEEN.

20 (b) in the case of each individual receiving residential care, an
21 amount equal to at least \$163.00 for each month beginning on or after
22 January first, two thousand [fifteen] SIXTEEN.

23 (c) in the case of each individual receiving enhanced residential
24 care, an amount equal to at least \$193.00 for each month beginning on or
25 after January first, two thousand [fifteen] SIXTEEN.

26 (d) for the period commencing January first, two thousand [sixteen]
27 SEVENTEEN, the monthly personal needs allowance shall be an amount equal
28 to the sum of the amounts set forth in subparagraphs one and two of this
29 paragraph:

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

32 (2) the amount in subparagraph one of this paragraph, multiplied by
33 the percentage of any federal supplemental security income cost of
34 living adjustment which becomes effective on or after January first, two
35 thousand [sixteen] SEVENTEEN, but prior to June thirtieth, two thousand
36 [sixteen] SEVENTEEN, rounded to the nearest whole dollar.

37 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
38 section 209 of the social services law, as amended by section 2 of part
39 I of chapter 56 of the laws of 2015, are amended to read as follows:

40 (a) On and after January first, two thousand [fifteen] SIXTEEN, for an
41 eligible individual living alone, \$820.00; and for an eligible couple
42 living alone, \$1204.00.

43 (b) On and after January first, two thousand [fifteen] SIXTEEN, for an
44 eligible individual living with others with or without in-kind income,
45 \$756.00; and for an eligible couple living with others with or without
46 in-kind income, \$1146.00.

47 (c) On and after January first, two thousand [fifteen] SIXTEEN, (i)
48 for an eligible individual receiving family care, \$999.48 if he or she
49 is receiving such care in the city of New York or the county of Nassau,
50 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
51 receiving family care in the city of New York or the county of Nassau,
52 Suffolk, Westchester or Rockland, two times the amount set forth in

1 subparagraph (i) of this paragraph; or (iii) for an eligible individual
2 receiving such care in any other county in the state, \$961.48; and (iv)
3 for an eligible couple receiving such care in any other county in the
4 state, two times the amount set forth in subparagraph (iii) of this
5 paragraph.

6 (d) On and after January first, two thousand [fifteen] SIXTEEN, (i)
7 for an eligible individual receiving residential care, \$1168.00 if he or
8 she is receiving such care in the city of New York or the county of
9 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
10 couple receiving residential care in the city of New York or the county
11 of Nassau, Suffolk, Westchester or Rockland, two times the amount set
12 forth in subparagraph (i) of this paragraph; or (iii) for an eligible
13 individual receiving such care in any other county in the state,
14 \$1138.00; and (iv) for an eligible couple receiving such care in any
15 other county in the state, two times the amount set forth in subpara-
16 graph (iii) of this paragraph.

17 (e) (i) On and after January first, two thousand [fifteen] SIXTEEN,
18 for an eligible individual receiving enhanced residential care,
19 \$1427.00; and (ii) for an eligible couple receiving enhanced residential
20 care, two times the amount set forth in subparagraph (i) of this para-
21 graph.

22 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
23 vision shall be increased to reflect any increases in federal supple-
24 mental security income benefits for individuals or couples which become
25 effective on or after January first, two thousand [sixteen] SEVENTEEN
26 but prior to June thirtieth, two thousand [sixteen] SEVENTEEN.

27 S 3. This act shall take effect December 31, 2016.

28

PART P

29 Section 1. Notwithstanding any other provision of law, the housing
30 trust fund corporation may provide, for purposes of the rural rental
31 assistance program, a sum not to exceed twenty-two million two hundred
32 ninety-two thousand dollars for the fiscal year ending March 31, 2017.
33 Notwithstanding any other provision of law, and subject to the approval
34 of the New York state director of the budget, the board of directors of
35 the state of New York mortgage agency shall authorize the transfer to
36 the housing trust fund corporation, for the purposes of reimbursing any
37 costs associated with rural rental assistance program contracts author-
38 ized by this section, a total sum not to exceed twenty-two million two
39 hundred ninety-two thousand dollars, such transfer to be made from (i)
40 the special account of the mortgage insurance fund created pursuant to
41 section 2429-b of the public authorities law, in an amount not to exceed
42 the actual excess balance in the special account of the mortgage insur-
43 ance fund, as determined and certified by the state of New York mortgage
44 agency for the fiscal year 2015-2016 in accordance with section 2429-b
45 of the public authorities law, if any, and/or (ii) provided that the
46 reserves in the project pool insurance account of the mortgage insurance
47 fund created pursuant to section 2429-b of the public authorities law
48 are sufficient to attain and maintain the credit rating (as determined
49 by the state of New York mortgage agency) required to accomplish the
50 purposes of such account, the project pool insurance account of the
51 mortgage insurance fund, such transfer to be made as soon as practicable
52 but no later than June 30, 2016. Notwithstanding any other provision of
53 law, such funds may be used by the corporation in support of contracts
54 scheduled to expire in the fiscal year ending March 31, 2017 for as many

1 as 10 additional years; in support of contracts for new eligible
2 projects for a period not to exceed 5 years; and in support of contracts
3 which reach their 25 year maximum in and/or prior to the fiscal year
4 ending March 31, 2017 for an additional one year period.

5 S 2. Notwithstanding any other provision of law, the housing finance
6 agency may provide, for costs associated with the rehabilitation of
7 Mitchell Lama housing projects, a sum not to exceed forty-two million
8 dollars for the fiscal year ending March 31, 2017. Notwithstanding any
9 other provision of law, and subject to the approval of the New York
10 state director of the budget, the board of directors of the state of New
11 York mortgage agency shall authorize the transfer to the housing finance
12 agency, for the purposes of reimbursing any costs associated with Mitc-
13 hell Lama housing projects authorized by this section, a total sum not
14 to exceed forty-two million dollars, such transfer to be made from (i)
15 the special account of the mortgage insurance fund created pursuant to
16 section 2429-b of the public authorities law, in an amount not to exceed
17 the actual excess balance in the special account of the mortgage insur-
18 ance fund, as determined and certified by the state of New York mortgage
19 agency for the fiscal year 2015-2016 in accordance with section 2429-b
20 of the public authorities law, if any, and/or (ii) provided that the
21 reserves in the project pool insurance account of the mortgage insurance
22 fund created pursuant to section 2429-b of the public authorities law
23 are sufficient to attain and maintain the credit rating (as determined
24 by the state of New York mortgage agency) required to accomplish the
25 purposes of such account, the project pool insurance account of the
26 mortgage insurance fund, such transfer to be made as soon as practicable
27 but no later than March 31, 2017.

28 S 3. Notwithstanding any other provision of law, the housing trust
29 fund corporation may provide, for purposes of the neighborhood preserva-
30 tion program, a sum not to exceed eight million nine hundred seventy-
31 nine thousand dollars for the fiscal year ending March 31, 2017. Within
32 this total amount one hundred fifty thousand dollars shall be used for
33 the purpose of entering into a contract with the neighborhood preserva-
34 tion coalition to provide technical assistance and services to companies
35 funded pursuant to article XVI of the private housing finance law.
36 Notwithstanding any other provision of law, and subject to the approval
37 of the New York state director of the budget, the board of directors of
38 the state of New York mortgage agency shall authorize the transfer to
39 the housing trust fund corporation, for the purposes of reimbursing any
40 costs associated with neighborhood preservation program contracts
41 authorized by this section, a total sum not to exceed eight million nine
42 hundred seventy-nine thousand dollars, such transfer to be made from (i)
43 the special account of the mortgage insurance fund created pursuant to
44 section 2429-b of the public authorities law, in an amount not to exceed
45 the actual excess balance in the special account of the mortgage insur-
46 ance fund, as determined and certified by the state of New York mortgage
47 agency for the fiscal year 2015-2016 in accordance with section 2429-b
48 of the public authorities law, if any, and/or (ii) provided that the
49 reserves in the project pool insurance account of the mortgage insurance
50 fund created pursuant to section 2429-b of the public authorities law
51 are sufficient to attain and maintain the credit rating (as determined
52 by the state of New York mortgage agency) required to accomplish the
53 purposes of such account, the project pool insurance account of the
54 mortgage insurance fund, such transfer to be made as soon as practicable
55 but no later than June 30, 2016.

1 S 4. Notwithstanding any other provision of law, the housing trust
2 fund corporation may provide, for purposes of the rural preservation
3 program, a sum not to exceed three million seven hundred thirty-nine
4 thousand dollars for the fiscal year ending March 31, 2017. Within this
5 total amount one hundred fifty thousand dollars shall be used for the
6 purpose of entering into a contract with the rural housing coalition to
7 provide technical assistance and services to companies funded pursuant
8 to article XVII of the private housing finance law. Notwithstanding any
9 other provision of law, and subject to the approval of the New York
10 state director of the budget, the board of directors of the state of New
11 York mortgage agency shall authorize the transfer to the housing trust
12 fund corporation, for the purposes of reimbursing any costs associated
13 with rural preservation program contracts authorized by this section, a
14 total sum not to exceed three million seven hundred thirty-nine thousand
15 dollars, such transfer to be made from (i) the special account of the
16 mortgage insurance fund created pursuant to section 2429-b of the public
17 authorities law, in an amount not to exceed the actual excess balance in
18 the special account of the mortgage insurance fund, as determined and
19 certified by the state of New York mortgage agency for the fiscal year
20 2015-2016 in accordance with section 2429-b of the public authorities
21 law, if any, and/or (ii) provided that the reserves in the project pool
22 insurance account of the mortgage insurance fund created pursuant to
23 section 2429-b of the public authorities law are sufficient to attain
24 and maintain the credit rating (as determined by the state of New York
25 mortgage agency) required to accomplish the purposes of such account,
26 the project pool insurance account of the mortgage insurance fund, such
27 transfer to be made as soon as practicable but no later than June 30,
28 2016.

29 S 5. Notwithstanding any other provision of law, the housing trust
30 fund corporation may provide, for purposes of the rural and urban commu-
31 nity investment fund program created pursuant to article XXVII of the
32 private housing finance law, a sum not to exceed thirty-one million two
33 hundred fifty thousand dollars for the fiscal year ending March 31,
34 2017. Notwithstanding any other provision of law, and subject to the
35 approval of the New York state director of the budget, the board of
36 directors of the state of New York mortgage agency shall authorize the
37 transfer to the housing trust fund corporation, for the purposes of
38 reimbursing any costs associated with rural and urban community invest-
39 ment fund program contracts authorized by this section, a total sum not
40 to exceed thirty-one million two hundred fifty thousand dollars, such
41 transfer to be made from (i) the special account of the mortgage insur-
42 ance fund created pursuant to section 2429-b of the public authorities
43 law, in an amount not to exceed the actual excess balance in the special
44 account of the mortgage insurance fund, as determined and certified by
45 the state of New York mortgage agency for the fiscal year 2015-2016 in
46 accordance with section 2429-b of the public authorities law, if any,
47 and/or (ii) provided that the reserves in the project pool insurance
48 account of the mortgage insurance fund created pursuant to section
49 2429-b of the public authorities law are sufficient to attain and main-
50 tain the credit rating (as determined by the state of New York mortgage
51 agency) required to accomplish the purposes of such account, the project
52 pool insurance account of the mortgage insurance fund, such transfer to
53 be made as soon as practicable but no later than March 31, 2017.

54 S 6. Notwithstanding any other provision of law, the housing trust
55 fund corporation may provide, for the purposes of carrying out the
56 provisions of the low income housing trust fund program created pursuant

1 to article XVIII of the private housing finance law, a sum not to exceed
2 ten million dollars for the fiscal year ending March 31, 2017. Notwith-
3 standing any other provision of law, and subject to the approval of the
4 New York state director of the budget, the board of directors of the
5 state of New York mortgage agency shall authorize the transfer to the
6 housing trust fund corporation, for the purposes of carrying out the
7 provisions of the low income housing trust fund program created pursuant
8 to article XVIII of the private housing finance law authorized by this
9 section, a total sum not to exceed ten million dollars, such transfer to
10 be made from (i) the special account of the mortgage insurance fund
11 created pursuant to section 2429-b of the public authorities law, in an
12 amount not to exceed the actual excess balance in the special account of
13 the mortgage insurance fund, as determined and certified by the state of
14 New York mortgage agency for the fiscal year 2015-2016 in accordance
15 with section 2429-b of the public authorities law, if any, and/or (ii)
16 provided that the reserves in the project pool insurance account of the
17 mortgage insurance fund created pursuant to section 2429-b of the public
18 authorities law are sufficient to attain and maintain the credit rating
19 (as determined by the state of New York mortgage agency) required to
20 accomplish the purposes of such account, the project pool insurance
21 account of the mortgage insurance fund, such transfer to be made as soon
22 as practicable but no later than March 31, 2017.

23 S 7. Notwithstanding any other provision of law, the housing trust
24 fund corporation may provide, for purposes of the homes for working
25 families program for deposit in the housing trust fund created pursuant
26 to section 59-a of the private housing finance law and subject to the
27 provisions of article XVIII of the private housing finance law, a sum
28 not to exceed twelve million seven hundred fifty thousand dollars for
29 the fiscal year ending March 31, 2017. Notwithstanding any other
30 provision of law, and subject to the approval of the New York state
31 director of the budget, the board of directors of the state of New York
32 mortgage agency shall authorize the transfer to the housing trust fund
33 corporation, for the purposes of reimbursing any costs associated with
34 homes for working families program contracts authorized by this section,
35 a total sum not to exceed twelve million seven hundred fifty thousand
36 dollars, such transfer to be made from (i) the special account of the
37 mortgage insurance fund created pursuant to section 2429-b of the public
38 authorities law, in an amount not to exceed the actual excess balance in
39 the special account of the mortgage insurance fund, as determined and
40 certified by the state of New York mortgage agency for the fiscal year
41 2015-2016 in accordance with section 2429-b of the public authorities
42 law, if any, and/or (ii) provided that the reserves in the project pool
43 insurance account of the mortgage insurance fund created pursuant to
44 section 2429-b of the public authorities law are sufficient to attain
45 and maintain the credit rating (as determined by the state of New York
46 mortgage agency) required to accomplish the purposes of such account,
47 the project pool insurance account of the mortgage insurance fund, such
48 transfer to be made as soon as practicable but no later than March 31,
49 2017.

50 S 8. Notwithstanding any other provision of law, the homeless housing
51 and assistance corporation may provide, for purposes of the New York
52 state supportive housing program, the solutions to end homelessness
53 program or the operational support for AIDS housing program, or to qual-
54 ified grantees under those programs, in accordance with the requirements
55 of those programs, a sum not to exceed fifteen million six hundred nine-
56 ty thousand dollars and an additional sum not to exceed six hundred

1 thousand dollars for purposes of the New York state supportive housing
2 program for the fiscal year ending March 31, 2017. The homeless housing
3 and assistance corporation may enter into an agreement with the office
4 of temporary and disability assistance to administer such sum in accord-
5 ance with the requirements of the programs. Notwithstanding any other
6 provision of law, and subject to the approval of the director of the
7 budget, the board of directors of the state of New York mortgage agency
8 shall authorize the transfer to the homeless housing and assistance
9 corporation, a total sum not to exceed sixteen million two hundred nine-
10 ty thousand dollars, such transfer to be made from (i) the special
11 account of the mortgage insurance fund created pursuant to section
12 2429-b of the public authorities law, in an amount not to exceed the
13 actual excess balance in the special account of the mortgage insurance
14 fund, as determined and certified by the state of New York mortgage
15 agency for the fiscal year 2015-2016 in accordance with section 2429-b
16 of the public authorities law, if any, and/or (ii) provided that the
17 reserves in the project pool insurance account of the mortgage insurance
18 fund created pursuant to section 2429-b of the public authorities law
19 are sufficient to attain and maintain the credit rating (as determined
20 by the state of New York mortgage agency) required to accomplish the
21 purposes of such account, the project pool insurance account of the
22 mortgage insurance fund, such transfer to be made as soon as practicable
23 but no later than March 31, 2017.

24 S 9. Notwithstanding any other provision of law, the housing trust
25 fund corporation shall provide, for the purposes of the mobile and manu-
26 factured home replacement program, a sum not to exceed two million
27 dollars for the fiscal year ending March 31, 2017.

28 Eligible units of local government or not-for-profit corporations with
29 substantial experience in affordable housing, may apply to administer
30 local programs to replace dilapidated mobile or manufactured homes that
31 are sited on land owned by the homeowner with new manufactured, modular
32 or site built homes. All replacement homes shall be energy star rated
33 for energy efficiency. The total contract pursuant to any one eligible
34 applicant in a specified region may not exceed five hundred thousand
35 dollars. The corporation shall authorize the eligible applicant to spend
36 seven and one-half percent of the contract amount for approved planning
37 and costs associated with administering the program. The contract shall
38 provide for completion of the program within a reasonable period, as
39 specified therein, which shall not exceed four years from commencement
40 of the program. Upon request, the corporation may extend the term of the
41 contract for up to an additional one year period for good cause shown by
42 the eligible applicant.

43 An eligible property must be the primary residence of the homeowner
44 with a total household income that does not exceed eighty percent of
45 area median income for the county in which a project is located as
46 calculated by the United States department of housing and urban develop-
47 ment. Funds shall be made available for relocation assistance to eligi-
48 ble property owners who are unable to voluntarily relocate during the
49 demolition and construction phases of the project. The cost of demoli-
50 tion and removal shall be an eligible use within the program. The total
51 payment to replace a mobile or manufactured home pursuant to any one
52 eligible property shall not exceed one hundred thousand dollars and
53 provide for completion not to exceed four years.

54 Financial assistance to property owners shall be one hundred percent
55 grants in the form of deferred payment loans (DPL). A ten year declining
56 balance lien in the form of a note and mortgage, duly filed at the coun-

1 ty clerk's office, will be utilized for replacement projects. No inter-
2 est or payments will be required on the DPL unless the property is sold
3 or transferred before the regulatory term expires. In such cases funds
4 will be recaptured from the proceeds of the sale of the home, on a
5 declining balance basis, unless an income-eligible immediate family
6 member accepts ownership of, and resides in the home for the remainder
7 of the regulatory term.

8 Notwithstanding any other provision of law, and subject to approval of
9 the New York state director of the budget, the board of directors of the
10 state of New York mortgage agency shall authorize the transfer to the
11 housing trust fund corporation, for the purposes of carrying out the
12 provisions of the mobile and manufactured home replacement program, a
13 total sum not to exceed two million dollars, such transfer to be made
14 from (i) the special account of the mortgage insurance fund created
15 pursuant to section 2429-b of the public authorities law, in an amount
16 not to exceed the actual excess balance in the special account of the
17 mortgage insurance fund, as determined and certified by the state of New
18 York mortgage agency for the fiscal year 2015- 2016 in accordance with
19 section 2429-b of the public authorities law, if any, and/or (ii)
20 provided that the reserves in the project pool insurance account of the
21 mortgage insurance fund created pursuant to section 2429-b of the public
22 authorities law are sufficient to attain and maintain the credit rating
23 (as determined by the state of New York mortgage agency) required to
24 accomplish the purposes of such account, the project pool insurance
25 account of the mortgage insurance fund, such transfer to be made as soon
26 as practicable but no later than March 31, 2017.

27 S 10. Notwithstanding any other provision of law to the contrary, the
28 housing trust fund corporation may provide, for costs associated with
29 naturally occurring retirement communities, a sum not to exceed three
30 hundred fifty thousand dollars for the fiscal year ending March 31,
31 2017. Notwithstanding any other provision of law to the contrary, and
32 subject to the approval of the New York state director of the budget,
33 the board of directors of the state of New York mortgage agency shall
34 authorize the transfer to the housing trust fund corporation, for the
35 purposes of reimbursing any costs associated with naturally occurring
36 retirement communities authorized by this section, a total sum not to
37 exceed three hundred fifty thousand dollars, such transfer to be made
38 from (i) the special account of the mortgage insurance fund created
39 pursuant to section 2429-b of the public authorities law, in an amount
40 not to exceed the actual excess balance in the special account of the
41 mortgage insurance fund, as determined and certified by the state of New
42 York mortgage agency for the fiscal year 2015-2016 in accordance with
43 section 2429-b of the public authorities law, if any, and/or (ii)
44 provided that the reserves in the project pool insurance account of the
45 mortgage insurance fund created pursuant to section 2429-b of the public
46 authorities law are sufficient to attain and maintain the credit rating
47 (as determined by the state of New York mortgage agency) required to
48 accomplish the purposes of such account, the project pool insurance
49 account of the mortgage insurance fund, such transfer to be made as soon
50 as practicable but no later than March 31, 2017.

51 S 11. Notwithstanding any other provision of law to the contrary, the
52 housing trust fund corporation may provide, for costs associated with
53 neighborhood naturally occurring retirement communities, a sum not to
54 exceed three hundred fifty thousand dollars for the fiscal year ending
55 March 31, 2017. Notwithstanding any other provision of law to the
56 contrary, and subject to the approval of the New York state director of

1 the budget, the board of directors of the state of New York mortgage
2 agency shall authorize the transfer to the housing trust fund corpo-
3 ration, for the purposes of reimbursing any costs associated with neigh-
4 borhood naturally occurring retirement communities authorized by this
5 section, a total sum not to exceed three hundred fifty thousand dollars,
6 such transfer to be made from (i) the special account of the mortgage
7 insurance fund created pursuant to section 2429-b of the public authori-
8 ties law, in an amount not to exceed the actual excess balance in the
9 special account of the mortgage insurance fund, as determined and certi-
10 fied by the state of New York mortgage agency for the fiscal year 2015-
11 2016 in accordance with section 2429-b of the public authorities law, if
12 any, and/or (ii) provided that the reserves in the project pool insur-
13 ance account of the mortgage insurance fund created pursuant to section
14 2429-b of the public authorities law are sufficient to attain and main-
15 tain the credit rating (as determined by the state of New York mortgage
16 agency) required to accomplish the purposes of such account, the project
17 pool insurance account of the mortgage insurance fund, such transfer to
18 be made as soon as practicable but no later than March 31, 2017.

19 S 12. This act shall take effect immediately.

20

PART Q

21 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws
22 the 2011 amending the education law relating to capital facilities in
23 support of the state university and community colleges, is amended to
24 read as follows:

25 S 4. This act shall take effect immediately and shall expire and be
26 deemed repealed June 30, [2016] 2021.

27 S 2. Section 4 of subpart B of part D of chapter 58 of the laws of
28 2011 amending the education law relating to procurement in support of
29 the state and city universities, is amended to read as follows:

30 S 4. This act shall take effect immediately and shall expire and be
31 deemed repealed June 30, [2016] 2021.

32 S 3. Section 3 of subpart C of part D of chapter 58 of the laws of
33 2011 amending the education law relating to state university health care
34 facilities, is amended to read as follows:

35 S 3. This act shall take effect immediately, and shall expire and be
36 deemed repealed June 30, [2016] 2021.

37 S 4. This act shall take effect immediately.

38

PART R

39 Section 1. Subdivision 1 of section 663 of the education law, as
40 amended by section 1 of part F of chapter 58 of the laws of 2011, is
41 amended to read as follows:

42 1. Income defined. Except as otherwise provided in this section,
43 "income" shall be the total of the combined net taxable income and
44 income from pensions of New York state, local governments, the federal
45 government and any private employer of the applicant, the applicant's
46 spouse, and the applicant's parents, including any pension and annuity
47 income excluded for purposes of taxation pursuant to paragraph three-a
48 of subsection (c) of section six hundred twelve of the tax law, as
49 reported in New York state income tax returns for the calendar year
50 [next preceding the beginning of the school year for] COINCIDING WITH
51 THE TAX YEAR ESTABLISHED BY THE U.S. DEPARTMENT OF EDUCATION TO QUALIFY
52 APPLICANTS FOR FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY

1 TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, FOR THE SCHOOL
2 YEAR IN which application for assistance is made, except that any amount
3 received by an applicant as a scholarship at an educational institution
4 or as a fellowship grant, including the value of contributed services
5 and accommodations, shall not be included within the definition of
6 "income" for the purposes of this article. The term "parent" shall
7 include birth parents, stepparents, adoptive parents and the spouse of
8 an adoptive parent. Income, if not a whole dollar amount, shall be
9 assumed to be equal to the next lowest whole dollar amount. Any change
10 in the status of an applicant with regard to the persons responsible for
11 the applicant's support occurring after the beginning of any semester
12 shall not be considered to change the applicant's award for that semes-
13 ter.

14 S 2. This act shall take effect immediately and shall apply to all
15 awards commencing with the 2017-2018 school year and thereafter.

16 PART S

17 Section 1. Subdivision c of section 2 of part K of chapter 58 of the
18 laws of 2010 amending the social services law relating to establishing
19 the savings plan demonstration project, is amended to read as follows:

20 c. this act shall expire and be deemed repealed March 31, [2016] 2017.
21 S 2. This act shall take effect immediately.

22 PART T

23 Section 1. Subdivision 10 of section 6306 of the education law, as
24 added by section 1 of part Y of chapter 56 of the laws of 2015, is
25 amended to read as follows:

26 10. The boards of trustees of the state university of New York commu-
27 nity colleges shall consult with boards of cooperative educational
28 services (BOCES) to identify new or existing programs offered to
29 students that would allow a student to pursue an associate of occupa-
30 tional studies (AOS) degree from a community college upon high school
31 graduation. Once identified, BOCES in collaboration with the community
32 college boards of trustees shall make such path, identified programs,
33 and AOS degree options known to ensure that students are aware that such
34 options exist. Such notification [may] SHALL begin [as early as] IN the
35 [seventh] EIGHTH grade, AND INCLUDE THE PROVISION OF MATERIALS ON AOS
36 DEGREE OPTIONS TO SCHOOL COUNSELORS IN EACH SCHOOL DISTRICT IN SUCH
37 REGION. Provided however, that such boards and BOCES shall not take any
38 action to direct or suggest that a student should pursue a particular
39 degree or pathway.

40 S 2. This act shall take effect immediately.

41 PART U

42 Section 1. Subdivisions 3, 5 and 6 of section 6456 of the education
43 law, as added by section 1 of part X of chapter 56 of the laws of 2015,
44 are amended to read as follows:

45 3. A. Funds appropriated IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND
46 SIXTEEN ACADEMIC YEAR for the purposes of this initiative shall be allo-
47 cated by sector as follows: fifty-two percent for institutions in the
48 state university of New York; thirty percent for institutions in the
49 city university of New York; and eighteen percent for other degree-

1 granting institutions in New York with current Arthur O. Eve higher
2 education opportunity programs.

3 B. FUNDS APPROPRIATED IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-
4 TEEN ACADEMIC YEAR AND THEREAFTER FOR THE PURPOSES OF THIS INITIATIVE
5 SHALL BE ALLOCATED BY SECTOR BASED ON THE PERCENTAGE OF FOSTER YOUTH
6 IDENTIFIED BY EACH INSTITUTION THAT WILL BE SERVED BY THIS INITIATIVE IN
7 THE FOLLOWING ACADEMIC YEAR, IN APPLICATIONS RECEIVED BY THE COMMISSION-
8 ER PURSUANT TO SUBDIVISION SIX OF THIS SECTION, PROVIDED HOWEVER THAT
9 THE AWARD PER STUDENT FOR FOSTER YOUTH FIRST SERVED IN THE TWO THOUSAND
10 FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR SHALL BE NO LESS THAN THE
11 AMOUNT PER STUDENT AWARDED FOR THOSE STUDENTS IN THE TWO THOUSAND
12 FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR.

13 5. Moneys made available to institutions under this section shall be
14 spent for the following purposes:

15 a. to provide additional services and expenses to expand opportunities
16 through existing postsecondary opportunity programs at the state univer-
17 sity of New York, the city university of New York, and other degree-
18 granting higher education institutions for foster youth;

19 b. to provide any necessary supplemental financial aid for foster
20 youth, which may include the cost of tuition and fees, books, transpor-
21 tation, HOUSING and other expenses as determined by the commissioner to
22 be necessary for such foster youth to attend college;

23 c. summer college preparation programs to help foster youth transition
24 to college, prepare them to navigate on-campus systems, and provide
25 preparation in reading, writing, and mathematics for foster youth who
26 need it; or

27 d. advisement, tutoring, and academic assistance for foster youth.

28 6. Eligible institutions shall file an application for approval by the
29 commissioner no later than the first of [October] MAY each year demon-
30 strating a need for such funding, including how the funding would be
31 used and how many foster youth would be assisted with such funding.
32 Successful applicants will be funded as provided in subdivision four of
33 this section.

34 S 2. This act shall take effect immediately.

35

PART V

36 Section 1. The education law is amended by adding a new section 609 to
37 read as follows:

38 S 609. TUITION, AID AND PLACEMENT REPORT. IN ACADEMIC YEAR TWO THOU-
39 SAND SIXTEEN--TWO THOUSAND SEVENTEEN, ALL NON-PUBLIC INSTITUTIONS OF
40 HIGHER EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF THE UNIVER-
41 SITY OF THE STATE OF NEW YORK, WHICH PROVIDE A COURSE OF STUDY LEADING
42 TO THE GRANTING OF A FOUR YEAR POST-SECONDARY DEGREE OR DIPLOMA, EXCEPT
43 FOR A NON-PUBLIC DEGREE-GRANTING INSTITUTION THAT DOES NOT OFFER A
44 PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, OR AT A REGIS-
45 TERED NOT-FOR-PROFIT BUSINESS SCHOOL QUALIFIED FOR TAX EXEMPTION UNDER
46 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX
47 PURPOSES THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCA-
48 LAUREATE DEGREE, SHALL REPORT TO THE SENATE AND ASSEMBLY CHAIRS OF THE
49 HIGHER EDUCATION COMMITTEES ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND
50 SIXTEEN, ON THE FOLLOWING: FACTORS THAT DRIVE COST INCREASES; TUITION
51 TRENDS FOR THE PAST SIX YEARS AND PERCENTAGE OF YEAR TO YEAR INCREASES;
52 TOTAL COST OF FEES; IF THE INSTITUTION HAS AN ENDOWMENT AND THE AMOUNT
53 OF SUCH ENDOWMENT; THE AVERAGE INSTITUTIONAL FINANCIAL AID PACKAGE BY
54 INCOME BRACKET AS DEFINED BY THE NATIONAL CENTER FOR EDUCATION STATIS-

1 TICS' INTEGRATED POST-SECONDARY EDUCATION DATA SYSTEM; GRADUATION RATES
2 FOR FOUR, FIVE AND SIX YEARS; ENROLLMENT TRENDS OVER THE PAST SIX YEARS;
3 THE AMOUNT SPENT TO EDUCATE STUDENTS PER FTE; THE PERCENTAGE OF STUDENTS
4 WHO ARE TAP AND PELL ELIGIBLE; ADMINISTRATIVE AND OPERATING COSTS AND
5 THE PERCENTAGE OF THOSE COSTS FUNDED BY TUITION; AND COST SAVING MEAS-
6 URES IMPLEMENTED OVER THE PAST SIX YEARS, IF ANY.

7 S 2. This act shall take effect immediately.

8

PART W

9 Section 1. Subdivision (i) of section 17 of the social services law,
10 as relettered by section 1 of part K3 of chapter 57 of the laws of 2007,
11 is relettered subdivision (j).

12 S 2. Section 17 of the social services law is amended by adding a new
13 subdivision (i) to read as follows:

14 (I) HAVE THE AUTHORITY APPOINT A TEMPORARY OPERATOR IN ACCORDANCE WITH
15 THIS SUBDIVISION:

16 (1) FOR THE PURPOSES OF THIS SUBDIVISION:

17 (I) "BUILDING" SHALL MEAN AN ENTIRE BUILDING OR A UNIT WITHIN THAT
18 PROVIDES EMERGENCY SHELTER TO HOMELESS PERSONS.

19 (II) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OR HIS
20 OR HER DESIGNEE.

21 (III) "DATA" SHALL MEAN WRITTEN DOCUMENTATION OR KNOWLEDGE OBTAINED IN
22 THE COURSE OF AN INSPECTION, AUDITS, OR OTHER METHODS AUTHORIZED BY LAW.

23 (IV) "EMERGENCY SHELTER" MEANS ANY BUILDING WITH OVERNIGHT SLEEPING
24 ACCOMMODATIONS, THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE TEMPORARY
25 SHELTER FOR THE HOMELESS IN GENERAL OR FOR SPECIFIC POPULATIONS OF THE
26 HOMELESS, INCLUDING RESIDENTIAL PROGRAMS FOR VICTIMS OF DOMESTIC
27 VIOLENCE AND RUNAWAY AND HOMELESS YOUTH PROGRAMS CERTIFIED BY THE OFFICE
28 OF CHILDREN AND FAMILY SERVICES.

29 (V) "ESTABLISHED OPERATOR" SHALL MEAN A PROVIDER OF EMERGENCY SHELTER.

30 (VI) "SERIOUS FINANCIAL, HEALTH OR SAFETY DEFICIENCY" SHALL INCLUDE,
31 BUT NOT BE LIMITED TO, MISSED MORTGAGE PAYMENTS, MISSED RENT PAYMENTS, A
32 PATTERN OF UNTIMELY PAYMENT OF DEBTS, FAILURE TO PAY ITS EMPLOYEES OR
33 VENDORS, INSUFFICIENT FUNDS TO MEET THE GENERAL OPERATING EXPENSES OF
34 THE PROGRAM, OR A VIOLATION OF LAW, REGULATION, OR CODE WITH RESPECT TO
35 A BUILDING THAT PROVIDES EMERGENCY SHELTER TO HOMELESS PERSONS, IN WHICH
36 THERE ARE CONDITIONS THAT ARE DANGEROUS, HAZARDOUS, IMMINENTLY DETRI-
37 MENTAL TO LIFE OR HEALTH, OR OTHERWISE RENDER THE BUILDING NOT FIT FOR
38 HUMAN HABITATION.

39 (VII) "TEMPORARY OPERATOR" SHALL MEAN ANY PROVIDER OF EMERGENCY SHEL-
40 TER THAT:

41 (A) AGREES TO PROVIDE EMERGENCY SHELTER PURSUANT TO THIS CHAPTER ON A
42 TEMPORARY BASIS IN THE BEST INTERESTS OF ITS HOMELESS INDIVIDUALS AND
43 FAMILIES SERVED BY THE BUILDING;

44 (B) HAS A HISTORY OF COMPLIANCE WITH APPLICABLE LAWS, RULES, AND REGU-
45 LATIONS AND A RECORD OF PROVIDING EMERGENCY SHELTER OF GOOD QUALITY, AS
46 DETERMINED BY THE COMMISSIONER; AND

47 (C) PRIOR TO APPOINTMENT AS TEMPORARY OPERATOR, DEVELOPS A PLAN DETER-
48 MINED TO BE SATISFACTORY BY THE COMMISSIONER TO ADDRESS THE BUILDING'S
49 DEFICIENCIES.

50 (2) (I) A TEMPORARY OPERATOR MAY ONLY BE APPOINTED AFTER THE EMERGENCY
51 SHELTER HAS BEEN PROVIDED NOTICE OF ALLEGED VIOLATIONS AND THE ABILITY
52 TO CURE SUCH VIOLATIONS. THE LOCAL SOCIAL SERVICES DISTRICT SHALL ALSO
53 BE NOTIFIED OF THE ALLEGED VIOLATIONS PRIOR TO THE APPOINTMENT OF A
54 TEMPORARY OPERATOR. IF THE EMERGENCY SHELTER FAILS TO CURE SUCH

1 VIOLATIONS IN A TIMELY MANNER, A TEMPORARY OPERATOR MAY BE APPOINTED
2 WHERE: (A) DATA DEMONSTRATES THAT THE BUILDING IS EXHIBITING A SERIOUS
3 FINANCIAL, HEALTH, OR SAFETY DEFICIENCY; (B) DATA DEMONSTRATES THAT THE
4 ESTABLISHED OPERATOR IS UNABLE OR UNWILLING TO ENSURE THE PROPER OPERA-
5 TION OF THE BUILDING; OR (C) DATA INDICATES THERE EXIST CONDITIONS THAT
6 SERIOUSLY ENDANGER OR JEOPARDIZE EMERGENCY SHELTER RESIDENTS. IF THE
7 COMMISSIONER DETERMINES TO APPOINT A TEMPORARY OPERATOR, THE COMMISSION-
8 ER SHALL NOTIFY THE ESTABLISHED OPERATOR AND THE LOCAL SOCIAL SERVICES
9 DISTRICT OF HIS OR HER INTENTION TO APPOINT A TEMPORARY OPERATOR TO
10 ASSUME SOLE RESPONSIBILITY FOR THE PROVIDER OF THE EMERGENCY SHELTER'S
11 OPERATIONS FOR A LIMITED PERIOD OF TIME. THE APPOINTMENT OF A TEMPORARY
12 OPERATOR SHALL BE EFFECTUATED PURSUANT TO THIS SECTION, AND SHALL BE IN
13 ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW.

14 (II) THE ESTABLISHED OPERATOR MAY AT ANY TIME REQUEST THE COMMISSIONER
15 TO APPOINT A TEMPORARY OPERATOR. UPON RECEIVING SUCH A REQUEST, THE
16 COMMISSIONER MAY, IF HE OR SHE DETERMINES THAT SUCH AN ACTION IS NECES-
17 SARY, ENTER INTO AN AGREEMENT WITH THE ESTABLISHED OPERATOR FOR THE
18 APPOINTMENT OF A TEMPORARY OPERATOR TO RESTORE OR MAINTAIN THE PROVISION
19 OF QUALITY EMERGENCY SHELTER TO THE EMERGENCY SHELTER RESIDENTS UNTIL
20 THE ESTABLISHED OPERATOR CAN RESUME OPERATIONS WITHIN THE DESIGNATED
21 TIME PERIOD OR OTHER ACTION IS TAKEN TO SUSPEND, REVOKE, OR LIMIT THE
22 AUTHORITY OF THE ESTABLISHED OPERATOR.

23 (3) (I) A TEMPORARY OPERATOR APPOINTED PURSUANT TO THIS SECTION SHALL
24 USE HIS OR HER BEST EFFORTS TO IMPLEMENT THE PLAN DEEMED SATISFACTORY BY
25 THE COMMISSIONER TO CORRECT OR ELIMINATE ANY DEFICIENCIES IN THE BUILD-
26 ING AND TO PROMOTE THE QUALITY AND ACCESSIBILITY OF THE EMERGENCY SHEL-
27 TER IN THE COMMUNITY SERVED BY THE PROVIDER OF EMERGENCY SHELTER.

28 (II) DURING THE TERM OF APPOINTMENT, THE TEMPORARY OPERATOR SHALL HAVE
29 THE AUTHORITY TO DIRECT THE STAFF OF THE ESTABLISHED OPERATOR AS NECES-
30 SARY TO APPROPRIATELY PROVIDE EMERGENCY SHELTER FOR HOMELESS INDIVIDUALS
31 AND FAMILIES. THE TEMPORARY OPERATOR SHALL, DURING THIS PERIOD, PROVIDE
32 EMERGENCY SHELTER IN SUCH A MANNER AS TO PROMOTE SAFETY AND THE QUALITY
33 AND ACCESSIBILITY OF EMERGENCY SHELTER IN THE COMMUNITY SERVED BY THE
34 ESTABLISHED OPERATOR UNTIL EITHER THE ESTABLISHED OPERATOR CAN RESUME
35 OPERATIONS OR UNTIL THE OFFICE REVOKES THE AUTHORITY OF THE EMERGENCY
36 SHELTER TO OPERATE UNDER THIS CHAPTER.

37 (III) THE ESTABLISHED OPERATOR SHALL GRANT ACCESS TO THE TEMPORARY
38 OPERATOR TO THE ESTABLISHED OPERATOR'S ACCOUNTS AND RECORDS IN ORDER TO
39 ADDRESS ANY SERIOUS FINANCIAL, HEALTH OR SAFETY DEFICIENCY. THE TEMPO-
40 RARY OPERATOR SHALL APPROVE ANY DECISION RELATED TO AN ESTABLISHED
41 PROVIDER'S DAY TO DAY OPERATIONS OR THE ESTABLISHED PROVIDER'S ABILITY
42 TO PROVIDE EMERGENCY SHELTER.

43 (IV) THE TEMPORARY OPERATOR SHALL NOT BE REQUIRED TO FILE ANY BOND. NO
44 SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY COMPRISING THE ESTAB-
45 LISHED OPERATOR OR CONTAINED WITHIN THE ESTABLISHED OPERATOR OR IN ANY
46 FIXTURE OF THE BUILDING, SHALL BE IMPAIRED OR DIMINISHED IN PRIORITY BY
47 THE TEMPORARY OPERATOR. NEITHER THE TEMPORARY OPERATOR NOR THE OFFICE
48 SHALL ENGAGE IN ANY ACTIVITY THAT CONSTITUTES A CONFISCATION OF PROPER-
49 TY.

50 (4) COSTS ASSOCIATED WITH THE TEMPORARY OPERATOR, INCLUDING COMPEN-
51 SATION, SHALL FOLLOW THE FINANCING STRUCTURE ESTABLISHED IN ACCORDANCE
52 WITH SECTION ONE HUNDRED FIFTY-THREE OF THIS CHAPTER, AS MODIFIED BY THE
53 CURRENT AID TO LOCALITIES PROVISIONS FOR THE OFFICE OF TEMPORARY AND
54 DISABILITY ASSISTANCE WITHIN THE DEPARTMENT OF FAMILY ASSISTANCE. THE
55 TEMPORARY OPERATOR SHALL BE LIABLE ONLY IN ITS CAPACITY AS TEMPORARY
56 OPERATOR FOR INJURY TO PERSON AND PROPERTY BY REASON OF ITS OPERATION OF

1 SUCH BUILDING; NO LIABILITY SHALL INCUR IN THE TEMPORARY OPERATOR'S
2 PERSONAL CAPACITY, EXCEPT FOR GROSS NEGLIGENCE AND INTENTIONAL ACTS.

3 (5) (I) THE INITIAL TERM OF THE APPOINTMENT OF THE TEMPORARY OPERATOR
4 SHALL NOT EXCEED NINETY DAYS. AFTER NINETY DAYS, IF THE COMMISSIONER
5 DETERMINES THAT TERMINATION OF THE TEMPORARY OPERATOR WOULD CAUSE
6 SIGNIFICANT DETERIORATION OF THE QUALITY OF, OR ACCESS TO, EMERGENCY
7 SHELTER IN THE COMMUNITY OR THAT REAPPOINTMENT IS NECESSARY TO CORRECT
8 THE DEFICIENCIES THAT REQUIRED THE APPOINTMENT OF THE TEMPORARY OPERA-
9 TOR, THE COMMISSIONER MAY AUTHORIZE AN ADDITIONAL NINETY-DAY TERM.
10 HOWEVER, SUCH AUTHORIZATION SHALL INCLUDE THE COMMISSIONER'S REQUIRE-
11 MENTS FOR CONCLUSION OF THE TEMPORARY OPERATORSHIP TO BE SATISFIED WITH-
12 IN THE ADDITIONAL TERM.

13 (II) WITHIN FOURTEEN DAYS PRIOR TO THE TERMINATION OF EACH TERM OF THE
14 APPOINTMENT OF THE TEMPORARY OPERATOR, THE TEMPORARY OPERATOR SHALL
15 SUBMIT TO THE COMMISSIONER, TO THE LOCAL SOCIAL SERVICES DISTRICT, AND
16 TO THE ESTABLISHED OPERATOR A REPORT DESCRIBING:

17 (A) THE ACTIONS TAKEN DURING THE APPOINTMENT TO ADDRESS THE IDENTIFIED
18 BUILDING DEFICIENCIES, THE RESUMPTION OF BUILDING OPERATIONS BY THE
19 ESTABLISHED OPERATOR, OR THE REVOCATION OF AUTHORITY TO OPERATE AN EMER-
20 GENCY SHELTER;

21 (B) OBJECTIVES FOR THE CONTINUATION OF THE TEMPORARY OPERATORSHIP IF
22 NECESSARY AND A SCHEDULE FOR SATISFACTION OF SUCH OBJECTIVES; AND

23 (C) IF APPLICABLE, THE RECOMMENDED ACTIONS FOR THE ONGOING PROVISION
24 OF EMERGENCY SHELTER SUBSEQUENT TO THE TEMPORARY OPERATORSHIP.

25 (III) THE TERM OF THE INITIAL APPOINTMENT AND OF ANY SUBSEQUENT REAP-
26 POINTMENT MAY BE TERMINATED PRIOR TO THE EXPIRATION OF THE DESIGNATED
27 TERM, IF THE ESTABLISHED OPERATOR AND THE COMMISSIONER AGREE ON A PLAN
28 OF CORRECTION AND THE IMPLEMENTATION OF SUCH PLAN.

29 (6) (I) THE COMMISSIONER SHALL, UPON MAKING A DETERMINATION OF AN
30 INTENTION TO APPOINT A TEMPORARY OPERATOR PURSUANT TO SUBPARAGRAPH (I)
31 OF PARAGRAPH TWO OF THIS SUBDIVISION, CAUSE THE ESTABLISHED OPERATOR AND
32 THE LOCAL SOCIAL SERVICES DISTRICT TO BE NOTIFIED OF THE INTENTION BY
33 REGISTERED OR CERTIFIED MAIL ADDRESSED TO THE PRINCIPAL OFFICE OF THE
34 ESTABLISHED OPERATOR AND THE LOCAL SOCIAL SERVICES DISTRICT. SUCH
35 NOTIFICATION SHALL INCLUDE A DETAILED DESCRIPTION OF THE FINDINGS UNDER-
36 LYING THE INTENTION TO APPOINT A TEMPORARY OPERATOR, AND THE DATE AND
37 TIME OF A REQUIRED MEETING WITH THE COMMISSIONER WITHIN TEN BUSINESS
38 DAYS OF THE RECEIPT OF SUCH NOTICE. AT SUCH MEETING, THE ESTABLISHED
39 OPERATOR, AND THE COMMISSIONER SHALL HAVE THE OPPORTUNITY TO REVIEW AND
40 DISCUSS ALL RELEVANT FINDINGS. AT SUCH MEETING, THE COMMISSIONER AND THE
41 ESTABLISHED OPERATOR SHALL ATTEMPT TO DEVELOP A MUTUALLY SATISFACTORY
42 PLAN OF CORRECTION AND SCHEDULE FOR IMPLEMENTATION. IF A MUTUALLY SATIS-
43 FACTORY PLAN OF CORRECTION AND SCHEDULE FOR IMPLEMENTATION IS DEVELOPED,
44 THE COMMISSIONER SHALL NOTIFY THE ESTABLISHED OPERATOR THAT THE COMMIS-
45 SIONER WILL ABSTAIN FROM APPOINTING A TEMPORARY OPERATOR CONTINGENT UPON
46 THE ESTABLISHED OPERATOR REMEDIATING THE IDENTIFIED DEFICIENCIES WITHIN
47 THE AGREED UPON TIMEFRAME.

48 (II) THE COMMISSIONER SHALL, UPON MAKING A DETERMINATION OF AN INTEN-
49 TION TO APPOINT A TEMPORARY OPERATOR PURSUANT TO SUBPARAGRAPH (I) OF
50 PARAGRAPH TWO OF THIS SUBDIVISION, CAUSE THE TEMPORARY PRESIDENT OF THE
51 SENATE, AND THE SPEAKER OF THE ASSEMBLY TO RECEIVE APPROPRIATE AND TIME-
52 LY NOTIFICATION OF THE INTENTION TO APPOINT A TEMPORARY OPERATOR. SUCH
53 NOTIFICATION SHALL INCLUDE A DESCRIPTION OF THE FINDINGS UNDERLYING THE
54 INTENTION TO APPOINT A TEMPORARY OPERATOR, THE IDENTIFICATION OF THE NEW
55 OPERATOR WHEN PRACTICABLE, AND THE DATE OF EXPECTED TRANSFER OF OPER-

1 ATIONS. SUCH NOTICE SHALL BE MADE AS SOON AS PRACTICABLE UNDER THE
2 CIRCUMSTANCES.

3 (III) THE COMMISSIONER, AT ANY TIME HE OR SHE DEEMS NECESSARY AND TO
4 THE EXTENT PRACTICABLE, SHALL CONSULT AND MAY INVOLVE THE LOCAL SOCIAL
5 SERVICES DISTRICT.

6 (IV) SHOULD THE COMMISSIONER AND THE ESTABLISHED OPERATOR BE UNABLE TO
7 ESTABLISH A PLAN OF CORRECTION PURSUANT TO SUBPARAGRAPH (I) OF THIS
8 PARAGRAPH, OR SHOULD THE ESTABLISHED OPERATOR FAIL TO RESPOND TO THE
9 COMMISSIONER'S INITIAL NOTIFICATION, THERE SHALL BE AN ADMINISTRATIVE
10 HEARING ON THE COMMISSIONER'S DETERMINATION TO APPOINT A TEMPORARY OPER-
11 ATOR TO BEGIN NO LATER THAN THIRTY DAYS FROM THE DATE OF THE NOTICE TO
12 THE ESTABLISHED OPERATOR. ANY SUCH HEARING SHALL BE STRICTLY LIMITED TO
13 THE ISSUE OF WHETHER THE DETERMINATION OF THE COMMISSIONER TO APPOINT A
14 TEMPORARY OPERATOR IS SUPPORTED BY SUBSTANTIAL EVIDENCE. A COPY OF THE
15 DECISION SHALL BE SENT TO THE ESTABLISHED OPERATOR AND THE LOCAL SOCIAL
16 SERVICES DISTRICT.

17 (V) IF THE DECISION TO APPOINT A TEMPORARY OPERATOR IS UPHELD SUCH
18 TEMPORARY OPERATOR SHALL BE APPOINTED AS SOON AS IS PRACTICABLE AND
19 SHALL PROVIDE EMERGENCY SHELTER PURSUANT TO THE PROVISIONS OF THIS
20 SECTION.

21 (7) NOTWITHSTANDING THE APPOINTMENT OF A TEMPORARY OPERATOR, THE
22 ESTABLISHED OPERATOR SHALL REMAIN OBLIGATED FOR THE CONTINUED PROVISION
23 OF EMERGENCY SHELTER. NO PROVISION CONTAINED IN THIS SECTION SHALL BE
24 DEEMED TO RELIEVE THE ESTABLISHED OPERATOR OR ANY OTHER PERSON OF ANY
25 CIVIL OR CRIMINAL LIABILITY INCURRED, OR ANY DUTY IMPOSED BY LAW, BY
26 REASON OF ACTS OR OMISSIONS OF THE ESTABLISHED OPERATOR OR ANY OTHER
27 PERSON PRIOR TO THE APPOINTMENT OF ANY TEMPORARY OPERATOR OF THE BUILD-
28 ING HEREUNDER; NOR SHALL ANYTHING CONTAINED IN THIS SECTION BE CONSTRUED
29 TO SUSPEND DURING THE TERM OF THE APPOINTMENT OF THE TEMPORARY OPERATOR
30 OF THE BUILDING ANY OBLIGATION OF THE ESTABLISHED OPERATOR OR ANY OTHER
31 PERSON FOR THE MAINTENANCE AND REPAIR OF THE BUILDING, PROVISION OF
32 UTILITY SERVICES, PAYMENT OF TAXES OR OTHER OPERATING AND MAINTENANCE
33 EXPENSES OF THE BUILDING, NOR OF THE ESTABLISHED OPERATOR OR ANY OTHER
34 PERSON FOR THE PAYMENT OF MORTGAGES OR LIENS.

35 S 3. Nothing in section two of this act shall be deemed in any way to
36 limit the authority of the commissioner of the office of temporary and
37 disability assistance or the commissioner of the office of children and
38 family services or his or her designee to take additional actions with
39 respect to a building that provides emergency shelter, in which there
40 are conditions that are dangerous, hazardous, imminently detrimental to
41 life or health, or otherwise render the building not fit for human habi-
42 tation.

43 S 4. This act shall take effect immediately and shall be deemed to
44 have been in full force and effect on and after April 1, 2016, provided
45 further that this act shall expire and be deemed repealed March 31,
46 2019.

47 PART X

48 Section 1. Subdivision 1 of section 131-n of the social services law,
49 as amended by chapter 373 of the laws of 2003, paragraph (c) as amended
50 by section 5 of part J of chapter 58 of the laws of 2014, is amended to
51 read as follows:

52 1. The following resources shall be exempt and disregarded in calcu-
53 lating the amount of benefits of any household under any public assist-
54 ance program: (a) cash and liquid or nonliquid resources up to two thou-

1 sand dollars, or three thousand dollars in the case of households in
2 which any member is sixty years of age or older, (b) an amount up to
3 four thousand six hundred fifty dollars in a separate bank account
4 established by an individual while currently in receipt of assistance
5 for the sole purpose of enabling the individual to purchase a first or
6 replacement vehicle for the recipient to seek, obtain or maintain
7 employment, so long as the funds are not used for any other purpose, (c)
8 an amount up to one thousand four hundred dollars in a separate bank
9 account established by an individual while currently in receipt of
10 assistance for the purpose of paying tuition at a two-year or four-year
11 accredited post-secondary educational institution, so long as the funds
12 are not used for any other purpose, (d) the home which is the usual
13 residence of the household, (e) [one automobile, up to four thousand six
14 hundred fifty dollars fair market value, provided, however, that if the
15 automobile is needed for the applicant or recipient to seek or retain
16 employment or travel to and from work activities as defined in section
17 three hundred thirty-six of this chapter, the automobile exemption shall
18 be increased to nine thousand three hundred dollars,] ONE AUTOMOBILE, UP
19 TO TEN THOUSAND DOLLARS FAIR MARKET VALUE, THROUGH MARCH THIRTY-FIRST,
20 TWO THOUSAND SEVENTEEN; ONE AUTOMOBILE, UP TO ELEVEN THOUSAND DOLLARS
21 FAIR MARKET VALUE, FROM APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH
22 MARCH THIRTY-FIRST, TWO THOUSAND EIGHTEEN; AND ONE AUTOMOBILE, UP TO
23 TWELVE THOUSAND DOLLARS FAIR MARKET VALUE, BEGINNING APRIL FIRST, TWO
24 THOUSAND EIGHTEEN AND THEREAFTER, or such other higher dollar value as
25 the local social services district may elect to adopt, (f) one burial
26 plot per household member as defined in department regulations, (g) bona
27 fide funeral agreements up to a total of one thousand five hundred
28 dollars in equity value per household member, (h) funds in an individual
29 development account established in accordance with subdivision five of
30 section three hundred fifty-eight of this chapter and section four
31 hundred three of the social security act and (i) for a period of six
32 months, real property which the household is making a good faith effort
33 to sell, in accordance with department regulations and tangible personal
34 property necessary for business or for employment purposes in accordance
35 with department regulations. If federal law or regulations require the
36 exemption or disregard of additional income and resources in determining
37 need for family assistance, or medical assistance not exempted or disre-
38 garded pursuant to any other provision of this chapter, the department
39 may, by regulations subject to the approval of the director of the budg-
40 et, require social services officials to exempt or disregard such income
41 and resources. Refunds resulting from earned income tax credits shall be
42 disregarded in public assistance programs.

43 S 2. This act shall take effect on the forty-fifth day after it shall
44 have become a law; provided that the amendments to subdivision 1 of
45 section 131-n of the social services law made by section one of this act
46 shall not affect the expiration and repeal of such section and shall
47 expire and be deemed repealed therewith.

48

PART Y

49 Section 1. Section 332-b of the social services law is amended by
50 adding a new subdivision 4-a to read as follows:

51 4-A. IF THE PRACTITIONER TO WHOM THE INDIVIDUAL IS REFERRED PURSUANT
52 TO SUBDIVISION FOUR OR PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION
53 ISSUES AN OPINION THAT DIFFERS FROM THE APPLICANT'S TREATING HEALTH CARE
54 PRACTITIONER, THE PRACTITIONER SHALL PROVIDE A WRITTEN DETERMINATION

1 THAT SPECIFIES WHY THE PRACTITIONER DISAGREES WITH THE APPLICANT'S
2 TREATING HEALTH CARE PRACTITIONER'S DISABILITY DETERMINATION AND PRESENT
3 EVIDENCE THAT SUPPORTS THE OPINION.

4 S 2. This act shall take effect on the ninetieth day after it shall
5 have become a law.

6 PART Z

7 Section 1. Paragraph 1 of subdivision d of section 19-a of the retire-
8 ment and social security law, as amended by section 2 of part BB of
9 chapter 57 of the laws of 2013, is amended to read as follows:

10 (1) For any given fiscal year for which an employer's average actuari-
11 al contribution rate exceeds the system graded contribution rate, the
12 employer shall pay to the retirement system an amount equal to the
13 employer's annual bill for such year or, in lieu of paying the entire
14 annual bill, the employer may pay an amount equal to the employer's
15 annual bill less all or a portion of the employer's amount eligible for
16 amortization for the fiscal year. If in accordance with this paragraph
17 the employer's payment to the retirement system is less than the entire
18 amount of the employer's annual bill, then the difference between the
19 employer's annual bill, and the amount actually paid by the employer to
20 the retirement system exclusive of any amount from the employer contrib-
21 ution reserve fund applied to reduce the employer's payment, shall be
22 the amount amortized for the fiscal year. The amount amortized for the
23 fiscal year shall be paid to the retirement system in equal annual
24 installments over a ten-year period, with interest on the unpaid balance
25 at a rate determined by the comptroller which approximates a market rate
26 of return on taxable fixed rate securities with similar terms issued by
27 comparable issuers, and with the first installment due in the immediate-
28 ly succeeding fiscal year. PROVIDED HOWEVER THAT, NOTWITHSTANDING ANY
29 PROVISION OF LAW TO THE CONTRARY AND AT THE SOLE DISCRETION OF THE
30 DIRECTOR OF THE DIVISION OF THE BUDGET, THE STATE AS AN AMORTIZING
31 EMPLOYER MAY PREPAY TO THE RETIREMENT SYSTEM THE TOTAL AMOUNT OF PRINCI-
32 PAL DUE FOR ANY SUCH ANNUAL INSTALLMENT OR INSTALLMENTS FOR A GIVEN
33 FISCAL YEAR PRIOR TO THE EXPIRATION OF THE TEN-YEAR AMORTIZATION PERIOD.
34 IN THE EVENT THE STATE ELECTS TO MAKE SUCH PREPAYMENT, THE DIRECTOR OF
35 THE DIVISION OF BUDGET MUST IDENTIFY THE FISCAL YEAR OR YEARS FOR WHICH
36 THE TOTAL PRINCIPAL AMOUNT DUE FOR THE ANNUAL INSTALLMENT IS BEING
37 PREPAID. IN ANY FISCAL YEAR FOR WHICH THE DIRECTOR OF THE DIVISION OF
38 THE BUDGET IDENTIFIES SUCH PREPAYMENT IS BEING MADE, THE STATE (I) SHALL
39 NOT BE REQUIRED TO MAKE A PAYMENT OF PRINCIPAL TO THE RETIREMENT SYSTEM
40 FOR SUCH FISCAL YEAR, AND (II) SHALL PAY TO THE RETIREMENT SYSTEM ANNUAL
41 INTEREST ON THE REMAINING PRINCIPAL BALANCE AT THE RATE ORIGINALLY SET
42 BY THE COMPTROLLER WHEN THE STATE FIRST ELECTED TO AMORTIZE IN ACCORD-
43 ANCE WITH THIS PARAGRAPH. NOTHING CONTAINED HEREIN SHALL PERMIT THE
44 STATE TO EXTEND THE AMORTIZATION PERIOD ORIGINALLY ESTABLISHED IN
45 ACCORDANCE WITH THIS PARAGRAPH BEYOND THE ORIGINAL TEN-YEAR AMORTIZATION
46 PERIOD.

47 S 2. Paragraph 1 of subdivision d of section 319-a of the retirement
48 and social security law, as amended by section 3 of part BB of chapter
49 57 of the laws of 2013, is amended to read as follows:

50 (1) For any given fiscal year for which an employer's average actuari-
51 al contribution rate exceeds the employer graded contribution rate, the
52 employer shall pay to the retirement system an amount equal to the
53 employer's annual bill for such year or, in lieu of paying the entire
54 annual bill, the employer may pay an amount equal to the employer's

1 annual bill less all or a portion of the employer's amount eligible for
2 amortization for the fiscal year. If in accordance with this paragraph
3 the employer's payment to the retirement system is less than the entire
4 amount of the employer's annual bill, then the difference between the
5 employer's annual bill, and the amount actually paid by the employer to
6 the retirement system exclusive of any amount from the employer contrib-
7 ution reserve fund applied to reduce the employer's payment, shall be
8 the amount amortized for the fiscal year. The amount amortized for the
9 fiscal year shall be paid to the retirement system in equal annual
10 installments over a ten-year period, with interest on the unpaid balance
11 at a rate determined by the comptroller which approximates a market rate
12 of return on taxable fixed rate securities with similar terms issued by
13 comparable issuers, and with the first installment due in the immediate-
14 ly succeeding fiscal year. PROVIDED HOWEVER THAT, NOTWITHSTANDING ANY
15 PROVISION OF LAW TO THE CONTRARY AND AT THE SOLE DISCRETION OF THE
16 DIRECTOR OF THE DIVISION OF THE BUDGET, THE STATE AS AN AMORTIZING
17 EMPLOYER MAY PREPAY TO THE RETIREMENT SYSTEM THE TOTAL AMOUNT OF PRINCI-
18 PAL DUE FOR ANY SUCH ANNUAL INSTALLMENT OR INSTALLMENTS FOR A GIVEN
19 FISCAL YEAR PRIOR TO THE EXPIRATION OF THE TEN-YEAR AMORTIZATION PERIOD.
20 IN THE EVENT THE STATE ELECTS TO MAKE SUCH PREPAYMENT, THE DIRECTOR OF
21 THE DIVISION OF BUDGET MUST IDENTIFY THE FISCAL YEAR OR YEARS FOR WHICH
22 THE TOTAL PRINCIPAL AMOUNT DUE FOR THE ANNUAL INSTALLMENT IS BEING
23 PREPAID. IN ANY FISCAL YEAR FOR WHICH THE DIRECTOR OF THE DIVISION OF
24 THE BUDGET IDENTIFIES SUCH PREPAYMENT IS BEING MADE, THE STATE (I) SHALL
25 NOT BE REQUIRED TO MAKE A PAYMENT OF PRINCIPAL TO THE RETIREMENT SYSTEM
26 FOR SUCH FISCAL YEAR, AND (II) SHALL PAY TO THE RETIREMENT SYSTEM ANNUAL
27 INTEREST ON THE REMAINING PRINCIPAL BALANCE AT THE RATE ORIGINALLY SET
28 BY THE COMPTROLLER WHEN THE STATE FIRST ELECTED TO AMORTIZE IN ACCORD-
29 ANCE WITH THIS PARAGRAPH. NOTHING CONTAINED HEREIN SHALL PERMIT THE
30 STATE TO EXTEND THE AMORTIZATION PERIOD ORIGINALLY ESTABLISHED IN
31 ACCORDANCE WITH THIS PARAGRAPH BEYOND THE ORIGINAL TEN-YEAR AMORTIZATION
32 PERIOD.

33 S 3. This act shall take effect April 1, 2016.

34

PART AA

35 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the
36 insurance law and the public health law relating to the New York state
37 health insurance continuation assistance demonstration project, as
38 amended by section 1 of part GG of chapter 58 of the laws of 2015, is
39 amended to read as follows:

40 S 4. This act shall take effect on the sixtieth day after it shall
41 have become a law; provided, however, that this act shall remain in
42 effect until July 1, [2016] 2017 when upon such date the provisions of
43 this act shall expire and be deemed repealed; provided, further, that a
44 displaced worker shall be eligible for continuation assistance retroac-
45 tive to July 1, 2004.

46 S 2. This act shall take effect immediately.

47

PART BB

48 Section 1. Legislative intent. The legislature declares that the
49 purpose of this act is to clearly provide in statute for insurers to
50 offer and for homeowners, condominium owners, cooperative apartment
51 owners, and renters to obtain a financial incentive if they complete a
52 course of instruction on how to make their residence more resilient to a

1 natural disaster, reduce the potential loss of life or property damage
2 that could result from a natural disaster, reduce the risk of fire,
3 theft, burglary, personal injury or property damage, and raise their
4 awareness of natural disaster preparedness by offering property/casualty
5 insurance premium reductions.

6 S 2. The section heading of section 2346 of the insurance law, as
7 amended by chapter 637 of the laws of 1993, is amended and a new
8 subsection 5 is added to read as follows:

9 Reduction in rates of fire insurance [or], homeowners insurance OR
10 PROPERTY/CASUALTY premiums for residential property.

11 5. (A) DEFINITIONS. FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING
12 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

13 (1) "COMPLETION CERTIFICATE" MEANS A DOCUMENT WHICH CANNOT BE ALTERED
14 AND WHICH IS PROVIDED TO A PERSON WHO SUCCESSFULLY COMPLETES A HOMEOWNER
15 NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE.

16 (2) "NATURAL DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF
17 WIDESPREAD CATASTROPHIC OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR
18 PROPERTY RESULTING FROM ANY NATURAL CAUSE INCLUDING, BUT NOT LIMITED TO,
19 FIRE, FLOOD, EARTHQUAKE, HURRICANE, TORNADO, HIGH WATER, LANDSLIDE,
20 MUDSLIDE, WIND, STORM, WAVE ACTION, ICE STORM, EPIDEMIC, AIR CONTAM-
21 INATION, BLIGHT, DROUGHT, INFESTATION, EXPLOSION, WATER CONTAMINATION,
22 BRIDGE FAILURE, OR BRIDGE COLLAPSE.

23 (3) "HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS
24 PREVENTION COURSE" MEANS A NATURAL DISASTER PREPAREDNESS, HOME SAFETY
25 AND LOSS PREVENTION COURSE THAT HAS BEEN SUBMITTED TO THE SUPERINTENDENT
26 FOR THEIR INFORMATION AND REVIEW BY AN APPLICANT. SUCH COURSE MAY
27 PROVIDE USEFUL INFORMATION TO PARTICIPANTS ON ITEMS INCLUDING, BUT NOT
28 LIMITED TO: COURSES OF ACTION THAT CAN BE TAKEN BEFORE, DURING AND
29 AFTER THE OCCURRENCE OF A NATURAL DISASTER, STRATEGIES TO REDUCE RISK
30 EXPOSURE TO INSURED RESIDENTIAL PROPERTY OWNERS AND RENTERS, AND INFOR-
31 MATION ABOUT THE INSTALLATION OF EQUIPMENT, DEVICES OR OTHER CAPITAL
32 IMPROVEMENTS TO REAL PROPERTY WHICH CAN HELP TO ELIMINATE OR MITIGATE
33 DAMAGE TO REAL OR PERSONAL PROPERTY, PERSONAL INJURY OR THE LOSS OF LIFE
34 CAUSED BY A NATURAL DISASTER OR OTHER INSURABLE EVENT OR OCCURRENCE OF A
35 FIRE, THEFT, BURGLARY, PERSONAL INJURY OR PROPERTY DAMAGE.

36 (4) "APPLICANT" MEANS AN INSURER, OR ANY OTHER PERSON, AGENCY OR
37 ORGANIZATION WHICH SUBMITS A PROPOSED HOMEOWNER NATURAL DISASTER
38 PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE TO THE SUPERINTEN-
39 DENT FOR THEIR INFORMATION AND REVIEW, AND WHO OR WHICH IS PREPARED AND
40 ABLE TO OFFER SUCH COURSE TO INSUREDS UPON THE APPROVAL THEREOF.

41 (B) THE SUPERINTENDENT MAY PROVIDE FOR AN ACTUARIALLY APPROPRIATE
42 REDUCTION FOR A PERIOD OF THREE YEARS IN RATES OF HOMEOWNER'S INSURANCE
43 AND PROPERTY/CASUALTY INSURANCE PREMIUMS APPLICABLE TO RESIDENTIAL REAL
44 PROPERTY FOR EACH TRIENNIAL COMPLETION OF A HOMEOWNER NATURAL DISASTER
45 PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE BY THE INSURED
46 OCCUPANT OF SUCH RESIDENTIAL REAL PROPERTY. IN ADDITION, THE SUPER-
47 INTENDENT MAY ALSO PROVIDE FOR ACTUARIALLY APPROPRIATE REDUCTIONS IN
48 SUCH RATES FOR THE INSTALLATION OF EQUIPMENT, DEVICES OR OTHER CAPITAL
49 IMPROVEMENTS TO REAL PROPERTY WHICH CAN HELP TO ELIMINATE OR MITIGATE
50 NATURAL DISASTER DAMAGE, IMPROVE HOME SAFETY OR PREVENT OTHER LOSSES.

51 (C) AN INSURER, UPON APPROVAL OF THE SUPERINTENDENT, MAY UPON
52 SUBMISSION OF A COMPLETION CERTIFICATE BY AN INSURED, PROVIDE AN ACTUAR-
53 IALLY APPROPRIATE REDUCTION, FOR A PERIOD OF THREE YEARS, OF THE PREMIUM
54 FOR SUCH INSURED'S HOMEOWNER'S INSURANCE OR PROPERTY/CASUALTY INSURANCE
55 ON THE RESIDENTIAL REAL PROPERTY WHICH IS THE INSURED'S PLACE OF RESI-
56 DENCE.

1 (D) THE SUPERINTENDENT MAY ESTABLISH, BY RULE OR OTHERWISE, STANDARDS
2 OR GUIDELINES TO BE USED BY THE SUPERINTENDENT WHEN REVIEWING THE
3 PROPOSED HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS
4 PREVENTION COURSES.

5 S 3. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law; provided, however,
7 that effective immediately, any actions necessary to be taken for the
8 implementation of the provisions of this act on its effective date are
9 authorized and directed to be completed on or before such effective
10 date.

11 PART CC

12 Section 1. Section 9-w of the banking law, as added by section 1 of
13 part F of chapter 56 of the laws of 2015, is amended to read as follows:

14 S 9-w. Standard financial aid award letter. The superintendent of
15 financial services in consultation with the president of the higher
16 education services corporation shall develop a standard financial aid
17 award letter which shall clearly delineate (a) the estimated cost of
18 attendance, including but not limited to, the cost of tuition and fees,
19 room and board, books, and transportation. Such standard letter shall
20 provide the estimated cost of attendance for the current academic year
21 as well as estimates for each academic year that the student would need
22 to attend to earn a degree at such institution with a disclaimer that
23 the cost of attendance for years other than the current academic year
24 are estimates and may be subject to change, (b) all financial aid
25 offered from the federal government, the state, and the institution with
26 an explanation as to which components will require repayment, (c) any
27 expected student and/or family contribution, (d) campus-specific gradu-
28 ation, median borrowing, and loan default rates, and (e) any other
29 information as determined by the superintendent in consultation with the
30 president. Such standard letter shall include a glossary of standard
31 terms and definitions used on such standard letter. The superintendent
32 shall publish and make available such standard letter by December thir-
33 ty-first, two thousand fifteen and thereafter. Each college, vocational
34 institution, and any other institution that offers an approved program
35 as defined in section six hundred one of the education law shall utilize
36 the standard letter issued by the department of financial services in
37 responding to all UNDERGRADUATE financial aid applicants for the two
38 thousand sixteen--two thousand seventeen academic year and thereafter.
39 The superintendent shall promulgate regulations implementing this
40 section.

41 S 2. This act shall take effect immediately.

42 PART DD

43 Section 1. Subdivision 11 of section 6305 of the education law, as
44 amended by section 1 of part W of chapter 56 of the laws of 2014, is
45 amended to read as follows:

46 11. The state university of New York and the city university of New
47 York shall, pursuant to a study and plan, develop a methodology for
48 calculating chargeback rates to ensure equity between the local sponsor
49 contribution per student and the chargeback rate per student charged to
50 other counties, and the implementation of such methodology will be
51 phased in over five years beginning in the two thousand [sixteen--two
52 thousand seventeen] EIGHTEEN--TWO THOUSAND NINETEEN academic year. A

1 report on the plan shall be submitted to the chair of the senate and
2 assembly higher education committees, the chairs of the senate finance
3 committee, the chair of the assembly ways and means committee and the
4 director of the budget no later than June first, two thousand fifteen.

5 S 2. This act shall take effect immediately.

6 PART EE

7 Section 1. Section 4 of part U of chapter 55 of the laws of 2014,
8 amending the real property tax law relating to the tax abatement and
9 exemption for rent regulated and rent controlled property occupied by
10 senior citizens, is amended to read as follows:

11 S 4. This act shall take effect July 1, 2014, and sections one and two
12 of this act shall expire and be deemed repealed [2 years after the
13 effective date thereof] JUNE 30, 2020; provided that the amendment to
14 section 467-b of the real property tax law made by section one of this
15 act shall not affect the expiration of such section and shall be deemed
16 to expire therewith.

17 S 2. Section 3 of part U of chapter 55 of the laws of 2014, amending
18 the real property tax law relating to the tax abatement and exemption
19 for rent regulated and rent controlled property occupied by senior citi-
20 zens, is amended to read as follows:

21 S 3. The state shall reimburse the city of New York for the difference
22 between the amount of real property tax revenue abated for the period
23 beginning July 1, 2014 and ending June 30, 2016 pursuant to the income
24 threshold established by sections one and two of this act and the amount
25 of real property tax revenue that would have been abated for the period
26 beginning July 1, 2014 and ending June 30, 2016 pursuant to the income
27 thresholds that were in effect immediately prior to the income threshold
28 increases established by sections one and two of this act, PROVIDED,
29 HOWEVER, THE STATE'S LIABILITY AND AMOUNT OF REIMBURSEMENT PURSUANT TO
30 THIS ACT SHALL NOT EXCEED ONE MILLION TWO HUNDRED THOUSAND DOLLARS.
31 Prior to any payment, the city shall provide attestation to the director
32 of the New York state division of the budget and the state comptroller
33 as to the actual amount of real property tax revenue abated pursuant to
34 the income thresholds established by sections one and two of this act
35 for the city fiscal years beginning July 1, 2014 and July 1, 2015 and
36 the actual amount of real property tax revenue that would have been
37 abated pursuant to the income thresholds that were in effect immediately
38 prior to the income threshold increases established by sections one and
39 two of this act for the city fiscal years beginning July 1, 2014 and
40 July 1, 2015. The information contained within such attestation may be
41 subject to the audit and verification by the state comptroller.

42 S 3. Section 4 of chapter 129 of the laws of 2014, amending the real
43 property tax law relating to the tax abatement and exemption for rent
44 regulated and rent controlled property occupied by persons with disabil-
45 ities, is amended to read as follows:

46 S 4. This act shall take effect July 1, 2014 provided, however, that:

47 (a) the amendments to paragraph b of subdivision 3 of section 467-b of
48 the real property tax law made by section one of this act shall be
49 subject to the expiration and reversion of such subdivision pursuant to
50 section 17 of chapter 576 of the laws of 1974, as amended, when upon
51 such date the provisions of section two of this act shall take effect;
52 and

53 (b) nothing contained in this act shall be construed so as to extend
54 the provisions of this act beyond [July 1, 2016] JUNE 30, 2020, when

1 upon such date this act shall expire and the provisions contained in
2 this act shall be deemed repealed.

3 S 4. This act shall take effect immediately.

4 PART FF

5 Section 1. Subject to the provisions of this act, the town of River-
6 head, county of Suffolk, (hereinafter the "town") is hereby authorized
7 to refund bonds previously issued or refunded between 2000-2008 pursuant
8 to section 64-e of the town law for the acquisition of land or permanent
9 rights on land. The refunding bonds may be sold at public or private
10 sale in accordance with sections 90.00 or 90.10 of the local finance
11 law, provided, however, that the town shall be exempt from compliance
12 with (a) subdivisions 1 and 4 of paragraph a and subdivision 3 of para-
13 graph f of section 90.00 of the local finance law relating to limiting
14 the length of time for which refunding bonds can be issued and budgetary
15 appropriation requirements for payments due on original bond issuance,
16 and (b) subparagraph (a) of subdivision 2 of paragraph b, subdivisions 4
17 and 5 of paragraph e, and paragraph g of section 90.10 of the local
18 finance law relating to a required showing of savings for the issuance
19 of refunding bonds and limiting the length of time refunding bonds can
20 be issued for. If the bonds to be refunded are to be redeemed or paid on
21 the same date as the refunding bonds are issued, the town shall not be
22 required to comply with the provisions of section 90.10 of the local
23 finance law relating to the escrow of the proceeds of the sale of the
24 refunding bonds.

25 S 2. The refunding bonds authorized to be issued pursuant to this act
26 shall not be issued unless the governing board of the town adopts a
27 resolution which shall be subject to a permissive referendum pursuant to
28 article 7 of the town law. Except for those provisions from which the
29 town is exempt pursuant to section one of this act, such resolution
30 shall contain the information required by section 90.00 or 90.10 of the
31 local finance law, and

32 (a) the financial plan for the proposed refunding must show the sourc-
33 es and amounts of all moneys required to accomplish such refunding; and

34 (b) the period or periods of probable usefulness for bonds provided
35 that refunding bonds issued by the town shall not be limited to the
36 period of probable usefulness at the time of the issuance of the bonds
37 to be refunded. A statement of period or periods of probable usefulness
38 may include an extension of such period of time as authorized by this
39 act.

40 S 3. Notwithstanding the thirty year period of probable usefulness
41 contained in subdivision 21 of paragraph a of section 11.00 of the local
42 finance law, the period of probable usefulness for the acquisition of
43 land or permanent rights on land and the financing of such acquisition
44 pursuant to section 64-e of the town law prior to the effective date of
45 this act shall be fifty years provided that the resolution is adopted in
46 compliance with this act, and provided further that such fifty year term
47 shall only apply to bonds referenced in section one of this act.

48 S 4. No further indebtedness by the town shall be authorized for the
49 acquisition of land or permanent rights on land pursuant to section 64-e
50 of the town law so long as any repayment obligations exist for refunding
51 bonds issued pursuant to the provisions of this act.

52 S 5. This act shall take effect immediately.

1 Section 1. Section 8 of the volunteer firefighters' benefit law, as
2 amended by chapter 574 of the laws of 1998, is amended to read as
3 follows:

4 S 8. Permanent total disability benefits. In the case of total disa-
5 bility adjudged to be permanent the volunteer firefighter shall be paid
6 four hundred dollars for each week during the continuance thereof.
7 Permanent total disability, within the meaning of this section, shall
8 exist only if the earning capacity of the volunteer firefighter has been
9 lost permanently and totally as the result of the injury. The loss of
10 both hands, or both arms, or both feet, or both legs, or both eyes, or
11 any two thereof, shall, in the absence of conclusive proof to the
12 contrary, constitute permanent total disability, but in all other cases
13 permanent total disability shall be determined in accordance with the
14 facts. Notwithstanding any other provisions of this chapter, an injured
15 volunteer firefighter disabled due to the loss or total loss of use of
16 both eyes, or both hands, or both arms, or both feet, or both legs, or
17 any two thereof shall not suffer any diminution of such weekly benefit
18 by engaging in business or employment provided his or her weekly earn-
19 ings or wages, when combined with his or her weekly benefit shall not be
20 in excess of [six] EIGHT hundred dollars; and further provided that the
21 application of this section shall not result in reduction of benefits
22 which an injured volunteer firefighter who is disabled due to the loss
23 or total loss of use of both eyes, or both hands, or both arms, or both
24 feet, or both legs, or any two thereof would otherwise be entitled to
25 under any other provisions of this article.

26 S 2. This act shall take effect July 1, 2016.

27 PART HH

28 Section 1. Paragraph (f) of subdivision 2 of section 14-1 of the
29 transportation law, as amended by section 1 of part V of chapter 58 of
30 the laws of 2013, is amended to read as follows:

31 (f) No grant or loan to any eligible applicant shall exceed the sum of
32 one million FIVE HUNDRED THOUSAND dollars, and no part of any such grant
33 or loan shall be used for salaries or for services regularly provided by
34 the applicant for administrative costs in connection with such grant or
35 loan.

36 S 2. This act shall take effect immediately.

37 PART II

38 Section 1. Part C of chapter 58 of the laws of 2005 authorizing
39 reimbursements for expenditures made by or on behalf of social services
40 districts for medical assistance for needy persons and administration
41 thereof is amended by adding a new section 6-a to read as follows:

42 S 6-A. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
43 COMMISSIONER OF HEALTH IS AUTHORIZED TO ESTABLISH A STATEWIDE MEDICAID
44 INTEGRITY AND EFFICIENCY INITIATIVE FOR THE PURPOSE OF ACHIEVING NEW
45 AUDIT RECOVERIES, EFFICIENCIES IN THE ADMINISTRATION OF THE MEDICAL
46 ASSISTANCE PROGRAM AND OTHER COST AVOIDANCE MEASURES THROUGH COLLAB-
47 ORATION WITH SOCIAL SERVICES DISTRICTS THROUGHOUT THE STATE. THE COMMIS-
48 SIONER MAY ESTABLISH A TARGET AMOUNT OF SUCH RECOVERIES AND EFFICIENCIES
49 FOR DISTRICTS THAT ELECT TO PARTICIPATE IN THE INITIATIVE.

50 2. ON OR AFTER APRIL 1 OF EACH YEAR, SOCIAL SERVICES DISTRICTS THAT
51 ELECT TO PARTICIPATE SHALL SUBMIT A PLAN FOR ACHIEVING AUDIT RECOVERIES
52 AND EFFICIENCIES IN THE ADMINISTRATION OF THE MEDICAL ASSISTANCE PROGRAM

1 TO THE DEPARTMENT OF HEALTH FOR REVIEW AND APPROVAL PRIOR TO IMPLEMENTA-
2 TION. DISTRICTS ARE ENCOURAGED TO SOLICIT LOCAL STAKEHOLDER INPUT IN
3 FORMULATING SUCH PLANS.

4 3. AUDIT RECOVERIES AND EFFICIENCIES IN THE ADMINISTRATION OF THE
5 MEDICAL ASSISTANCE PROGRAM ACHIEVED UNDER A PLAN APPROVED PURSUANT TO
6 THIS SECTION MUST BE VALIDATED BY THE DEPARTMENT OF HEALTH IN CONSULTA-
7 TION WITH THE OFFICE OF THE MEDICAID INSPECTOR GENERAL, AND MUST RESULT
8 FROM DISTRICT ACTIVITIES SPECIFIED IN THE PLAN, AND MUST NOT REFLECT THE
9 IMPACTS OF FEDERAL ENHANCEMENTS OR CURRENT OR FUTURE LEGAL SETTLEMENTS
10 UNRELATED TO ACTIVITIES UNDER THE PLAN. EFFICIENCIES DERIVED FROM
11 ACTIONS THAT ARE TAKEN TO MAXIMIZE OR ENHANCE PREEXISTING LOCAL COST
12 CONTAINMENT INITIATIVES MAY BE INCLUDED AMONG THE CALCULATION OF TARGETS
13 OUTLINED IN THE PLAN, SO LONG AS SUCH EFFICIENCIES WERE NOT PREVIOUSLY
14 ASSUMED.

15 S 2. This act shall take effect immediately and shall expire and be
16 deemed repealed two years after it shall have become a law.

17 PART JJ

18 Section 1. Subdivision 1 of section 92 of part H of chapter 59 of the
19 laws of 2011, amending the public health law and other laws relating to
20 known and projected department of health state fund Medicaid expendi-
21 tures, as amended by section 8 of part B of chapter 57 of the laws of
22 2015, is amended to read as follows:

23 1. For state fiscal years 2011-12 through 2016-17, the director of the
24 budget, in consultation with the commissioner of health referenced as
25 "commissioner" for purposes of this section, shall assess on a monthly
26 basis, as reflected in monthly reports pursuant to subdivision five of
27 this section known and projected department of health state funds medi-
28 caid expenditures by category of service and by geographic regions, as
29 defined by the commissioner, and if the director of the budget deter-
30 mines that such expenditures are expected to cause medicaid disburse-
31 ments for such period to exceed the projected department of health medi-
32 caid state funds disbursements in the enacted budget financial plan
33 pursuant to subdivision 3 of section 23 of the state finance law, the
34 commissioner of health, in consultation with the director of the budget,
35 shall develop a medicaid savings allocation plan to limit such spending
36 to the aggregate limit level specified in the enacted budget financial
37 plan, provided, however, such projections may be adjusted by the direc-
38 tor of the budget to account for any changes in the New York state
39 federal medical assistance percentage amount established pursuant to the
40 federal social security act, changes in provider revenues, reductions to
41 local social services district medical assistance administration, MINI-
42 MUM WAGE INCREASES, and beginning April 1, 2012 the operational costs of
43 the New York state medical indemnity fund and state costs or savings
44 from the basic health plan. Such projections may be adjusted by the
45 director of the budget to account for increased or expedited department
46 of health state funds medicaid expenditures as a result of a natural or
47 other type of disaster, including a governmental declaration of emergen-
48 cy.

49 S 2. This act shall take effect immediately and shall be deemed to
50 have been in full force and effect on and after April 1, 2016.

51 PART KK

1 Section 1. Subdivision d of section 14-150 of the administrative code
2 of the city of New York, as added by chapter 565 of the laws of 2015, is
3 amended to read as follows:

4 d. The New York city police department shall submit to the city coun-
5 cil, THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE STATE SENATE AND THE
6 SPEAKER OF THE STATE ASSEMBLY annually a report detailing the total
7 number of criminal complaints and arrests, categorized by class of
8 crime, for violent felony offenses as defined in section 70.02 of the
9 penal law, assault and related offenses as defined in article one
10 hundred twenty of the penal law, sex offenses as defined in article one
11 hundred thirty of the penal law, disorderly conduct as defined in
12 section 240.20 of the penal law, harassment as defined in section 240.25
13 and 240.26 of the penal law, aggravated harassment as defined in section
14 240.30 and 240.31 of the penal law, and offenses against public sensi-
15 bilities as defined in article two hundred forty-five of the penal law,
16 where the conduct occurs on subway lines and bus routes operated by the
17 New York city transit authority or the Staten Island rapid transit oper-
18 ating authority, specifying where such criminal conduct has occurred by
19 police precinct, including specific subway line, subway transit divi-
20 sion, and bus route operated by the New York city transit authority or
21 the Staten Island rapid transit operating authority. Such report shall
22 contain a separate tabulation for employees of the authority, passengers
23 and other non-employees. SUCH REPORT SHALL SPECIFY WHICH BUS ROUTES HAD
24 THE GREATEST NUMBER OF CRIMINAL COMPLAINTS AND ARRESTS. Such statistics
25 shall be tabulated on a monthly basis and on an annual basis and shall
26 be maintained and transmitted in an electronic format to the department
27 of records and information services, or its successor agency, and be
28 made available to the public on or through the department of records and
29 information services' website, or its successor's website. Such statis-
30 tics shall be first made available on such website ninety days after the
31 effective date of this subdivision and shall be updated on at least a
32 monthly basis thereafter.

33 S 2. This act shall take effect immediately.

34 PART LL

35 Section 1. The state finance law is amended by adding a new section
36 99-y to read as follows:

37 S 99-Y. HEALTH REPUBLIC INSURANCE OF NEW YORK FUND. 1. THERE IS HEREBY
38 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE SUPER-
39 INTENDENT OF THE DEPARTMENT OF FINANCIAL SERVICES A SPECIAL FUND TO BE
40 KNOWN AS THE "HEALTH REPUBLIC INSURANCE OF NEW YORK FUND".

41 2. (A) SUCH FUND SHALL CONSIST OF TRANSFERS AS AUTHORIZED BY THE
42 DIRECTOR OF THE BUDGET, IN HIS OR HER SOLE DISCRETION, BETWEEN APRIL
43 FIRST, TWO THOUSAND SIXTEEN AND MARCH THIRTY-FIRST, TWO THOUSAND NINE-
44 TEEN, FROM AMOUNTS COLLECTED AS A RESULT OF A JUDGEMENT, STIPULATION,
45 DECREE, AGREEMENT TO SETTLE, ASSURANCE OF DISCONTINUANCE, OR OTHER LEGAL
46 INSTRUMENT RESOLVING ANY CLAIM OR CAUSE OF ACTION, WHETHER FILED OR
47 UNFILED, ACTUAL OR POTENTIAL, AND WHETHER ARISING UNDER COMMON LAW,
48 EQUITY, OR ANY PROVISION OF LAW, AND ALL OTHER MONIES APPROPRIATED,
49 CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT
50 TO LAW.

51 (B) PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY TO: (I) MONEYS
52 TO BE DISTRIBUTED TO THE FEDERAL GOVERNMENT, TO A LOCAL GOVERNMENT, OR
53 TO ANY HOLDER OF A BOND OR OTHER DEBT INSTRUMENT ISSUED BY THE STATE,
54 ANY PUBLIC AUTHORITY, OR ANY PUBLIC BENEFIT CORPORATION; (II) MONEYS TO

1 BE DISTRIBUTED SOLELY OR EXCLUSIVELY AS A PAYMENT OF DAMAGES OR RESTITU-
2 TION TO INDIVIDUALS OR ENTITIES THAT WERE SPECIFICALLY INJURED OR HARMED
3 BY THE DEFENDANT'S OR SETTLING PARTY'S CONDUCT AND THAT ARE IDENTIFIED
4 IN, OR CAN BE IDENTIFIED BY THE TERMS OF, THE RELEVANT JUDGMENT, AGREE-
5 MENT TO SETTLE, ASSURANCE OF DISCONTINUANCE, OR RELEVANT INSTRUMENT
6 RESOLVING THE CLAIM OR CAUSE OF ACTION; (III) MONEYS RECOVERED OR
7 OBTAINED BY A STATE AGENCY OR A STATE OFFICIAL OR EMPLOYEE ACTING IN
8 THEIR OFFICIAL CAPACITY WHERE APPLICATION OF PARAGRAPH (A) OF THIS
9 SUBDIVISION IS PROHIBITED BY FEDERAL LAW, RULE, OR REGULATION, OR WOULD
10 RESULT IN THE REDUCTION OR LOSS OF FEDERAL FUNDS OR ELIGIBILITY FOR
11 FEDERAL BENEFITS PURSUANT TO FEDERAL LAW, RULE, OR REGULATION; (IV)
12 MONEYS RECOVERED OR OBTAINED BY OR ON BEHALF OF A PUBLIC AUTHORITY, A
13 PUBLIC BENEFIT CORPORATION, THE DEPARTMENT OF TAXATION AND FINANCE, THE
14 WORKERS' COMPENSATION BOARD, THE NEW YORK STATE HIGHER EDUCATION
15 SERVICES CORPORATION, THE TOBACCO SETTLEMENT FINANCING CORPORATION, A
16 STATE OR LOCAL RETIREMENT SYSTEM, AN EMPLOYEE HEALTH BENEFIT PROGRAM
17 ADMINISTERED BY THE NEW YORK STATE DEPARTMENT OF CIVIL SERVICE, THE
18 TITLE IV-D CHILD SUPPORT FUND, THE LOTTERY PRIZE FUND, THE ABANDONED
19 PROPERTY FUND, OR AN ENDOWMENT OF THE STATE UNIVERSITY OF NEW YORK OR
20 ANY UNIT THEREOF OR ANY STATE AGENCY, PROVIDED THAT ALL OF THE MONEYS
21 RECEIVED OR RECOVERED ARE IMMEDIATELY TRANSFERRED TO THE RELEVANT PUBLIC
22 AUTHORITY, PUBLIC BENEFIT CORPORATION, DEPARTMENT, FUND, PROGRAM, OR
23 ENDOWMENT; (V) MONEYS TO BE REFUNDED TO AN INDIVIDUAL OR ENTITY AS (1)
24 AN OVERPAYMENT OF A TAX, FINE, PENALTY, FEE, INSURANCE PREMIUM, LOAN
25 PAYMENT, CHARGE OR SURCHARGE; (2) A RETURN OF SEIZED ASSETS; OR (3) A
26 PAYMENT MADE IN ERROR; AND (VI) MONEYS TO BE USED TO PREVENT, ABATE,
27 RESTORE, MITIGATE, OR CONTROL ANY IDENTIFIABLE INSTANCE OF PRIOR OR
28 ONGOING WATER, LAND OR AIR POLLUTION.

29 3. MONIES SHALL BE PAID OUT OF THIS FUND AT THE DISCRETION OF THE
30 SUPERINTENDENT OF THE DEPARTMENT OF FINANCIAL SERVICES ONLY PURSUANT TO
31 APPROPRIATION AND THE TERMS TO BE SET FORTH IN A FUTURE CHAPTER OF LAW.

32 4. MONIES SHALL BE PAID OUT OF THIS FUND ONLY AFTER THE DISTRIBUTION
33 OF ALL ASSETS IN CONNECTION WITH A LIQUIDATION PROCEEDING OF HEALTH
34 REPUBLIC INSURANCE OF NEW YORK FILED PURSUANT TO ARTICLE SEVENTY-FOUR OF
35 THE INSURANCE LAW HAS BEEN COMPLETED.

36 5. MONIES SHALL BE PAID OUT OF THIS FUND ON THE AUDIT AND WARRANT OF
37 THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE SUPER-
38 INTENDENT OF THE DEPARTMENT OF FINANCIAL SERVICES.

39 S 2. This act shall take effect immediately.

40

PART MM

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

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

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

53 (g) coordinate and facilitate information sharing among local, state,
54 and federal [law enforcement] agencies to ensure appropriate intelli-

1 gence to assist in the early identification of and response to [poten-
2 tial terrorist activities and other] natural and man-made disasters,
3 subject to any applicable laws, rules, or regulations governing the
4 release, disclosure or sharing of any such information;

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

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

20 S 3-a. Section 223 of the executive law, as amended by chapter 428 of
21 the laws of 1999, is amended to read as follows:

22 S 223. Duties and powers of the superintendent of state police and of
23 members of the state police. 1. It shall be the duty of the superinten-
24 dent of the state police and of members of the state police to prevent
25 and detect crime and apprehend criminals. They shall also be subject to
26 the call of the governor and are empowered to co-operate with any other
27 department of the state or with local authorities. THEY SHALL ALSO
28 COLLECT AND ANALYZE INFORMATION RELATING TO PREVENTION AND DETECTION OF
29 TERRORIST THREATS AND TERRORIST ACTIVITIES THROUGHOUT THE STATE AND
30 SHARE ALL SUCH INFORMATION SUBJECT TO PARAGRAPH (G) OF SUBDIVISION TWO
31 OF SECTION SEVEN HUNDRED NINE OF THIS CHAPTER AMONG THE DIVISION OF
32 HOMELAND SECURITY AND EMERGENCY SERVICES, AND LOCAL, STATE, AND FEDERAL
33 LAW ENFORCEMENT AGENCIES TO ENSURE THE COORDINATION OF APPROPRIATE
34 INTELLIGENCE TO ASSIST IN THE EARLY IDENTIFICATION OF AND RESPONSE TO
35 POTENTIAL TERRORIST THREATS AND TERRORIST ACTIVITIES. They shall have
36 power to arrest, without a warrant, any person committing or attempting
37 to commit within their presence or view a breach of the peace or other
38 violation of law, to serve and execute warrants of arrest or search
39 issued by proper authority and to exercise all other powers of police
40 officers of the state of New York. Any such warrants issued by any
41 magistrate of the state may be executed by them in any part of the state
42 according to the tenor thereof without indorsement. But they shall not
43 exercise their powers within the limits of any city to suppress rioting
44 and disorder except by direction of the governor or upon the request of
45 the mayor of the city with the approval of the governor. Any member of
46 the rank of sergeant or above may take pre-arraignment bail from any
47 defendant in the amounts and under the circumstances and conditions that
48 police may take bail.

49 2. The superintendent may, by written order, designate a police offi-
50 cer, as defined in paragraph (b), (c) or (d) of subdivision thirty-four
51 of section 1.20 of the criminal procedure law, to assist members of the
52 state police in order to more effectively address the detection of crime
53 and apprehension of criminals within the state and its localities.
54 Police officers so designated, while actively working in conjunction
55 with members of the state police either directly or as part of a specif-
56 ic task force, shall be paid by and remain employees of their particular

1 county, city, town or village, but shall for purposes of the criminal
2 procedure law, have their geographic area of employment deemed to be New
3 York state.

4 S 3-b. Section 223 of the executive law, as amended by chapter 843 of
5 the laws of 1980, is amended to read as follows:

6 S 223. Duties and powers of the superintendent of state police and of
7 members of the state police. It shall be the duty of the superintendent
8 of the state police and of members of the state police to prevent and
9 detect crime and apprehend criminals. They shall also be subject to the
10 call of the governor and are empowered to co-operate with any other
11 department of the state or with local authorities. THEY SHALL ALSO
12 COLLECT AND ANALYZE INFORMATION RELATING TO PREVENTION AND DETECTION OF
13 TERRORIST THREATS AND TERRORIST ACTIVITIES THROUGHOUT THE STATE AND
14 SHARE ALL SUCH INFORMATION SUBJECT TO PARAGRAPH (G) OF SUBDIVISION TWO
15 OF SECTION SEVEN HUNDRED NINE OF THIS CHAPTER AMONG THE DIVISION OF
16 HOMELAND SECURITY AND EMERGENCY SERVICES AND LOCAL, STATE, AND FEDERAL
17 LAW ENFORCEMENT AGENCIES TO ENSURE THE COORDINATION OF APPROPRIATE
18 INTELLIGENCE TO ASSIST IN THE EARLY IDENTIFICATION OF AND RESPONSE TO
19 POTENTIAL TERRORIST THREATS AND TERRORIST ACTIVITIES. They shall have
20 power to arrest, without a warrant, any person committing or attempting
21 to commit within their presence or view a breach of the peace or other
22 violation of law, to serve and execute warrants of arrest or search
23 issued by proper authority and to exercise all other powers of police
24 officers of the state of New York. Any such warrants issued by any
25 magistrate of the state may be executed by them in any part of the state
26 according to the tenor thereof without indorsement. But they shall not
27 exercise their powers within the limits of any city to suppress rioting
28 and disorder except by direction of the governor or upon the request of
29 the mayor of the city with the approval of the governor. Any member of
30 the rank of sergeant or above may take pre-arraignment bail from any
31 defendant in the amounts and under the circumstances and conditions that
32 police may take bail.

33 S 4. 1. Transfer of records. Upon the transfer of functions, pursuant
34 to section one of this act, the division of homeland security and emer-
35 gency services shall deliver to the division of state police, all perti-
36 nent books, papers, records and property.

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

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

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

1 S 5. This act shall take effect immediately; provided, however, that
2 the amendments to section 223 of the executive law made by section
3 three-a of this act shall be subject to the expiration and reversion of
4 such section pursuant to section 3 of chapter 428 of the laws of 1999,
5 as amended, when upon such date the provisions of section three-b of
6 this act shall take effect.

7

PART NN

8 Section 1. This act commits the state of New York (state) and the city
9 of New York (city) to fund, over a multi-year period, \$10,828,000,000 in
10 capital costs related to projects contained in the Metropolitan Trans-
11 portation Authority (MTA) 2015-2019 capital program (capital program).
12 The state share of \$8,336,000,000 shall consist of \$1,000,000,000 in
13 appropriations first enacted in the 2015-2016 state budget and addi-
14 tional funds sufficient for Metropolitan Transportation Authority (MTA)
15 to pay \$7,336,000,000 of capital costs as provided herein. The city
16 share of \$2,492,000,000 shall consist of \$657,000,000 to be provided by
17 the city from 2015 through 2019, and additional funds sufficient for MTA
18 to pay \$1,835,000,000 of capital costs for the capital program. The
19 \$7,336,000,000 of additional funds to be provided by the state may be
20 used by the MTA to pay direct capital costs and/or the state may fund
21 such \$7,336,000,000 of capital costs through financing mechanisms under-
22 taken by the MTA. Unless extraordinary circumstances justify otherwise,
23 it is intended that the additional funds committed by the state and city
24 shall be provided concurrently, and in proportion to the respective
25 shares of each, in accordance with the funding needs of the capital
26 program.

27 S 2. (a) The additional funds provided by the state pursuant to
28 section one of this act shall be scheduled and made available to pay for
29 the costs of the capital program after MTA capital resources planned for
30 the capital program, not including additional city and state funds, have
31 been exhausted, or when MTA capital resources planned for the capital
32 program are not available. It is anticipated that state funds shall be
33 required by, and provided to, the MTA in an amount to support
34 \$1,500,000,000 of capital costs in the first year in which planned MTA
35 capital resources are exhausted; \$2,600,000,000 in the second year;
36 \$1,840,000,000 in the third year and \$1,396,000,000 in the fourth year
37 or thereafter.

38 (b) Such funds may be provided to the MTA through direct payments from
39 the state and/or financing mechanisms undertaken by the MTA utilizing
40 aid paid by the state on a schedule sufficient to support the capital
41 costs outlined in this act. The director of the budget (director) shall
42 annually determine the level of funding required to meet the state's
43 commitment and recommend such amounts for inclusion in the executive
44 budget. In making such determination, the director shall consider the
45 availability of MTA capital resources planned for the capital program,
46 the current progress and timing of the MTA capital program, the financ-
47 ing mechanisms employed by the MTA, if any, and any other pertinent
48 factors.

49 (c) State funding amounts, whether direct or in support of a financing
50 mechanism undertaken by the MTA, shall be subject to appropriation with-
51 in applicable annual state budgets; provided, however, that in the event
52 the state does not appropriate the full amount of the funding required
53 pursuant to this act in any year, such action shall not reduce the
54 commitment of the state to fund the full state share specified in

1 section one of this act, with the state fulfilling its aggregate commit-
2 ment in this act no later than state fiscal year 2025-2026 or by the
3 completion of the capital program. In the event that the MTA has
4 exhausted all currently available sources of funding, the MTA may, with
5 the approval of the director, issue anticipation notes or other obli-
6 gations secured solely by the additional funds specified in subdivision
7 (a) of this section and shall provide for capitalized interest thereon.

8 (d) No funds dedicated for operating assistance of the MTA shall be
9 used to reduce or supplant the commitment of the state to provide
10 \$7,336,000,000 pursuant to section one of this act.

11 S 3. In order to annually determine the adequacy and pace of the level
12 of state funding in support of the MTA's capital program, and to gauge
13 the availability of MTA capital resources planned for the capital
14 program, the director may request, and the MTA shall provide, periodic
15 reports on the MTA's capital programs and financial activities in a form
16 and on a schedule prescribed by the director.

17 S 4. Subdivision 12 of section 1269 of the public authorities law, as
18 amended by section 1 of part E of chapter 58 of the laws of 2012, is
19 amended to read as follows:

20 12. The aggregate principal amount of bonds, notes or other obli-
21 gations issued after the first day of January, nineteen hundred ninety-
22 three by the authority, the Triborough bridge and tunnel authority and
23 the New York city transit authority to fund projects contained in capi-
24 tal program plans approved pursuant to section twelve hundred sixty-
25 nine-b of this title for the period nineteen hundred ninety-two through
26 two thousand [fourteen] NINETEEN shall not exceed [thirty-seven] FIFTY-
27 FIVE billion [two hundred eleven] FOUR HUNDRED NINETY-SEVEN million
28 dollars [prior to January one, two thousand thirteen; shall not exceed
29 thirty-nine billion five hundred forty-four million prior to January
30 one, two thousand fourteen; and shall not exceed forty-one billion eight
31 hundred seventy-seven million dollars thereafter]. Such aggregate prin-
32 cipal amount of bonds, notes or other obligations or the expenditure
33 thereof shall not be subject to any limitation contained in any other
34 provision of law on the principal amount of bonds, notes or other obli-
35 gations or the expenditure thereof applicable to the authority, the
36 Triborough bridge and tunnel authority or the New York city transit
37 authority. The aggregate limitation established by this subdivision
38 shall not include (i) obligations issued to refund, redeem or otherwise
39 repay, including by purchase or tender, obligations theretofore issued
40 either by the issuer of such refunding obligations or by the authority,
41 the New York city transit authority or the Triborough bridge and tunnel
42 authority, (ii) obligations issued to fund any debt service or other
43 reserve funds for such obligations, (iii) obligations issued or incurred
44 to fund the costs of issuance, the payment of amounts required under
45 bond and note facilities, federal or other governmental loans, security
46 or credit arrangements or other agreements related thereto and the
47 payment of other financing, ORIGINAL ISSUE PREMIUMS and related costs
48 associated with such obligations, (iv) an amount equal to any original
49 issue discount from the principal amount of such obligations or to fund
50 capitalized interest, (v) obligations incurred pursuant to section
51 twelve hundred seven-m of this article, (vi) obligations incurred to
52 fund the acquisition of certain buses for the New York city transit
53 authority as identified in a capital program plan approved pursuant to
54 chapter fifty-three of the laws of nineteen hundred ninety-two, (vii)
55 obligations incurred in connection with the leasing, selling or trans-
56 ferring of equipment, and (viii) bond anticipation notes or other obli-

1 gations payable solely from the proceeds of other bonds, notes or other
2 obligations which would be included in the aggregate principal amount
3 specified in the first sentence of this subdivision, whether or not
4 additionally secured by revenues of the authority, or any of its subsid-
5 iary corporations, New York city transit authority, or any of its
6 subsidiary corporations, or Triborough bridge and tunnel authority.

7 S 5. This act commits the state to obligate at least \$25,150,000,000
8 in funding for the department of transportation (DOT) capital plan over
9 a multi-year period. This commitment shall consist of \$3,763,341,000 in
10 obligations for fiscal year 2016, at least \$17,402,562,000 in obli-
11 gations over the course of the remaining four years of the fiscal years
12 2016-2020 DOT capital plan, and at least \$3,985,042,000 in obligations
13 in fiscal year 2021. All such obligations shall be subject to annual
14 appropriation and approval by the director of the budget.

15 S 6. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 2016.

17 PART 00

18 Section 1. Subdivision 7 of section 1209 of the public authorities
19 law, as amended by chapter 334 of the laws of 2001, is amended to read
20 as follows:

21 7. (a) Except as otherwise provided in this section, all purchase
22 contracts for supplies, materials or equipment involving an estimated
23 expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all
24 contracts for public work involving an estimated expenditure in excess
25 of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the
26 authority to the lowest responsible bidder after obtaining sealed bids
27 in the manner hereinafter set forth. The aforesaid shall not apply to
28 contracts for personal, architectural, engineering or other professional
29 services. The authority may reject all bids and obtain new bids in the
30 manner provided by this section when it is deemed in the public interest
31 to do so or, in cases where two or more responsible bidders submit iden-
32 tical bids which are the lowest bids, award the contract to any of such
33 bidders or obtain new bids from such bidders. Nothing herein shall obli-
34 gate the authority to seek new bids after the rejection of bids or after
35 cancellation of an invitation to bid. Nothing in this section shall
36 prohibit the evaluation of bids on the basis of costs or savings includ-
37 ing life cycle costs of the item to be purchased, discounts, and
38 inspection services so long as the invitation to bid reasonably sets
39 forth the criteria to be used in evaluating such costs or savings. Life
40 cycle costs may include but shall not be limited to costs or savings
41 associated with installation, energy use, maintenance, operation and
42 salvage or disposal.

43 (b) Section twenty-eight hundred seventy-nine of this chapter shall
44 apply to the authority's acquisition of goods or services of any kind,
45 in the actual or estimated amount of fifteen thousand dollars or more,
46 provided that (I) a contract for [personal] services in the actual or
47 estimated amount of less than [twenty] ONE HUNDRED thousand dollars
48 shall not require approval by the board of the authority regardless of
49 the length of the period over which the services are rendered, and
50 provided further that a contract for [personal] services in the actual
51 or estimated amount of [twenty] ONE HUNDRED thousand dollars or more
52 shall require approval by the board of the authority regardless of the
53 length of the period over which the services are rendered UNLESS SUCH A
54 CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING

1 SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT
2 GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS
3 CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-
4 ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR
5 WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
6 OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECY-
7 CLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND
8 DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD
9 APPROVAL. THE BOARD OF THE AUTHORITY SHALL ADOPT GUIDELINES WHICH SHALL
10 BE MADE PUBLICLY AVAILABLE FOR THE AWARDING OF SUCH CONTRACT WITHOUT A
11 FORMAL COMPETITIVE PROCESS.

12 S 2. Intentionally omitted.

13 S 3. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph
14 g of subdivision 9 of section 1209 of the public authorities law,
15 subparagraph (i) of paragraph f as added by chapter 929 of the laws of
16 1986, and subparagraph (i) of paragraph g as amended by chapter 725 of
17 the laws of 1993, are amended to read as follows:

18 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE HUNDRED MILLION
19 DOLLARS OR LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPO-
20 SER WHOSE PROPOSAL IS THE LOWEST COST, THE authority may award a
21 contract pursuant to this paragraph only after a resolution approved by
22 a two-thirds vote of its members then in office at a public meeting of
23 the authority with such resolution (A) disclosing the other proposers
24 and the substance of their proposals, (B) summarizing the negotiation
25 process including the opportunities, if any, available to proposers to
26 present and modify their proposals, and (C) setting forth the criteria
27 upon which the selection was made PROVIDED HOWEVER THAT FOR PURPOSES OF
28 THIS SUBPARAGRAPH THE BOARD MAY, AT ITS DISCRETION, REQUIRE SUCH A
29 RESOLUTION BE APPROVED FOR CONTRACTS WITH A VALUE OF ONE HUNDRED MILLION
30 DOLLARS OR LESS.

31 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE HUNDRED MILLION
32 DOLLARS OR LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPO-
33 SER WHOSE PROPOSAL IS THE LOWEST COST, THE authority may award a
34 contract pursuant to this paragraph only after a resolution approved by
35 a vote of not less than two-thirds of its members then in office at a
36 public meeting of the authority with such resolution (A) disclosing the
37 other proposers and the substance of their proposals, (B) summarizing
38 the negotiation process including the opportunities, if any, available
39 to proposers to present and modify their proposals, and (C) setting
40 forth the criteria upon which the selection was made PROVIDED HOWEVER
41 THAT FOR PURPOSES OF THIS SUBPARAGRAPH THE BOARD MAY, AT ITS DISCRETION,
42 REQUIRE SUCH A RESOLUTION BE APPROVED FOR CONTRACTS WITH A VALUE OF ONE
43 HUNDRED MILLION DOLLARS OR LESS.

44 S 4. Subdivision 13 of section 1209 of the public authorities law is
45 renumbered subdivision 14 and a new subdivision 13 is added to read as
46 follows:

47 13. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORI-
48 TY SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM FOR THE PURCHASE
49 OF GOODS, MATERIALS, AND COMMODITIES THAT MAY INFORM BIDDERS WHETHER
50 THEIR BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO SUBMIT NEW BIDS
51 BEFORE THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS. SUCH PROCE-
52 DURE SHALL NOT CONSTITUTE DISCLOSURE OF BIDS IN VIOLATION OF SECTION
53 TWENTY-EIGHT HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

54 S 5. Subdivision 7 of section 1265 of the public authorities law, as
55 added by chapter 324 of the laws of 1965, is amended to read as follows:

1 7. To acquire, hold and dispose of real or personal property in the
2 exercise of its powers[;], INCLUDING, THE POWER TO DISPOSE OF PERSONAL
3 PROPERTY WITH A VALUE OF FIVE HUNDRED THOUSAND DOLLARS OR LESS BY PUBLIC
4 AUCTION IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY PURSUANT
5 TO TITLE FIVE-A OF ARTICLE NINE OF THIS CHAPTER. THE BOARD SHALL ADOPT
6 GUIDELINES THAT SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS
7 AS THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

8 S 6. Subdivision 3 of section 1204 of the public authorities law, as
9 amended by chapter 980 of the laws of 1958, is amended to read as
10 follows:

11 3. To acquire, hold, use and dispose of equipment, devices and
12 appurtenances, and other property for its corporate purposes, INCLUDING,
13 THE POWER TO DISPOSE OF PERSONAL PROPERTY WITH A VALUE OF FIVE HUNDRED
14 THOUSAND DOLLARS OR LESS BY PUBLIC AUCTION IN ACCORDANCE WITH GUIDELINES
15 ADOPTED BY THE METROPOLITAN TRANSPORTATION AUTHORITY PURSUANT TO SECTION
16 TWELVE HUNDRED SIXTY-FIVE OF THIS ARTICLE AND TITLE FIVE-A OF ARTICLE
17 NINE OF THIS CHAPTER.

18 S 7. Subdivision 3 of section 553 of the public authorities law is
19 amended to read as follows:

20 3. To acquire, hold and dispose of personal property for its corporate
21 purposes[;], INCLUDING, THE POWER TO DISPOSE OF PERSONAL PROPERTY WITH A
22 VALUE OF FIVE HUNDRED THOUSAND DOLLARS OR LESS BY PUBLIC AUCTION IN
23 ACCORDANCE WITH GUIDELINES ADOPTED BY THE AUTHORITY PURSUANT TO TITLE
24 FIVE-A OF ARTICLE NINE OF THIS CHAPTER. THE BOARD SHALL ADOPT GUIDE-
25 LINES THAT SHALL PROVIDE FOR ADVERTISING AND SUCH OTHER SAFEGUARDS AS
26 THE AUTHORITY MAY DEEM APPROPRIATE IN THE PUBLIC INTEREST.

27 S 8. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the
28 public authorities law, as amended by chapter 334 of the laws of 2001,
29 are amended to read as follows:

30 (a) Except as otherwise provided in this section, all purchase
31 contracts for supplies, materials or equipment involving an estimated
32 expenditure in excess of [fifteen] ONE HUNDRED thousand dollars and all
33 contracts for public work involving an estimated expenditure in excess
34 of [twenty-five] ONE HUNDRED thousand dollars shall be awarded by the
35 authority to the lowest responsible bidder after obtaining sealed bids
36 in the manner hereinafter set forth. For purposes hereof, contracts for
37 public work shall exclude contracts for personal, engineering and archi-
38 tectural, or professional services. The authority may reject all bids
39 and obtain new bids in the manner provided by this section when it is
40 deemed in the public interest to do so or, in cases where two or more
41 responsible bidders submit identical bids which are the lowest bids,
42 award the contract to any of such bidders or obtain new bids from such
43 bidders. Nothing herein shall obligate the authority to seek new bids
44 after the rejection of bids or after cancellation of an invitation to
45 bid. Nothing in this section shall prohibit the evaluation of bids on
46 the basis of costs or savings including life cycle costs of the item to
47 be purchased, discounts, and inspection services so long as the invita-
48 tion to bid reasonably sets forth the criteria to be used in evaluating
49 such costs or savings. Life cycle costs may include but shall not be
50 limited to costs or savings associated with installation, energy use,
51 maintenance, operation and salvage or disposal.

52 (b) Section twenty-eight hundred seventy-nine of this chapter shall
53 apply to the authority's acquisition of goods or services of any kind,
54 in the actual or estimated amount of fifteen thousand dollars or more,
55 provided (I) that a contract for [personal] services in the actual or
56 estimated amount of less than [twenty] ONE HUNDRED thousand dollars

1 shall not require approval by the board of the authority regardless of
2 the length of the period over which the services are rendered, and
3 provided further that a contract for [personal] services in the actual
4 or estimated amount of [twenty] ONE HUNDRED thousand dollars or more
5 shall require approval by the board of the authority regardless of the
6 length of the period over which the services are rendered UNLESS SUCH A
7 CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER AFTER OBTAINING
8 SEALED BIDS, AND (II) THE BOARD OF THE AUTHORITY MAY BY RESOLUTION ADOPT
9 GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS TO SMALL BUSINESS
10 CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES CERTIFIED PURSU-
11 ANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR MINORITY OR
12 WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTICLE FIFTEEN-A
13 OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY THAT ARE RECY-
14 CLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND
15 DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITHOUT FURTHER BOARD
16 APPROVAL. THE BOARD OF THE AUTHORITY SHALL ADOPT GUIDELINES WHICH SHALL
17 BE MADE PUBLICLY AVAILABLE FOR THE AWARDING OF SUCH CONTRACT WITHOUT A
18 FORMAL COMPETITIVE PROCESS.

19 S 9. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph
20 g of subdivision 4 of section 1265-a of the public authorities law,
21 subparagraph (i) of paragraph f as added by chapter 929 of the laws of
22 1986, and subparagraph (i) of paragraph g as amended by chapter 256 of
23 the laws of 1998, are amended to read as follows:

24 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE HUNDRED MILLION
25 DOLLARS OR LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPO-
26 SER WHOSE PROPOSAL IS THE LOWEST COST, THE authority may award a
27 contract pursuant to this paragraph only after a resolution approved by
28 a two-thirds vote of its members then in office at a public meeting of
29 the authority with such resolution (A) disclosing the other proposers
30 and the substance of their proposals, (B) summarizing the negotiation
31 process including the opportunities, if any, available to proposers to
32 present and modify their proposals, and (C) setting forth the criteria
33 upon which the selection was made PROVIDED HOWEVER THAT FOR PURPOSES OF
34 THIS SUBPARAGRAPH THE BOARD MAY, AT ITS DISCRETION, REQUIRE SUCH A
35 RESOLUTION BE APPROVED FOR CONTRACTS WITH A VALUE OF ONE HUNDRED MILLION
36 DOLLARS OR LESS.

37 (i) [The] EXCEPT FOR A CONTRACT WITH A VALUE OF ONE HUNDRED MILLION
38 DOLLARS OR LESS THAT IS AWARDED PURSUANT TO THIS PARAGRAPH TO THE PROPO-
39 SER WHOSE PROPOSAL IS THE LOWEST COST, THE authority may award a
40 contract pursuant to this paragraph only after a resolution approved by
41 a vote of not less than a two-thirds vote of its members then in office
42 at a public meeting of the authority with such resolution (A) disclosing
43 the other proposers and the substance of their proposals, (B) summariz-
44 ing the negotiation process including the opportunities, if any, avail-
45 able to proposers to present and modify their proposals, and (C) setting
46 forth the criteria upon which the selection was made PROVIDED HOWEVER
47 THAT FOR PURPOSES OF THIS SUBPARAGRAPH THE BOARD MAY, AT ITS DISCRETION,
48 REQUIRE SUCH A RESOLUTION BE APPROVED FOR CONTRACTS WITH A VALUE OF ONE
49 HUNDRED MILLION DOLLARS OR LESS.

50 S 10. Intentionally omitted.

51 S 11. Subdivision 8 of section 1265-a of the public authorities law is
52 renumbered subdivision 9 and a new subdivision 8 is added to read as
53 follows:

54 8. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION, THE AUTHORITY
55 SHALL BE ALLOWED TO USE AN ELECTRONIC BIDDING SYSTEM FOR THE PURCHASE OF
56 GOODS, MATERIALS, AND COMMODITIES THAT MAY INFORM BIDDERS WHETHER THEIR

1 BID IS THE CURRENT LOW BID, AND ALLOW BIDDERS TO SUBMIT NEW BIDS BEFORE
2 THE DATE AND TIME ASSIGNED FOR THE OPENING OF BIDS. SUCH PROCEDURE SHALL
3 NOT CONSTITUTE DISCLOSURE OF BIDS IN VIOLATION OF SECTION TWENTY-EIGHT
4 HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

5 S 12. Section 553 of the public authorities law is amended by adding a
6 new subdivision 22 to read as follows:

7 22. SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THIS CHAPTER SHALL
8 APPLY TO THE AUTHORITY'S ACQUISITION OF GOODS OR SERVICES OF ANY KIND,
9 IN THE ACTUAL OR ESTIMATED AMOUNT OF FIFTEEN THOUSAND DOLLARS OR MORE,
10 PROVIDED THAT (I) A CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED
11 AMOUNT OF LESS THAN ONE HUNDRED THOUSAND DOLLARS SHALL NOT REQUIRE
12 APPROVAL BY THE BOARD OF THE AUTHORITY REGARDLESS OF THE LENGTH OF THE
13 PERIOD OVER WHICH THE SERVICES ARE RENDERED, AND PROVIDED FURTHER THAT A
14 CONTRACT FOR SERVICES IN THE ACTUAL OR ESTIMATED AMOUNT OF ONE HUNDRED
15 THOUSAND DOLLARS OR MORE SHALL REQUIRE APPROVAL BY THE BOARD OF THE
16 AUTHORITY REGARDLESS OF THE LENGTH OF THE PERIOD OVER WHICH THE SERVICES
17 ARE RENDERED UNLESS SUCH A CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE
18 BIDDER AFTER OBTAINING SEALED BIDS AND (II) THE BOARD OF THE AUTHORITY
19 MAY BY RESOLUTION ADOPT GUIDELINES THAT AUTHORIZE THE AWARD OF CONTRACTS
20 TO SMALL BUSINESS CONCERNS, TO SERVICE DISABLED VETERAN OWNED BUSINESSES
21 CERTIFIED PURSUANT TO ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW, OR
22 MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISES CERTIFIED PURSUANT TO ARTI-
23 CLE FIFTEEN-A OF THE EXECUTIVE LAW, OR PURCHASES OF GOODS OR TECHNOLOGY
24 THAT ARE RECYCLED OR REMANUFACTURED, IN AN AMOUNT NOT TO EXCEED FOUR
25 HUNDRED THOUSAND DOLLARS WITHOUT A FORMAL COMPETITIVE PROCESS AND WITH-
26 OUT FURTHER BOARD APPROVAL. THE BOARD OF THE AUTHORITY SHALL ADOPT
27 GUIDELINES WHICH SHALL BE MADE PUBLICLY AVAILABLE FOR THE AWARDING OF
28 SUCH CONTRACT WITHOUT A FORMAL COMPETITIVE PROCESS.

29 S 13. Intentionally omitted.

30 S 14. Intentionally omitted.

31 S 15. This act shall take effect immediately, and shall expire and be
32 deemed repealed April 1, 2021.

33

PART PP

34 Section 1. Section 1261 of the public authorities law is amended by
35 adding a new subdivision 18-a to read as follows:

36 18-A. "TRANSPORTATION PURPOSE" SHALL MEAN A PURPOSE THAT DIRECTLY OR
37 INDIRECTLY SUPPORTS ALL OR ANY OF THE MISSIONS OR PURPOSES OF THE
38 AUTHORITY, ANY OF ITS SUBSIDIARIES, NEW YORK CITY TRANSIT AUTHORITY OR
39 ITS SUBSIDIARY, INCLUDING THE REALIZATION OF REVENUES AVAILABLE FOR THE
40 COSTS AND EXPENSES OF ALL OR ANY TRANSPORTATION FACILITIES.

41 S 2. Subdivision 1 of section 119-r of the general municipal law, as
42 added by chapter 717 of the laws of 1967, is amended to read as follows:

43 1. To assure the provision of mass transportation services to the
44 public at adequate levels and at reasonable cost, every city, town,
45 village or county not wholly contained within a city, shall have power
46 to adopt local laws to authorize:

47 a. The acquisition, construction, reconstruction, improvement, equip-
48 ment, maintenance, FINANCING SUBJECT TO THE PROVISIONS OF PARAGRAPH F OF
49 THIS SUBDIVISION, or operation of one or more mass transportation
50 projects. Such municipal corporation shall have power to occupy or use
51 any of the streets, roads, highways, avenues, parks or public places of
52 such municipal corporation therefor and to agree upon and contract for
53 the terms and conditions thereof.

1 b. The making of a contract or contracts for the acquisition by
2 purchase of all or any part of the property, plant and equipment of an
3 existing mass transportation facility actually used and useful for the
4 convenience of the public.

5 c. The making of a contract or contracts with any person, firm or
6 corporation, including a public authority, for the equipment, mainte-
7 nance or operation of a mass transportation facility owned, acquired,
8 constructed, reconstructed or improved by it.

9 d. The making of a contract or contracts for a fair and reasonable
10 consideration for mass transportation services to be rendered to the
11 public by a privately-owned or operated mass transportation facility.
12 Such power shall include but not be limited to the power to appropriate
13 funds for payment of such consideration, and to provide that all or part
14 of such consideration shall be in the form of capital equipment to be
15 furnished to and used and maintained by such privately-owned or operated
16 mass transportation facility.

17 e. The making of unconditional grants of money or property to a public
18 authority providing mass transportation services to all or part of such
19 municipal corporation in order to assist such public authority in meet-
20 ing its capital or operating expenses, provided such money does not
21 consist of borrowed funds and such property has not been acquired by the
22 use of borrowed funds. Such purpose is hereby declared to be county,
23 city, town or village purposes, respectively. The provisions of this
24 paragraph are intended as enabling legislation only and shall not be
25 interpreted as implying that absent their enactment a municipal corpo-
26 ration would lack the power to authorize any such grant; but they shall
27 not be interpreted as an authorization to public authorities generally
28 to accept such grants. The acceptance of any such grant by a public
29 authority shall not operate to make such authority an agency of the
30 municipal corporation making the grant.

31 F. THE MAKING OF A CONTRACT WITH THE METROPOLITAN TRANSPORTATION
32 AUTHORITY, BY ITSELF OR WITH ONE OR MORE OTHER MUNICIPAL CORPORATIONS TO
33 ASSIST THE AUTHORITY IN MEETING ITS CAPITAL OR OPERATING EXPENSES IN
34 PROVIDING MASS TRANSPORTATION SERVICES OF BENEFIT TO ALL OR PART OF SUCH
35 MUNICIPAL CORPORATION, INCLUDING UNDERTAKING A MASS TRANSPORTATION CAPI-
36 TAL PROJECT IN OR NEAR THE MUNICIPAL CORPORATION. SUCH A MUNICIPAL
37 CORPORATION MAY, ACCORDING TO THE TERMS OF THE CONTRACT WITH THE AUTHOR-
38 ITY, ESTABLISH, LEVY AND COLLECT TAXES, ASSESSMENTS, AND/OR CHARGES AND
39 MAY CONDITIONALLY OR UNCONDITIONALLY GRANT OR PLEDGE A PORTION OF ITS
40 REVENUES ALLOCATED ACCORDING TO SUBDIVISION E OF THIS SECTION. SUCH
41 MUNICIPAL CORPORATION MAY DESIGNATE MASS TRANSPORTATION CAPITAL PROJECT
42 DISTRICTS THAT A MUNICIPAL CORPORATION FINDS, AFTER CONDUCTING A PUBLIC
43 HEARING, WILL BENEFIT FROM AN IDENTIFIED MASS TRANSPORTATION CAPITAL
44 PROJECT. UPON DESIGNATING SUCH A DISTRICT, THE MUNICIPAL CORPORATION MAY
45 ALLOCATE A PORTION OF ITS REVENUES FROM THE DISTRICT ACCORDING TO TERMS
46 IT DESIGNS OR HAS AGREED TO BY CONTRACT. THE MUNICIPAL CORPORATION MAY,
47 IN ALLOCATING AND COLLECTING REVENUES FROM THE DISTRICT, MAKE USE OF ONE
48 OR MORE METHODS TO CAPTURE THE VALUE CREATED BY A MASS TRANSPORTATION
49 CAPITAL PROJECT, INCLUDING, BUT NOT LIMITED TO:

50 (I) TAX INCREMENT FINANCING, MEANING THE ALLOCATION OF AN INCREMENT OF
51 PROPERTY TAX REVENUES IN EXCESS OF THE AMOUNT LEVIED AT THE TIME PRIOR
52 TO PLANNING OF A MASS TRANSPORTATION CAPITAL PROJECT;

53 (II) A SPECIAL TRANSPORTATION ASSESSMENT IMPOSED UPON BENEFITED REAL
54 PROPERTY IN PROPORTION TO THE BENEFIT RECEIVED BY SUCH PROPERTY FROM A
55 MASS TRANSPORTATION CAPITAL PROJECT, WHICH SHALL NOT CONSTITUTE A TAX;

1 (III) LAND VALUE TAXATION, MEANING THE ALLOCATION OF AN INCREMENT OF
 2 TAX REVENUES GAINED FROM LEVYING TAXES ON THE ASSESSED VALUE OF TAXABLE
 3 LAND AT A HIGHER RATE THAN THE IMPROVEMENTS, AS DEFINED IN SUBDIVISION
 4 TWELVE OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW; AND

5 (IV) SOME COMBINATION OF THE ABOVE OR OTHER METHODS OF GAINING REVEN-
 6 UES THAT THE MUNICIPAL CORPORATION IS EMPOWERED TO USE, PROVIDED THAT
 7 THE TOTAL AMOUNT OF ALL TAXES, ASSESSMENTS, FEES, CHARGES, OR RATES
 8 LEVIED ON EACH PARCEL OR LOT UNDER THIS SECTION SHALL BE LIMITED TO A
 9 PROPORTIONATE AMOUNT AS NEAR AS POSSIBLE TO THE ACTUAL BENEFIT WHICH
 10 EACH LOT OR PARCEL WILL DERIVE FROM THE MASS TRANSPORTATION CAPITAL
 11 PROJECT; AND

12 (V) FOR PURPOSES OF THIS PARAGRAPH THE TERM MUNICIPAL CORPORATION
 13 SHALL INCLUDE ONLY THOSE CITIES, TOWNS, VILLAGES AND COUNTIES DESCRIBED
 14 IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW.

15 S 3. This act shall take effect immediately; provided that the amend-
 16 ments to subdivision 1 of section 119-r of the general municipal law
 17 made by section two of this act shall expire and be deemed repealed
 18 April 1, 2021, and provided further that such repeal shall not affect
 19 the validity or duration of any contract entered into before that date
 20 pursuant to paragraph f of such subdivision.

21 PART QQ

22 Section 1. Section 2 of part EE of chapter 60 of the laws of 2011,
 23 amending the New York state urban development corporation act relating
 24 to the new markets tax credits, is amended to read as follows:

25 S 2. This act shall take effect immediately and shall expire and be
 26 deemed repealed [5] 10 years after such effective date.

27 S 2. This act shall take effect immediately.

28 PART RR

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

31 S 1678-A. NEW YORK STATE DESIGN AND CONSTRUCTION CORPORATION ACT. 1.
 32 PURPOSES OF ACT. THE PURPOSES OF THE NEW YORK STATE DESIGN AND
 33 CONSTRUCTION CORPORATION ACT ARE TO ESTABLISH THE NEW YORK STATE DESIGN
 34 AND CONSTRUCTION CORPORATION TO PROVIDE (A) ADDITIONAL PROJECT MANAGE-
 35 MENT EXPERTISE, MONITORING AND OVERSIGHT ON PUBLIC WORKS PROJECTS EACH
 36 HAVING A TOTAL OR AGGREGATE CONSTRUCTION VALUE IN EXCESS OF FIFTY
 37 MILLION DOLLARS UNDERTAKEN BY STATE AGENCIES, STATE DEPARTMENTS SUBJECT
 38 TO THE PROVISIONS OF THIS SECTION, AND STATE AUTHORITIES INCLUDING ONE
 39 CREATED BY CHAPTER ONE HUNDRED FIFTY-FOUR OF THE LAWS OF NINETEEN
 40 HUNDRED TWENTY-ONE AND ONE CREATED BY CHAPTER EIGHT HUNDRED TWENTY-FOUR
 41 OF THE LAWS OF NINETEEN HUNDRED THIRTY-THREE HEREIN AFTER REFERRED TO AS
 42 "STATE ENTITY"; AND (B) A MEANS TO IMPLEMENT AND RECOMMEND IMPROVEMENTS
 43 AND OTHER PROJECT CHANGES ON SUCH PROPOSED PUBLIC WORKS PROJECTS IN
 44 EXCESS OF FIFTY MILLION DOLLARS IN TOTAL OR AGGREGATE VALUE, IN A MORE
 45 TIMELY FASHION, TO ENSURE THAT SUCH PROJECTS CAN BE ACCOMPLISHED, TO THE
 46 EXTENT PRACTICABLE, ON TIME, WITHIN BUDGET AND AT AN ACCEPTABLE OVERALL
 47 QUALITY AND COST TO THE STATE OF NEW YORK.

48 2. NEW YORK STATE DESIGN AND CONSTRUCTION CORPORATION. (A) THERE IS
 49 HEREBY ESTABLISHED THE NEW YORK STATE DESIGN AND CONSTRUCTION CORPO-
 50 RATION AS A SUBSIDIARY CORPORATION OF THE DORMITORY AUTHORITY.

51 (B) THE DORMITORY AUTHORITY MAY PROVIDE OR LEASE TO SUCH SUBSIDIARY
 52 CORPORATION ANY REAL, PERSONAL OR MIXED PROPERTY AS SHALL BE REQUIRED IN

1 ORDER TO CARRY OUT THE PURPOSES OF THIS ACT. THE AUTHORITY MAY ASSIGN
2 ANY SUCH EMPLOYEES TO WORK FOR THE CORPORATION AS SHALL BE REQUIRED IN
3 ORDER TO CARRY OUT THE PURPOSES OF THIS SECTION AND ALL SUCH EMPLOYEES
4 SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS, SENIORITY,
5 STATUS, AND RIGHTS PURSUANT TO THEIR COLLECTIVE BARGAINING UNITS AND/OR
6 COLLECTIVE BARGAINING AGREEMENTS, AS APPLICABLE. NOTWITHSTANDING ANY
7 PROVISION OF LAW TO THE CONTRARY, THE TERM "EMPLOYEE" AS SET FORTH IN
8 THIS SECTION SHALL MEAN A DORMITORY AUTHORITY EMPLOYEE ASSIGNED, IN
9 WHOLE, OR IN PART, TO WORK FOR THE CORPORATION.

10 (C) SUCH CORPORATION SHALL BE A BODY CORPORATE AND POLITIC CONSTITUT-
11 ING A PUBLIC BENEFIT CORPORATION, AND SHALL HAVE ALL OF THE PRIVILEGES,
12 IMMUNITIES, TAX EXEMPTIONS AND OTHER EXEMPTIONS OF THE DORMITORY AUTHOR-
13 ITY TO THE EXTENT THE SAME ARE NOT INCONSISTENT WITH THIS SECTION.

14 (D) THE BOARD OF THE CORPORATION SHALL CONSIST OF THREE MEMBERS AS
15 DESIGNATED BY THE GOVERNOR, AND THE GOVERNOR SHALL DESIGNATE THE CHAIR
16 FROM AMONG THE MEMBERS OF THE CORPORATION'S BOARD. THE MEMBERS OF THE
17 CORPORATION'S BOARD SHALL SERVE UNTIL SUCH TIME AS HIS OR HER SUCCESSOR
18 IS APPOINTED BY THE GOVERNOR.

19 (E) A QUORUM SHALL CONSIST OF A MAJORITY OF THE MEMBERS OF THE BOARD.
20 A QUORUM SHALL BE REQUIRED FOR THE BOARD TO CONDUCT BUSINESS, AND
21 APPROVAL OF ANY MATTER PROPERLY BEFORE THE BOARD SHALL REQUIRE THE
22 AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD. MEETINGS OF THE CORPO-
23 RATION SHALL BE CALLED BY THE CHAIR, OR BY A MAJORITY OF THE MEMBERS
24 APPOINTED. MEETINGS SHALL BE HELD AT LEAST BI-ANNUALLY.

25 (F) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO IMPOSE ANY
26 LIABILITIES, OBLIGATIONS OR RESPONSIBILITIES OF SUCH CORPORATION UPON
27 THE DORMITORY AUTHORITY, AND THE AUTHORITY SHALL HAVE NO LIABILITY OR
28 RESPONSIBILITY THEREFOR UNLESS THE AUTHORITY EXPRESSLY AGREES BY RESOL-
29 UTION OF THE AUTHORITY BOARD TO ASSUME THE SAME.

30 (G) THE PROVISIONS OF SECTION SIXTEEN HUNDRED NINETY-ONE OF THIS TITLE
31 SHALL IN ALL RESPECTS APPLY TO MEMBERS OF THE CORPORATION AND ANY OFFI-
32 CER, EMPLOYEE OR AGENT OF THE DORMITORY AUTHORITY TRANSFERRED OR
33 ASSIGNED TO THE CORPORATION, WHILE ACTING WITHIN THE SCOPE OF HIS, HER
34 OR ITS AUTHORITY.

35 (H) ALL OF THE PROVISIONS OF SECTIONS SEVENTEEN AND NINETEEN OF THE
36 PUBLIC OFFICERS LAW SHALL APPLY TO THE MEMBERS, DIRECTORS, OFFICERS AND
37 EMPLOYEES OF THE CORPORATION.

38 (I) THE CORPORATION CREATED PURSUANT TO THIS SECTION SHALL BE SUBJECT
39 TO ANY OTHER PROVISIONS OF THIS CHAPTER PERTAINING TO SUBSIDIARIES OF
40 PUBLIC AUTHORITIES TO THE EXTENT THAT SUCH PROVISIONS ARE NOT INCONSIST-
41 ENT WITH THE PROVISIONS OF THIS SECTION.

42 3. CORPORATION REVIEW AND OVERSIGHT OF CERTAIN PUBLIC WORKS CONTRACTS.
43 FOR PUBLIC WORKS PROJECTS HAVING A TOTAL OR AGGREGATE CONSTRUCTION VALUE
44 IN EXCESS OF FIFTY MILLION DOLLARS, HEREINAFTER REFERRED TO AS "COVERED
45 PROJECTS", AND FOR ANY AND ALL CONTRACTS RELATING TO SUCH COVERED
46 PROJECTS WHICH ARE ADVERTISED FOR BID OR PROPOSAL OR OTHERWISE PROCURED
47 AND/OR ENTERED INTO ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN:

48 (A) ANY STATE ENTITY PROPOSING A COVERED PROJECT SHALL PROVIDE WRITTEN
49 NOTICE TO THE CORPORATION OF SUCH PROPOSAL, TO INCLUDE WITHOUT LIMITA-
50 TION, THE ESTIMATED VALUE OF THE COVERED PROJECT AND A SUMMARY OF THE
51 SCOPE AND DURATION OF SUCH COVERED PROJECT. PROJECTS SHALL NOT BE
52 DIVIDED OR SEGMENTED FOR THE PURPOSES OF AVOIDING COMPLIANCE WITH THE
53 PROVISIONS OF THIS ACT. FOR PURPOSES OF THIS SECTION, "COVERED PROJECT"
54 SHALL NOT INCLUDE CAPITAL PROJECTS OF THE OFFICE OF STATE COMPTROLLER,
55 OFFICE OF THE ATTORNEY GENERAL OR EDUCATION DEPARTMENT OF THE STATE OF
56 NEW YORK.

1 (B) THE CORPORATION SHALL HAVE THE AUTHORITY TO, AND MAY, IN ITS SOLE
2 DISCRETION, REVIEW, MONITOR, AND OVERSEE, IN WHOLE OR IN PART, SUCH
3 COVERED PROJECT, AND MAKE RECOMMENDATIONS REGARDING NECESSARY CORRECTIVE
4 OR OTHER ACTION TO ANY STATE ENTITY IN CONNECTION WITH SUCH COVERED
5 PROJECT PROVIDED THAT THE CORPORATION, IN ITS SOLE DISCRETION, DEEMS
6 SUCH COVERED PROJECT TO BE AT RISK OF BEING DELAYED, NOT BEING COMPLETED
7 WITHIN BUDGET, OR NOT COMPLETED AT AN ACCEPTABLE LEVEL OF QUALITY.

8 (C) FOR THE PURPOSES OF THIS SECTION, THE TERM "PROJECT" SHALL MEAN
9 ANY WORK ASSOCIATED WITH THE PLANNING, ACQUISITION, DESIGN, ENGINEERING,
10 ENVIRONMENTAL ANALYSIS, CONSTRUCTION, RECONSTRUCTION, RESTORATION, REHA-
11 BILITATION, ESTABLISHMENT, IMPROVEMENT, RENOVATION, EXTENSION, REPAIR,
12 REVITALIZATION, MANAGEMENT AND DEVELOPMENT OF A CAPITAL ASSET AS DEFINED
13 IN SECTION TWO OF THE STATE FINANCE LAW.

14 (D) THE STATE ENTITY UNDERTAKING SUCH COVERED PROJECT SHALL COOPERATE
15 IN GOOD FAITH WITH THE CORPORATION, AND PROVIDE REASONABLE ACCESS TO ALL
16 PERSONNEL, BOOKS, RECORDS, PLANS, SPECIFICATIONS, DATA AND OTHER INFOR-
17 MATION AS MAY BE NECESSARY FOR THE CORPORATION TO PERFORM ITS DUTIES.
18 THE CORPORATION SHALL LIMIT ITS REQUEST FOR ACCESS TO SUCH INFORMATION
19 THAT IS REASONABLY NECESSARY, AS DETERMINED BY THE CORPORATION TO
20 PERFORM ITS DUTIES.

21 (E) IN THE EVENT THE CORPORATION DETERMINES THAT CORRECTIVE OR OTHER
22 ACTION IS NECESSARY FOR SUCH COVERED PROJECT, THEN THE CORPORATION SHALL
23 PROVIDE THE STATE ENTITY WITH WRITTEN NOTICE OF WHAT CORRECTIVE OR OTHER
24 ACTIONS THE CORPORATION RECOMMENDS AS NECESSARY TO ACCOMPLISH THE
25 PROJECT, TO THE EXTENT PRACTICABLE, ON TIME, WITHIN BUDGET AND AT AN
26 ACCEPTABLE OVERALL COST TO THE STATE OF NEW YORK. SUCH CORRECTIVE OR
27 OTHER ACTION MAY INCLUDE, BUT NOT BE LIMITED TO:

28 (I) MODIFICATION OF SUCH PLANS, SCHEDULES, SPECIFICATIONS, DESIGNS AND
29 ESTIMATES OF COSTS FOR THE CONSTRUCTION OF THE PROJECT AND EQUIPMENT OF
30 FACILITIES;

31 (II) DETAILED ANALYSIS OF THE PROJECT SCHEDULE SO AS TO CURE DELAYS
32 THAT MAY HAVE OCCURRED OR PREVENT FUTURE DELAY;

33 (III) DETAILED ANALYSIS OF PROJECT BUDGET;

34 (IV) DETAILED ANALYSIS OF CHANGE ORDERS AND/OR PAYMENTS TO PRIME
35 CONTRACTORS, SUBCONTRACTORS AND OTHER PARTIES;

36 (V) DETAILED ANALYSIS OF RECORDS OF CONSTRUCTION OBSERVATIONS,
37 INSPECTIONS AND DEFICIENCIES;

38 (VI) EXERCISE OF APPLICABLE RIGHTS AND/OR REMEDIES WITH RESPECT TO
39 CONTRACTS, CONTRACTORS, SUBCONTRACTORS OR OTHER CONSULTANTS;

40 (VII) PROCUREMENT OF INDEPENDENT AUDITORS, PROJECT MANAGERS, LEGAL
41 COUNSEL, OR OTHER PROFESSIONALS FOR THE BENEFIT OF THE PROJECT;

42 (VIII) REGULAR REPORTING OF PROJECT STATUS AND MILESTONES TO THE
43 CORPORATION;

44 (IX) ACTIVE PROJECT MANAGEMENT REVIEW AND OVERSIGHT UTILIZING ADDI-
45 TIONAL RESOURCES PROVIDED BY THE CORPORATION; AND

46 (X) PERIODIC PROJECT REVIEW AND AUDIT BY THE CORPORATION ON A SUITABLE
47 TIME INTERVAL DETERMINED BY THE CORPORATION.

48 THE STATE ENTITY UNDERTAKING THE PROJECT SHALL HAVE A PERIOD OF THIRTY
49 DAYS, OR SHORTER IF THE CORPORATION DETERMINES THAT A SHORTER PERIOD IS
50 REQUIRED BY THE CIRCUMSTANCES OR LONGER IF THE CORPORATION CONSENTS,
51 FROM RECEIPT OF WRITTEN NOTICE OF RECOMMENDED CORRECTIVE ACTION FROM THE
52 CORPORATION, TO NOTIFY THE CORPORATION IN WRITING OF ITS ACCEPTANCE OR
53 REJECTION OF THE CORRECTIVE OR OTHER ACTION. IN THE EVENT THAT THE STATE
54 ENTITY REJECTS ANY CORRECTIVE OR OTHER ACTION, IN WHOLE OR IN PART, IT
55 SHALL PROVIDE SIMULTANEOUS WRITTEN NOTICE TO THE CORPORATION ACCOMPANIED
56 BY A REASONED EXPLANATION IN SUPPORT OF ITS REJECTION. SUCH REJECTION

1 SHALL BE REPORTED TO THE SECRETARY TO THE GOVERNOR AND THE DIRECTOR OF
2 THE DIVISION OF BUDGET WITHIN FIFTEEN DAYS OF ITS RECEIPT BY THE CORPO-
3 RATION.

4 (F) ANY STATE ENTITY PROPOSING A COVERED PROJECT SHALL INCLUDE A
5 SUMMARY OF THE PROVISIONS OF THIS SECTION IN ALL SUCH PROPOSAL AND/OR
6 BID DOCUMENTS FOR SUCH PROJECTS.

7 4. GENERAL POWERS AND DUTIES OF THE CORPORATION. (A) THE CORPORATION
8 SHALL HAVE THE POWER TO:

9 (I) SUE AND BE SUED;

10 (II) HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

11 (III) MAKE AND ALTER BY-LAWS FOR ITS ORGANIZATION AND INTERNAL MANAGE-
12 MENT AND MAKE RULES AND REGULATIONS GOVERNING SAME;

13 (IV) APPOINT SUCH OFFICERS AND EMPLOYEES FROM THE OFFICERS AND EMPLOY-
14 EES OF THE AUTHORITY, AS IT MAY REQUIRE FOR THE PERFORMANCE OF ITS
15 DUTIES AND FIX AND DETERMINE THEIR QUALIFICATIONS, DUTIES, AND COMPEN-
16 SATION, AND RETAIN OR EMPLOY COUNSEL, AUDITORS, PRIVATE FINANCIAL
17 CONSULTANTS, PROFESSIONAL ENGINEERS OR OTHER TECHNICAL CONSULTANTS AND
18 OTHER SERVICES ON A CONTRACT BASIS OR OTHERWISE, FOR THE RENDERING OF
19 PROFESSIONAL, BUSINESS OR TECHNICAL SERVICES AND ADVICE;

20 (V) MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR
21 CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS UNDER THIS
22 SECTION;

23 (VI) ENGAGE THE SERVICES OF PRIVATE CONSULTANTS ON A CONTRACT BASIS
24 FOR RENDERING PROFESSIONAL AND TECHNICAL ASSISTANCE ADVICE RELATING TO
25 COVERED PROJECTS;

26 (VII) PROCURE INSURANCE AGAINST ANY LOSS IN CONNECTION WITH ITS ACTIV-
27 ITIES, PROPERTIES AND OTHER ASSETS, IN SUCH AMOUNT AND FROM SUCH INSUR-
28 ANCE AS IT DEEMS DESIRABLE; AND

29 (VIII) INVEST ANY FUNDS OF THE CORPORATION, OR ANY OTHER MONIES UNDER
30 ITS CUSTODY AND CONTROL NOT REQUIRED FOR IMMEDIATE USE OR DISBURSEMENT,
31 AT THE DISCRETION OF THE CORPORATION, IN OBLIGATIONS OF THE STATE OR THE
32 UNITED STATES GOVERNMENT OR OBLIGATIONS THE PRINCIPAL AND INTEREST OF
33 WHICH ARE OBLIGATIONS IN WHICH THE COMPTROLLER OF THE STATE IS AUTHOR-
34 IZED TO INVEST PURSUANT TO SECTION NINETY-EIGHT OF THE STATE FINANCE
35 LAW.

36 (B) THE CORPORATION MAY DO ANY AND ALL THINGS NECESSARY OR CONVENIENT
37 TO CARRY OUT AND EXERCISE THE POWERS GIVEN AND GRANTED BY THIS SECTION.

38 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO THE CONTRARY, ALL
39 STATE ENTITIES AND THEIR OFFICERS SHALL COOPERATE WITH THE CORPORATION
40 IN GOOD FAITH AND MAY IMPLEMENT THE RECOMMENDATIONS OF THE CORPORATION.

41 S 2. This act shall take effect immediately and shall expire and be
42 deemed repealed July 1, 2022; provided, however, that the repeal of this
43 act shall not impair or otherwise affect any of the outstanding obli-
44 gations, responsibilities, functions, rights or liabilities of the
45 corporation, unless adequate provisions have been made for the payment
46 or exercise thereof.

47 PART SS

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

50 S 200. Short title. This article shall be known and may be cited as
51 the "disability benefits law AND THE PAID FAMILY LEAVE BENEFITS LAW."

52 S 2. Subdivision 14 of section 201 of the workers' compensation law,
53 as added by chapter 600 of the laws of 1949 and as renumbered by chapter

1 438 of the laws of 1964, is amended and nine new subdivisions 15, 16,
2 17, 18, 19, 20, 21, 22 and 23 are added to read as follows:

3 14. "A day of disability" means any day on which the employee was
4 prevented from performing work because of disability, INCLUDING ANY DAY
5 WHICH THE EMPLOYEE USES FOR FAMILY LEAVE, and for which [he] THE EMPLOY-
6 EE has not received his OR HER regular remuneration.

7 15. "FAMILY LEAVE" SHALL MEAN ANY LEAVE TAKEN BY AN EMPLOYEE FROM
8 WORK: (A) TO PARTICIPATE IN PROVIDING CARE, INCLUDING PHYSICAL OR
9 PSYCHOLOGICAL CARE, FOR A FAMILY MEMBER OF THE EMPLOYEE MADE NECESSARY
10 BY A SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER; OR (B) TO BOND WITH
11 THE EMPLOYEE'S CHILD DURING THE FIRST TWELVE MONTHS AFTER THE CHILD'S
12 BIRTH, OR THE FIRST TWELVE MONTHS AFTER THE PLACEMENT OF THE CHILD FOR
13 ADOPTION OR FOSTER CARE WITH THE EMPLOYEE; OR (C) BECAUSE OF ANY QUALI-
14 FYING EXIGENCY AS INTERPRETED UNDER THE FAMILY AND MEDICAL LEAVE ACT, 29
15 U.S.C.S S 2612(A)(1)(E) AND 29 C.F.R. S.825.126(A)(1)-(8), ARISING OUT
16 OF THE FACT THAT THE SPOUSE, DOMESTIC PARTNER, CHILD, OR PARENT OF THE
17 EMPLOYEE IS ON ACTIVE DUTY (OR HAS BEEN NOTIFIED OF AN IMPENDING CALL OR
18 ORDER TO ACTIVE DUTY) IN THE ARMED FORCES OF THE UNITED STATES.

19 16. "CHILD" MEANS A BIOLOGICAL, ADOPTED, OR FOSTER SON OR DAUGHTER, A
20 STEPSON OR STEPDAUGHTER, A LEGAL WARD, A SON OR DAUGHTER OF A DOMESTIC
21 PARTNER, OR THE PERSON TO WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS.

22 17. "DOMESTIC PARTNER" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 FOUR OF THIS CHAPTER.

24 18. "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, INJURY, IMPAIRMENT,
25 OR PHYSICAL OR MENTAL CONDITION THAT INVOLVES INPATIENT CARE IN A HOSPI-
26 TAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY, CONTINUING TREATMENT
27 OR CONTINUING SUPERVISION BY A HEALTH CARE PROVIDER. CONTINUING SUPER-
28 VISION BY A HEALTH CARE PROVIDER INCLUDES A PERIOD OF INCAPACITY WHICH
29 IS PERMANENT OR LONG TERM DUE TO A CONDITION FOR WHICH TREATMENT MAY NOT
30 BE EFFECTIVE WHERE THE FAMILY MEMBER IS UNDER THE CONTINUING SUPERVISION
31 OF, BUT NEED NOT BE RECEIVING ACTIVE TREATMENT BY, A HEALTH CARE PROVID-
32 ER.

33 19. "PARENT" MEANS A BIOLOGICAL, FOSTER, OR ADOPTIVE PARENT, A
34 PARENT-IN-LAW, A STEPPARENT, A LEGAL GUARDIAN, OR OTHER PERSON WHO STOOD
35 IN LOCO PARENTIS TO THE EMPLOYEE WHEN THE EMPLOYEE WAS A CHILD.

36 20. "FAMILY MEMBER" MEANS A CHILD, PARENT, GRANDPARENT, GRANDCHILD,
37 SPOUSE, OR DOMESTIC PARTNER AS DEFINED IN THIS SECTION.

38 21. "GRANDCHILD" MEANS A CHILD OF THE EMPLOYEE'S CHILD.

39 22. "HEALTH CARE PROVIDER" SHALL MEAN FOR THE PURPOSE OF FAMILY LEAVE,
40 A PERSON LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-ONE, ONE HUNDRED
41 THIRTY-ONE-B, ONE HUNDRED THIRTY-TWO, ONE HUNDRED THIRTY-THREE, ONE
42 HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-NINE, ONE HUNDRED FORTY-ONE, ONE
43 HUNDRED FORTY-THREE, ONE HUNDRED FORTY-FOUR, ONE HUNDRED FIFTY-THREE,
44 ONE HUNDRED FIFTY-FOUR, ONE HUNDRED FIFTY-SIX OR ONE HUNDRED FIFTY-NINE
45 OF THE EDUCATION LAW OR A PERSON LICENSED UNDER THE PUBLIC HEALTH LAW,
46 ARTICLE ONE HUNDRED FORTY OF THE EDUCATION LAW OR ARTICLE ONE HUNDRED
47 SIXTY-THREE OF THE EDUCATION LAW.

48 23. "GRANDPARENT" MEANS A PARENT OF THE EMPLOYEE'S PARENT.

49 S 3. Section 203 of the workers' compensation law, as amended by chap-
50 ter 436 of the laws of 1986, is amended to read as follows:

51 S 203. Employees eligible for benefits under section two hundred four
52 OF THIS ARTICLE. Employees in employment of a covered employer for four
53 or more consecutive weeks and employees in employment during the work
54 period usual to and available during such four or more consecutive weeks
55 in any trade or business in which they are regularly employed and in
56 which hiring from day to day of such employees is the usual employment

1 practice shall be eligible for disability benefits as provided in
2 section two hundred four OF THIS ARTICLE. EMPLOYEES IN EMPLOYMENT OF A
3 COVERED EMPLOYER FOR TWENTY-SIX OR MORE CONSECUTIVE WEEKS AND EMPLOYEES
4 IN EMPLOYMENT DURING THE WORK PERIOD USUAL TO AND AVAILABLE DURING SUCH
5 TWENTY-SIX OR MORE CONSECUTIVE WEEKS IN ANY TRADE OR BUSINESS IN WHICH
6 THEY ARE REGULARLY EMPLOYED AND IN WHICH HIRING FROM DAY TO DAY OF SUCH
7 EMPLOYEES IS THE USUAL EMPLOYMENT PRACTICE SHALL BE ELIGIBLE FOR FAMILY
8 LEAVE BENEFITS AS PROVIDED IN SECTION TWO HUNDRED FOUR OF THIS ARTICLE.
9 EVERY SUCH EMPLOYEE SHALL CONTINUE TO BE ELIGIBLE FOR FAMILY LEAVE BENE-
10 FITS ONLY DURING EMPLOYMENT WITH A COVERED EMPLOYER. Every such employee
11 shall continue to be eligible FOR DISABILITY BENEFITS during such
12 employment and for a period of four weeks after such employment termi-
13 nates regardless of whether the employee performs any work for remunera-
14 tion or profit in non-covered employment. If during such four week peri-
15 od the employee performs any work for remuneration or profit for another
16 covered employer the employee shall become eligible for DISABILITY bene-
17 fits immediately with respect to that employment. In addition every such
18 employee who HAS PREVIOUSLY COMPLETED FOUR OR MORE CONSECUTIVE WEEKS IN
19 EMPLOYMENT WITH THE COVERED EMPLOYER FOR PURPOSES OF DISABILITY BENE-
20 FITS, OR TWENTY-SIX OR MORE CONSECUTIVE WEEKS IN EMPLOYMENT WITH THE
21 COVERED EMPLOYER FOR PURPOSES OF PAID FAMILY LEAVE, AND returns to work
22 with the same employer after an agreed and specified unpaid leave of
23 absence or vacation without pay shall become eligible for benefits imme-
24 diately with respect to such employment. An employee who during a period
25 in which he or she is eligible to receive benefits under subdivision two
26 of section two hundred seven OF THIS ARTICLE returns to employment with
27 a covered employer and an employee who is currently receiving unemploy-
28 ment insurance benefits or benefits under section two hundred seven OF
29 THIS ARTICLE and who returns to employment with a covered employer shall
30 become eligible for DISABILITY benefits immediately with respect to such
31 employment. An employee regularly in the employment of a single employ-
32 er on a work schedule less than the employer's normal work week shall
33 become eligible for DISABILITY LEAVE benefits on the twenty-fifth day of
34 such regular employment AND FOR PURPOSES OF PAID FAMILY LEAVE AN EMPLOY-
35 ER SHALL BECOME ELIGIBLE FOR BENEFITS ON THE ONE HUNDRED SEVENTY-FIFTH
36 DAY OF SUCH REGULAR EMPLOYMENT. An employee who [becomes disabled while]
37 IS eligible for DISABILITY AND FAMILY LEAVE benefits in the employment
38 of a covered employer shall not be deemed, for the purposes of this
39 article, to have such employment terminated during any period he or she
40 is eligible to receive benefits under section two hundred four OF THIS
41 ARTICLE with respect to such employment.

42 S 4. The workers' compensation law is amended by adding three new
43 sections 203-a, 203-b and 203-c to read as follows:

44 S 203-A. RETALIATORY ACTION PROHIBITED FOR FAMILY LEAVE. 1. THE
45 PROVISIONS OF SECTION ONE HUNDRED TWENTY OF THIS CHAPTER AND SECTION TWO
46 HUNDRED FORTY-ONE OF THIS ARTICLE SHALL BE APPLICABLE TO FAMILY LEAVE.

47 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH THE RIGHTS,
48 PRIVILEGES, OR REMEDIES OF ANY EMPLOYEE UNDER ANY COLLECTIVE BARGAINING
49 AGREEMENT OR EMPLOYMENT CONTRACT.

50 S 203-B. REINSTATEMENT FOLLOWING FAMILY LEAVE. ANY ELIGIBLE EMPLOYEE
51 OF A COVERED EMPLOYER WHO TAKES LEAVE UNDER THIS ARTICLE SHALL BE ENTI-
52 TLED, ON RETURN FROM SUCH LEAVE, TO BE RESTORED BY THE EMPLOYER TO THE
53 POSITION OF EMPLOYMENT HELD BY THE EMPLOYEE WHEN THE LEAVE COMMENCED, OR
54 TO BE RESTORED TO A COMPARABLE POSITION WITH COMPARABLE EMPLOYMENT BENE-
55 FITS, PAY AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT. THE TAKING OF
56 FAMILY LEAVE SHALL NOT RESULT IN THE LOSS OF ANY EMPLOYMENT BENEFIT

1 ACCRUED PRIOR TO THE DATE ON WHICH THE LEAVE COMMENCED. NOTHING IN THIS
2 SECTION SHALL BE CONSTRUED TO ENTITLE ANY RESTORED EMPLOYEE TO THE
3 ACCRUAL OF ANY SENIORITY OR EMPLOYMENT BENEFITS DURING ANY PERIOD OF
4 LEAVE, OR ANY RIGHT, BENEFIT OR POSITION TO WHICH THE EMPLOYEE WOULD
5 HAVE BEEN ENTITLED HAD THE EMPLOYEE NOT TAKEN THE LEAVE.

6 S 203-C HEALTH INSURANCE DURING FAMILY LEAVE. IN ACCORDANCE WITH THE
7 FAMILY AND MEDICAL LEAVE ACT (29 U.S.C. SS 2601-2654), DURING ANY PERIOD
8 OF FAMILY LEAVE THE EMPLOYER SHALL MAINTAIN ANY EXISTING HEALTH BENEFITS
9 OF THE EMPLOYEE IN FORCE FOR THE DURATION OF SUCH LEAVE AS IF THE
10 EMPLOYEE HAD CONTINUED TO WORK FROM THE DATE HE OR SHE COMMENCED FAMILY
11 LEAVE UNTIL THE DATE HE OR SHE RETURNS TO EMPLOYMENT.

12 S 5. Section 204 of the workers' compensation law, as added by chapter
13 600 of the laws of 1949, subdivision 2 as amended by chapter 38 of the
14 laws of 1989, is amended to read as follows:

15 S 204. Disability AND FAMILY LEAVE during employment. 1. Disability
16 benefits shall be payable to an eligible employee for disabilities
17 [commencing after June thirtieth, nineteen hundred fifty], beginning
18 with the eighth [consecutive] day of disability and thereafter during
19 the continuance of disability, subject to the limitations as to maximum
20 and minimum amounts and duration and other conditions and limitations in
21 this section and in sections two hundred five and two hundred six OF
22 THIS ARTICLE. FAMILY LEAVE BENEFITS SHALL BE PAYABLE TO AN ELIGIBLE
23 EMPLOYEE FOR THE FIRST FULL DAY WHEN FAMILY LEAVE IS REQUIRED AND THERE-
24 AFTER DURING THE CONTINUANCE OF THE NEED FOR FAMILY LEAVE, SUBJECT TO
25 THE LIMITATIONS AS TO MAXIMUM AND MINIMUM AMOUNTS AND DURATION AND OTHER
26 CONDITIONS AND LIMITATIONS IN THIS SECTION AND IN SECTIONS TWO HUNDRED
27 FIVE AND TWO HUNDRED SIX OF THIS ARTICLE. Successive periods of disabil-
28 ity OR FAMILY LEAVE caused by the same or related injury or sickness
29 shall be deemed a single period of disability OR FAMILY LEAVE only if
30 separated by less than three months.

31 2. (A) THE WEEKLY BENEFIT FOR FAMILY LEAVE THAT OCCURS (I) ON OR AFTER
32 JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL NOT EXCEED EIGHT WEEKS DURING
33 ANY FIFTY-TWO WEEK CALENDAR PERIOD AND SHALL BE FIFTY PERCENT OF THE
34 EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED FIFTY PERCENT OF THE
35 STATE AVERAGE WEEKLY WAGE, (II) ON OR AFTER JANUARY FIRST, TWO THOUSAND
36 NINETEEN SHALL NOT EXCEED TEN WEEKS DURING ANY FIFTY-TWO WEEK CALENDAR
37 PERIOD AND SHALL BE FIFTY-FIVE PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY
38 WAGE BUT SHALL NOT EXCEED FIFTY-FIVE PERCENT OF THE STATE AVERAGE WEEKLY
39 WAGE, (III) ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY SHALL NOT
40 EXCEED TEN WEEKS DURING ANY FIFTY-TWO WEEK CALENDAR PERIOD AND SHALL BE
41 SIXTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED
42 SIXTY PERCENT OF THE STATE AVERAGE WEEKLY WAGE, AND (IV) ON OR AFTER
43 JANUARY FIRST OF EACH SUCCEEDING YEAR, SHALL NOT EXCEED TWELVE WEEKS
44 DURING ANY FIFTY-TWO WEEK CALENDAR PERIOD AND SHALL BE SIXTY-SEVEN
45 PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED
46 SIXTY-SEVEN PERCENT OF THE NEW YORK STATE AVERAGE WEEKLY WAGE IN EFFECT.
47 THE SUPERINTENDENT OF FINANCIAL SERVICES SHALL HAVE DISCRETION TO DELAY
48 THE INCREASES IN THE FAMILY LEAVE BENEFIT LEVEL PROVIDED IN SUBPARA-
49 GRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH BY ONE OR MORE CALENDAR
50 YEARS. IN DETERMINING WHETHER TO DELAY THE INCREASE IN THE FAMILY LEAVE
51 BENEFIT FOR ANY YEAR, THE SUPERINTENDENT OF FINANCIAL SERVICES SHALL
52 CONSIDER: (1) THE CURRENT COST TO EMPLOYEES OF THE FAMILY LEAVE BENEFIT
53 AND ANY EXPECTED CHANGE IN THE COST AFTER THE BENEFIT INCREASE; (2) THE
54 CURRENT NUMBER OF INSURERS ISSUING INSURANCE POLICIES WITH A FAMILY
55 LEAVE BENEFIT AND ANY EXPECTED CHANGE IN THE NUMBER OF INSURERS ISSUING
56 SUCH POLICIES AFTER THE BENEFIT INCREASE; (3) THE IMPACT OF THE BENEFIT

1 INCREASE ON EMPLOYERS' BUSINESS AND THE OVERALL STABILITY OF THE PROGRAM
2 TO THE EXTENT THAT INFORMATION IS READILY AVAILABLE; (4) THE IMPACT OF
3 THE BENEFIT INCREASE ON THE FINANCIAL STABILITY OF THE DISABILITY AND
4 FAMILY LEAVE INSURANCE MARKET AND CARRIERS; AND (5) ANY ADDITIONAL
5 FACTORS THAT THE SUPERINTENDENT OF FINANCIAL SERVICES DEEMS RELEVANT. IF
6 THE SUPERINTENDENT OF FINANCIAL SERVICES DELAYS THE INCREASE IN THE
7 FAMILY LEAVE BENEFIT LEVEL FOR ONE OR MORE CALENDAR YEARS, THE FAMILY
8 LEAVE BENEFIT LEVEL THAT SHALL TAKE EFFECT IMMEDIATELY FOLLOWING THE
9 DELAY SHALL BE THE SAME BENEFIT LEVEL THAT WOULD HAVE TAKEN EFFECT BUT
10 FOR THE DELAY. THE WEEKLY BENEFITS FOR FAMILY LEAVE THAT OCCURS ON OR
11 AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL NOT BE LESS THAN ONE
12 HUNDRED DOLLARS PER WEEK EXCEPT THAT IF THE EMPLOYEE'S WAGES AT THE TIME
13 OF FAMILY LEAVE ARE LESS THAN ONE HUNDRED DOLLARS PER WEEK, THE EMPLOYEE
14 SHALL RECEIVE HIS OR HER FULL WAGES. BENEFITS MAY BE PAYABLE TO EMPLOY-
15 EES FOR PAID FAMILY LEAVE TAKEN INTERMITTENTLY OR FOR LESS THAN A FULL
16 WORK WEEK IN INCREMENTS OF ONE FULL DAY OR ONE FIFTH OF THE WEEKLY BENE-
17 FIT.

18 (B) The weekly benefit which the disabled employee is entitled to
19 receive for disability commencing on or after May first, nineteen
20 hundred eighty-nine shall be one-half of the employee's weekly wage, but
21 in no case shall such benefit exceed one hundred seventy dollars; except
22 that if the employee's average weekly wage is less than twenty dollars,
23 the benefit shall be such average weekly wage. The weekly benefit which
24 the disabled employee is entitled to receive for disability commencing
25 on or after July first, nineteen hundred eighty-four shall be one-half
26 of the employee's weekly wage, but in no case shall such benefit exceed
27 one hundred forty-five dollars; except that if the employee's average
28 weekly wage is less than twenty dollars, the benefit shall be such aver-
29 age weekly wage. The weekly benefit which the disabled employee is enti-
30 tled to receive for disability commencing on or after July first, nine-
31 teen hundred eighty-three and prior to July first, nineteen hundred
32 eighty-four shall be one-half of the employee's average weekly wage, but
33 in no case shall such benefit exceed one hundred thirty-five dollars nor
34 be less than twenty dollars; except that if the employee's average week-
35 ly wage is less than twenty dollars the benefit shall be such average
36 weekly wage. The weekly benefit which the disabled employee is entitled
37 to receive for disability commencing on or after July first, nineteen
38 hundred seventy-four, and prior to July first, nineteen hundred eighty-
39 three, shall be one-half of the employee's average weekly wage, but in
40 no case shall such benefit exceed ninety-five dollars nor be less than
41 twenty dollars; except that if the employee's average weekly wage is
42 less than twenty dollars, the benefit shall be such average weekly wage.
43 The weekly benefit which the disabled employee is entitled to receive
44 for disability commencing on or after July first, nineteen hundred
45 seventy and prior to July first, nineteen hundred seventy-four shall be
46 one-half of the employee's average weekly wage, but in no case shall
47 such benefit exceed seventy-five dollars nor be less than twenty
48 dollars; except that if the employee's average weekly wage is less than
49 twenty dollars the benefit shall be such average weekly wage. For any
50 period of disability less than a full week, the benefits payable shall
51 be calculated by dividing the weekly benefit by the number of the
52 employee's normal work days per week and multiplying the quotient by the
53 number of normal work days in such period of disability. The weekly
54 benefit for a disabled employee who is concurrently eligible for bene-
55 fits in the employment of more than one covered employer shall, within
56 the maximum and minimum herein provided, be one-half of the total of the

1 employee's average weekly wages received from all such covered employ-
2 ers, and shall be allocated in the proportion of their respective aver-
3 age weekly wage payments.

4 S 6. Section 205 of the workers' compensation law, as added by chapter
5 600 of the laws of 1949, subdivision 1 as amended by chapter 651 of the
6 laws of 1958, subdivision 2 as amended by chapter 270 of the laws of
7 1990, subdivision 5 as amended by chapter 288 of the laws of 1970, and
8 subdivisions 3, 4, 5, 6, 7 and 8 as renumbered by chapter 352 of the
9 laws of 1981, is amended to read as follows:

10 S 205. Disabilities, FAMILY LEAVE and [disability] periods for which
11 benefits are not payable. 1. No employee shall be entitled to DISABILITY
12 benefits under this article:

13 [1.] (A) For more than twenty-six weeks MINUS ANY DAYS TAKEN FOR FAMI-
14 LY LEAVE DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS during a period
15 of fifty-two consecutive calendar weeks or during any one period of
16 disability, OR FOR MORE THAN TWENTY-SIX WEEKS;

17 [2.] (B) for any period of disability during which an employee is not
18 under the care of a duly licensed physician or with respect to disabili-
19 ty resulting from a condition of the foot which may lawfully be treated
20 by a duly registered and licensed podiatrist of the state of New York or
21 with respect to a disability resulting from a condition which may
22 lawfully be treated by a duly registered and licensed chiropractor of
23 the state of New York or with respect to a disability resulting from a
24 condition which may lawfully be treated by a duly licensed dentist of
25 the state of New York or with respect to a disability resulting from a
26 condition which may lawfully be treated by a duly registered and
27 licensed psychologist of the state of New York or with respect to a
28 disability resulting from a condition which may lawfully be treated by a
29 duly certified nurse midwife, for any period of such disability during
30 which an employee is neither under the care of a physician nor a podia-
31 trist, nor a chiropractor, nor a dentist, nor a psychologist, nor a
32 certified nurse midwife; and for any period of disability during which
33 an employee who adheres to the faith or teachings of any church or
34 denomination and who in accordance with its creed, tenets or principles
35 depends for healing upon prayer through spiritual means alone in the
36 practice of religion, is not under the care of a practitioner duly
37 accredited by the church or denomination, and provided such employee
38 shall submit to all physical examinations as required by this chapter.

39 2. NO EMPLOYEE SHALL BE ENTITLED TO FAMILY LEAVE BENEFITS UNDER THIS
40 ARTICLE:

41 (A) FOR MORE THAN TWELVE WEEKS, OR THE MAXIMUM DURATION PERMITTED AS
42 SET FORTH IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWO HUNDRED
43 FOUR OF THIS ARTICLE, DURING A PERIOD OF FIFTY-TWO CONSECUTIVE CALENDAR
44 WEEKS, OR FOR ANY PERIOD IN WHICH THE FAMILY LEAVE COMBINED WITH THE
45 DISABILITY BENEFITS PREVIOUSLY PAID EXCEEDS TWENTY-SIX WEEKS DURING THE
46 SAME FIFTY-TWO CONSECUTIVE CALENDAR WEEKS;

47 (B) FOR ANY PERIOD OF FAMILY LEAVE WHEREIN THE NOTICE AND MEDICAL
48 CERTIFICATION AS PRESCRIBED BY THE CHAIR HAS NOT BEEN FILED. AT THE
49 DISCRETION OF THE CHAIR OR CHAIR'S DESIGNEE PURSUANT TO SECTION TWO
50 HUNDRED TWENTY-ONE OF THIS ARTICLE, THE FAMILY MEMBER WHO IS THE RECIPI-
51 ENT OF CARE MAY BE REQUIRED TO SUBMIT TO A PHYSICAL EXAMINATION BY A
52 QUALIFIED HEALTH CARE PROVIDER. SUCH EXAMINATION SHALL BE PAID FOR BY
53 THE CARRIER; AND

54 (C) AS A CONDITION OF AN EMPLOYEE'S INITIAL RECEIPT OF FAMILY LEAVE
55 BENEFITS DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS IN WHICH AN
56 EMPLOYEE IS ELIGIBLE FOR THESE BENEFITS, AN EMPLOYER MAY OFFER AN

1 EMPLOYEE WHO HAS ACCRUED BUT UNUSED VACATION TIME OR PERSONAL LEAVE
2 AVAILABLE AT THE TIME OF USE OF AVAILABLE FAMILY LEAVE TO CHOOSE WHETHER
3 TO CHARGE ALL OR PART OF THE FAMILY LEAVE TIME TO ACCRUED BUT UNUSED
4 VACATION OR PERSONAL LEAVE, AND RECEIVE FULL SALARY, OR TO NOT CHARGE
5 TIME TO ACCRUED BUT UNUSED VACATION OR PERSONAL LEAVE, AND RECEIVE THE
6 BENEFIT AS SET FORTH IN SECTION TWO HUNDRED FOUR OF THIS ARTICLE. AN
7 EMPLOYER THAT PAYS FULL SALARY DURING A PERIOD OF FAMILY LEAVE MAY
8 REQUEST REIMBURSEMENT IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-SEV-
9 EN OF THIS ARTICLE. WITH THE ELECTION OF EITHER OPTION, THE EMPLOYEE
10 SHALL RECEIVE THE FULL PROTECTION OF THE REINSTATEMENT PROVISION SET
11 FORTH IN SECTION TWO HUNDRED THREE-B OF THIS ARTICLE, AND SHALL CONCUR-
12 RENTLY USE AVAILABLE FAMILY MEDICAL LEAVE ACT AND PAID FAMILY LEAVE
13 CREDITS. IN NO EVENT CAN AN EMPLOYEE UTILIZE FAMILY LEAVE BEYOND TWELVE
14 WEEKS, OR THE MAXIMUM DURATION PERMITTED AS SET FORTH IN PARAGRAPH (A)
15 OF SUBDIVISION TWO OF SECTION TWO HUNDRED FOUR OF THIS ARTICLE, PER ANY
16 FIFTY-TWO WEEK PERIOD SET FORTH IN THIS ARTICLE. THIS PARAGRAPH MAY NOT
17 BE CONSTRUED IN A MANNER THAT RELIEVES AN EMPLOYER OF ANY DUTY OF
18 COLLECTIVE BARGAINING THE EMPLOYER MAY HAVE WITH RESPECT TO THE SUBJECT
19 MATTER OF THIS PARAGRAPH.

20 3. NO EMPLOYEE SHALL BE ENTITLED TO DISABILITY OR FAMILY LEAVE BENE-
21 FITS UNDER THIS ARTICLE:

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

26 [4.] (B) for any day of disability OR FAMILY LEAVE during which the
27 employee performed work for remuneration or profit;

28 [5.] (C) for any day of disability OR FAMILY LEAVE for which the
29 employee is entitled to receive from his OR HER employer, or from a fund
30 to which the employer has contributed, remuneration or maintenance in an
31 amount equal to or greater than that to which he OR SHE would be enti-
32 tled under this article; but any voluntary contribution or aid which an
33 employer may make to an employee or any supplementary benefit paid to an
34 employee pursuant to the provisions of a collective bargaining agreement
35 or from a trust fund to which contributions are made pursuant to the
36 provisions of a collective bargaining agreement shall not be considered
37 as continued remuneration or maintenance for this purpose;

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

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

46 [8.] (F) for any disability OR FAMILY LEAVE commencing before the
47 employee becomes eligible to benefits [hereunder or commencing prior to
48 July first, nineteen hundred fifty, but this shall not preclude benefits
49 for recurrence after July first, nineteen hundred fifty, of a disability
50 commencing prior thereto] UNDER THIS SECTION.

51 4. AN EMPLOYEE MAY NOT COLLECT BENEFITS CONCURRENTLY UNDER BOTH SUBDI-
52 VISIONS ONE AND TWO OF THIS SECTION.

53 5. IN ANY CASE IN WHICH THE NECESSITY FOR FAMILY LEAVE IS FORESEEABLE
54 BASED ON AN EXPECTED BIRTH OR PLACEMENT, THE EMPLOYEE SHALL PROVIDE THE
55 EMPLOYER WITH NOT LESS THAN THIRTY DAYS NOTICE BEFORE THE DATE THE LEAVE
56 IS TO BEGIN, OF THE EMPLOYEE'S INTENTION TO TAKE FAMILY LEAVE UNDER THIS

1 ARTICLE, EXCEPT THAT IF THE DATE OF THE BIRTH OR PLACEMENT REQUIRES
2 LEAVE TO BEGIN IN LESS THAN THIRTY DAYS, THE EMPLOYEE SHALL PROVIDE SUCH
3 NOTICE AS IS PRACTICABLE. IN ANY CASE IN WHICH THE NECESSITY FOR FAMILY
4 LEAVE IS FORESEEABLE BASED ON PLANNED MEDICAL TREATMENT, THE EMPLOYEE
5 SHALL PROVIDE THE EMPLOYER WITH NOT LESS THAN THIRTY DAYS NOTICE, BEFORE
6 THE DATE THE LEAVE IS TO BEGIN, OF THE EMPLOYEES INTENTION TO TAKE FAMI-
7 LY LEAVE UNDER THIS ARTICLE, EXCEPT THAT IF THE DATE OF THE TREATMENT
8 REQUIRES LEAVE TO BEGIN IN LESS THAN THIRTY DAYS, THE EMPLOYEE SHALL
9 PROVIDE SUCH NOTICE AS IS PRACTICABLE.

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

15 S 206. Non-duplication of benefits. 1. No DISABILITY benefits shall be
16 payable under section two hundred four or two hundred seven OF THIS
17 ARTICLE:

18 (a) in a weekly benefit amount which, together with any amount that
19 the employee receives or is entitled to receive for the same period or
20 any part thereof as a permanent disability benefit or annuity under any
21 governmental system or program, except under a veteran's disability
22 program, or under any permanent disability policy or program of an
23 employer for whom he OR SHE has performed services, would, if appor-
24 tioned to weekly periods, exceed his OR HER weekly benefit amount [here-
25 under] UNDER THIS SECTION, provided however, that there shall be no
26 offset against the benefits set forth in this article if the claim for
27 disability benefits is based on a disability other than the permanent
28 disability for which the aforesaid permanent disability benefit or annu-
29 ity was granted;

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

33 (c) subject to the provisions of subdivision two of this section, for
34 any period with respect to which benefits, compensation or other allow-
35 ances (other than [workmen's] WORKERS' compensation benefits for a
36 permanent partial disability occurring prior to the disability for which
37 benefits are claimed hereunder) are paid or payable under this chapter,
38 the volunteer [firemen's] FIREFIGHTERS' benefit law, or any other [work-
39 men's] WORKERS' compensation act, occupational disease act or similar
40 law, or under any employers' liability act or similar law; under any
41 other temporary disability or cash sickness benefits act or similar law;
42 under section six hundred eighty-eight, title forty-six, United States
43 code; under the federal employers' liability act; or under the maritime
44 doctrine of maintenance, wages and cure.

45 2. If an employee who is eligible for DISABILITY benefits under
46 section two hundred three or two hundred seven OF THIS ARTICLE is disa-
47 bled and has claimed or subsequently claims workers' compensation bene-
48 fits under this chapter or benefits under the volunteer firefighters'
49 benefit law or the volunteer ambulance workers' benefit law, and such
50 claim is controverted on the ground that the employee's disability was
51 not caused by an accident that arose out of and in the course of his
52 employment or by an occupational disease, or by an injury in line of
53 duty as a volunteer firefighter or volunteer ambulance worker, the
54 employee shall be entitled in the first instance to receive benefits
55 under this article for his OR HER disability. If benefits have been paid
56 under this article in respect to a disability alleged to have arisen out

1 of and in the course of the employment or by reason of an occupational
2 disease, or in line of duty as a volunteer firefighter or a volunteer
3 ambulance worker, the employer or carrier or the [chairman] CHAIR making
4 such payment may, at any time before award of workers' compensation
5 benefits, or volunteer firefighters' benefits or volunteer ambulance
6 workers' benefits, is made, file with the board a claim for reimburse-
7 ment out of the proceeds of such award to the employee for the period
8 for which disability benefits were paid to the employee under this arti-
9 cle, and shall have a lien against the award for reimbursement, notwith-
10 standing the provisions of section thirty-three of this chapter or
11 section twenty-three of the volunteer firefighters' benefit law or
12 section twenty-three of the volunteer ambulance workers' benefit law
13 provided the insurance carrier liable for payment of the award receives,
14 before such award is made, a copy of the claim for reimbursement from
15 the employer, carrier or [chairman] CHAIR who paid disability benefits,
16 or provided the board's decision and award directs such reimbursement
17 therefrom.

18 3. NO FAMILY LEAVE BENEFITS SHALL BE PAYABLE UNDER SECTION TWO HUNDRED
19 FOUR OF THIS ARTICLE:

20 (A) DURING PERIODS WHEN THE EMPLOYEE IS RECEIVING TOTAL DISABILITY
21 PAYMENTS PURSUANT TO A CLAIM FOR WORKERS' COMPENSATION, VOLUNTEER FIRE-
22 FIGHTERS' BENEFITS OR VOLUNTEER AMBULANCE WORKERS' BENEFITS, EXCEPT THAT
23 WHEN THE EMPLOYEE IS RECEIVING PAYMENTS FOR PARTIAL DISABILITY OR
24 REDUCED EARNINGS UNDER SUCH LAWS, THE FAMILY LEAVE BENEFIT, WHEN
25 COMBINED WITH THE BENEFITS UNDER SUCH LAWS SHALL NOT EXCEED THE AVERAGE
26 WEEKLY WAGE IN THE EMPLOYMENT FOR WHICH FAMILY LEAVE BENEFITS ARE
27 SOUGHT;

28 (B) TO AN EMPLOYEE WHO IS NOT EMPLOYED OR IS ON ADMINISTRATIVE LEAVE
29 FROM HIS OR HER EMPLOYMENT;

30 (C) TO AN EMPLOYEE DURING PERIODS WHERE THE EMPLOYEE IS COLLECTING
31 SICK PAY OR PAID TIME OFF FROM THE EMPLOYER; AND

32 (D) FOR ANY DAY IN WHICH CLAIMANT WORKS AT LEAST PART OF THAT DAY FOR
33 REMUNERATION OR PROFIT FOR THE COVERED EMPLOYER OR FOR ANY OTHER EMPLOY-
34 ER WHILE WORKING FOR REMUNERATION OR PROFIT, FOR HIM OR HERSELF, OR
35 ANOTHER PERSON OR ENTITY, DURING THE SAME OR SUBSTANTIALLY SIMILAR WORK-
36 ING HOURS AS THOSE OF THE COVERED EMPLOYER FROM WHICH FAMILY LEAVE BENE-
37 FITS ARE CLAIMED, EXCEPT THAT OCCASIONAL SCHEDULING ADJUSTMENTS WITH
38 RESPECT TO SECONDARY EMPLOYMENTS SHALL NOT PREVENT RECEIPT OF FAMILY
39 LEAVE BENEFITS.

40 4. UNLESS OTHERWISE EXPRESSLY PERMITTED BY THE EMPLOYER, BENEFITS
41 AVAILABLE UNDER 29 U.S. CODE CHAPTER 28 (THE FAMILY AND MEDICAL LEAVE
42 ACT) MUST BE USED CONCURRENTLY WITH FAMILY LEAVE BENEFITS. FOR A SUBSE-
43 QUENT UNRELATED DISABILITY, AN EMPLOYEE MAY SEEK BENEFITS UP TO THE
44 MAXIMUM NUMBER OF AVAILABLE WEEKS PERMITTED IN THIS ARTICLE.

45 5. A COVERED EMPLOYER IS NOT REQUIRED TO PERMIT MORE THAN ONE EMPLOYEE
46 TO USE THE SAME PERIOD OF FAMILY LEAVE TO CARE FOR THE SAME FAMILY
47 MEMBER.

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

50 5. THE FOREGOING PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FAMILY
51 LEAVE BENEFITS, AS FAMILY LEAVE BENEFITS ARE NOT AVAILABLE TO EMPLOYEES
52 THAT ARE NOT EMPLOYED AT THE TIME FAMILY LEAVE IS REQUESTED BY FILING
53 THE NOTICE AND MEDICAL CERTIFICATION REQUIRED BY THE CHAIR.

54 S 9. Section 208 of the workers' compensation law, as added by chapter
55 600 of the laws of 1949, subdivision 1 as amended by chapter 314 of the
56 laws of 2010, is amended to read as follows:

1 S 208. Payment of disability AND FAMILY LEAVE benefits. 1. Benefits
2 provided under this article shall be paid periodically and promptly and,
3 except as to a contested period of disability OR FAMILY LEAVE, without
4 any decision by the board, OR DESIGNEE OF THE CHAIR PURSUANT TO SECTION
5 TWO HUNDRED TWENTY-ONE OF THIS ARTICLE. The first payment of benefits
6 shall be due on the fourteenth day of disability OR FAMILY LEAVE and
7 benefits for that period shall be paid directly to the employee within
8 four business days thereafter or within four business days after the
9 filing of required proof of claim, whichever is the later. IF THE
10 EMPLOYER OR CARRIER REJECTS AN INITIAL CLAIM FOR FAMILY LEAVE BENEFITS,
11 THE EMPLOYER OR CARRIER MUST NOTIFY THE EMPLOYEE IN A MANNER PRESCRIBED
12 BY THE CHAIR WITHIN EIGHTEEN DAYS OF FILING OF THE PROOF OF CLAIM. FAIL-
13 URE TO TIMELY REJECT SHALL CONSTITUTE A WAIVER OF OBJECTION TO THE FAMI-
14 LY LEAVE CLAIM. Thereafter benefits shall be due and payable bi-weekly
15 in like manner. The [chairman] CHAIR OR CHAIR'S DESIGNEE, PURSUANT TO
16 SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, may determine that bene-
17 fits may be paid monthly or semi-monthly if wages were so paid, and may
18 authorize deviation from the foregoing requirements to facilitate prompt
19 payment of benefits. Any inquiry which requires the employee's response
20 in order to continue benefits uninterrupted or unmodified shall provide
21 a reasonable time period in which to respond and include a clear and
22 prominent statement of the deadline for responding and consequences of
23 failing to respond.

24 2. The [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may,
25 whenever such information is deemed necessary, require any carrier to
26 file in form prescribed by the [chairman] CHAIR a report or reports as
27 to any claim or claims, including (but without limitation) dates of
28 commencement and termination of benefit payments and amount of benefits
29 paid under this article. The [chairman] CHAIR AND SUPERINTENDENT OF
30 FINANCIAL SERVICES may also require annually information in respect to
31 the aggregate of benefits paid, the number of claims allowed and disal-
32 lowed, the average benefits and duration of benefit periods, the amount
33 of payrolls covered and such other information as the [chairman] CHAIR
34 may deem necessary for the purposes of administering this article. If
35 the carrier is providing benefits in respect to more than one employer,
36 the [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may
37 require that such information be shown separately as to those employers
38 who are providing only benefits that are substantially the same as the
39 benefits required in this article. THE CHAIR AND SUPERINTENDENT OF
40 FINANCIAL SERVICES MAY PRESCRIBE THE FORMAT OF SUCH REPORT AND MAY
41 PROMULGATE REGULATIONS TO EFFECTUATE THIS ARTICLE.

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

46 S 209. Contribution of employees for disability AND FAMILY LEAVE bene-
47 fits. 1. Every employee in the employment of a covered employer shall[,
48 on and after January first, nineteen hundred fifty,] contribute to the
49 cost of providing disability AND AFTER JANUARY FIRST, TWO THOUSAND EIGH-
50 TEEN, FAMILY LEAVE benefits under this article, to the extent and in the
51 manner herein provided.

52 2. The special contribution of each such employee to the accumulation
53 of funds to provide benefits for disabled unemployed shall be as
54 provided in subdivision one of section two hundred fourteen OF THIS
55 ARTICLE.

1 3. (A) DISABILITY BENEFITS. The contribution of each such employee to
2 the cost of disability benefits provided by this article shall be one-
3 half of one per centum of the employee's wages paid to him OR HER on and
4 after July first, nineteen hundred fifty, but not in excess of sixty
5 cents per week.

6 (B) FAMILY LEAVE BENEFITS. ON JUNE FIRST, TWO THOUSAND SEVENTEEN AND
7 ANNUALLY THEREAFTER ON SEPTEMBER FIRST, THE SUPERINTENDENT OF FINANCIAL
8 SERVICES SHALL SET THE MAXIMUM EMPLOYEE CONTRIBUTION, USING SOUND ACTU-
9 ARIAL PRINCIPLES AND THE REPORTS PROVIDED IN SECTION TWO HUNDRED EIGHT
10 OF THIS ARTICLE. NO EMPLOYER SHALL BE REQUIRED TO FUND ANY PORTION OF
11 THE FAMILY LEAVE BENEFIT.

12 4. Notwithstanding any other provision of law, the employer is author-
13 ized to collect from his OR HER employees, except as otherwise provided
14 in any plan or agreement under the provisions of subdivisions four or
15 five of section two hundred eleven OF THIS ARTICLE, the contribution
16 provided under subdivisions two and three OF THIS SECTION, through
17 payroll deductions. If the employer shall not make deduction for any
18 payroll period he OR SHE may thereafter, but not later than one month
19 after payment of wages, collect such contribution through payroll
20 deduction.

21 5. In collecting employee contributions through payroll deductions,
22 the employer shall act as the agent of his OR HER employees and shall
23 use the contributions only to provide disability AND FAMILY LEAVE bene-
24 fits as required by this article. IN NO EVENT MAY THE EMPLOYEE'S ANNUAL
25 CONTRIBUTION FOR FAMILY LEAVE EXCEED HIS OR HER PER CAPITA SHARE OF THE
26 ACTUAL ANNUAL PREMIUM CHARGED FOR THE SAME YEAR AND MUST BE DETERMINED
27 CONSISTENT WITH THE PRINCIPLE THAT EMPLOYEES SHOULD PAY THE TOTAL COSTS
28 OF FAMILY LEAVE PREMIUM. IN NO EVENT MAY THE EMPLOYEE'S WEEKLY CONTRIB-
29 UTION FOR DISABILITY PREMIUM EXCEED ONE-HALF OF ONE PER CENTUM OF THE
30 EMPLOYEE'S WAGES PAID TO HIM OR HER, BUT NOT IN EXCESS OF SIXTY CENTS
31 PER WEEK. After June thirtieth, nineteen hundred fifty, if the employer
32 is not providing, or to the extent that he OR SHE is not then providing,
33 for the payment of disability benefits to his OR HER employees by insur-
34 ing with the state fund or with another insurance carrier, he OR SHE
35 shall keep the contributions of his OR HER employees as trust funds
36 separate and apart from all other funds of the employer. The payment of
37 such contributions by the employer to a carrier providing for the
38 payment of such benefits shall discharge the employer from responsibil-
39 ity with respect to such contributions.

40 S 11. Section 210 of the workers' compensation law, as added by chap-
41 ter 600 of the laws of 1949, is amended to read as follows:

42 S 210. Employer contributions. 1. Every covered employer shall, on and
43 after January first, nineteen hundred fifty, contribute the cost of
44 providing disability benefits in excess of the contributions collected
45 from his OR HER employees, to the extent and in the manner provided in
46 this article.

47 2. The special contribution of each covered employer to the accumu-
48 lation of funds to provide benefits for disabled unemployed shall be as
49 provided in subdivision one of section two hundred fourteen OF THIS
50 ARTICLE.

51 3. The contribution of every covered employer to the cost of providing
52 disability benefits after June thirtieth, nineteen hundred fifty, shall
53 be the excess of such cost over the amount of the contributions of his
54 OR HER employees.

55 4. No profit shall be derived by any employer or association of
56 employers or of employees from providing payment of disability AND FAMI-

1 LY LEAVE benefits under this article. All funds representing contrib-
2 utions of employers and employees, and increments thereon, held by
3 employers or associations of employers or of employees authorized or
4 permitted to pay benefits under the provisions of this article, and by
5 trustees paying benefits under plans or agreements meeting the require-
6 ments of section two hundred eleven OF THIS ARTICLE, shall be trust
7 funds and shall be expended only to provide for the payment of benefits
8 to employees and for the costs of administering this article and for the
9 support of the fund established under section two hundred fourteen OF
10 THIS ARTICLE.

11 S 12. The opening paragraph and subdivisions 3, 4 and 5 of section 211
12 of the workers' compensation law, the opening paragraph as added by
13 chapter 600 of the laws of 1949, subdivision 3 as amended by chapter 207
14 of the laws of 1992, and subdivisions 4 and 5 as amended by chapter 197
15 of the laws of 1960, are amended, and two new subdivisions 7 and 8 are
16 added to read as follows:

17 A covered employer shall, with his OR HER own contributions and the
18 contributions of his employees, provide disability AND AFTER JANUARY
19 FIRST, TWO THOUSAND EIGHTEEN, FAMILY LEAVE benefits to his OR HER
20 employees in one or more of the following ways:

21 3. by furnishing satisfactory proof to the chair of the employers
22 financial ability to pay such benefits, in which case the chair shall
23 require the deposit of such securities as the chair may deem necessary
24 [of the kind prescribed in subdivisions one, two, three, four and five
25 and paragraph a of subdivision seven of section two hundred thirty-five
26 of the banking law or the deposit of cash or the filing of irrevocable
27 letters of credit issued by a qualified banking institution as defined
28 by rules promulgated by the chair or the filing of the bond of a surety
29 company authorized to do business in this state, conditioned on the
30 payment by the employer of its obligations under this article and in
31 form approved by the chair, or the posting and filing of a combination
32 of such securities, cash, irrevocable letters of credit and surety bonds
33 in an amount to be determined by the chair, to secure his or her liabil-
34 ity to pay the compensation provided in this chapter. The amount of
35 deposit or of the penal sum of the bond shall be determined by the chair
36 and shall not be less than one-half the estimated contributions of the
37 employees of the employer for the ensuing year or one-half of the
38 contributions of the employees which would have been paid by the employ-
39 ees during the preceding year, whichever is the greater, or if such
40 amount is more than fifty thousand dollars an amount not less than fifty
41 thousand dollars. The chair shall have authority to deny an application
42 to provide benefits pursuant to this subdivision or to revoke approval
43 at any time for good cause shown. In the case of an employer who main-
44 tains a deposit of securities, irrevocable letters of credit or cash in
45 accordance with subdivision three of section fifty of this chapter, the
46 chair may reduce the amount of the deposit or of the penal sum of the
47 bond, provided the securities, irrevocable letters of credit or cash
48 deposited by or for such employer under subdivision three of section
49 fifty of this chapter are, by agreement satisfactory to the chair, made
50 available for the payment of unpaid benefits under this article with
51 respect to obligations incurred for disabilities commencing prior to the
52 effective date of such revocation] CONSISTENT WITH THE PROVISIONS OF
53 SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER. An association of
54 employers or employees authorized to pay benefits under this article or
55 the trustee or trustees paying benefits under a plan or agreement
56 authorized under subdivisions four and five of this section, may with

1 the approval of the chair furnish such proof and otherwise comply with
2 the provisions of this section to provide disability AND FAMILY LEAVE
3 benefits to employees under such plan or agreement.

4 4. by a plan in existence on the effective date of this article. If on
5 the effective date of this article the employees of a covered employer
6 or any class or classes of such employees are entitled to receive disa-
7 bility AND FAMILY LEAVE benefits under a plan or agreement which remains
8 in effect on July first, nineteen hundred fifty, the employer, subject
9 to the requirements of this section, shall be relieved of responsibility
10 for making provision for benefit payments required under this article
11 until the earliest date, determined by the [chairman] CHAIR for the
12 purposes of this article, upon which the employer shall have the right
13 to discontinue the provisions thereof or to discontinue his contrib-
14 utions towards the cost. Any such plan or agreement may be extended,
15 with or without modification, by agreement or collective bargaining
16 between an employer or employers or association of employers and an
17 association of employees, in which event the period for which the
18 employer is relieved of such responsibility shall include such period of
19 extension. Any other plan or agreement in existence on the effective
20 date of this article which the employer may, by his OR HER sole act,
21 terminate at any time, or with respect to which he OR SHE is not obli-
22 gated to continue for any period to make contributions, may be accepted
23 by the [chairman] CHAIR as satisfying the obligation to provide for the
24 payment of benefits under this article if such plan or agreement
25 provides benefits at least as favorable as the disability AND FAMILY
26 LEAVE benefits provided by this article and does not require contrib-
27 utions of any employee or of any class or classes of employees in excess
28 of the statutory amount provided in SUBDIVISION THREE OF section two
29 hundred nine OF THIS ARTICLE, subdivision three, except by agreement and
30 provided the contribution is reasonably related to the value of the
31 benefits as determined by the CHAIR [chairman]. The [chairman] CHAIR may
32 require that the employer shall enter into an agreement in writing with
33 the [chairman] CHAIR that he OR SHE will pay the assessments set forth
34 in sections two hundred fourteen and two hundred twenty-eight and that
35 until he OR SHE shall have filed written notice with the CHAIR [chair-
36 man] of his OR HER election to terminate such plan or agreement or to
37 discontinue making necessary contributions to its cost, he OR SHE will
38 continue to provide for the payment of the disability AND FAMILY LEAVE
39 benefits under such plan or agreement.

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

48 Any such plan or agreement may be extended with or without modifica-
49 tion, provided the benefits under such plan or agreement, as extended or
50 modified, shall be found by the [chairman] CHAIR to be at least as
51 favorable as the benefits provided by this article.

52 5. by a new plan or agreement. After the effective date of this arti-
53 cle, a new plan or agreement with a carrier may be accepted by the CHAIR
54 [chairman] as satisfying the obligation to provide for the payment of
55 benefits under this article if such plan or agreement shall provide
56 benefits at least as favorable as the disability AND FAMILY LEAVE bene-

fits provided by this article and does not require contributions of any employee or of any class or classes of employees in excess of the statutory amount provided in section two hundred nine, subdivision three, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the [chairman] CHAIR. Any such plan or agreement shall continue until written notice filed with the [chairman] CHAIR of intention to terminate such plan or agreement, and any modification of such plan or agreement shall be subject to the written approval of the [chairman] CHAIR.

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

7. PREMIUMS FOR POLICIES PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF SECTION FOUR THOUSAND TWO HUNDRED AND THIRTY-FIVE OF SUCH LAW.

8. AN EMPLOYER PROVIDING DISABILITY BENEFITS COVERAGE PURSUANT TO SUBDIVISION THREE OF THIS SECTION MAY OBTAIN COVERAGE FOR FAMILY LEAVE BENEFITS SEPARATELY PURSUANT TO SUBDIVISION ONE OR SUBDIVISION TWO OF THIS SECTION.

S 13. Subdivisions 1, 2, 4 and 5 of section 212 of the workers' compensation law, subdivision 1 as amended by chapter 740 of the laws of 1960, subdivision 2 as amended by chapter 120 of the laws of 1969, subdivision 4 as amended by chapter 205 of the laws of 1993, and subdivision 5 as added by chapter 593 of the laws of 1992, are amended to read as follows:

1. Any employer not required by this article to provide for the payment of disability OR FAMILY LEAVE benefits to his employees, or to any class or classes thereof, may become a covered employer or bring within the provisions of this article such employees or class or classes thereof by voluntarily electing to provide for payment of such benefits in one or more of the ways set forth in section two hundred eleven OF THIS ARTICLE; but such election shall be subject to the approval of the [chairman] CHAIR, and if the employees are required to contribute to the cost of such benefits the assent within thirty days before such approval is granted, of more than one-half of such employees shall be evidenced to the satisfaction of the [chairman] CHAIR. On approval by the [chairman] CHAIR of such election to provide benefits, all the provisions of this article shall become and continue applicable as if the employer were a covered employer as defined in this article. The obligation to continue as a covered employer with respect to employees for whom provision of benefits is not required under this article, may be discontinued by such employer on ninety days notice to the [chairman] CHAIR in writing and to his OR HER employees, after he OR SHE has provided for payment of benefits for not less than one year and with such provision for payment of obligations incurred on and prior to the termination date as the [chairman] CHAIR may approve.

2. Notwithstanding the definition of "employer" and "employment" in section two hundred one of this article, a public authority, a municipal corporation or a fire district or other political subdivision may become a covered employer FOR THE PURPOSE OF PROVIDING DISABILITY BENEFITS

1 under this article by complying with the provisions of subdivision one
2 of this section and may discontinue such status only as provided in that
3 subdivision.

4 4. (A) An executive officer of a corporation who at all times during
5 the period involved owns all of the issued and outstanding stock of the
6 corporation and holds all of the offices pursuant to paragraph (e) of
7 section seven hundred fifteen of the business corporation law or two
8 executive officers of a corporation who at all times during the period
9 involved between them own all of the issued and outstanding stock of
10 such corporation and hold all such offices provided, however, that each
11 officer must own at least one share of stock and who is the executive
12 officer or who are the executive officers of a corporation having other
13 persons who are employees required to be covered under this article,
14 shall be deemed to be included in the corporation's disability AND FAMI-
15 LY LEAVE benefits insurance contract or covered by a certificate of
16 self-insurance or a plan under section two hundred eleven of this arti-
17 cle, unless the officer or officers elect to be excluded from the cover-
18 age of this article. Such election shall be made by any such corporation
19 filing with the insurance carrier, or the chair of the workers' compen-
20 sation board in the case of self-insurance, upon a form prescribed by
21 the [chairman] CHAIR, a notice that the corporation elects to exclude
22 the executive officer or officers of such corporation named in the
23 notice from the coverage of this article. Such election shall be effec-
24 tive with respect to all policies issued to such corporation by such
25 insurance carrier as long as it shall continuously insure the corpo-
26 ration. Such election shall be final and binding upon the executive
27 officer or officers named in the notice until revoked by the corpo-
28 ration.

29 (B) NOTWITHSTANDING THE DEFINITION OF "EMPLOYER" IN SECTION TWO
30 HUNDRED ONE OF THIS ARTICLE, A SOLE PROPRIETOR, MEMBER OF A LIMITED
31 LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP, OR OTHER SELF-EM-
32 PLOYED PERSON MAY BECOME A COVERED EMPLOYER UNDER THIS ARTICLE BY
33 COMPLYING WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION.

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

48 S 14. The workers' compensation law is amended by adding two new
49 sections 212-a and 212-b to read as follows:

50 S 212-A. NOTWITHSTANDING THE DEFINITION OF "EMPLOYER" AND "EMPLOYMENT"
51 SET FORTH IN SECTION TWO HUNDRED ONE OF THIS ARTICLE AND THE REQUIREMENT
52 FOR INSURANCE POLICIES TO OFFER BOTH DISABILITY AND FAMILY LEAVE COVER-
53 AGE SET FORTH IN TWO HUNDRED TWENTY SIX OF THIS ARTICLE, THE STATE, ANY
54 POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY OR ANY OTHER
55 GOVERNMENTAL AGENCY OR INSTRUMENTALITY, MAY ELECT TO BECOME A COVERED
56 EMPLOYER SOLELY FOR THE PURPOSE OF FAMILY LEAVE BENEFITS. COVERAGE FOR

1 FAMILY LEAVE BENEFITS MAY BE SECURED BY A PUBLIC EMPLOYER, AS THAT TERM
2 IS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWELVE-B OF THIS
3 ARTICLE, AS PERMITTED BY THIS ARTICLE, INCLUDING AS APPLICABLE SECTION
4 TWO HUNDRED ELEVEN, SUBDIVISION FOUR OF SECTION FIFTY, OR SECTION EIGHT-
5 Y-EIGHT-C. THE PROVIDER OF FAMILY LEAVE COVERAGE FOR SUCH PUBLIC EMPLOY-
6 EES SHALL BE EXEMPT FROM THE REQUIREMENT THAT INSURANCE POLICIES OFFER
7 BOTH DISABILITY AND FAMILY LEAVE BENEFITS IN SECTION TWO HUNDRED TWEN-
8 TY-SIX OF THIS ARTICLE.

9 S 212-B. PUBLIC EMPLOYEES; PUBLIC EMPLOYEES REPRESENTED BY AN EMPLOYEE
10 ORGANIZATION; EMPLOYEE OPT IN.

11 1. FOR PURPOSES OF THIS SECTION, "PUBLIC EMPLOYEE" MEANS ANY EMPLOYEE
12 OF THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY
13 OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY. "PUBLIC EMPLOYER"
14 MEANS THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC
15 AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY THEREOF.
16 "EMPLOYEE ORGANIZATION" SHALL HAVE THE SAME MEANING SET FORTH IN SECTION
17 TWO HUNDRED ONE OF THE CIVIL SERVICE LAW.

18 2. PUBLIC EMPLOYERS SHALL PROVIDE BENEFITS FOR FAMILY LEAVE TO PUBLIC
19 EMPLOYEES IN ACCORDANCE WITH THE PROCEDURES AND TERMS SET FORTH IN
20 SUBDIVISION THREE OF THIS SECTION.

21 3. (A) AN EMPLOYEE ORGANIZATION MAY, PURSUANT TO COLLECTIVE BARGAIN-
22 ING, OPT IN TO PAID FAMILY LEAVE BENEFITS ON BEHALF OF THOSE PUBLIC
23 EMPLOYEES IT IS EITHER CERTIFIED OR RECOGNIZED TO REPRESENT, WITHIN THE
24 MEANING OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. NOTHING IN THIS
25 SECTION SHALL PROHIBIT AN AGREEMENT TO OPT IN TO PAID FAMILY LEAVE
26 BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC EMPLOYER. AN EMPLOYEE
27 ORGANIZATION THAT HAS OPTED IN TO PAID FAMILY LEAVE BENEFITS MAY, PURSU-
28 ANT TO COLLECTIVE BARGAINING, OPT OUT OF IT AS IS MUTUALLY AGREED UPON
29 BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC EMPLOYER.

30 B. FOR PUBLIC EMPLOYEES WHO ARE NOT REPRESENTED BY AN EMPLOYEE ORGAN-
31 IZATION, THE PUBLIC EMPLOYER MAY OPT-IN TO PAID FAMILY LEAVE BENEFITS
32 WITHIN NINETY DAYS NOTICE TO SUCH PUBLIC EMPLOYEES. FOLLOWING OPT-IN BY
33 A PUBLIC EMPLOYER FOR PUBLIC EMPLOYEES NOT REPRESENTED BY AN EMPLOYEE
34 ORGANIZATION, THE PUBLIC EMPLOYER MAY OPT-OUT OF PAID FAMILY LEAVE BENE-
35 FITS WITH TWELVE MONTHS NOTICE TO THOSE PUBLIC EMPLOYEES.

36 4. IN THE ABSENCE OF ANY CONTRARY STATEMENT IN A COLLECTIVELY NEGOTI-
37 ATED AGREEMENT UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, A PUBLIC
38 EMPLOYER MAY REQUIRE PUBLIC EMPLOYEES WHO OPT IN UNDER THIS SECTION TO
39 PROVIDE THE MAXIMUM EMPLOYEE CONTRIBUTION, AS DEFINED IN PARAGRAPH (B)
40 OF SUBDIVISION THREE OF SECTION TWO HUNDRED NINE OF THIS ARTICLE.

41 S 15. Subdivision 1 of section 213 of the workers' compensation law,
42 as amended by chapter 784 of the laws of 1980, is amended and a new
43 subdivision 3 is added to read as follows:

44 1. Whenever a covered employer does not comply with this article by
45 providing for the payment of disability AND FAMILY LEAVE benefits to his
46 OR HER employees in one or more of the ways provided in section two
47 hundred eleven OF THIS ARTICLE or whenever a carrier fails to pay the
48 benefits required by this article to employees of a covered employer,
49 then such employer shall be fully and directly liable to each of his OR
50 HER employees for the payment of benefits provided by this article. The
51 amount of the benefits to which employees of such employers are entitled
52 under this article and attendance fees of [their] ANY attending physi-
53 cians or attending podiatrists OR HEALTH CARE PROVIDER fixed pursuant to
54 subdivision two of section two hundred thirty-two OF THIS ARTICLE shall,
55 on order of the [chairman] CHAIR, be paid out of the fund established
56 under section two hundred fourteen OF THIS ARTICLE. In case of non-com-

1 pliance of the employer, such employer shall forthwith pay to the
2 [chairman] CHAIR, for credit to the fund, the sum so expended or one
3 [per cent] PERCENT of his OR HER payroll for his OR HER employees in
4 employment during the period of non-compliance, whichever is greater;
5 provided, however, that if it shall appear to the satisfaction of the
6 [chairman] CHAIR that the default in payment of benefits or the non-com-
7 pliance of the employer otherwise with his OR HER obligation under this
8 article was inadvertent, the [chairman] CHAIR may fix the sum payable in
9 such case for non-compliance or default at the amount paid out of the
10 fund and a sum less than one [per cent] PERCENT of such payroll, and in
11 addition the penalties for non-compliance imposed under this article. In
12 case of failure of the carrier to pay benefits, the employer shall
13 forthwith pay to the [chairman] CHAIR, for credit to the fund, the sum
14 so expended.

15 3. THE PROVISIONS OF SECTION ONE HUNDRED FORTY-ONE-B OF THIS CHAPTER
16 SHALL NOT APPLY TO VIOLATIONS OF THIS SECTION AFTER JANUARY FIRST, TWO
17 THOUSAND EIGHTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY. THERE-
18 AFTER, IN THE EVENT AN EMPLOYER IS SUBJECT TO DEBARMENT SOLELY DUE TO A
19 PENALTY FOR VIOLATION OF THIS SECTION, THE CHAIR MAY, IN THE INTERESTS
20 OF JUSTICE, RESTORE THE EMPLOYER'S ELIGIBILITY TO SUBMIT A BID ON OR BE
21 AWARDED ANY PUBLIC WORK CONTRACT OR SUBCONTRACT. THE CHAIR MAY EXERCISE
22 THIS AUTHORITY ONLY IF IT IS THE EMPLOYER'S FIRST TIME VIOLATION OF
23 SECTION ONE HUNDRED FORTY-ONE-B OF THIS CHAPTER; THE EMPLOYER IS NOT
24 LIABLE FOR ANY OUTSTANDING WORKERS' COMPENSATION, DISABILITY OR FAMILY
25 LEAVE CLAIMS AS A RESULT OF THE LACK OF COVERAGE; AND THE EMPLOYER HAS
26 PAID ALL FINES, ASSESSMENTS, AND PENALTIES ASSOCIATED WITH THE LACK OF
27 COVERAGE.

28 S 16. Section 217 of the workers' compensation law, as added by chap-
29 ter 600 of the laws of 1949, subdivision 1 as amended by chapter 167 of
30 the laws of 1999, subdivisions 2 and 3 as amended by chapter 270 of the
31 laws of 1990, and subdivision 6 as amended by chapter 344 of the laws of
32 1994, is amended to read as follows:

33 S 217. Notice and proof of claim. 1. Written notice and proof of
34 disability OR PROOF OF NEED FOR FAMILY LEAVE shall be furnished to the
35 employer by or on behalf of the employee claiming benefits or, in the
36 case of a claimant under section two hundred seven of this article, to
37 the chair, within thirty days after commencement of the period of disa-
38 bility. Additional proof shall be furnished thereafter from time to time
39 as the employer or carrier or chair may require but not more often than
40 once each week. Such proof shall include a statement of disability by
41 the employee's attending physician or attending podiatrist or attending
42 chiropractor or attending dentist or attending psychologist or attending
43 certified nurse midwife OR FAMILY LEAVE CARE RECIPIENT'S HEALTH CARE
44 PROVIDER, or in the case of an employee who adheres to the faith or
45 teachings of any church or denomination, and who in accordance with its
46 creed, tenets or principles depends for healing upon prayer through
47 spiritual means alone in the practice of religion, by an accredited
48 practitioner, containing facts and opinions as to such disability in
49 compliance with regulations of the chair. Failure to furnish notice or
50 proof within the time and in the manner above provided shall not invali-
51 date the claim but no benefits shall be required to be paid for any
52 period more than two weeks prior to the date on which the required proof
53 is furnished unless it shall be shown to the satisfaction of the chair
54 not to have been reasonably possible to furnish such notice or proof and
55 that such notice or proof was furnished as soon as possible; provided,
56 however, that no benefits shall be paid unless the required proof of

1 disability is furnished within [twenty-six weeks after commencement of
2 the period of disability] THE PERIOD OF ACTUAL DISABILITY OR FAMILY
3 LEAVE THAT DOES NOT EXCEED THE STATUTORY MAXIMUM PERIOD PERMITTED UNDER
4 SECTION TWO HUNDRED FOUR OF THIS ARTICLE. No limitation of time
5 provided in this section shall run as against any [person] DISABLED
6 EMPLOYEE who is mentally incompetent, or physically incapable of provid-
7 ing such notice as a result of a serious medical condition, or a minor
8 so long as such person has no guardian of the person and/or property.

9 2. An employee claiming DISABILITY benefits shall, as requested by the
10 employer or carrier, submit himself or herself at intervals, but not
11 more than once a week, for examination by a physician or podiatrist or
12 chiropractor or dentist or psychologist or certified nurse midwife
13 designated by the employer or carrier. All such examinations shall be
14 without cost to the employee and shall be held at a reasonable time and
15 place.

16 3. The chair OR CHAIR'S DESIGNEE, PURSUANT TO SECTION TWO HUNDRED
17 TWENTY-ONE OF THIS ARTICLE, may direct the claimant OR FAMILY LEAVE CARE
18 RECIPIENT to submit to examination by a [physician or podiatrist or
19 chiropractor or dentist or psychologist] HEALTH CARE PROVIDER designated
20 by him or her in any case in which the claim to disability OR FAMILY
21 LEAVE benefits is contested and in claims arising under section two
22 hundred seven OF THIS ARTICLE, and in other cases as the chair or board
23 may require.

24 4. Refusal of the claimant OR FAMILY LEAVE CARE RECIPIENT without good
25 cause to submit to any such examination shall disqualify [him] THE
26 CLAIMANT OR EMPLOYEE from all benefits hereunder for the period of such
27 refusal, except as to benefits already paid.

28 5. If benefits required to be paid by this article have been paid to
29 an employee, further payments for the same disability OR FAMILY LEAVE
30 shall not be barred solely because of failure to give notice or to file
31 proof of disability for the period or periods for which such benefits
32 have been paid.

33 6. In the event that a claim for DISABILITY benefits is rejected, the
34 carrier or employer shall send by first class mail written notice of
35 rejection to the [claimant] EMPLOYEE within forty-five days of receipt
36 of proof of disability. Failure to mail such written notice of rejection
37 within the time provided, shall bar the employer or carrier from
38 contesting entitlement to benefits for any period of disability prior to
39 such notice but such failure may be excused by the [chairman] CHAIR if
40 it can be shown to the satisfaction of the [chairman] CHAIR not to have
41 been reasonably possible to mail such notice and that such notice was
42 mailed as soon as possible. Such notice shall include a statement, in a
43 form prescribed by the [chairman] CHAIR, to the effect that the [claim-
44 ant] EMPLOYEE may, for the purpose of review [by the board], file [with
45 the chairman] notice that his or her claim has not been paid AS SET
46 FORTH IN SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE.

47 S 17. Section 219 of the workers' compensation law, as amended by
48 chapter 688 of the laws of 1953, is amended to read as follows:

49 S 219. Enforcement of payment in default. In case of a default in the
50 payment of any benefits, assessments or penalties payable under this
51 article by an employer who has failed to comply with the provisions of
52 section two hundred eleven of this [chapter] ARTICLE or refusal of such
53 employer to reimburse the fund under section two hundred fourteen OF
54 THIS ARTICLE for the expenditures made therefrom pursuant to section two
55 hundred thirteen OF THIS ARTICLE or to deposit within ten days after
56 demand the estimated value of benefits not presently payable, the

1 [chairman] CHAIR may file with the county clerk for the county in which
2 the employer has his principal place of business (1) a certified copy of
3 the decision of the board, OR ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION
4 DESIGNATED BY THE CHAIR PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE OF
5 THIS ARTICLE, or order of the [chairman] CHAIR, or (2) a certified copy
6 of the demand for deposit of security, and thereupon judgment must be
7 entered in the supreme court by the clerk of such county in conformity
8 therewith immediately upon such filing.

9 S 18. Section 220 of the workers' compensation law, as added by chap-
10 ter 600 of the laws of 1949, subdivision 1 as amended by chapter 387 of
11 the laws of 1984, subdivision 2 as amended by chapter 626 of the laws of
12 1979, subdivision 3 as amended by chapter 415 of the laws of 1983,
13 subdivision 4 as amended by chapter 645 of the laws of 1981, subdivision
14 5 as amended by chapter 940 of the laws of 1973, subdivision 7 as
15 amended by chapter 61 of the laws of 1989 and subdivision 8 as amended
16 by chapter 213 of the laws of 1993, is amended to read as follows:

17 S 220. Penalties. 1. Any employer who fails to make provision for
18 payment of disability OR FAMILY LEAVE benefits as required by section
19 two hundred eleven of this article within ten days following the date on
20 which such employer becomes a covered employer as defined in section two
21 hundred two OF THIS ARTICLE shall be guilty of a misdemeanor and upon
22 conviction be punishable by a fine of not less than one hundred nor more
23 than five hundred dollars or imprisonment for not more than one year or
24 both, except that where any person has previously been convicted of a
25 failure to make provisions for payment of disability OR FAMILY LEAVE
26 benefits within the preceding five years, upon conviction for a second
27 violation such person shall be fined not less than two hundred fifty nor
28 more than one thousand two hundred fifty dollars in addition to any
29 other penalties including fines otherwise provided by law, and upon
30 conviction for a third or subsequent violation such person may be fined
31 up to two thousand five hundred dollars in addition to any other penal-
32 ties including fines otherwise provided by law. Where the employer is a
33 corporation, the president, secretary, treasurer, or officers exercising
34 corresponding functions, shall each be liable under this section.

35 2. The [chairman] CHAIR or any officer of the board designated by him
36 OR HER, upon finding that an employer has failed to make provision for
37 the payment of disability OR FAMILY LEAVE benefits, shall impose upon
38 such employer a penalty not in excess of a sum equal to one-half of one
39 per centum of his OR HER weekly payroll for the period of such failure
40 and a further sum not in excess of five hundred dollars, which sums
41 shall be paid into the fund created under section two hundred fourteen
42 OF THIS ARTICLE.

43 3. If for the purpose of obtaining any benefit or payment under the
44 provisions of this article, or for the purpose of influencing any deter-
45 mination regarding any benefit payment, either for himself OR HERSELF or
46 any other person, any person, employee, employer or carrier wilfully
47 makes a false statement or representation or fails to disclose a materi-
48 al fact, he OR SHE shall be guilty of a misdemeanor.

49 4. Whenever a carrier shall fail to make prompt payment of disability
50 OR FAMILY LEAVE benefits payable under this article and after hearing
51 before an officer designated by the [chairman] CHAIR OR A DETERMINATION
52 BY THE CHAIR'S DESIGNEE, PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE OF
53 THIS ARTICLE, for that purpose, the [chairman] CHAIR OR DESIGNEE shall
54 determine that failure to make such prompt payment was without just
55 cause, the [chairman] CHAIR OR DESIGNEE, PURSUANT TO SECTION TWO HUNDRED
56 TWENTY-ONE OF THIS ARTICLE, shall collect from the carrier a sum not in

1 excess of twenty-five per centum of the amount of the benefits as to
2 which the carrier failed to make payment, which sum shall be credited to
3 the special fund for disability benefits. In addition, the [chairman]
4 CHAIR OR DESIGNEE, PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE OF THIS
5 ARTICLE, may collect and pay over to the employee the sum of ten dollars
6 in respect to each week, or fraction thereof, for which benefits have
7 not been promptly paid.

8 5. In addition to other penalties herein provided, the [chairman]
9 CHAIR OR DESIGNEE shall remove from the list of physicians authorized to
10 render medical care under the provisions of articles one to eight,
11 inclusive, of this chapter and from the list of podiatrists authorized
12 to render podiatric care under section thirteen-k of this chapter, and
13 from the list of chiropractors authorized to render chiropractic care
14 under section thirteen-l of this chapter the name of any physician or
15 podiatrist or chiropractor whom [he] THE CHAIR OR DESIGNEE, PURSUANT TO
16 SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, shall find, after
17 reasonable investigation, has submitted to the employer or carrier or
18 [chairman] CHAIR in connection with any claim for disability benefits
19 under this article, a statement of disability that is not truthful and
20 complete.

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

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

37 8. (a) The head of a state or municipal department, board, commission
38 or office authorized or required by law to issue any permit for or in
39 connection with any work involving the employment of employees in
40 employment as defined in this article, and notwithstanding any general
41 or special statute requiring or authorizing the issue of such permits,
42 shall not issue such permit unless proof duly subscribed by an insurance
43 carrier is produced in a form satisfactory to the chair, that the
44 payment of disability benefits AND AFTER JANUARY FIRST, TWO THOUSAND
45 TWENTY-ONE, THE PAYMENT OF FAMILY LEAVE BENEFITS for all employees has
46 been secured as provided by this article. Nothing herein, however,
47 shall be construed as creating any liability on the part of such state
48 or municipal department, board, commission or office to pay any disabili-
49 ty benefits to any such employee if so employed.

50 (b) The head of a state or municipal department, board, commission or
51 office authorized or required by law to enter into any contract for or
52 in connection with any work involving the employment of employees in
53 employment as defined in this article, and notwithstanding any general
54 or special statute requiring or authorizing any such contract, shall not
55 enter into any such contract unless proof duly subscribed by an insur-
56 ance carrier is produced in a form satisfactory to the chair, that the

1 payment of disability benefits AND AFTER JANUARY FIRST, TWO THOUSAND
2 EIGHTEEN, THE PAYMENT OF FAMILY LEAVE BENEFITS for all employees has
3 been secured as provided by this article.

4 S 19. Section 221 of the workers' compensation law, as separately
5 amended by chapters 425 and 500 of the laws of 1985, is amended to read
6 as follows:

7 S 221. Determination of contested claims for disability AND FAMILY
8 LEAVE benefits. [Within twenty-six weeks] IN ACCORDANCE WITH REGU-
9 LATIONS ADOPTED BY THE CHAIR, WITHIN TWENTY-SIX WEEKS of written notice
10 of rejection of claim, the employee may file with the [chairman] CHAIR a
11 notice that his or her claim for disability OR FAMILY LEAVE benefits has
12 not been paid, and the employee shall submit proof of disability OR
13 ENTITLEMENT TO FAMILY LEAVE and of his or her employment, wages and
14 other facts reasonably necessary for determination of the employee's
15 right to such benefits. Failure to file such notice within the time
16 provided, may be excused [by the chairman] if it can be shown [to the
17 satisfaction of the chairman] not to have been reasonably possible to
18 furnish such notice and that such notice was furnished as soon as possi-
19 ble. On demand [of the chairman] the employer or carrier shall forth-
20 with deliver to the [chairman] BOARD the original or a true copy of the
21 [attending physician's or attending podiatrist's or accredited practi-
22 tioner's statement] HEALTH CARE PROVIDER'S REPORT, wage and employment
23 data and all other [papers] DOCUMENTATION in the possession of the
24 employer or carrier with respect to such claim.

25 The [board] CHAIR OR DESIGNEE, shall have full power and authority to
26 determine all issues in relation to every such claim for disability
27 benefits required or provided under this article, and shall file its
28 decision in the office of the chairman. Upon such filing, the chairman
29 shall send to the parties a copy of the decision. Either party may pres-
30 ent evidence and be represented by counsel at any hearing on such claim.
31 The decision of the board shall be final as to all questions of fact
32 and, except as provided in section twenty-three of this chapter, as to
33 all questions of law. Every decision [of the board] shall be complied
34 with in accordance with its terms within ten days thereafter except [in
35 case of appeal] AS PERMITTED BY LAW UPON THE FILING OF A REQUEST FOR
36 REVIEW, and any payments due under such decision shall draw simple
37 interest from thirty days after the making thereof at the rate provided
38 in section five thousand four of the civil practice law and rules. THE
39 CHAIR SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF
40 THIS ARTICLE INCLUDING BUT NOT LIMITED TO RESOLUTION OF CONTESTED CLAIMS
41 AND REQUESTS FOR REVIEW THEREOF, AND PAYMENT OF COSTS FOR RESOLUTION OF
42 DISPUTED CLAIMS BY CARRIERS. ANY DESIGNATED PROCESS SHALL AFFORD THE
43 PARTIES THE OPPORTUNITY TO PRESENT EVIDENCE AND TO BE REPRESENTED BY
44 COUNSEL IN ANY SUCH PROCEEDING. THE CHAIR SHALL HAVE THE AUTHORITY TO
45 PROVIDE FOR ALTERNATIVE DISPUTE RESOLUTION PROCEDURES FOR CLAIMS ARISING
46 UNDER FAMILY LEAVE, INCLUDING BUT NOT LIMITED TO REFERRAL AND SUBMISSION
47 OF DISPUTED CLAIMS TO A NEUTRAL ARBITRATOR UNDER THE AUSPICES OF AN
48 ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION PURSUANT TO ARTICLE SEVENTY-
49 FIVE OF THE CIVIL PRACTICE LAW AND RULES. NEUTRAL ARBITRATOR SHALL MEAN
50 AN ARBITRATOR WHO DOES NOT HAVE A MATERIAL INTEREST IN THE OUTCOME OF
51 THE ARBITRATION PROCEEDING OR AN EXISTING AND SUBSTANTIAL RELATIONSHIP,
52 INCLUDING BUT NOT LIMITED TO PECUNIARY INTERESTS, WITH A PARTY, COUNSEL
53 OR REPRESENTATIVE OF A PARTY. ANY DETERMINATION MADE BY ALTERNATIVE
54 DISPUTE RESOLUTION SHALL NOT BE REVIEWABLE BY THE BOARD AND THE VENUE
55 FOR ANY APPEAL SHALL BE TO A COURT OF COMPETENT JURISDICTION.

1 S 20. Section 222 of the workers' compensation law, as added by chap-
2 ter 600 of the laws of 1949, is amended to read as follows:

3 S 222. Technical rules of evidence or procedure not required. The
4 [chairman or] CHAIR, the board OR THE CHAIR'S DESIGNEE, PURSUANT TO
5 SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, in making an investi-
6 gation or inquiry or conducting a hearing shall not be bound by common
7 law or statutory rules of evidence or by technical or formal rules of
8 procedure, except as provided by this chapter; but may make such inves-
9 tigation or inquiry or conduct such hearing in such manner as to ascer-
10 tain the substantial rights of the parties.

11 S 21. Sections 223 and 224 of the workers' compensation law, section
12 223 as added by chapter 600 of the laws of 1949, section 224 as amended
13 by chapter 334 of the laws of 1978, are amended to read as follows:

14 S 223. Modification of board decisions or orders. Upon its own motion
15 or upon the application of any party in interest, the board may at any
16 time review any decision or order REGARDING DISABILITY BENEFITS and, on
17 such review, may make a decision ending, diminishing or increasing the
18 DISABILITY benefits previously ordered, and shall state the reason
19 therefor. Upon the filing of such decision REGARDING DISABILITY
20 BENEFITS, the [chairman] CHAIR shall send to each of the parties a copy
21 thereof. No such review shall affect any previous decision as regards
22 any moneys REGARDING DISABILITY BENEFITS already paid, except that a
23 decision increasing the DISABILITY benefit rate may be made effective
24 from date of commencement of disability, and except that, if any part of
25 the DISABILITY benefits due is unpaid, a decision decreasing the DISA-
26 BILITY benefit rate may be made effective from the commencement of disa-
27 bility, and any payments made prior thereto in excess of such decreased
28 rate shall be deducted from future DISABILITY benefits in such manner
29 and by such method as may be determined by the board.

30 S 224. Appeals. All the provisions of section twenty-three of this
31 chapter with respect to decisions of the board and appeals from such
32 decisions shall be applicable to decisions of the board [under this
33 article] REGARDING DISABILITY BENEFITS and to appeals from such deci-
34 sions REGARDING DISABILITY BENEFITS as fully in all respects as if the
35 provisions of section twenty-three OF THIS CHAPTER were fully set forth
36 in this article except that reimbursement FOR DISABILITY BENEFITS, if
37 required, following modification or rescission upon appeal shall be paid
38 from administrative expenses as provided in section two hundred twenty-
39 eight of this article.

40 S 22. Section 225 of the workers' compensation law, as added by chap-
41 ter 600 of the laws of 1949, is amended to read as follows:

42 S 225. Fees for representing employees. Claims of attorneys and coun-
43 sellors-at-law for services in connection with any contested claim aris-
44 ing under this article shall not be enforceable unless approved by the
45 board. If so approved, such fee or fees shall become a lien upon the
46 benefits ordered, but shall be paid therefrom only in the manner fixed
47 by the board OR THE ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION. Any
48 other person, firm, corporation, organization, or other association who
49 shall exact or receive any fee or gratuity for any services rendered on
50 behalf of an employee except in an amount SO determined [by the board]
51 shall be guilty of a misdemeanor. Any person, firm, corporation, organ-
52 ization, or association who shall solicit the business [of appearing
53 before the board on behalf] of an employee claiming benefits under this
54 article, or who shall make it a business to solicit employment for a
55 lawyer in connection with any claim for disability OR FAMILY LEAVE bene-
56 fits under this article, or who shall exact or receive any fee or gratu-

1 ity or other charge with respect to the collection of any uncontested
2 claim for disability OR FAMILY LEAVE benefits, shall be guilty of a
3 misdemeanor.

4 S 23. Subdivision 5 of section 226 of the workers' compensation law,
5 as amended by chapter 211 of the laws of 1983, is amended and three new
6 subdivisions 7, 8 and 9 are added to read as follows:

7 5. No contract of insurance issued by an insurance carrier providing
8 the benefits to be paid under this article shall be cancelled within the
9 time limited in such contract for its expiration unless notice is given
10 as required by this section. When cancellation is due to non-payment of
11 premiums such cancellation shall not be effective until at least ten
12 days after a notice of cancellation of such contract, on a date speci-
13 fied in such notice, shall be filed in the office of the [chairman]
14 CHAIR and also served on the employer. When cancellation is due to any
15 reason other than non-payment of premiums such cancellation shall not be
16 effective until at least thirty days after a notice of cancellation of
17 such contract, on a date specified in such notice, shall be filed in the
18 office of the [chairman] CHAIR and also served on the employer;
19 provided, however, in either case that if insurance with another insur-
20 ance carrier has been obtained which becomes effective prior to the
21 expiration of the time stated in such notice, the cancellation shall be
22 effective as of the date of such other coverage. Such notice shall be
23 served on the employer [by] AS PRESCRIBED BY THE CHAIR, INCLUDING deliv-
24 ering it to him [or by sending it by certified or registered mail,
25 return receipt requested, addressed to the employer at his or its last
26 known place of business] OR HER BY ELECTRONIC MEANS; provided that, if
27 the employer be a partnership, then such notice may be given to any one
28 of the partners, and if the employer be a corporation then the notice
29 may be given to any agent or officer of the corporation upon whom legal
30 process may be served, provided, however, the right to cancellation of a
31 policy of insurance in the state fund shall be exercised only for
32 nonpayment of premiums or as provided in section ninety-four of this
33 chapter.

34 7. THE CHAIR MAY REQUIRE BY REGULATION THAT EVERY POLICY OF FAMILY
35 LEAVE INSURANCE CONTAIN A PROVISION REQUIRING THAT ALL DISPUTES BE
36 RESOLVED BY DESIGNATED ALTERNATIVE DISPUTE RESOLUTION PROCESS IN ACCORD-
37 ANCE WITH SUCH REGULATIONS.

38 8. PREMIUMS FOR POLICIES PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS
39 IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH
40 APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF
41 SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF SUCH LAW.

42 9. EXCEPT AS SET FORTH IN SUBDIVISION EIGHT OF SECTION TWO HUNDRED
43 ELEVEN OF THIS ARTICLE, EVERY POLICY OF INSURANCE ISSUED PURSUANT TO
44 THIS ARTICLE MUST OFFER COVERAGE FOR BOTH DISABILITY AND FAMILY LEAVE
45 BENEFITS.

46 S 24. The section heading of section 227 of the workers' compensation
47 law, as amended by chapter 805 of the laws of 1984, is amended to read
48 as follows:

49 Actionable injuries IN CLAIMS FOR DISABILITY BENEFITS; subrogation.

50 S 25. Intentionally omitted.

51 S 26. Section 229 of the workers' compensation law, as amended by
52 chapter 271 of the laws of 1985, is amended to read as follows:

53 S 229. Posting of notice and providing of notice of rights. 1. Each
54 covered employer shall post and maintain in a conspicuous place or plac-
55 es in and about the employer's place or places of business typewritten
56 or printed notices in form prescribed by the [chairman] CHAIR, stating

1 that the employer has provided for the payment of disability AND FAMILY
2 LEAVE benefits as required by this article. The [chairman] CHAIR may
3 require any covered employer to furnish a written statement at any time
4 showing the carrier insuring the payment of benefits under this article
5 or the manner in which such employer has complied with section two
6 hundred eleven OF THIS ARTICLE or any other provision of this article.
7 Failure for a period of ten days to furnish such written statement shall
8 constitute presumptive evidence that such employer has neglected or
9 failed in respect of any of the matters so required.

10 2. Whenever an employee of a covered employer who is eligible for
11 benefits under section two hundred four of this article shall be absent
12 from work due to a disability OR TO PROVIDE FAMILY LEAVE as defined in
13 subdivision nine AND SUBDIVISION FIFTEEN RESPECTIVELY, of section two
14 hundred one of this article for more than seven consecutive days, the
15 employer shall provide the employee with a written statement of the
16 employee's rights under this article in a form prescribed by the [chair-
17 man] CHAIR. The statement shall be provided to the employee within five
18 business days after the employee's seventh consecutive day of absence
19 due to disability OR FAMILY LEAVE or within five business days after the
20 employer [knows or should know] HAS RECEIVED NOTICE that the employee's
21 absence is due to disability OR FAMILY LEAVE, whichever is later.

22 S 27. Section 232 of the workers' compensation law, as amended by
23 chapter 270 of the laws of 1990, is amended to read as follows:

24 S 232. Fees FOR TESTIMONY of physicians, podiatrists, chiropractors,
25 dentists [and], psychologists AND HEALTH CARE PROVIDERS. Whenever his
26 or her attendance at a hearing, DEPOSITION OR ARBITRATION before the
27 board or [its referees] THE CHAIR'S DESIGNEE, PURSUANT TO SECTION TWO
28 HUNDRED TWENTY-ONE OF THIS ARTICLE, is required, the attending physician
29 or attending podiatrist or attending chiropractor or attending dentist
30 or attending psychologist or attending certified nurse midwife of the
31 disabled employee, except such physicians as are disqualified from
32 testifying pursuant to subdivision one of section thirteen-b, or section
33 nineteen-a of this chapter, and except such podiatrists as are disquali-
34 fied from testifying under the provisions of section thirteen-k, and
35 except such chiropractors as are disqualified from testifying under the
36 provisions of section thirteen-l, and except such psychologists as are
37 disqualified from testifying under the provisions of section thirteen-m,
38 OR HEALTH CARE PROVIDER shall be entitled to receive a fee [from the
39 carrier or the fund established under section two hundred fourteen, in
40 an amount as directed and fixed by the board, or its referees, and such
41 fee shall be in addition to any witness fee] IN ACCORDANCE WITH REGU-
42 LATIONS OF THE CHAIR.

43 S 28. Section 237 of the workers' compensation law, as added by chap-
44 ter 600 of the laws of 1949, is amended to read as follows:

45 S 237. Reimbursement for advance payments by employers. If an employer
46 has made advance payments of benefits or has made payments to an employ-
47 ee in like manner as wages during any period of disability OR FAMILY
48 LEAVE for which such employee is entitled to the benefits provided by
49 this article, he OR SHE shall be entitled to be reimbursed by the carri-
50 er out of any benefits due or to become due for the existing disability
51 OR FAMILY LEAVE, if THE claim for reimbursement is filed with the carri-
52 er prior to payment of the benefits BY THE CARRIER.

53 S 29. Intentionally omitted.

54 S 30. Section 239 of the workers' compensation law, as added by chap-
55 ter 600 of the laws of 1949, is amended to read as follows:

1 S 239. Representation before the board. Any person, firm, or corpo-
2 ration licensed by the board under section twenty-four-a OF THIS ARTICLE
3 or subdivision three-b of section fifty OF THIS CHAPTER shall be deemed
4 to be authorized to appear in behalf of claimants or self insured
5 employers, as the case may be, in contested disability OR FAMILY LEAVE
6 claims under this article.

7 S 31. The section heading and the opening paragraph of section 120 of
8 the workers' compensation law, as amended by chapter 61 of the laws of
9 1989, are amended to read as follows:

10 Discrimination against employees [who bring proceedings]. It shall be
11 unlawful for any employer or his or her duly authorized agent to
12 discharge OR FAIL TO REINSTATE PURSUANT TO SECTION TWO HUNDRED THREE-B
13 OF THIS CHAPTER, or in any other manner discriminate against an employee
14 as to his or her employment because such employee has claimed or
15 attempted to claim compensation from such employer, OR CLAIMED OR
16 ATTEMPTED TO CLAIM ANY BENEFITS PROVIDED UNDER THIS CHAPTER or because
17 he or she has testified or is about to testify in a proceeding under
18 this chapter and no other valid reason is shown to exist for such action
19 by the employer.

20 S 32. Subdivision 2 of section 76 of the workers' compensation law, as
21 added by chapter 600 of the laws of 1949, is amended to read as follows:

22 2. The purposes of the state insurance fund herein created are hereby
23 enlarged to provide [for the] insurance [by the state insurance fund of]
24 FOR the payment of the benefits required by section two hundred four of
25 this chapter INCLUDING BENEFITS FOR FAMILY LEAVE. A separate fund is
26 hereby created within the state insurance fund, which shall be known as
27 the "disability benefits fund", and which shall consist of all premiums
28 received and paid into said fund on account of such insurance, all secu-
29 rities acquired by and through the use of moneys belonging to said fund
30 and of interest earned upon moneys belonging to said fund and deposited
31 or invested as herein provided. Said disability benefits fund shall be
32 applicable to the payment of benefits, expenses and assessments on
33 account of insurance written pursuant to article nine of this chapter.
34 PREMIUMS FOR POLICIES PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS IN
35 ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH
36 APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF
37 SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF SUCH LAW. THE STATE
38 INSURANCE FUND SHALL HAVE AUTHORITY TO DISCOUNT OR SURCHARGE ON ESTAB-
39 LISHED PREMIUM RATES BASED ON SOUND ACTUARIAL PRINCIPLES.

40 S 33. Section 88-c of the workers' compensation law, as added by chap-
41 ter 103 of the laws of 1981, is amended to read as follows:

42 S 88-c. Coverage of state employees. Notwithstanding any other
43 provisions of law to the contrary AND EXCEPT AS SET FORTH IN SECTION TWO
44 HUNDRED AND TWELVE-A OF THIS CHAPTER, the liability of the state for the
45 payment of compensation under this chapter heretofore existing or here-
46 inafter arising shall be secured by an insuring agreement to be entered
47 into between the department of civil service and the state insurance
48 fund wherein the state, from moneys appropriated therefor, shall pay in
49 advance to the fund on a periodic basis the actual costs to the fund for
50 the meeting and paying, as the same become due and payable, all obli-
51 gations incurred under this chapter by the state as an employer.
52 Notwithstanding any law to the contrary, the fund may on an actuarially
53 sound basis provide to the state insurance for any portion of the obli-
54 gations of the state as employer under this chapter with respect to
55 injuries or deaths resulting from accidents arising out of and in the
56 course of employment on or after April first, nineteen hundred eighty-

1 one. All such payments made by the state and paid into the state fund
2 shall constitute a separate account in the fund to be used solely for
3 the purpose of discharging all compensation obligations of the state
4 pursuant to the provisions of this chapter and in accordance with the
5 insuring agreement as provided in this section. Any portion of the
6 account may be invested in the same manner as the assets of the fund as
7 provided in section eighty-seven of this article. The liability of the
8 fund for the payment of any claims or the meeting of any obligations of
9 the state as an employer as provided in this chapter shall not exceed
10 the moneys paid into such separate account and any increments or diminu-
11 tions thereof. The agreement shall further provide that the fund shall
12 render all services and make all reasonable expenditures necessary or
13 required for the processing, defense and payment of all claims under
14 this chapter, including the protection of liens, subrogation, credit and
15 other rights of the state as an employer or the fund as an insurer, in
16 situations where the employees' injuries or deaths were caused by culpa-
17 bility of third parties. Except to the extent that the state obtains
18 insurance on an actuarially sound basis pursuant to the provisions of
19 this section, the provisions of section eighty-six of this chapter with
20 respect to the maintenance of reserves for the purpose of meeting antic-
21 ipated compensation losses, shall not in any manner be applicable to
22 claims of employees of the state with respect to injuries or deaths
23 resulting from accidents arising out of and in the course of employment
24 prior to April first, nineteen hundred eighty-one, or to an insuring
25 agreement entered into between the state insurance fund and the depart-
26 ment of civil service in accordance with the provisions of this section.

27 S 34. Subdivision 1 of section 141-a of the workers' compensation law,
28 as added by chapter 6 of the laws of 2007, is amended to read as
29 follows:

30 1. To investigate violations of sections fifty-two [and], one hundred
31 thirty-one AND TWO HUNDRED THIRTEEN of this chapter, the chair or his or
32 her designees shall have the power to:

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

35 (b) Examine and copy business records.

36 (c) Administer oaths and affirmations.

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

44 S 35. Section 318 of the workers' compensation law, as added by chap-
45 ter 788 of the laws of 1951, is amended to read as follows:

46 S 318. Rules of evidence; modification of board decisions or orders;
47 appeals. The provisions of [sections] SECTION two hundred twenty-two [,
48 two hundred twenty-three and two hundred twenty-four] OF THIS CHAPTER
49 are made applicable to claims for compensation under this article.

50 S 36. Paragraph 3 of subsection (a) of section 1113 of the insurance
51 law is amended to read as follows:

52 (3) "Accident and health insurance," means (i) insurance against death
53 or personal injury by accident or by any specified kind or kinds of
54 accident and insurance against sickness, ailment or bodily injury,
55 including insurance providing disability AND FAMILY LEAVE benefits
56 pursuant to article nine of the workers' compensation law, except as

1 specified in item (ii) hereof; and (ii) non-cancellable disability
2 insurance, meaning insurance against disability resulting from sickness,
3 ailment or bodily injury (but excluding insurance solely against acci-
4 dental injury) under any contract which does not give the insurer the
5 option to cancel or otherwise terminate the contract at or after one
6 year from its effective date or renewal date.

7 S 37. Paragraphs 1 and 4 of subsection (h) of section 4235 of the
8 insurance law are amended and a new subsection (n) is added to read as
9 follows:

10 (1) Each domestic insurer and each foreign or alien insurer doing
11 business in this state shall file with the superintendent its schedules
12 of premium rates, rules and classification of risks for use in
13 connection with the issuance of its policies of group accident, group
14 health or group accident and health insurance, and of its rates of
15 commissions, compensation or other fees or allowances to agents and
16 brokers pertaining to the solicitation or sale of such insurance and of
17 such fees or allowances, exclusive of amounts payable to persons who are
18 in the regular employ of the insurer, other than as agent or broker to
19 any individuals, firms or corporations pertaining to such class of busi-
20 ness, whether transacted within or without the state. A GROUP ACCIDENT
21 AND HEALTH INSURANCE POLICY PROVIDING DISABILITY AND FAMILY LEAVE BENE-
22 FITS PURSUANT TO ARTICLE NINE OF THE WORKERS' COMPENSATION LAW SHALL BE
23 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (N) OF THIS SECTION.

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

29 (N)(1) ON OR BEFORE JUNE FIRST, TWO THOUSAND SEVENTEEN, THE SUPER-
30 INTENDENT OF FINANCIAL SERVICES BY REGULATION, IN CONSULTATION WITH THE
31 CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE, SHALL DETERMINE
32 WHETHER THE FAMILY LEAVE BENEFIT COVERAGE OF A GROUP ACCIDENT AND HEALTH
33 INSURANCE POLICY PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS PURSUANT
34 TO ARTICLE NINE OF THE WORKERS' COMPENSATION LAW, INCLUDING POLICIES
35 ISSUED BY THE STATE INSURANCE FUND, SHALL BE EXPERIENCE RATED OR COMMU-
36 NITY RATED, WHICH MAY INCLUDE SUBJECTING THE FAMILY LEAVE BENEFIT COVER-
37 AGE OF THE POLICY TO A RISK ADJUSTMENT MECHANISM. NOTWITHSTANDING ANY
38 LAW TO THE CONTRARY, THE SUPERINTENDENT SHALL ESTABLISH THE RATES FOR
39 ANY COMMUNITY RATED FAMILY LEAVE BENEFIT COVERAGE AND SHALL APPLY
40 COMMONLY ACCEPTED ACTUARIAL PRINCIPLES TO ESTABLISH COMMUNITY RATED
41 FAMILY LEAVE BENEFIT COVERAGE RATES THAT ARE NOT EXCESSIVE, INADEQUATE
42 OR UNFAIRLY DISCRIMINATORY. ON JUNE FIRST, TWO THOUSAND SEVENTEEN AND ON
43 SEPTEMBER FIRST OF EACH YEAR THEREAFTER THE SUPERINTENDENT SHALL PUBLISH
44 ALL COMMUNITY RATED FAMILY LEAVE BENEFIT RATES FOR THE POLICY PERIOD
45 BEGINNING ON THE FOLLOWING JANUARY FIRST.

46 (2) IF THE POLICY IS SUBJECTED TO A RISK ADJUSTMENT MECHANISM, THE
47 SUPERINTENDENT OF FINANCIAL SERVICES SHALL PROMULGATE REGULATIONS NECES-
48 SARY FOR THE IMPLEMENTATION OF THIS SUBSECTION IN CONSULTATION WITH THE
49 CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE. ANY SUCH RISK
50 ADJUSTMENT MECHANISM SHALL BE ADMINISTERED DIRECTLY BY THE SUPERINTEN-
51 DENT OF FINANCIAL SERVICES OF THIS STATE, IN CONSULTATION WITH THE CHAIR
52 OF THE WORKERS' COMPENSATION BOARD OF THIS STATE, OR BY A THIRD PARTY
53 VENDOR SELECTED BY THE SUPERINTENDENT OF FINANCIAL SERVICES IN CONSULTA-
54 TION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD.

55 (3) "RISK ADJUSTMENT MECHANISM" AS USED IN THIS SUBSECTION MEANS THE
56 PROCESS USED TO EQUALIZE THE PER MEMBER PER MONTH CLAIM AMOUNTS AMONG

1 INSURERS IN ORDER TO PROTECT INSURERS FROM DISPROPORTIONATE ADVERSE
2 RISKS.

3 S 38. Subdivision (c) of section 1108 of the insurance law, as amended
4 by chapter 838 of the laws of 1985, is amended to read as follows:

5 (c) The state insurance fund of this state, except as to the
6 provisions of subsection (d) of section two thousand three hundred thir-
7 ty-nine, section three thousand one hundred ten, subsection (a), para-
8 graph one of subsection (b), paragraph three of subsection (c) and
9 subsection (d) of section three thousand two hundred one, sections three
10 thousand two hundred two, three thousand two hundred four, subsections
11 (a) through (d) of section three thousand two hundred twenty-one,
12 subsections (b) and (c) of section four thousand two hundred twenty-
13 four, section four thousand two hundred twenty-six and subsections (a)
14 and (b) [and], (g) through (j), AND (N) of section four thousand two
15 hundred thirty-five of this chapter and except as otherwise specifically
16 provided by the laws of this state.

17 S 39. Section 242 of the workers' compensation law, as added by chap-
18 ter 600 of the laws of 1949, is amended to read as follows:

19 S 242. Separability of provisions; FEDERAL LAW; REGULATIONS. 1. If
20 any provision of this [act] ARTICLE or the application thereof to any
21 person or circumstances is held invalid, the remainder of this [act]
22 ARTICLE and the application of such provision to other persons or
23 circumstances shall not be affected thereby.

24 2. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED OR APPLIED SO AS TO
25 CREATE A CONFLICT WITH FEDERAL LAW.

26 3. THE CHAIR SHALL HAVE AUTHORITY TO ADOPT REGULATIONS TO EFFECTUATE
27 ANY OF THE PROVISIONS OF THIS ARTICLE.

28 S 40. This act shall take effect April 1, 2016 and shall apply to all
29 policies or contracts issued, renewed, modified, altered or amended on
30 or after such effective date; provided, however, that effective imme-
31 diately, the addition, amendment and/or repeal of any rule or regulation
32 necessary for the implementation of this act on its effective date are
33 authorized and directed to be made and completed on or before such
34 effective date.

35 PART TT

36 Section 1. Subdivisions 10, 11, 12 and 13 of section 351 of the public
37 authorities law are REPEALED and subdivision 14 of such section is
38 renumbered subdivision 10.

39 S 2. Subdivisions 6, 8 and 10 of section 354 of the public authorities
40 law, subdivision 6 as amended by chapter 506 of the laws of 2009, and
41 subdivisions 8 and 10 as amended by chapter 766 of the laws of 1992, are
42 amended to read as follows:

43 6. To appoint officers, agents and employees and fix their compen-
44 sation, provided, however, that the appointment of the executive direc-
45 tor shall be subject to confirmation by the senate in accordance with
46 section twenty-eight hundred fifty-two of this chapter; subject however
47 to the provisions of the civil service law, which shall apply to the
48 authority [and to the subsidiary corporation thereof] as a municipal
49 corporation other than a city;

50 8. Subject to agreements with noteholders or bondholders, to fix and
51 collect such fees, rentals and charges for the use of the thruway
52 [system] or any part thereof necessary or convenient, with an adequate
53 margin of safety, to produce sufficient revenue to meet the expense of
54 maintenance and operation and to fulfill the terms of any agreements

1 made with the holders of its notes or bonds, and to establish the rights
2 and privileges granted upon payment thereof[; provided, however, that
3 tolls may only be imposed for the passage through locks and lift bridges
4 by vessels which are propelled in whole or in part by mechanical power;
5 and provided further that no tolls shall be imposed or collected prior
6 to the first day of April, nineteen hundred ninety-three].

7 10. To construct, reconstruct or improve on or along the thruway
8 [system] in the manner herein provided, suitable facilities for gas
9 stations, restaurants, and other facilities for the public, or to lease
10 the right to construct, reconstruct or improve and operate such facili-
11 ties; such facilities shall be publicly offered for leasing for opera-
12 tion, or the right to construct, reconstruct or improve and operate such
13 facilities shall be publicly offered under rules and regulations to be
14 established by the authority, provided, however, that lessees operating
15 such facilities at the time this act becomes effective, may reconstruct
16 or improve them or may construct additional like facilities, in the
17 manner and upon such terms and conditions as the board shall determine[;
18 and provided further, however, that such facilities constructed, recon-
19 structed or improved on or along the canal system shall be consistent
20 with the canal recreationway plan approved pursuant to section one
21 hundred thirty-eight-c of the canal law and section three hundred eight-
22 y-two of this title];

23 S 3. Section 355 of the public authorities law, as amended by chapter
24 138 of the laws of 1997, is amended to read as follows:

25 S 355. Officers and employees; transfer, promotion and seniority. 1.
26 Officers and employees of state departments, agencies, [or the canal
27 corporation] OR DIVISIONS may be transferred to the authority and offi-
28 cers, agents and employees of the authority may be transferred to state
29 departments, agencies, [or the canal corporation] OR DIVISIONS, without
30 examination and without loss of any civil service status or rights. No
31 such transfer from the authority [or canal corporation] to any state
32 department, agency, or division may, however, be made except with the
33 approval of the head of the state department, agency, or division
34 involved and the director of the budget and in compliance with the rules
35 and regulations of the state civil service commission.

36 2. Promotions from positions in state departments and agencies to
37 positions in the authority [or canal corporation], and vice versa, may
38 be made from interdepartmental promotion lists resulting from promotion
39 examinations in which employees of the authority[, employees of the
40 canal corporation,] and employees of the state are eligible to partic-
41 ipate.

42 3. In computing seniority for purposes of promotion or for purposes of
43 suspension or demotion upon the abolition of positions in the service of
44 the authority or in the service of the state, in the case of an employee
45 of the authority a period of prior employment in the service of the
46 state shall be counted in the same manner as though such period of
47 employment had been in the service of the authority, and in the case of
48 an employee of the state a period of prior employment in the service of
49 the authority shall be counted in the same manner as though such period
50 of employment had been in the service of the state. For the purposes of
51 the establishment and certification of preferred lists, employees
52 suspended from the authority shall be eligible for reinstatement in the
53 service of the state, and employees suspended from the service of the
54 state shall be eligible for reinstatement in the service of the authori-
55 ty, in the same manner as though the authority were a department of the
56 state. [All provisions contained within this subdivision shall apply to

1 the canal corporation in the same manner that they apply to the authori-
2 ty.]

3 S 4. Section 357 of the public authorities law, as amended by chapter
4 766 of the laws of 1992, is amended to read as follows:

5 S 357. Right of authority to use state property; payment for improve-
6 ments. On assuming jurisdiction of a thruway highway section or
7 connection or any part thereof, or of a highway connection, [or of the
8 New York state canal system,] the authority shall have the right to
9 possess and use for its corporate purposes so long as its corporate
10 existence shall continue, any real property and rights in real property
11 theretofore acquired by the state, including all improvements thereon
12 [and state canal lands and properties; provided that the use by the
13 authority of canal lands and properties for highway purposes shall not
14 interfere with the use thereof for canal purposes].

15 S 5. Subdivisions 2 and 3 of section 357-a of the public authorities
16 law are REPEALED and subdivision 1, as added by section 1 of part E of
17 chapter 58 of the laws of 2013, is amended to read as follows:

18 1. Enforcement assistance [shall be] provided by the division of state
19 police at [a level consistent with historical precedents, as a matter of
20 state interest, on all sections of the thruway. The authority shall
21 provide goods and services to the division of state police in connection
22 with its enforcement activity on the thruway. The division of state
23 police and the authority shall enter into an agreement identifying those
24 goods and services that the authority will provide to the division of
25 state police and determine reporting and other requirements related
26 thereto. Any costs borne by the state police outside of such agreement
27 shall not be reimbursed by the authority nor shall they be deemed costs
28 of the authority] THE REQUEST OF THE AUTHORITY SHALL BE REIMBURSED BY
29 THE AUTHORITY TO THE DIVISION OF STATE POLICE FROM THE GENERAL RESERVE
30 FUND ESTABLISHED BY THE AUTHORITY UNDER ITS AGREEMENT WITH BONDHOLDERS,
31 AFTER PAYMENT OF ANY AMOUNTS DUE ON ANY BONDS OR NOTES OF THE AUTHORITY.
32 THE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO DEPOSIT TO THE NEW
33 YORK STATE THRUWAY AUTHORITY ACCOUNT, REVENUES RECEIVED FROM THE AUTHOR-
34 ITY AS REIMBURSEMENT FOR PERSONAL SERVICE EXPENSES INCLUDING GENERAL
35 STATE CHARGES. IN ADDITION, THE AUTHORITY SHALL REIMBURSE THE DIVISION
36 OF STATE POLICE FOR NON-PERSONAL SERVICE EXPENSES CONNECTED WITH SUCH
37 ASSISTANCE. SUCH REIMBURSEMENT SHALL BE MADE FROM SUCH GENERAL RESERVE
38 FUND. THE AUTHORITY SHALL DEPOSIT SAID REIMBURSEMENT FUNDS FOR NON-PER-
39 SONAL SERVICE EXPENSES TO THE CREDIT OF THE DIVISION OF STATE POLICE. NO
40 PAYMENTS MADE BY THE AUTHORITY UNDER THIS SUBSECTION SHALL BE DEEMED
41 OPERATING EXPENSES OF THE AUTHORITY.

42 S 6. Subdivision 1 of section 359 of the public authorities law, as
43 amended by chapter 766 of the laws of 1992, is amended to read as
44 follows:

45 1. On assuming jurisdiction of a thruway section or connection or any
46 part thereof, or of a highway connection, [or of the New York state
47 canal system,] the authority shall proceed with the construction, recon-
48 struction or improvement thereof. All such work shall be done pursuant
49 to a contract or contracts which shall be let to the lowest responsible
50 bidder, by sealed proposals publicly opened, after public advertisement
51 and upon such terms and conditions as the authority shall require;
52 provided, however, that the authority may reject any and all proposals
53 and may advertise for new proposals, as herein provided, if in its opin-
54 ion, the best interests of the authority will thereby be promoted;
55 provided further, however, that at the request of the authority, all or
56 any portion of such work, together with any engineering required by the

1 authority in connection therewith, shall be performed by the commission-
2 er and his subordinates in the department of transportation as agents
3 for, and at the expense of, the authority.

4 S 7. Section 359-a of the public authorities law, as added by chapter
5 140 of the laws of 2002, is amended to read as follows:

6 S 359-a. Procurement contracts. For the purposes of section twenty-
7 eight hundred seventy-nine of this chapter as applied to the authority
8 [or the canal corporation], the term "procurement contract" shall mean
9 any written agreement for the acquisition of goods or services of any
10 kind by the authority [or the canal corporation] in the actual or esti-
11 mated amount of fifteen thousand dollars or more.

12 S 8. Section 360 of the public authorities law, as amended by chapter
13 766 of the laws of 1992, is amended to read as follows:

14 S 360. Operation and maintenance. Operation and maintenance by the
15 authority of any thruway section or connection or any part thereof or of
16 a highway connection[, the New York state canal system] of which it has
17 assumed jurisdiction shall be performed (a) by the use of authority
18 forces and equipment at the expense of the authority or by agreement at
19 the expense of the state or other parties; (b) by contract with munici-
20 palities or independent contractors; (c) at the request of the authori-
21 ty, by the commissioner and his subordinates in the department of trans-
22 portation as agents for, and at the expense of the authority, or (d) by
23 a combination of such methods.

24 S 9. Section 362 of the public authorities law, as amended by chapter
25 766 of the laws of 1992, is amended to read as follows:

26 S 362. Assistance by state officers, departments, boards, divisions
27 and commissions. At the request of the authority, engineering and legal
28 services for such authority shall be performed by forces or officers of
29 the department of transportation and the department of law respectively,
30 and all other state officers, departments, boards, divisions and commis-
31 sions shall render services within their respective functions. At the
32 request of the authority, services in connection with the collection of
33 any charges or fees for the use of the thruway[, the New York state
34 canal system] or any part thereof may be performed by the department of
35 motor vehicles.

36 S 10. Paragraph (a) of subdivision 1, and paragraph (i) of subdivision
37 3 of section 365 of the public authorities law, as amended by chapter
38 766 of the laws of 1992, are amended to read as follows:

39 (a) Subject to the provisions of section three hundred sixty-six of
40 this title, the authority shall have the power and is hereby authorized
41 from time to time to issue its negotiable notes and bonds in conformity
42 with applicable provisions of the uniform commercial code in such prin-
43 cipal amount as, in the opinion of the authority, shall be necessary to
44 provide sufficient moneys for achieving the corporate purposes thereof,
45 including construction, reconstruction and improvement of the thruway
46 sections and connections, and highway connections herein described, [the
47 New York state canal system subject to the provisions of section three
48 hundred eighty-three of this title,] together with suitable facilities
49 and appurtenances, the payment of all indebtedness to the state, the
50 cost of acquisition of all real property, the expense of maintenance and
51 operation, interest on notes and bonds during construction and for a
52 reasonable period thereafter, establishment of reserves to secure notes
53 or bonds, and all other expenditures of the authority incident to and
54 necessary or convenient to carry out its corporate purposes and powers.

1 (i) the acquisition of jurisdiction over, and of property for, thru-
2 ways, [the New York state canal system,] and the construction, recon-
3 struction, improvement, maintenance or operation thereof;

4 S 11. Section 382 of the public authorities law is REPEALED.

5 S 12. Section 383 of the public authorities law is REPEALED.

6 S 13. Section 388 of the public authorities law, as added by chapter
7 500 of the laws of 2011, is amended to read as follows:

8 S 388. Limitation on powers of the authority. A department, authority,
9 division or agency of the state shall not offer or permit any officer or
10 employee of such department, authority, division or agency to use a pass
11 to access and/or use the thruway [system] without the officer's or
12 employee's personal payment of tolls except when the use of such a pass
13 and/or use of the thruway [system] without personal payment of tolls
14 occurs in the normal course of the employment or duties of such officer
15 or employee. This section shall not diminish the rights of any employee
16 pursuant to a collective bargaining agreement.

17 S 14. Subdivisions 18 and 21 of section 2 of the canal law, subdivi-
18 sion 18 as amended and subdivision 21 as renumbered by chapter 335 of
19 the laws of 2001, subdivision 21 as added by chapter 442 of the laws of
20 1996, are amended and a new subdivision 24 is added to read as follows:

21 18. "Authority" shall mean the [New York state thruway authority, a
22 body corporate and politic constituting a public corporation created and
23 constituted pursuant to title nine of article two] POWER AUTHORITY OF
24 THE STATE OF NEW YORK, A BODY CORPORATE AND POLITIC CONSTITUTING A POLI-
25 TICAL SUBDIVISION OF THE STATE CREATED AND CONSTITUTED PURSUANT TO TITLE
26 ONE OF ARTICLE FIVE of the public authorities law.

27 21. "Corporation" AND "CANAL CORPORATION" shall mean the New York
28 state canal corporation, [a subsidiary of the New York state thruway
29 authority,] A PUBLIC BENEFIT CORPORATION created pursuant to [section
30 three hundred eighty-two of the public authorities law] CHAPTER SEVEN
31 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO AND CONTIN-
32 UED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE POWER AUTHORITY
33 OF THE STATE OF NEW YORK PURSUANT TO SUBDIVISION ONE OF SECTION ONE
34 THOUSAND FIVE-B OF THE PUBLIC AUTHORITIES LAW.

35 24. "THRUWAY AUTHORITY" SHALL MEAN THE NEW YORK STATE THRUWAY AUTHORI-
36 TY, A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC CORPORATION
37 CREATED AND CONSTITUTED PURSUANT TO TITLE NINE OF ARTICLE TWO OF THE
38 PUBLIC AUTHORITIES LAW.

39 S 15. The article heading of article 1-A of the canal law, as added by
40 chapter 766 of the laws of 1992, is amended to read as follows:

41 TRANSFER TO [NEW YORK STATE THRUWAY AUTHORITY]

42 POWER AUTHORITY OF THE STATE OF NEW YORK

43 S 16. Section 5 of the canal law, as amended by amended chapter 335 of
44 the laws of 2001, is amended to read as follows:

45 S 5. Transfer of powers and duties relating to canals and canal lands
46 to the [New York state thruway authority] POWER AUTHORITY OF THE STATE
47 OF NEW YORK. The powers and duties of the [commissioner of transporta-
48 tion] THRUWAY AUTHORITY relating to the New York state canal system as
49 set forth in articles one through and including fourteen, except article
50 seven, of this chapter, and except properties in use on the effective
51 date of this article in support of highway maintenance, equipment
52 management and traffic signal operations of the department of transpor-
53 tation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPORTATION TO
54 THE THRUWAY AUTHORITY, are hereby transferred to and merged with the
55 authority, to be exercised by the authority DIRECTLY OR THROUGH THE
56 CANAL CORPORATION on behalf of the people of the state of New York. In

1 addition, the commissioner of transportation and the [chairman] CHAIR of
2 the authority OR HIS OR HER DESIGNEE may, in their discretion, enter
3 into an agreement or agreements transferring the powers and duties of
4 the commissioner of transportation relating to any or all of the bridges
5 and highways as set forth in article seven of this chapter, to be exer-
6 cised by the authority DIRECTLY OR THROUGH THE CANAL CORPORATION on
7 behalf of the people of the state of New York, and, AS DETERMINED TO BE
8 FEASIBLE AND ADVISABLE BY THE AUTHORITY'S TRUSTEES, shall enter into an
9 agreement or agreements DIRECTLY OR THROUGH THE CANAL CORPORATION for
10 the financing, construction, reconstruction or improvement of lift and
11 movable bridges on the canal system. Such powers shall be in addition to
12 other powers enumerated in title [nine] ONE of article [two] FIVE of the
13 public authorities law. All of the provisions of title [nine] ONE of
14 article [two] FIVE of such law which are not inconsistent with this
15 chapter shall apply to the actions and duties of the authority pursuant
16 to this chapter. The authority shall be deemed to be the state in exer-
17 cising the powers and duties transferred pursuant to this section but
18 for no other purposes.

19 S 17. Subdivisions 1, 2, 3, 4 and 5 of section 6 of the canal law,
20 subdivisions 2 and 5 as added by chapter 766 of the laws of 1992, and
21 subdivisions 1, 3 and 4 as amended by chapter 335 of the laws of 2001,
22 are amended to read as follows:

23 1. The jurisdiction of the [commissioner of transportation] THRUWAY
24 AUTHORITY over the New York state canal system and over all state
25 assets, equipment and property, both tangible and intangible, owned or
26 used in connection with the planning, development, construction, recon-
27 struction, maintenance and operation of the New York state canal system,
28 as set forth in articles one through and including fourteen, except
29 article seven, of this chapter, and except properties in use on the
30 effective date of this article in support of highway maintenance, equip-
31 ment management and traffic signal operations of the department of
32 transportation, HERETOFORE TRANSFERRED BY THE COMMISSIONER OF TRANSPOR-
33 TATION TO THE THRUWAY AUTHORITY, are hereby transferred without consid-
34 eration to the authority, to be held by the authority in the name of the
35 people of the state of New York. In addition the commissioner of trans-
36 portation and the [chairman] CHAIR of the authority OR HIS OR HER DESIG-
37 NEE may, in their discretion, enter into an agreement or agreements
38 transferring jurisdiction over any or all of the bridges and highways
39 set forth in article seven of this chapter, and any or all state assets,
40 equipment and property, both tangible and intangible, owned or used in
41 connection with the planning, development, construction, reconstruction,
42 maintenance and operation of such bridges and highways, which shall be
43 transferred without consideration to the authority, to be held by the
44 authority through the corporation in the name of the people of the state
45 of New York. Any other rights and obligations resulting from or arising
46 out of the planning, development, construction, reconstruction, opera-
47 tion or maintenance of the New York state canal system shall be deemed
48 assigned to and shall be exercised by the authority through the corpo-
49 ration, except that the authority may designate the [commissioner of
50 transportation] CHAIR OF THE THRUWAY AUTHORITY to be its agent for the
51 operation and maintenance of the New York state canal system, provided
52 that such designation shall have no force or effect after [March thir-
53 ty-first, nineteen hundred ninety-three] JANUARY FIRST, TWO THOUSAND
54 SEVENTEEN. Such canal system shall remain the property of the state and
55 under its management and control as exercised by and through the author-
56 ity, through the corporation which shall be deemed to be the state for

1 the purposes of such management and control of the canals but for no
2 other purposes.

3 2. The department of transportation AND THRUWAY AUTHORITY shall deliv-
4 er to the authority all books, policies, procedures, papers, plans,
5 maps, records, equipment and property of such department pertaining to
6 the functions transferred pursuant to this article.

7 3. All rules, regulations, acts, determinations, orders and decisions
8 of the commissioner of transportation [and of the], department of trans-
9 portation, OR THRUWAY AUTHORITY pertaining to the functions transferred
10 pursuant to this article in force at the time of such transfer shall
11 continue in force and effect as rules, regulations, acts, determi-
12 nations, orders and decisions of the authority and corporation until
13 duly modified or abrogated by such authority [and] OR corporation.

14 4. Any business or other matters undertaken or commenced by the
15 [commissioner of transportation or the department of transportation]
16 THRUWAY AUTHORITY, including executed contracts, permits and other
17 agreements, BUT EXCLUDING BONDS, NOTES OR OTHER EVIDENCES OF INDEBT-
18 EDNESS, pertaining to or connected with the [functions,] powers, [obli-
19 gations and] duties AND OBLIGATIONS transferred pursuant to this arti-
20 cle, and in effect on the effective date [hereof] OF THE TRANSFER OF
21 SUCH MATTERS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY PROVIDED FOR IN
22 THIS ARTICLE, shall, EXCEPT AS OTHERWISE AGREED BY THE AUTHORITY AND THE
23 THRUWAY AUTHORITY, be conducted and completed by the authority through
24 the corporation in the same manner and under the same terms and condi-
25 tions and with the same effect as if conducted and completed by the
26 [commissioner of transportation or the department of transportation]
27 THRUWAY AUTHORITY, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL BE
28 DEEMED TO REQUIRE THE AUTHORITY TO TAKE ANY ACTION IN A MANNER THAT
29 WOULD IN ITS JUDGMENT BE INCONSISTENT WITH THE PROVISIONS OF ANY BOND OR
30 NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE AUTHORI-
31 TY'S BONDS, NOTES OR OTHER OBLIGATIONS.

32 5. No existing rights or remedies of the state, [including the]
33 authority, THRUWAY AUTHORITY, OR CANAL CORPORATION shall be lost,
34 impaired or affected by reason of this article.

35 S 18. Subdivision 6 of section 6 of the canal law, as added by chapter
36 766 of the laws of 1992, paragraph (b) as amended by chapter 335 of the
37 laws of 2001, is amended and a new subdivision 7 is added to read as
38 follows:

39 6. (a) No action or proceeding pending on the effective date of [this
40 article,] THE TRANSFER OF POWERS, DUTIES AND OBLIGATIONS FROM THE THRU-
41 WAY AUTHORITY TO THE AUTHORITY brought by or against THE THRUWAY AUTHOR-
42 ITY, the commissioner of transportation [or], THE CORPORATION, the
43 department of transportation OR THE AUTHORITY shall be affected by this
44 article. Any liability arising out of any act or omission occurring
45 prior to the effective date of the transfer of THE powers [and], duties
46 [authorized herein] AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE
47 AUTHORITY, of the officers, employees or agents of THE THRUWAY AUTHORI-
48 TY, the department of transportation, or any other agency of the state,
49 other than the authority, in the performance of their obligations or
50 duties under the canal law, any other law of the state or any federal
51 law, or pursuant to a contract entered into prior to the effective date
52 of such transfer, shall remain a liability of THE THRUWAY AUTHORITY, the
53 department of transportation or such other agency of the state and not
54 of the authority.

55 (b) Notwithstanding any provision to the contrary contained in para-
56 graph (a) of this subdivision, the state shall indemnify and hold harm-

1 less the THRUWAY authority [and], THE corporation AND THE AUTHORITY for
2 any and all claims, damages, or liabilities, whether or not caused by
3 negligence, including civil and criminal fines, arising out of or relat-
4 ing to any generation, processing, handling, transportation, storage,
5 treatment, or disposal of solid or hazardous wastes in the canal system
6 by any person or entity other than the THRUWAY AUTHORITY OR THE authori-
7 ty occurring prior to [the effective date of the transfer of powers and
8 duties authorized herein] AUGUST THIRD, NINETEEN HUNDRED NINETY-TWO.
9 Such indemnification shall extend to, without limitation, any releases
10 into land, water or air, including but not limited to releases as
11 defined under the federal comprehensive environmental response compen-
12 sation and liability act of nineteen hundred eighty, occurring or exist-
13 ing prior to [the effective date of this section] AUGUST THIRD, NINETEEN
14 HUNDRED NINETY-TWO; provided that the THRUWAY AUTHORITY, THE CORPORATION
15 AND THE authority shall cooperate in the investigation and remediation
16 of hazardous waste and other environmental problems.

17 (C) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY CONTAINED IN PARA-
18 GRAPH (A) OF THIS SUBDIVISION, THE THRUWAY AUTHORITY SHALL INDEMNIFY AND
19 HOLD HARMLESS THE CORPORATION AND THE AUTHORITY FOR ANY AND ALL CLAIMS,
20 DAMAGES, OR LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE, INCLUDING
21 CIVIL AND CRIMINAL FINES, ARISING OUT OF OR RELATING TO ANY GENERATION,
22 PROCESSING, HANDLING, TRANSPORTATION, STORAGE, TREATMENT, OR DISPOSAL OF
23 SOLID OR HAZARDOUS WASTES IN THE CANAL SYSTEM BY ANY PERSON OR ENTITY
24 OTHER THAN THE AUTHORITY OCCURRING AFTER AUGUST THIRD, NINETEEN HUNDRED
25 NINETY-TWO AND NO LATER THAN THE EFFECTIVE DATE OF THE TRANSFER OF
26 POWERS, DUTIES AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHOR-
27 ITY. SUCH INDEMNIFICATION SHALL EXTEND TO, WITHOUT LIMITATION, ANY
28 RELEASES INTO LAND, WATER OR AIR, INCLUDING BUT NOT LIMITED TO RELEASES
29 AS DEFINED UNDER THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE
30 COMPENSATION AND LIABILITY ACT OF NINETEEN HUNDRED EIGHTY, OCCURRING OR
31 EXISTING PRIOR TO THE EFFECTIVE DATE OF THE TRANSFER OF POWERS, DUTIES
32 AND OBLIGATIONS FROM THE THRUWAY AUTHORITY TO THE AUTHORITY; PROVIDED
33 THAT THE CORPORATION AND THE AUTHORITY SHALL COOPERATE IN THE INVESTI-
34 GATION AND REMEDIATION OF HAZARDOUS WASTE AND OTHER ENVIRONMENTAL PROB-
35 LEMS.

36 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THE THRUWAY AUTHORI-
37 TY SHALL RETAIN ALL LIABILITIES, WHETHER OR NOT CAUSED BY NEGLIGENCE,
38 ARISING OUT OF ANY ACTS OR OMISSIONS OCCURRING ON OR AFTER AUGUST THIRD,
39 NINETEEN HUNDRED NINETY-TWO, IN CONNECTION WITH ITS POWERS, DUTIES AND
40 OBLIGATIONS WITH RESPECT TO THE CORPORATION. THE AUTHORITY AND THE STATE
41 SHALL NOT BE HELD LIABLE IN CONNECTION WITH ANY LIABILITIES ARISING OUT
42 OF SUCH ACTS OR OMISSIONS.

43 7. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN CONNECTION
44 WITH THE TRANSFER OF JURISDICTION OF THE CORPORATION TO THE AUTHORITY
45 AND THE ASSUMPTION OF MANAGEMENT OF THE CORPORATION AS A SUBSIDIARY
46 CORPORATION OF THE AUTHORITY PURSUANT TO THE CHAPTER OF THE LAWS OF TWO
47 THOUSAND SIXTEEN WHICH ADDED THIS SUBDIVISION, THE THRUWAY AUTHORITY
48 SHALL HAVE THE POWER TO FULFILL ANY EXISTING AGREEMENTS OR OBLIGATIONS,
49 MAKE ANY AGREEMENTS, RECEIVE, RETAIN OR PAY ANY FUNDS, DEEMED NECESSARY
50 AND IN THE PUBLIC INTEREST TO EFFECTUATE THE PROVISIONS AND INTENT OF
51 THIS CHAPTER, INCLUDING BUT NOT LIMITED TO, THE ENTERING INTO ANY AGREE-
52 MENTS WITH THE CORPORATION, THE AUTHORITY AND ANY OTHER FEDERAL, STATE,
53 MUNICIPAL OR OTHER ENTITIES, AND TO RECEIVE FUNDS FROM THE FEDERAL EMER-
54 GENCY MANAGEMENT AGENCY OR THE STATE, TO FULFILL THE THRUWAY AUTHORITY'S
55 EXISTING FINANCIAL OR OTHER OBLIGATIONS ARISING FROM ITS JURISDICTION
56 OVER THE CANAL SYSTEM AND THE CORPORATION.

1 S 19. Subdivisions 2 and 5 of section 92-u of the state finance law,
2 subdivision 2 as added by chapter 766 of the laws of 1992, and subdivi-
3 sion 5 as amended by chapter 483 of the laws of 1996, are amended to
4 read as follows:

5 2. Such fund shall consist of all revenues received from the operation
6 of the New York state canal system as defined in section three hundred
7 fifty-one of the public authorities law and section two of the canal
8 law, including payments on leases for use of canal lands, terminals and
9 terminal lands, tolls received for lock and lift bridge passage,
10 payments for hydroelectric easements and sales, for purchase of other
11 abandoned canal lands, payments for any permits and leases for use of
12 the water and lands of the system and payments for use of dry docks and
13 other moneys made available to the fund from any other source other than
14 a grant, loan or other inter-corporate transfer of funds of the [New
15 York state thruway authority] POWER AUTHORITY OF THE STATE OF NEW YORK,
16 and any income earned by, or incremental to, the fund due to investment
17 thereof, or any repayment of any moneys advanced by the fund.

18 5. Moneys of the fund, following appropriation by the legislature,
19 shall be available to the [New York state thruway authority] POWER
20 AUTHORITY OF THE STATE OF NEW YORK and shall be expended by such author-
21 ity or [subsidiary corporation thereof] THE CANAL CORPORATION only for
22 the maintenance, construction, reconstruction, development or promotion
23 of the canal system[; provided, however, that in the initial years,
24 expenditures of moneys of the fund for the development and/or promotion
25 of the canal system shall be accorded a priority by the authority or
26 subsidiary corporation thereof]. In addition, moneys of the fund may be
27 used for the purposes of interpretive signage and promotion for appro-
28 priate historically significant Erie canal lands and related sites.
29 Moneys shall be paid out of the fund by the state comptroller on certif-
30 icates issued by the director of the budget.

31 S 20. Notwithstanding any other provision of law, the power authority
32 of the state of New York ("power authority"), New York state thruway
33 authority and New York state canal corporation ("canal corporation"),
34 and any other state or municipal agency, department, office, board,
35 division, commission, public authority or public benefit corporation may
36 enter into such agreements and understandings relating to the transition
37 of the canal corporation to its status as a subsidiary of the power
38 authority and for the administration, maintenance and operation of the
39 canal corporation and the canal system as they may deem necessary or
40 desirable.

41 S 21. Section 1005 of the public authorities law is amended by adding
42 a new subdivision 25 to read as follows:

43 25. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO ACCEPT GIFTS,
44 GRANTS, LOANS, OR CONTRIBUTIONS OF FUNDS OR PROPERTY IN ANY FORM FROM
45 THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALLY THEREOF OR FROM
46 THE STATE OR ANY OTHER SOURCE (COLLECTIVELY, "RESOURCES"), AND ENTER
47 INTO CONTRACTS OR OTHER TRANSACTIONS REGARDING SUCH RESOURCES, AND TO
48 USE SUCH RESOURCES FOR ANY OF ITS CORPORATE PURPOSES.

49 S 22. The public authorities law is amended by adding a new section
50 1005-b to read as follows:

51 S 1005-B. NEW YORK STATE CANAL CORPORATION. 1. THE PUBLIC BENEFIT
52 CORPORATION KNOWN AS THE "NEW YORK STATE CANAL CORPORATION" (HEREINAFTER
53 REFERRED TO AS THE "CANAL CORPORATION") CREATED AS A SUBSIDIARY CORPO-
54 RATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER SEVEN
55 HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO IS HEREBY
56 CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE AUTHORITY

1 AND SHALL HAVE ONLY THE POWER TO OPERATE, MAINTAIN, CONSTRUCT, RECON-
2 STRUCT, IMPROVE, DEVELOP, FINANCE, AND PROMOTE ALL OF THE CANALS, CANAL
3 LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS
4 AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION
5 PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW (HEREINAFTER REFERRED TO AS
6 THE "CANAL SYSTEM"). REFERENCE IN ANY PROVISION OF LAW, GENERAL, SPECIAL
7 OR LOCAL, OR IN ANY RULE, REGULATION OR PUBLIC DOCUMENT TO THE CANAL
8 CORPORATION OR THE CANAL CORPORATION AS A SUBSIDIARY OF THE NEW YORK
9 STATE THRUWAY AUTHORITY SHALL BE DEEMED TO BE AND CONSTRUED AS A REFER-
10 ENCE TO THE CANAL CORPORATION CONTINUED BY THIS SECTION.

11 2. THE MANAGEMENT AND ADMINISTRATION OF THE CANAL CORPORATION SHALL BE
12 AN ADDITIONAL CORPORATE PURPOSE OF THE AUTHORITY. TO THE EXTENT THAT THE
13 TRUSTEES DEEM IT FEASIBLE AND ADVISABLE, THE AUTHORITY MAY TRANSFER TO
14 THE CANAL CORPORATION ANY MONEYS, REAL, PERSONAL, OR MIXED PROPERTY OR
15 ANY PERSONNEL IN ORDER TO CARRY OUT THE PURPOSES OF THIS SECTION,
16 PROVIDED THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO REQUIRE THE
17 AUTHORITY TO APPLY ANY MONEYS, REVENUES OR PROPERTY OR TO TAKE ANY
18 ACTION IN A MANNER THAT WOULD BE INCONSISTENT WITH THE PROVISIONS OF ANY
19 BOND OR NOTE RESOLUTION OR ANY OTHER CONTRACT WITH THE HOLDERS OF THE
20 AUTHORITY'S BONDS, NOTES OR OTHER OBLIGATIONS.

21 3. THE CANAL CORPORATION AND ANY OF ITS PROPERTY, FUNCTIONS, AND
22 ACTIVITIES SHALL HAVE ALL OF THE PRIVILEGES, IMMUNITIES, TAX EXEMPTIONS
23 AND OTHER EXEMPTIONS OF THE AUTHORITY AND OF THE AUTHORITY'S PROPERTY,
24 FUNCTIONS, AND ACTIVITIES. THE CANAL CORPORATION SHALL BE SUBJECT TO THE
25 RESTRICTIONS AND LIMITATIONS TO WHICH THE AUTHORITY MAY BE SUBJECT. THE
26 CANAL CORPORATION MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OR ITS
27 OFFICERS, AGENTS AND EMPLOYEES, SUCH DUTIES AND POWERS AS IT MAY DEEM
28 PROPER.

29 4. EXCLUSIVE JURISDICTION IS CONFERRED UPON THE COURT OF CLAIMS TO
30 HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE CANAL CORPO-
31 RATION (A) FOR ITS TORTIOUS ACTS AND THOSE OF ITS AGENTS, AND (B) FOR
32 BREACH OF A CONTRACT, RELATING TO CONSTRUCTION, RECONSTRUCTION, IMPROVE-
33 MENT, MAINTENANCE OR OPERATION, IN THE SAME MANNER AND TO THE EXTENT
34 PROVIDED BY AND SUBJECT TO THE PROVISIONS OF THE COURT OF CLAIMS ACT
35 WITH RESPECT TO CLAIMS AGAINST THE STATE, AND TO MAKE AWARDS AND RENDER
36 JUDGMENTS THEREFOR. ALL AWARDS AND JUDGMENTS ARISING FROM SUCH CLAIMS
37 SHALL BE PAID OUT OF MONEYS OF THE CANAL CORPORATION.

38 5. THE MEMBERS OF THE CANAL CORPORATION SHALL BE THE SAME PERSONS
39 HOLDING THE OFFICES OF TRUSTEES OF THE AUTHORITY.

40 6. NO OFFICER OR MEMBER OF THE CANAL CORPORATION SHALL RECEIVE ANY
41 ADDITIONAL COMPENSATION, EITHER DIRECT OR INDIRECT, OTHER THAN
42 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORM-
43 ANCE OF HIS OR HER DUTIES, BY REASON OF HIS OR HER SERVING AS A MEMBER,
44 DIRECTOR, OR TRUSTEE OF THE CANAL CORPORATION.

45 7. THE EMPLOYEES OF THE CANAL CORPORATION SHALL NOT BE DEEMED TO BE
46 EMPLOYEES OF THE AUTHORITY BY REASON OF THEIR EMPLOYMENT BY THE CANAL
47 CORPORATION. ALL OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION SHALL
48 BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW WHICH SHALL APPLY
49 TO THE CANAL CORPORATION AND SUCH CORPORATION SHALL BE SUBJECT TO THE
50 JURISDICTION OF THE NEW YORK STATE DEPARTMENT OF CIVIL SERVICE AND THE
51 NEW YORK STATE CIVIL SERVICE COMMISSION. THE CANAL CORPORATION SHALL
52 PARTICIPATE IN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT
53 SYSTEM. NOTHING CONTAINED IN A CHAPTER OF THE LAWS OF TWO THOUSAND
54 SIXTEEN THAT ADDED THIS SECTION SHALL BE CONSTRUED TO AFFECT THE RIGHTS
55 AND PRIVILEGES OF THE CANAL CORPORATION OR ANY OF ITS EMPLOYEES UNDER
56 ANY PROVISIONS OF THE CIVIL SERVICE LAW OR ANY EXISTING OR EXPIRED

1 COLLECTIVE BARGAINING AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE OF
2 TRANSFER OF THE CANAL CORPORATION FROM THE THRUWAY AUTHORITY TO THE
3 AUTHORITY. ANY SUCH EMPLOYEE WHO AT THE TIME OF SUCH TRANSFER SHALL
4 HAVE BEEN IN A NEGOTIATING UNIT REPRESENTED BY AN EMPLOYEE ORGANIZATION
5 WHICH WAS CERTIFIED OR RECOGNIZED PURSUANT TO ARTICLE FOURTEEN OF THE
6 CIVIL SERVICE LAW SHALL CONTINUE TO BE REPRESENTED BY SAID EMPLOYEE
7 ORGANIZATION. THERE SHALL BE NO REDUCTION OF STAFF, LOSS OF POSITION,
8 INCLUDING PARTIAL DISPLACEMENT, SUCH AS REDUCTION IN THE HOURS OF
9 NON-OVERTIME, WAGES, OR EMPLOYMENT BENEFITS AS A RESULT OF THE TRANSFER
10 OF THE CANAL CORPORATION FROM THE THRUWAY AUTHORITY TO THE AUTHORITY FOR
11 TWENTY-FOUR MONTHS FOLLOWING SUCH TRANSFER.

12 8. THE FISCAL YEAR OF THE CANAL CORPORATION SHALL BE THE SAME AS THE
13 FISCAL YEAR FOR THE AUTHORITY.

14 9. THE CANAL CORPORATION SHALL HAVE THE POWER TO:

15 (A) OPERATE, MAINTAIN, CONSTRUCT, RECONSTRUCT, IMPROVE, DEVELOP,
16 FINANCE, AND PROMOTE THE CANAL SYSTEM;

17 (B) SUE AND BE SUED;

18 (C) HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

19 (D) MAKE AND ALTER BY-LAWS FOR ITS ORGANIZATION AND INTERNAL MANAGE-
20 MENT AND MAKE RULES AND REGULATIONS GOVERNING THE USE OF ITS PROPERTY
21 AND FACILITIES;

22 (E) APPOINT OFFICERS AND EMPLOYEES AND FIX THEIR COMPENSATION;

23 (F) MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR
24 CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS UNDER THIS CHAP-
25 TER;

26 (G) ACQUIRE, HOLD, AND DISPOSE OF REAL OR PERSONAL PROPERTY FOR ITS
27 CORPORATE PURPOSES;

28 (H) ENGAGE THE SERVICES OF PRIVATE CONSULTANTS ON A CONTRACT BASIS FOR
29 RENDERING PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

30 (I) PROCURE INSURANCE AGAINST ANY LOSS IN CONNECTION WITH ITS ACTIV-
31 ITIES, PROPERTIES, AND OTHER ASSETS, IN SUCH AMOUNT AND FROM SUCH INSUR-
32 ERS AS IT DEEMS DESIRABLE;

33 (J) INVEST ANY FUNDS OF THE CANAL CORPORATION, OR ANY OTHER MONIES
34 UNDER ITS CUSTODY AND CONTROL NOT REQUIRED FOR IMMEDIATE USE OR
35 DISBURSEMENT, AT THE DISCRETION OF THE CANAL CORPORATION, IN OBLIGATIONS
36 OF THE STATE OR THE UNITED STATES GOVERNMENT OR OBLIGATIONS THE PRINCI-
37 PAL AND INTEREST OF WHICH ARE GUARANTEED BY THE STATE OR THE UNITED
38 STATES GOVERNMENT, OR IN ANY OTHER OBLIGATIONS IN WHICH THE COMPTROLLER
39 OF THE STATE IS AUTHORIZED TO INVEST PURSUANT TO SECTION NINETY-EIGHT-A
40 OF THE STATE FINANCE LAW;

41 (K) EXERCISE THOSE POWERS AND DUTIES OF THE AUTHORITY DELEGATED TO IT
42 BY THE AUTHORITY;

43 (L) PREPARE AND SUBMIT A CAPITAL PROGRAM PLAN PURSUANT TO SECTION TEN
44 OF THE CANAL LAW;

45 (M) APPROVE AND IMPLEMENT THE NEW YORK STATE CANAL RECREATIONWAY PLAN
46 SUBMITTED PURSUANT TO SECTION ONE HUNDRED THIRTY-EIGHT-C OF THE CANAL
47 LAW. THE CANAL CORPORATION'S REVIEW AND APPROVAL OF THE CANAL RECREA-
48 TIONWAY PLAN SHALL BE BASED UPON ITS CONSIDERATION OF A GENERIC ENVIRON-
49 MENTAL IMPACT STATEMENT PREPARED BY THE CANAL CORPORATION IN ACCORDANCE
50 WITH ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND THE REGU-
51 LATIONS THEREUNDER. PRIOR TO THE IMPLEMENTATION OF ANY SUBSTANTIAL
52 IMPROVEMENT BY THE CANAL CORPORATION ON CANAL LANDS, CANAL TERMINALS, OR
53 CANAL TERMINAL LANDS, OR THE LEASE OF CANAL LANDS, CANAL TERMINALS, OR
54 CANAL TERMINAL LANDS FOR SUBSTANTIAL COMMERCIAL IMPROVEMENT, THE CANAL
55 CORPORATION, IN ADDITION TO ANY REVIEW TAKEN PURSUANT TO SECTION 14.09
56 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, SHALL CONDUCT A

1 RECONNAISSANCE LEVEL SURVEY WITHIN THREE THOUSAND FEET OF SUCH LANDS TO
2 BE IMPROVED OF THE TYPE, LOCATION, AND SIGNIFICANCE OF HISTORIC BUILD-
3 INGS, SITES, AND DISTRICTS LISTED ON, OR WHICH MAY BE ELIGIBLE, FOR THE
4 STATE OR NATIONAL REGISTERS OF HISTORIC PLACES. THE FINDINGS OF SUCH
5 SURVEY SHALL BE USED TO IDENTIFY SIGNIFICANT HISTORICAL RESOURCES AND TO
6 DETERMINE WHETHER THE PROPOSED IMPROVEMENTS ARE COMPATIBLE WITH SUCH
7 HISTORIC BUILDINGS, SITES, AND DISTRICTS;

8 (N) ENTER ON ANY LANDS, WATERS, OR PREMISES FOR THE PURPOSE OF MAKING
9 BORINGS, SOUNDINGS, AND SURVEYS;

10 (O) ACCEPT ANY GIFTS OR ANY GRANT OF FUNDS OR PROPERTY FROM THE FEDER-
11 AL GOVERNMENT OR FROM THE STATE OR ANY OTHER FEDERAL OR STATE PUBLIC
12 BODY OR POLITICAL SUBDIVISION OR ANY OTHER PERSON AND TO COMPLY WITH THE
13 TERMS AND CONDITIONS THEREOF; AND

14 (P) WAIVE ANY FEE FOR A WORK PERMIT WHICH IT HAS THE POWER TO ISSUE IF
15 IN ITS DISCRETION THE PROJECT WHICH IS SUBJECT TO A WORK PERMIT WOULD
16 ADD VALUE TO CANAL LANDS WITHOUT ANY COST TO THE CANAL CORPORATION, THE
17 AUTHORITY, OR THE STATE.

18 10. (A) THE CANAL CORPORATION SHALL REVIEW THE BUDGET REQUEST SUBMIT-
19 TED BY THE CANAL RECREATIONWAY COMMISSION PURSUANT TO SECTION ONE
20 HUNDRED THIRTY-EIGHT-B OF THE CANAL LAW.

21 (B) THE CANAL CORPORATION, ON OR BEFORE THE FIFTEENTH DAY OF SEPTEMBER
22 OF EACH YEAR, SHALL SUBMIT TO THE DIRECTOR OF THE BUDGET A REQUEST FOR
23 THE EXPENDITURE OF FUNDS AVAILABLE FROM THE NEW YORK STATE CANAL SYSTEM
24 DEVELOPMENT FUND PURSUANT TO SECTION NINETY-TWO-U OF THE STATE FINANCE
25 LAW OR AVAILABLE FROM ANY OTHER NON-FEDERAL SOURCES APPROPRIATED FROM
26 THE STATE TREASURY.

27 (C) IN THE EVENT THAT THE REQUEST SUBMITTED BY THE CANAL CORPORATION
28 TO THE DIRECTOR OF THE BUDGET DIFFERS FROM THE REQUEST SUBMITTED BY THE
29 COMMISSION TO THE CANAL CORPORATION, THEN THE REQUEST SUBMITTED BY THE
30 CANAL CORPORATION TO THE DIRECTOR OF THE BUDGET SHALL SPECIFY THE
31 DIFFERENCES AND SHALL SET FORTH THE REASONS FOR SUCH DIFFERENCES.

32 11. THE CANAL CORPORATION SHALL NOT HAVE THE POWER TO ISSUE BONDS,
33 NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS; PROVIDED THAT NOTWITHSTANDING
34 THE FOREGOING, THE CANAL CORPORATION MAY AGREE TO REPAY AMOUNTS ADVANCED
35 TO THE CANAL CORPORATION BY THE AUTHORITY AND TO EVIDENCE SUCH AGREEMENT
36 BY DELIVERY OF A PROMISSORY NOTE OR NOTES TO THE AUTHORITY.

37 12. THE CANAL CORPORATION MAY DO ANY AND ALL THINGS NECESSARY OR
38 CONVENIENT TO CARRY OUT AND EXERCISE THE POWERS GIVEN AND GRANTED BY
39 THIS SECTION.

40 13. THE AUTHORITY AND ALL OTHER STATE OFFICERS, DEPARTMENTS, BOARDS,
41 DIVISIONS, COMMISSIONS, PUBLIC AUTHORITIES, AND PUBLIC BENEFIT CORPO-
42 RATIONS MAY RENDER SUCH SERVICES TO THE CANAL CORPORATION WITHIN THEIR
43 RESPECTIVE FUNCTIONS AS MAY BE REQUESTED BY THE CANAL CORPORATION.

44 14. WHENEVER ANY STATE POLITICAL SUBDIVISION, MUNICIPALITY, COMMIS-
45 SION, AGENCY, OFFICER, DEPARTMENT, BOARD, DIVISION, OR PERSON IS AUTHOR-
46 IZED AND EMPOWERED FOR ANY OF THE PURPOSES OF THIS TITLE TO COOPERATE
47 AND ENTER INTO AGREEMENTS WITH THE AUTHORITY, SUCH STATE POLITICAL
48 SUBDIVISION, MUNICIPALITY, COMMISSION, AGENCY, OFFICER, DEPARTMENT,
49 BOARD, DIVISION, OR PERSON SHALL HAVE THE SAME AUTHORIZATION AND POWER
50 FOR ANY SUCH PURPOSES TO COOPERATE AND ENTER INTO AGREEMENTS WITH THE
51 CANAL CORPORATION.

52 S 23. The public authorities law is amended by adding a new section
53 1005-c to read as follows:

54 S 1005-C. ADDITIONAL POWERS OF THE AUTHORITY TO FINANCE CERTAIN
55 PROJECTS IN CONNECTION WITH THE NEW YORK STATE CANAL SYSTEM. 1. (A) THE
56 AUTHORITY IS HEREBY AUTHORIZED, AS AN ADDITIONAL CORPORATE PURPOSE THER-

1 EOF, TO ISSUE ITS BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS IN
2 CONFORMITY WITH APPLICABLE PROVISIONS OF THE UNIFORM COMMERCIAL CODE FOR
3 PURPOSES OF FINANCING THE CONSTRUCTION, RECONSTRUCTION, DEVELOPMENT AND
4 IMPROVEMENT OF THE NEW YORK STATE CANAL SYSTEM.

5 (B) THE AUTHORITY SHALL ISSUE ANY SUCH BONDS, NOTES, OR EVIDENCES OF
6 INDEBTEDNESS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION ON A BASIS
7 SUBORDINATE IN LIEN AND PRIORITY OF PAYMENT TO THE AUTHORITY'S SENIOR
8 LIEN INDEBTEDNESS AS THE AUTHORITY SHALL PROVIDE BY RESOLUTION.

9 2. ALL OF THE PROVISIONS OF THIS TITLE RELATING TO BONDS, NOTES AND
10 OTHER EVIDENCE OF INDEBTEDNESS, WHICH ARE NOT INCONSISTENT WITH THIS
11 SECTION, SHALL APPLY TO OBLIGATIONS AUTHORIZED BY THIS SECTION, INCLUD-
12 ING BUT NOT LIMITED TO THE POWER TO ISSUE RENEWAL NOTES OR REFUNDING
13 BONDS THEREOF.

14 3. SUBJECT TO AGREEMENTS WITH NOTEHOLDERS OR BONDHOLDERS, THE AUTHORI-
15 TY SHALL HAVE THE AUTHORITY TO FIX AND COLLECT SUCH FEES, RENTALS AND
16 CHARGES FOR THE USE OF THE CANAL SYSTEM OR ANY PART THEREOF NECESSARY OR
17 CONVENIENT, WITH AN ADEQUATE MARGIN OF SAFETY, TO PRODUCE SUFFICIENT
18 REVENUE TO MEET THE EXPENSE OF MAINTENANCE AND OPERATION AND TO FULFILL
19 THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF ITS NOTES OR BONDS,
20 AND TO ESTABLISH THE RIGHTS AND PRIVILEGES GRANTED UPON PAYMENT THEREOF;
21 PROVIDED, HOWEVER, THAT TOLLS MAY ONLY BE IMPOSED FOR THE PASSAGE
22 THROUGH LOCKS AND LIFT BRIDGES BY VESSELS WHICH ARE PROPELLED IN WHOLE
23 OR IN PART BY MECHANICAL POWER.

24 S 24. Paragraph (i) of subdivision 1 of section 19 of the public offi-
25 cers law, as added by chapter 115 of the laws of 2000, is REPEALED and a
26 new paragraph (j) is added to read as follows:

27 (J) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE
28 DIRECTORS, OFFICERS AND EMPLOYEES OF THE THRUWAY AUTHORITY, AND THE
29 DIRECTORS, OFFICERS AND EMPLOYEES OF THE CANAL CORPORATION. IN THOSE
30 CASES WHERE THE DEFINITION OF THE TERM "EMPLOYEE" PROVIDED IN THIS PARA-
31 GRAPH IS APPLICABLE, THE TERM "STATE", AS UTILIZED IN SUBDIVISIONS TWO,
32 THREE, AND FOUR OF THIS SECTION, SHALL MEAN THE THRUWAY AUTHORITY WHEN
33 THE EMPLOYEE IS A DIRECTOR, OFFICER, OR EMPLOYEE OF THE THRUWAY AUTHORI-
34 TY, OR THE CANAL CORPORATION, WHEN THE EMPLOYEE IS A DIRECTOR, OFFICER,
35 OR EMPLOYEE OF THE CANAL CORPORATION.

36 S 25. Subdivisions 9 and 10 of section 481 of the transportation law,
37 as added by section 1 of part A of chapter 60 of the laws of 2005, are
38 amended to read as follows:

39 9. "Canal corporation" shall mean the New York state canal corporation
40 created [pursuant to section three hundred eighty-two] AS A SUBSIDIARY
41 CORPORATION OF THE NEW YORK STATE THRUWAY AUTHORITY PURSUANT TO CHAPTER
42 SEVEN HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO AND
43 CONTINUED AND RECONSTITUTED AS A SUBSIDIARY CORPORATION OF THE POWER
44 AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO SUBDIVISION ONE OF
45 SECTION ONE THOUSAND FIVE-B of the public authorities law.

46 10. "Canal system" shall mean the "New York state canal system"[, as
47 such term is defined by subdivision ten of section three hundred fifty-
48 one of the public authorities law] SHALL MEAN ALL OF THE CANALS, CANAL
49 LANDS, FEEDER CANALS, RESERVOIRS, CANAL TERMINALS, CANAL TERMINAL LANDS
50 AND OTHER PROPERTY UNDER THE JURISDICTION OF THE CANAL CORPORATION OF
51 THE STATE OF NEW YORK PURSUANT TO ARTICLE ONE-A OF THE CANAL LAW.

52 S 26. Section 33.01 of the parks, recreation and historic preservation
53 law, as amended by chapter 317 of the laws of 2009, is amended to read
54 as follows:

55 S 33.01 New York state heritage areas advisory council. There shall
56 continue to be in the office a New York state heritage areas advisory

1 council which shall consist of twenty-six members or their designated
2 representatives. The commissioner shall be a member of the advisory
3 council. In addition, the advisory council shall consist of the follow-
4 ing twenty-five other members: the commissioner of economic development,
5 to advise and assist regarding related tourism and economic revitaliza-
6 tion; the commissioner of education, to advise and assist regarding the
7 interpretive and educational aspects of the programs; the secretary of
8 state, to advise and assist regarding matters of community development
9 and state planning and to advise on the identification and preservation
10 of rural resources; the commissioner of transportation, to advise and
11 assist regarding matters of transportation to and within heritage areas;
12 the president of the New York state urban development corporation, to
13 advise and assist regarding matters of economic development; the commis-
14 sioner of environmental conservation, to advise and assist regarding
15 matters of conservation and use of natural resources; the chairman of
16 the state board for historic preservation, to advise and assist in
17 matters regarding historic preservation; the commissioner of housing and
18 community renewal to advise and assist regarding neighborhood and commu-
19 nity development and preservation programs; the [chairman of the New
20 York state thruway authority] PRESIDENT AND CHIEF EXECUTIVE OFFICER OF
21 THE POWER AUTHORITY OF THE STATE OF NEW YORK regarding the operation of
22 the New York state canal system; the commissioner of agriculture and
23 markets regarding agriculture in heritage areas; a representative of the
24 State Heritage Area Association; the director or chief executive officer
25 of the Hudson River National Heritage Area, the Erie Canalway National
26 Heritage Corridor, the Champlain Valley National Heritage Partnership
27 and the Niagara Falls National Heritage Area; and ten members to be
28 appointed by the governor, three of such members shall be municipal
29 officers, elected officials or representatives of local government
30 interest and seven of such members shall be, by professional training or
31 experience or attainment, qualified to analyze or interpret matters
32 relevant to the establishment and maintenance of state designated herit-
33 age areas including urban cultural parks and heritage corridors, one of
34 whom shall be the director of a heritage area. Of these last seven, two
35 are to be appointed from names recommended by the majority leader of the
36 senate, two are to be appointed from names recommended by the speaker of
37 the assembly, one is to be appointed from names recommended by the
38 minority leader of the senate and one is to be appointed from names
39 recommended by the minority leader of the assembly. The governor may
40 designate such ex-officio members who shall be from the executive
41 department, state agencies or public corporations as he or she deems
42 appropriate; provided that such ex-officio members shall not vote on
43 matters before the advisory council. For the ten members appointed by
44 the governor, each shall hold office for a term of five years and until
45 his or her successor shall have been appointed or until he or she shall
46 resign. The members of the advisory council shall elect a chair from
47 amongst its members for a term of three years. Eleven members of the
48 advisory council shall constitute a quorum for the transaction of any
49 business at both regular and special meetings. Any ex-officio member may
50 delegate all his or her duties of membership, including voting rights,
51 to an officer or employee of such member's organization. No member shall
52 receive any compensation.

53 S 27. Paragraph (h-1) of subdivision 2 of section 35.07 of the parks,
54 recreation and historic preservation law, as amended by chapter 666 of
55 the laws of 1994, is amended to read as follows:

1 (h-1) [Chairman of the New York state thruway authority] PRESIDENT AND
2 CHIEF EXECUTIVE OFFICER OF THE POWER AUTHORITY OF THE STATE OF NEW YORK
3 regarding [its] operation of the New York state canal system;

4 S 28. Notwithstanding any other provision of law, the power authority
5 of the state of New York (power authority) and the New York state thru-
6 way authority (thruway authority) are hereby authorized to enter into an
7 agreement, effective April 1, 2016, whereby the power authority shall
8 reimburse the thruway authority, monthly, for any and all operating and
9 capital costs, expended by the thruway authority for the operation and
10 maintenance of the New York state canal system (canal system), and the
11 operation of the New York state canal corporation (canal corporation),
12 for the period of April 1, 2016 through January 1, 2017. The thruway
13 authority shall provide the power authority with a monthly report of all
14 expenditures related to the canal corporation and the canal system, and
15 provide access to all necessary financial records to carry out the
16 intent of this section.

17 S 29. This act, being necessary for the welfare of the state and its
18 inhabitants, shall be liberally construed to effect the purposes there-
19 of.

20 S 30. (a) The power authority shall prepare an implementation plan for
21 the transfer of the canal corporation from the thruway authority to the
22 power authority pursuant to a chapter of the laws of 2016 enacted no
23 later than July 1, 2016. Such implementation plan shall include a
24 requirement that the rights and privileges of all employees under exist-
25 ing collective bargaining agreements shall not be adversely impacted at
26 the time of transfer, a report on the status of relevant collective
27 bargaining agreements and the preservation and maintenance of economic
28 development programs and projects funded by the power authority, along
29 with its ability to continue to effectuate its core mission to power the
30 economic growth and competitiveness of New York state by providing
31 customers with low-cost, clean, reliable power and the innovative energy
32 infrastructure and services they value.

33 (b) In the event of a failure to enact such a chapter of the laws of
34 2016, the power authority shall prepare an implementation plan for the
35 transfer of the canal corporation from the thruway authority to the
36 power authority, in consultation with the temporary president of the
37 senate and the speaker of the assembly and with approval of the director
38 of the division of budget, and submit such plan to the governor and the
39 legislature no later than October 1, 2016. Such implementation plan
40 shall include a requirement that the rights and privileges of all
41 employees under existing collective bargaining agreements shall not be
42 adversely impacted at the time of transfer, a report on the status of
43 relevant collective bargaining agreements and the preservation and main-
44 tenance of economic development programs and projects funded by the
45 power authority, along with its ability to continue to effectuate its
46 core mission to power the economic growth and competitiveness of New
47 York state by providing customers with low-cost, clean, reliable power
48 and the innovative energy infrastructure and services they value.

49 S 31. This act shall take effect on January 1, 2017; provided, howev-
50 er, that sections five and twenty-eight of this act shall take effect
51 immediately.

52 PART UU

53 Section 1. The state comptroller is hereby authorized and directed to
54 loan money in accordance with the provisions set forth in subdivision 5

1 of section 4 of the state finance law to the following funds and/or
2 accounts:

- 3 1. Proprietary vocational school supervision account (20452).
- 4 2. Local government records management account (20501).
- 5 3. Child health plus program account (20810).
- 6 4. EPIC premium account (20818).
- 7 5. Education - New (20901).
- 8 6. VLT - Sound basic education fund (20904).
- 9 7. Sewage treatment program management and administration fund
10 (21000).
- 11 8. Hazardous bulk storage account (21061).
- 12 9. Federal grants indirect cost recovery account (21065).
- 13 10. Low level radioactive waste account (21066).
- 14 11. Recreation account (21067).
- 15 12. Public safety recovery account (21077).
- 16 13. Environmental regulatory account (21081).
- 17 14. Natural resource account (21082).
- 18 15. Mined land reclamation program account (21084).
- 19 16. Great lakes restoration initiative account (21087).
- 20 17. Environmental protection and oil spill compensation fund (21200).
- 21 18. Public transportation systems account (21401).
- 22 19. Metropolitan mass transportation (21402).
- 23 20. Operating permit program account (21451).
- 24 21. Mobile source account (21452).
- 25 22. Statewide planning and research cooperative system account
26 (21902).
- 27 23. New York state thruway authority account (21905).
- 28 24. Mental hygiene program fund account (21907).
- 29 25. Mental hygiene patient income account (21909).
- 30 26. Financial control board account (21911).
- 31 27. Regulation of racing account (21912).
- 32 28. New York Metropolitan Transportation Council account (21913).
- 33 29. State university dormitory income reimbursable account (21937).
- 34 30. Criminal justice improvement account (21945).
- 35 31. Environmental laboratory reference fee account (21959).
- 36 32. Clinical laboratory reference system assessment account (21962).
- 37 33. Indirect cost recovery account (21978).
- 38 34. High school equivalency program account (21979).
- 39 35. Multi-agency training account (21989).
- 40 36. Interstate reciprocity for post-secondary distance education
41 account.
- 42 37. Bell jar collection account (22003).
- 43 38. Industry and utility service account (22004).
- 44 39. Real property disposition account (22006).
- 45 40. Parking account (22007).
- 46 41. Asbestos safety training program account (22009).
- 47 42. Batavia school for the blind account (22032).
- 48 43. Investment services account (22034).
- 49 44. Surplus property account (22036).
- 50 45. Financial oversight account (22039).
- 51 46. Regulation of Indian gaming account (22046).
- 52 47. Rome school for the deaf account (22053).
- 53 48. Seized assets account (22054).
- 54 49. Administrative adjudication account (22055).
- 55 50. Federal salary sharing account (22056).
- 56 51. New York City assessment account (22062).

- 1 52. Cultural education account (22063).
- 2 53. Local services account (22078).
- 3 54. DHCR mortgage servicing account (22085).
- 4 55. Department of motor vehicles compulsory insurance account (22087).
- 5 56. Housing indirect cost recovery account (22090).
- 6 57. DHCR-HCA application fee account (22100).
- 7 58. Low income housing monitoring account (22130).
- 8 59. Corporation administration account (22135).
- 9 60. Montrose veteran's home account (22144).
- 10 61. Deferred compensation administration account (22151).
- 11 62. Rent revenue other New York City account (22156).
- 12 63. Rent revenue account (22158).
- 13 64. Tax revenue arrearage account (22168).
- 14 65. Highway use tax administration account.
- 15 66. State university general income offset account (22654).
- 16 67. Lake George park trust fund account (22751).
- 17 68. State police motor vehicle law enforcement account (22802).
- 18 69. Highway safety program account (23001).
- 19 70. EFC drinking water program account (23101).
- 20 71. DOH drinking water program account (23102).
- 21 72. NYCCC operating offset account (23151).
- 22 73. Commercial gaming revenue account (23701).
- 23 74. Commercial gaming regulation account (23702).
- 24 75. Highway and bridge capital account (30051).
- 25 76. State university residence hall rehabilitation fund (30100).
- 26 77. State parks infrastructure account (30351).
- 27 78. Clean water/clean air implementation fund (30500).
- 28 79. Hazardous waste remedial cleanup account (31506).
- 29 80. Youth facilities improvement account (31701).
- 30 81. Housing assistance fund (31800).
- 31 82. Housing program fund (31850).
- 32 83. Highway facility purpose account (31951).
- 33 84. Information technology capital financing account (32215).
- 34 85. New York racing account (32213).
- 35 86. Mental hygiene facilities capital improvement fund (32300).
- 36 87. Correctional facilities capital improvement fund (32350).
- 37 88. New York State Storm Recovery Capital Fund (33000).
- 38 89. OGS convention center account (50318).
- 39 90. Empire Plaza Gift Shop (50327)
- 40 91. Centralized services fund (55000).
- 41 92. Archives records management account (55052).
- 42 93. Federal single audit account (55053).
- 43 94. Civil service EHS occupational health program account (55056).
- 44 95. Banking services account (55057).
- 45 96. Cultural resources survey account (55058).
- 46 97. Automation & printing chargeback account (55060).
- 47 98. OFT NYT account (55061).
- 48 99. Data center account (55062).
- 49 100. Intrusion detection account (55066).
- 50 101. Domestic violence grant account (55067).
- 51 102. Centralized technology services account (55069).
- 52 103. Labor contact center account (55071).
- 53 104. Human services contact center account (55072).
- 54 105. Tax contact center account (55073).
- 55 106. Executive direction internal audit account (55251).
- 56 107. CIO Information technology centralized services account (55252).

1 108. Health insurance internal service account (55300).
2 109. Civil service employee benefits division administrative account
3 (55301).

4 110. Correctional industries revolving fund (55350).

5 111. Employees health insurance account (60201).

6 112. Medicaid management information system escrow fund (60900).

7 S 1-a. The state comptroller is hereby authorized and directed to loan
8 money in accordance with the provisions set forth in subdivision 5 of
9 section 4 of the state finance law to any account within the following
10 federal funds, provided the comptroller has made a determination that
11 sufficient federal grant award authority is available to reimburse such
12 loans:

13 1. Federal USDA-food and nutrition services fund (25000).

14 2. Federal health and human services fund (25100).

15 3. Federal education fund (25200).

16 4. Federal block grant fund (25250).

17 5. Federal miscellaneous operating grants fund (25300).

18 6. Federal unemployment insurance administration fund (25900).

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

20 8. Federal emergency employment act fund (26000).

21 9. Federal capital projects fund (31350).

22 S 2. Notwithstanding any law to the contrary, and in accordance with
23 section 4 of the state finance law, the comptroller is hereby authorized
24 and directed to transfer, upon request of the director of the budget, on
25 or before March 31, 2017, and with respect to item 5 under the miscella-
26 neous category set forth in this section, up to and after March 31,
27 2017, up to the unencumbered balance or the following amounts:

28 Economic Development and Public Authorities:

29 1. \$175,000 from the miscellaneous special revenue fund, underground
30 facilities safety training account (22172), to the general fund.

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

34 3. \$14,810,000 from the miscellaneous special revenue fund, code
35 enforcement account (21904), to the general fund.

36 4. \$3,000,000 from the general fund to the miscellaneous special
37 revenue fund, tax revenue arrearage account (22168).

38 Education:

39 1. \$2,360,000,000 from the general fund to the state lottery fund,
40 education account (20901), as reimbursement for disbursements made from
41 such fund for supplemental aid to education pursuant to section 92-c of
42 the state finance law that are in excess of the amounts deposited in
43 such fund for such purposes pursuant to section 1612 of the tax law.

44 2. \$961,000,000 from the general fund to the state lottery fund, VLT
45 education account (20904), as reimbursement for disbursements made from
46 such fund for supplemental aid to education pursuant to section 92-c of
47 the state finance law that are in excess of the amounts deposited in
48 such fund for such purposes pursuant to section 1612 of the tax law.

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

53 4. Up to \$137,700,000 from the moneys deposited in commercial gaming
54 revenue account (23701) to the general fund as reimbursement for
55 disbursements made from the general fund for supplemental aid to educa-
56 tion during the prior fiscal year due to the unencumbered balance of the

- 1 commercial gaming revenue account during the prior fiscal year being
2 less than required to fully fund payments of general support for public
3 schools, pursuant to Chapter 61 of the laws of 2015.
- 4 5. \$300,000 from the local government records management improvement
5 fund (20500) to the archives partnership trust fund (20350).
- 6 6. \$900,000 from the general fund to the miscellaneous special revenue
7 fund, Batavia school for the blind account (22032).
- 8 7. \$900,000 from the general fund to the miscellaneous special revenue
9 fund, Rome school for the deaf account (22053).
- 10 8. \$343,400,000 from the state university dormitory income fund
11 (40350) to the miscellaneous special revenue fund, state university
12 dormitory income reimbursable account (21937).
- 13 9. \$24,000,000 from any of the state education department special
14 revenue and internal service funds to the miscellaneous special revenue
15 fund, indirect cost recovery account (21978).
- 16 10. \$8,318,000 from the general fund to the state university income
17 fund, state university income offset account (22654), for the state's
18 share of repayment of the STIP loan.
- 19 11. \$40,000,000 from the state university income fund, state universi-
20 ty hospitals income reimbursable account (22656) to the general fund for
21 hospital debt service for the period April 1, 2015 through March 31,
22 2016.
- 23 12. An amount up to \$14,251,000 from the general fund to the state
24 university income fund, state university general revenue account
25 (22653).
- 26 Environmental Affairs:
- 27 1. \$16,000,000 from any of the department of environmental conserva-
28 tion's special revenue federal funds to the environmental conservation
29 special revenue fund, federal indirect recovery account (21065).
- 30 2. \$2,000,000 from any of the department of environmental conserva-
31 tion's special revenue federal funds to the conservation fund as neces-
32 sary to avoid diversion of conservation funds.
- 33 3. \$3,000,000 from any of the office of parks, recreation and historic
34 preservation capital projects federal funds and special revenue federal
35 funds to the miscellaneous special revenue fund, federal grant indirect
36 cost recovery account (22188).
- 37 4. \$1,000,000 from any of the office of parks, recreation and historic
38 preservation special revenue federal funds to the miscellaneous special
39 revenue fund, I love NY water account (21930).
- 40 5. \$146,000,000 from the general fund to the environmental protection
41 fund, environmental protection fund transfer account (30451).
- 42 6. \$9,700,000 from the general fund to the hazardous waste remedial
43 fund, hazardous waste oversight and assistance account (31505).
- 44 Family Assistance:
- 45 1. \$10,000,000 from any of the office of children and family services,
46 office of temporary and disability assistance, or department of health
47 special revenue federal funds and the general fund, in accordance with
48 agreements with social services districts, to the miscellaneous special
49 revenue fund, office of human resources development state match account
50 (21967).
- 51 2. \$4,000,000 from any of the office of children and family services
52 or office of temporary and disability assistance special revenue federal
53 funds to the miscellaneous special revenue fund, family preservation and
54 support services and family violence services account (22082).
- 55 3. \$18,670,000 from any of the office of children and family services,
56 office of temporary and disability assistance, or department of health

1 special revenue federal funds and any other miscellaneous revenues
2 generated from the operation of office of children and family services
3 programs to the general fund.

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

7 5. \$2,500,000 from any of the office of temporary and disability
8 assistance special revenue federal funds to the miscellaneous special
9 revenue fund, office of temporary and disability assistance program
10 account (21980).

11 6. \$21,000,000 from any of the office of children and family services,
12 office of temporary and disability assistance, department of labor, and
13 department of health special revenue federal funds to the office of
14 children and family services miscellaneous special revenue fund, multi-
15 agency training contract account (21989).

16 7. \$65,000,000 from the miscellaneous special revenue fund, youth
17 facility per diem account (22186), to the general fund.

18 8. \$621,850 from the general fund to the combined gifts, grants, and
19 bequests fund, WB Hoyt Memorial account (20128).

20 9. \$3,100,000 from the miscellaneous special revenue fund, state
21 central registry (22028), to the general fund.

22 10. \$1,000,000 from the general fund to the housing program fund
23 (31850).

24 General Government:

25 1. \$1,566,000 from the miscellaneous special revenue fund, examination
26 and miscellaneous revenue account (22065) to the general fund.

27 2. \$12,500,000 from the general fund to the health insurance revolving
28 fund (55300).

29 3. \$192,400,000 from the health insurance reserve receipts fund
30 (60550) to the general fund.

31 4. \$150,000 from the general fund to the not-for-profit revolving loan
32 fund (20650).

33 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
34 general fund.

35 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
36 property account (22036), to the general fund.

37 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
38 arrearage account (22024), to the general fund.

39 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
40 arrearage account (22024), to the miscellaneous special revenue fund,
41 authority budget office account (22138).

42 9. \$1,000,000 from the miscellaneous special revenue fund, parking
43 services account (22007), to the general fund, for the purpose of reim-
44 bursing the costs of debt service related to state parking facilities.

45 10. \$21,789,000 from the general fund to the centralized services
46 fund, COPS account (55013).

47 11. \$2,360,000 from the general fund to the agencies internal service
48 fund, central technology services account (55069), for the purpose of
49 enterprise technology projects.

50 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
51 compensation account (21995), to the miscellaneous capital projects
52 fund, workers' compensation board IT business process design fund.

53 Health:

54 1. \$33,710,000 from the miscellaneous special revenue fund, quality of
55 care account (21915), to the general fund.

- 1 2. A transfer from the general fund to the combined gifts, grants and
2 bequests fund, breast cancer research and education account (20155), up
3 to an amount equal to the monies collected and deposited into that
4 account in the previous fiscal year.
- 5 3. A transfer from the general fund to the combined gifts, grants and
6 bequests fund, prostate cancer research, detection, and education
7 account (20183), up to an amount equal to the moneys collected and
8 deposited into that account in the previous fiscal year.
- 9 4. A transfer from the general fund to the combined gifts, grants and
10 bequests fund, Alzheimer's disease research and assistance account
11 (20143), up to an amount equal to the moneys collected and deposited
12 into that account in the previous fiscal year.
- 13 5. \$30,295,000 from the HCRA resources fund (20800) to the miscella-
14 neous special revenue fund, empire state stem cell trust fund account
15 (22161).
- 16 6. \$7,000,000 from the miscellaneous special revenue fund, certificate
17 of need account (21920), to the miscellaneous capital projects fund,
18 healthcare IT capital subfund (32216).
- 19 7. \$1,000,000 from the miscellaneous special revenue fund, adminis-
20 tration program account (21982), to the miscellaneous capital projects
21 fund, healthcare IT capital account (32216).
- 22 8. \$1,000,000 from the miscellaneous special revenue fund, vital
23 records account (22103), to the miscellaneous capital projects fund,
24 healthcare IT capital account (32216).
- 25 9. \$55,500,000 from the HCRA resources fund (20800) to the capital
26 projects fund (30000).
- 27 10. \$3,700,000 from the miscellaneous New York state agency fund,
28 medical assistance account to the general fund.
- 29 11. \$4,886,000 from the general fund to the medical marihuana trust
30 fund, health operation and oversight account (23755).
- 31 12. \$1,086,000 from the miscellaneous special revenue fund, certifi-
32 cate of need account (21920), to the general fund.
- 33 13. \$1,000,000 from the miscellaneous special revenue fund, profes-
34 sional medical conduct account (22088), to the miscellaneous capital
35 projects fund, healthcare IT capital account (32216).
- 36 Labor:
- 37 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
38 penalty account (21923), to the child performer's protection fund, child
39 performer protection account (20401).
- 40 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
41 penalty account (21923), to the general fund.
- 42 3. \$3,300,000 from the unemployment insurance interest and penalty
43 fund, unemployment insurance special interest and penalty account
44 (23601), to the general fund.
- 45 Mental Hygiene:
- 46 1. \$10,000,000 from the miscellaneous special revenue fund, mental
47 hygiene patient income account (21909), to the miscellaneous special
48 revenue fund, federal salary sharing account (22056).
- 49 2. \$1,950,000,000 from the general fund to the miscellaneous special
50 revenue fund, mental hygiene patient income account (21909).
- 51 3. \$1,550,000,000 from the general fund to the miscellaneous special
52 revenue fund, mental hygiene program fund account (21907).
- 53 4. \$100,000,000 from the miscellaneous special revenue fund, mental
54 hygiene program fund account (21907), to the general fund.
- 55 5. \$100,000,000 from the miscellaneous special revenue fund, mental
56 hygiene patient income account (21909), to the general fund.

1 6. \$3,800,000 from the miscellaneous special revenue fund, mental
2 hygiene patient income account (21909), to the agencies internal service
3 fund, civil service EHS occupational health program account (55056).

4 7. \$5,000,000 from the chemical dependence service fund, substance
5 abuse services fund account (22700), to the miscellaneous capital
6 projects fund, chemical dependence service capital account.

7 Public Protection:

8 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
9 management account (21944), to the general fund.

10 2. \$3,300,000 from the general fund to the miscellaneous special
11 revenue fund, recruitment incentive account (22171).

12 3. \$10,500,000 from the general fund to the correctional industries
13 revolving fund, correctional industries internal service account
14 (55350).

15 4. \$3,000,000 from the federal miscellaneous operating grants fund,
16 DMNA damage account (25324), to the general fund.

17 5. \$6,300,000 from the general fund to the miscellaneous special
18 revenue fund, crimes against revenue program account (22015).

19 6. \$8,600,000 from the miscellaneous special revenue fund, criminal
20 justice improvement account (21945), to the general fund.

21 7. \$106,000,000 from the state police motor vehicle law enforcement
22 and motor vehicle theft and insurance fraud prevention fund, state
23 police motor vehicle enforcement account (22802), to the general fund
24 for state operation expenses of the division of state police.

25 8. \$53,500,000 from the general fund to the correctional facilities
26 capital improvement fund (32350).

27 9. \$5,000,000 from the general fund to the dedicated highway and
28 bridge trust fund (30050) for the purpose of work zone safety activities
29 provided by the division of state police for the department of transpor-
30 tation.

31 10. \$10,000,000 from the miscellaneous special revenue fund, statewide
32 public safety communications account (22123), to the capital projects
33 fund (30000).

34 11. \$2,900,000 from the miscellaneous special revenue fund, legal
35 services assistance account (22096), to the general fund.

36 12. \$300,000 from the state police motor vehicle law enforcement and
37 motor vehicle theft and insurance fraud prevention fund, motor vehicle
38 theft and insurance fraud account (22801), to the general fund.

39 13. \$1,000,000 from the general fund to the agencies internal service
40 fund, center for employment opportunities NWP account.

41 Transportation:

42 1. \$17,672,000 from the federal miscellaneous operating grants fund to
43 the miscellaneous special revenue fund, New York Metropolitan Transpor-
44 tation Council account (21913).

45 2. \$20,147,000 from the federal capital projects fund to the miscella-
46 neous special revenue fund, New York Metropolitan Transportation Council
47 account (21913).

48 3. \$1,240,000 from the miscellaneous special revenue fund, compulsory
49 insurance account (22087), to the dedicated highway and bridge trust
50 fund (30050).

51 4. \$15,046,384 from the general fund to the mass transportation oper-
52 ating assistance fund, public transportation systems operating assist-
53 ance account (21401), of which \$12,000,000 constitutes the base need for
54 operations.

55 5. \$810,000,000 from the general fund to the dedicated highway and
56 bridge trust fund (30050).

1 6. \$936,000 from the miscellaneous special revenue fund, accident
2 prevention course program account (22094), to the dedicated highway and
3 bridge trust fund (30050).

4 7. \$1,234,000 from the miscellaneous special revenue fund, motorcycle
5 safety account (21976), to the dedicated highway and bridge trust fund
6 (30050).

7 8. \$309,250,000 from the general fund to the MTA financial assistance
8 fund, mobility tax trust account (23651).

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

15 10. \$34,000 from the miscellaneous special revenue fund, seized assets
16 account (21906), to the dedicated highway and bridge trust fund (30050).

17 Miscellaneous:

18 1. \$250,000,000 from the general fund to any funds or accounts for the
19 purpose of reimbursing certain outstanding accounts receivable balances.

20 2. \$500,000,000 from the general fund to the debt reduction reserve
21 fund (40000).

22 3. \$450,000,000 from the New York state storm recovery capital fund
23 (33000) to the revenue bond tax fund (40152).

24 4. \$15,500,000 from the general fund, community projects account GG
25 (10256), to the general fund, state purposes account (10050).

26 5. \$1,840,000,000 from the general fund to the dedicated infrastruc-
27 ture investment fund.

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

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

37 2. Upon request of the commissioner of agriculture and markets, up to
38 \$3,000,000 from any special revenue fund or enterprise fund within the
39 department of agriculture and markets to the general fund, to pay appro-
40 priate administrative expenses.

41 3. Upon request of the commissioner of agriculture and markets, up to
42 \$2,000,000 from the state exposition special fund, state fair receipts
43 account (50051) to the miscellaneous capital projects fund, state fair
44 capital improvement account (32208).

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

50 5. Upon request of the commissioner of the division of housing and
51 community renewal, up to \$5,500,000 may be transferred from any miscel-
52 laneous special revenue fund account, to any miscellaneous special
53 revenue fund.

54 6. Upon request of the commissioner of health up to \$5,000,000 from
55 revenues credited to any of the department of health's special revenue

1 funds, to the miscellaneous special revenue fund, administration account
2 (21982).

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

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

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

25 S 7. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer, upon request of the director of the budget and
28 upon consultation with the state university chancellor or his or her
29 designee, on or before March 31, 2017, up to \$6,500,000 from the state
30 university income fund general revenue account (22653) to the state
31 general fund for debt service costs related to campus supported capital
32 project costs for the NY-SUNY 2020 challenge grant program at the
33 University at Albany.

34 S 8. Notwithstanding any law to the contrary, the state university
35 chancellor or his or her designee is authorized and directed to transfer
36 estimated tuition revenue balances from the state university collection
37 fund (61000) to the state university income fund, state university
38 general revenue offset account (22655) on or before March 31, 2017.

39 S 9. Notwithstanding any law to the contrary, and in accordance with
40 section 4 of the state finance law, the comptroller is hereby authorized
41 and directed to transfer, upon request of the director of the budget, up
42 to \$87,864,000 from the general fund to the state university income
43 fund, state university hospitals income reimbursable account (22656)
44 during the period July 1, 2016 through June 30, 2017 to reflect ongoing
45 state subsidy of SUNY hospitals and to pay costs attributable to the
46 SUNY hospitals' state agency status.

47 S 10. Notwithstanding any law to the contrary, and in accordance with
48 section 4 of the state finance law, the comptroller is hereby authorized
49 and directed to transfer, upon request of the director of the budget, up
50 to \$1,011,590,300 from the general fund to the state university income
51 fund, state university general revenue offset account (22655) during the
52 period of July 1, 2016 through June 30, 2017 to support operations at
53 the state university.

54 S 11. Notwithstanding any law to the contrary, and in accordance with
55 section 4 of the state finance law, the comptroller is hereby authorized
56 and directed to transfer, upon request of the state university chancel-

1 lor or his or her designee, up to \$55,000,000 from the state university
2 income fund, state university hospitals income reimbursable account
3 (22656), for services and expenses of hospital operations and capital
4 expenditures at the state university hospitals; and the state university
5 income fund, Long Island veterans' home account (22652) to the state
6 university capital projects fund (32400) on or before June 30, 2017.

7 S 12. Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller, after consultation
9 with the state university chancellor or his or her designee, is hereby
10 authorized and directed to transfer moneys, in the first instance, from
11 the state university collection fund, Stony Brook hospital collection
12 account (61006), Brooklyn hospital collection account (61007), and Syra-
13 cuse hospital collection account (61008) to the state university income
14 fund, state university hospitals income reimbursable account (22656) in
15 the event insufficient funds are available in the state university
16 income fund, state university hospitals income reimbursable account
17 (22656) to permit the full transfer of moneys authorized for transfer,
18 to the general fund for payment of debt service related to the SUNY
19 hospitals. Notwithstanding any law to the contrary, the comptroller is
20 also hereby authorized and directed, after consultation with the state
21 university chancellor or his or her designee, to transfer moneys from
22 the state university income fund to the state university income fund,
23 state university hospitals income reimbursable account (22656) in the
24 event insufficient funds are available in the state university income
25 fund, state university hospitals income reimbursable account (22656) to
26 pay hospital operating costs or to permit the full transfer of moneys
27 authorized for transfer, to the general fund for payment of debt service
28 related to the SUNY hospitals on or before March 31, 2017.

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

38 S 14. Notwithstanding any law to the contrary, and in accordance with
39 section 4 of the state finance law, the comptroller is hereby authorized
40 and directed to transfer monies, upon request of the director of the
41 budget, on or before March 31, 2017, from and to any of the following
42 accounts: the miscellaneous special revenue fund, patient income account
43 (21909), the miscellaneous special revenue fund, mental hygiene program
44 fund account (21907), the miscellaneous special revenue fund, federal
45 salary sharing account (22056), or the general fund in any combination,
46 the aggregate of which shall not exceed \$350 million.

47 S 15. Notwithstanding any law to the contrary, and in accordance with
48 section 4 of the state finance law, the comptroller is hereby authorized
49 and directed to transfer, at the request of the director of the budget,
50 up to \$500 million from the unencumbered balance of any special revenue
51 fund or account, agency fund or account, internal service fund or
52 account, enterprise fund or account, or any combination of such funds
53 and accounts, to the general fund. The amounts transferred pursuant to
54 this authorization shall be in addition to any other transfers expressly
55 authorized in the 2016-17 budget. Transfers from federal funds, debt
56 service funds, capital projects funds, the community projects fund, or

1 funds that would result in the loss of eligibility for federal benefits
2 or federal funds pursuant to federal law, rule, or regulation as assent-
3 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
4 1951 are not permitted pursuant to this authorization.

5 S 15-a. Notwithstanding any other law to the contrary, up to \$245
6 million of the assessment reserves remitted to the chair of the workers'
7 compensation board pursuant to subdivision 6 of section 151 of the work-
8 ers' compensation law shall, at the request of the director of the budg-
9 et, be transferred to the state insurance fund, for partial payment and
10 partial satisfaction of the state's obligations to the state insurance
11 fund under section 88-c of the workers' compensation law.

12 S 16. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, at the request of the director of the budget,
15 up to \$100 million from any non-general fund or account, or combination
16 of funds and accounts, to the miscellaneous special revenue fund, tech-
17 nology financing account (22207) or the miscellaneous capital projects
18 fund, information technology capital financing account (32215), for the
19 purpose of consolidating technology procurement and services. The
20 amounts transferred to the miscellaneous special revenue fund, technolo-
21 gy financing account (22207) pursuant to this authorization shall be
22 equal to or less than the amount of such monies intended to support
23 information technology costs which are attributable, according to a
24 plan, to such account made in pursuance to an appropriation by law.
25 Transfers to the technology financing account shall be completed from
26 amounts collected by non-general funds or accounts pursuant to a fund
27 deposit schedule or permanent statute, and shall be transferred to the
28 technology financing account pursuant to a schedule agreed upon by the
29 affected agency commissioner. Transfers from funds that would result in
30 the loss of eligibility for federal benefits or federal funds pursuant
31 to federal law, rule, or regulation as assented to in chapter 683 of the
32 laws of 1938 and chapter 700 of the laws of 1951 are not permitted
33 pursuant to this authorization.

34 S 16-a. Notwithstanding any law to the contrary, and in accordance
35 with section 4 of the state finance law, the comptroller is hereby
36 authorized and directed to transfer, at the request of the director of
37 the budget, up to twenty-one million dollars (\$21,000,000) from the
38 unencumbered balance of any special revenue fund or account, or combina-
39 tion of funds and accounts, to the community projects fund. The amounts
40 transferred pursuant to this authorization shall be in addition to any
41 other transfers expressly authorized in the 2016-17 budget. Transfers
42 from federal funds, debt services funds, capital projects funds, or
43 funds that would result in the loss of eligibility for federal benefits
44 or federal funds pursuant to federal law, rule, or regulation as assent-
45 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
46 1951 are not permitted pursuant to this authorization. The director of
47 the budget shall (a) have received a request in writing from one or both
48 houses of the legislature, and (b) notify both houses of the legislature
49 in writing prior to initiating transfers pursuant to this authorization.
50 The comptroller shall provide the director of the budget, the chair of
51 the senate finance committee, and the chair of the assembly ways and
52 means committee with an accurate accounting and report of any transfers
53 that occur pursuant to this section on or before the fifteenth day of
54 the following month in which such transfers occur.

55 S 17. Notwithstanding any law to the contrary, and in accordance with
56 section 4 of the state finance law, the comptroller is hereby authorized

1 and directed to transfer, at the request of the director of the budget,
2 up to \$350 million from any non-general fund or account, or combination
3 of funds and accounts, to the general fund for the purpose of consol-
4 idating technology procurement and services. The amounts transferred
5 pursuant to this authorization shall be equal to or less than the amount
6 of such monies intended to support information technology costs which
7 are attributable, according to a plan, to such account made in pursuance
8 to an appropriation by law. Transfers to the general fund shall be
9 completed from amounts collected by non-general funds or accounts pursu-
10 ant to a fund deposit schedule. Transfers from funds that would result
11 in the loss of eligibility for federal benefits or federal funds pursu-
12 ant to federal law, rule, or regulation as assented to in chapter 683 of
13 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
14 pursuant to this authorization.

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

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

28 S 20. Notwithstanding any provision of law, rule or regulation to the
29 contrary, the New York state energy research and development authority
30 is authorized and directed to transfer to the state university income
31 fund general revenue account (22653), in an amount not to exceed
32 \$15,000,000 for the state fiscal year commencing April 1, 2016 from the
33 proceeds collected by the authority from the auction or sale of carbon
34 dioxide emission allowances allocated by the department of environmental
35 conservation, which amount shall be utilized to support the Clean Energy
36 Workforce Opportunity Program, to expand and develop clean energy educa-
37 tion and workforce training programs, to offer additional courses, to
38 hire faculty, purchase or upgrade necessary machinery and lab equipment,
39 provide or coordinate associated experiential learning, and to integrate
40 workforce training; provided further, that up to \$5,000,000 of such
41 amount shall be available to support Clean Energy Workforce Opportunity
42 Program initiatives at state university of New York community colleges.

43 S 21. Subdivision 5 of section 97-rrr of the state finance law, as
44 amended by section 21 of part I of chapter 60 of the laws of 2015, is
45 amended to read as follows:

46 5. Notwithstanding the provisions of section one hundred seventy-one-a
47 of the tax law, as separately amended by chapters four hundred eighty-
48 one and four hundred eighty-four of the laws of nineteen hundred eight-
49 y-one, and notwithstanding the provisions of chapter ninety-four of the
50 laws of two thousand eleven, or any other provisions of law to the
51 contrary, during the fiscal year beginning April first, two thousand
52 [fifteen] SIXTEEN, the state comptroller is hereby authorized and
53 directed to deposit to the fund created pursuant to this section from
54 amounts collected pursuant to article twenty-two of the tax law and
55 pursuant to a schedule submitted by the director of the budget, up to
56 [\$3,382,279,000] \$3,283,844,000, as may be certified in such schedule as

1 necessary to meet the purposes of such fund for the fiscal year begin-
2 ning April first, two thousand [fifteen] SIXTEEN.

3 S 22. Intentionally omitted.

4 S 23. Intentionally omitted.

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

8 6. Notwithstanding any law to the contrary, at the beginning of the
9 state fiscal year, the state comptroller is hereby authorized and
10 directed to receive for deposit to the credit of a fund and/or an
11 account such monies as are identified by the director of the budget as
12 having been intended for such deposit to support disbursements from such
13 fund and/or account made in pursuance of an appropriation by law. As
14 soon as practicable upon enactment of the budget, the director of the
15 budget shall, but not less than three days following preliminary
16 submission to the chairs of the senate finance committee and the assem-
17 bly ways and means committee, file with the state comptroller an iden-
18 tification of specific monies to be so deposited. Any subsequent change
19 regarding the monies to be so deposited shall be filed by the director
20 of the budget, as soon as practicable, but not less than three days
21 following preliminary submission to the chairs of the senate finance
22 committee and the assembly ways and means committee.

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

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

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

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

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

42 S 26. Subparagraph (i) of paragraph (a) of subdivision 3 of section
43 92-cc of the state finance law, as added by chapter 1 of the laws of
44 2007, is amended to read as follows:

45 (i) Economic downturn. The commissioner of labor shall calculate and
46 publish, on or before the fifteenth day of each month, a composite index
47 of business cycle indicators. Such index shall be calculated using
48 monthly data on New York state PRIVATE SECTOR employment, [total] AVER-
49 AGE WEEKLY HOURS OF manufacturing [hours worked] WORKERS, and THE unem-
50 ployment RATE prepared by the department of labor or its successor agen-
51 cy, and total sales tax [collected net of law changes] COLLECTIONS
52 ADJUSTED FOR INFLATION, prepared by the department of taxation and
53 finance or its successor agency. Such index shall be [constructed in
54 accordance with the procedures for calculating composite indexes issued
55 by the conference board or its successor organization, and] adjusted for
56 seasonal variations in accordance with the procedures issued by the

1 [census bureau of the] United States [department of commerce] CENSUS
2 BUREAU or its successor agency. If the composite index declines for five
3 consecutive months, the commissioner of labor shall notify the governor,
4 the speaker of the assembly, the temporary president of the senate, and
5 the minority leaders of the assembly and the senate. Upon such notifica-
6 tion, the director of the budget may authorize and direct the comp-
7 troller to transfer from the rainy day reserve fund to the general fund
8 such amounts as the director of the budget deems necessary to meet the
9 requirements of the state financial plan. The authority to transfer
10 funds under the provisions of this subdivision shall lapse when the
11 composite index shall have increased for five consecutive months or
12 twelve months from the original notification of the commissioner of
13 labor, whichever occurs earlier. Provided, however, that for every addi-
14 tional and consecutive monthly decline succeeding the five month decline
15 so noted by the commissioner of labor, the twelve month lapse date shall
16 be extended by one additional month; or

17 S 27. Paragraph (a) of subdivision 3 of section 93-b of the state
18 finance law, as added by section 1 of part H of chapter 60 of the laws
19 of 2015, is amended to read as follows:

20 (a) Economic downturn. Notwithstanding any law to the contrary, for
21 the purpose of this section, the commissioner of labor shall calculate
22 and publish, on or before the fifteenth day of each month, a composite
23 index of business cycle indicators. Such index shall be calculated using
24 monthly data on New York state PRIVATE SECTOR employment, [total] AVER-
25 AGE WEEKLY HOURS OF manufacturing [hours worked] WORKERS, and THE unem-
26 ployment RATE prepared by the department of labor or its successor agen-
27 cy, and total sales tax [collected net of law changes] COLLECTIONS
28 ADJUSTED FOR INFLATION, prepared by the department of taxation and
29 finance or its successor agency. Such index shall be [constructed in
30 accordance with the procedures for calculating composite indexes issued
31 by the conference board or its successor organization, and] adjusted for
32 seasonal variations in accordance with the procedures issued by the
33 [census bureau of the] United States [department of commerce] CENSUS
34 BUREAU or its successor agency. If the composite index declines for five
35 consecutive months, the commissioner of labor shall notify the governor,
36 the speaker of the assembly, the temporary president of the senate, and
37 the minority leaders of the assembly and the senate. Upon such notifica-
38 tion, the director of the budget may authorize and direct the comp-
39 troller to transfer from the dedicated infrastructure investment fund to
40 the general fund such amounts as the director of the budget deems neces-
41 sary to meet the requirements of the state financial plan. The authority
42 to transfer funds under the provisions of this paragraph shall lapse
43 when the composite index shall have increased for five consecutive
44 months or twelve months from the original notification of the commis-
45 sioner of labor, whichever occurs earlier. Provided, however, that for
46 every additional and consecutive monthly decline succeeding the five
47 month decline so noted by the commissioner of labor, the twelve month
48 lapse date shall be extended by one additional month.

49 S 27-a. The opening paragraph of paragraph 1-a of subdivision (a) of
50 section 83 of the state finance law, as added by chapter 453 of the laws
51 of 2015, is amended to read as follows:

52 On or before the first day of February each year, the commissioner of
53 the department of environmental conservation shall provide a written
54 report to the temporary president of the senate, speaker of the assem-
55 bly, chair of the senate finance committee, chair of the assembly ways
56 and means committee, chair of the senate committee on [health] ENVIRON-

1 MENTAL CONSERVATION, chair of the assembly [health] ENVIRONMENTAL
2 CONSERVATION committee, the state comptroller and the public. Such
3 report shall include how the monies of the fund received pursuant to
4 section six hundred twenty-five of the tax law were utilized during the
5 preceding calendar year, and shall include:

6 S 27-b. The opening paragraph of subdivision 2-a of section 84 of the
7 state finance law, as added by chapter 453 of the laws of 2015, is
8 amended to read as follows:

9 On or before the first day of February each year, the chairperson of
10 the New York state Olympic regional development authority shall provide
11 a written report to the temporary president of the senate, speaker of
12 the assembly, chair of the senate finance committee, chair of the assem-
13 bly ways and means committee, chair of the senate committee on [health]
14 CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION, chair of the assembly
15 [health] TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT committee, the
16 state comptroller and the public. Such report shall include how the
17 monies of the fund were utilized during the preceding calendar year, and
18 shall include:

19 S 27-c. The opening paragraph of subdivision 2-a of section 97-mmmm of
20 the state finance law, as added by chapter 453 of the laws of 2015, is
21 amended to read as follows:

22 On or before the first day of February each year, the director of the
23 New York state division of veterans' affairs shall provide a written
24 report to the temporary president of the senate, speaker of the assem-
25 bly, chair of the senate finance committee, chair of the assembly ways
26 and means committee, chair of the senate committee on [health] VETERANS,
27 HOMELAND SECURITY AND MILITARY AFFAIRS, chair of the assembly [health]
28 VETERANS' AFFAIRS committee, the state comptroller and the public. Such
29 report shall include how the monies of the fund were utilized during the
30 preceding calendar year, and shall include:

31 S 27-d. The opening paragraph of subdivision 2-a of section 99-v of
32 the state finance law, as added by chapter 453 of the laws of 2015, is
33 amended to read as follows:

34 On or before the first day of February each year, the director of the
35 New York state division of veterans' affairs shall provide a written
36 report to the temporary president of the senate, speaker of the assem-
37 bly, chair of the senate finance committee, chair of the assembly ways
38 and means committee, chair of the senate committee on [health] VETERANS,
39 HOMELAND SECURITY AND MILITARY AFFAIRS, chair of the assembly [health]
40 VETERANS' AFFAIRS committee, the state comptroller and the public. Such
41 report shall include how the monies of the fund were utilized during the
42 preceding calendar year, and shall include:

43 S 27-e. The opening paragraph of subdivision 2-a of section 92-w of
44 the state finance law, as added by chapter 453 of the laws of 2015, is
45 amended to read as follows:

46 On or before the first day of February each year, the director of the
47 division of criminal justice services shall provide a written report to
48 the temporary president of the senate, speaker of the assembly, chair of
49 the senate finance committee, chair of the assembly ways and means
50 committee, chair of the senate committee on [health] CODES, chair of the
51 assembly [health] CODES committee, the state comptroller and the public.
52 Such report shall include how the monies of the fund were utilized
53 during the preceding calendar year, and shall include:

54 S 27-f. The opening paragraph of subdivision 2-a of section 79 of the
55 state finance law, as added by chapter 453 of the laws of 2015, is
56 amended to read as follows:

1 On or before the first day of February each year, the chairman of the
2 board of directors of the World Trade Center memorial foundation shall
3 provide a written report to the temporary president of the senate,
4 speaker of the assembly, chair of the senate finance committee, chair of
5 the assembly ways and means committee, [chair of the senate committee on
6 health, chair of the assembly health committee,] the state comptroller
7 and the public. Such report shall include how the monies of the fund
8 were utilized during the preceding calendar year, and shall include:

9 S 27-g. The opening paragraph of subdivision 2-a of section 99-q of
10 the state finance law, as added by chapter 453 of the laws of 2015, is
11 amended to read as follows:

12 On or before the first day of February each year, the state fire
13 administrator shall provide a written report to the temporary president
14 of the senate, speaker of the assembly, chair of the senate finance
15 committee, chair of the assembly ways and means committee, chair of the
16 senate committee on [health] LOCAL GOVERNMENT, chair of the assembly
17 [health] LOCAL GOVERNMENT committee, the state comptroller and the
18 public. Such report shall include how the monies of the fund were
19 utilized during the preceding calendar year, and shall include:

20 S 27-h. Subdivision 2 of section 71-b of the state finance law, as
21 added by chapter 453 of the laws of 2015, is amended to read as follows:

22 2. The head of the agency or entity administering the expenditure of
23 tax check-off monies shall report annually on the use of such monies to
24 the temporary president of the senate, speaker of the assembly, chair of
25 the senate finance committee, chair of the assembly ways and means
26 committee, chair of the [senate committee on health, chair of the assem-
27 bly health committee,] APPROPRIATE COMMITTEE IN THE SENATE OR ASSEMBLY,
28 the state comptroller and the public. Such report shall include the
29 amount of money dispersed from the fund and the award process used for
30 such disbursements, recipients of awards from the fund, the amount
31 awarded to each, the purposes for which such awards were granted, and a
32 summary financial plan for such monies which shall include estimates of
33 all receipts and all disbursements for the current and succeeding fiscal
34 years, along with the actual results from the prior fiscal year.

35 S 27-i. Section 95-e of the state finance law, as added by chapter 301
36 of the laws of 2004, is amended by adding a new subdivision 2-a to read
37 as follows:

38 2-A. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMMISSION-
39 ER OF HEALTH SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESIDENT
40 OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE
41 COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE
42 SENATE COMMITTEE ON HEALTH, CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, THE
43 STATE COMPTROLLER AND THE PUBLIC. SUCH REPORT SHALL INCLUDE HOW THE
44 MONIES OF THE FUND WERE UTILIZED DURING THE PRECEDING CALENDAR YEAR, AND
45 SHALL INCLUDE:

46 (I) THE AMOUNT OF MONEY DISBURSED FROM THE FUND AND THE AWARD PROCESS
47 USED FOR SUCH DISBURSEMENTS;

48 (II) RECIPIENTS OF AWARDS FROM THE FUND;

49 (III) THE AMOUNT AWARDED TO EACH;

50 (IV) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED; AND

51 (V) A SUMMARY FINANCIAL PLAN FOR SUCH MONIES WHICH SHALL INCLUDE ESTI-
52 MATES OF ALL RECEIPTS AND ALL DISBURSEMENTS FOR THE CURRENT AND SUCCEED-
53 ING FISCAL YEARS, ALONG WITH THE ACTUAL RESULTS FROM THE PRIOR FISCAL
54 YEAR.

1 S 27-j. Section 14 of chapter 453 of the laws of 2015 amending the
2 state finance law relating to tax check-off funds, is amended to read as
3 follows:

4 S 14. This act shall take effect immediately; provided, however, that
5 the provisions of section thirteen of this act shall apply to funds
6 established on and after such date AND FUNDS FOR WHICH A TAX CHECK-OFF
7 IS A SOURCE OF MONIES IN SUCH FUNDS.

8 S 28. Notwithstanding any other law, rule, or regulation to the
9 contrary, the state comptroller is hereby authorized and directed to use
10 any balance remaining in the mental health services fund debt service
11 appropriation, after payment by the state comptroller of all obligations
12 required pursuant to any lease, sublease, or other financing arrangement
13 between the dormitory authority of the state of New York as successor to
14 the New York state medical care facilities finance agency, and the
15 facilities development corporation pursuant to chapter 83 of the laws of
16 1995 and the department of mental hygiene for the purpose of making
17 payments to the dormitory authority of the state of New York for the
18 amount of the earnings for the investment of monies deposited in the
19 mental health services fund that such agency determines will or may have
20 to be rebated to the federal government pursuant to the provisions of
21 the internal revenue code of 1986, as amended, in order to enable such
22 agency to maintain the exemption from federal income taxation on the
23 interest paid to the holders of such agency's mental services facilities
24 improvement revenue bonds. Annually on or before each June 30th, such
25 agency shall certify to the state comptroller its determination of the
26 amounts received in the mental health services fund as a result of the
27 investment of monies deposited therein that will or may have to be
28 rebated to the federal government pursuant to the provisions of the
29 internal revenue code of 1986, as amended.

30 S 29. Subdivision 1 of section 47 of section 1 of chapter 174 of the
31 laws of 1968, constituting the New York state urban development corpo-
32 ration act, as amended by section 25 of part I of chapter 60 of the laws
33 of 2015, is amended to read as follows:

34 1. Notwithstanding the provisions of any other law to the contrary,
35 the dormitory authority and the corporation are hereby authorized to
36 issue bonds or notes in one or more series for the purpose of funding
37 project costs for the office of information technology services, depart-
38 ment of law, and other state costs associated with such capital
39 projects. The aggregate principal amount of bonds authorized to be
40 issued pursuant to this section shall not exceed [two] THREE hundred
41 [sixty-nine] SIXTY-FOUR million [one] EIGHT hundred forty thousand
42 dollars, excluding bonds issued to fund one or more debt service reserve
43 funds, to pay costs of issuance of such bonds, and bonds or notes issued
44 to refund or otherwise repay such bonds or notes previously issued. Such
45 bonds and notes of the dormitory authority and the corporation shall not
46 be a debt of the state, and the state shall not be liable thereon, nor
47 shall they be payable out of any funds other than those appropriated by
48 the state to the dormitory authority and the corporation for principal,
49 interest, and related expenses pursuant to a service contract and such
50 bonds and notes shall contain on the face thereof a statement to such
51 effect. Except for purposes of complying with the internal revenue code,
52 any interest income earned on bond proceeds shall only be used to pay
53 debt service on such bonds.

54 S 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws
55 of 1997, relating to the financing of the correctional facilities
56 improvement fund and the youth facility improvement fund, as amended by

1 section 27 of part I of chapter 60 of the laws of 2015, is amended to
2 read as follows:

3 1. Subject to the provisions of chapter 59 of the laws of 2000, but
4 notwithstanding the provisions of section 18 of section 1 of chapter 174
5 of the laws of 1968, the New York state urban development corporation is
6 hereby authorized to issue bonds, notes and other obligations in an
7 aggregate principal amount not to exceed seven billion [one] FOUR
8 hundred [sixty-three] TWENTY-FOUR million [three] NINE hundred [sixty-
9 nine] NINETY-NINE thousand dollars [\$7,163,369,000] \$7,424,999,000, and
10 shall include all bonds, notes and other obligations issued pursuant to
11 chapter 56 of the laws of 1983, as amended or supplemented. The proceeds
12 of such bonds, notes or other obligations shall be paid to the state,
13 for deposit in the correctional facilities capital improvement fund to
14 pay for all or any portion of the amount or amounts paid by the state
15 from appropriations or reappropriations made to the department of
16 corrections and community supervision from the correctional facilities
17 capital improvement fund for capital projects. The aggregate amount of
18 bonds, notes or other obligations authorized to be issued pursuant to
19 this section shall exclude bonds, notes or other obligations issued to
20 refund or otherwise repay bonds, notes or other obligations theretofore
21 issued, the proceeds of which were paid to the state for all or a
22 portion of the amounts expended by the state from appropriations or
23 reappropriations made to the department of corrections and community
24 supervision; provided, however, that upon any such refunding or repay-
25 ment the total aggregate principal amount of outstanding bonds, notes or
26 other obligations may be greater than seven billion [one] FOUR hundred
27 [sixty-three] TWENTY-FOUR million [three] NINE hundred [sixty-nine]
28 NINETY-NINE thousand dollars [\$7,163,369,000] \$7,424,999,000, only if
29 the present value of the aggregate debt service of the refunding or
30 repayment bonds, notes or other obligations to be issued shall not
31 exceed the present value of the aggregate debt service of the bonds,
32 notes or other obligations so to be refunded or repaid. For the purposes
33 hereof, the present value of the aggregate debt service of the refunding
34 or repayment bonds, notes or other obligations and of the aggregate debt
35 service of the bonds, notes or other obligations so refunded or repaid,
36 shall be calculated by utilizing the effective interest rate of the
37 refunding or repayment bonds, notes or other obligations, which shall be
38 that rate arrived at by doubling the semi-annual interest rate
39 (compounded semi-annually) necessary to discount the debt service
40 payments on the refunding or repayment bonds, notes or other obligations
41 from the payment dates thereof to the date of issue of the refunding or
42 repayment bonds, notes or other obligations and to the price bid includ-
43 ing estimated accrued interest or proceeds received by the corporation
44 including estimated accrued interest from the sale thereof.

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

48 (a) Subject to the provisions of chapter fifty-nine of the laws of two
49 thousand, in order to enhance and encourage the promotion of housing
50 programs and thereby achieve the stated purposes and objectives of such
51 housing programs, the agency shall have the power and is hereby author-
52 ized from time to time to issue negotiable housing program bonds and
53 notes in such principal amount as shall be necessary to provide suffi-
54 cient funds for the repayment of amounts disbursed (and not previously
55 reimbursed) pursuant to law or any prior year making capital appropri-
56 ations or reappropriations for the purposes of the housing program;

1 provided, however, that the agency may issue such bonds and notes in an
2 aggregate principal amount not exceeding [three] FOUR billion [one] SIX
3 hundred [fifty-three] NINETY-SEVEN million [seven] FOUR hundred [nine-
4 ty-nine] SEVENTY-FOUR thousand dollars, plus a principal amount of bonds
5 issued to fund the debt service reserve fund in accordance with the debt
6 service reserve fund requirement established by the agency and to fund
7 any other reserves that the agency reasonably deems necessary for the
8 security or marketability of such bonds and to provide for the payment
9 of fees and other charges and expenses, including underwriters'
10 discount, trustee and rating agency fees, bond insurance, credit
11 enhancement and liquidity enhancement related to the issuance of such
12 bonds and notes. No reserve fund securing the housing program bonds
13 shall be entitled or eligible to receive state funds apportioned or
14 appropriated to maintain or restore such reserve fund at or to a partic-
15 ular level, except to the extent of any deficiency resulting directly or
16 indirectly from a failure of the state to appropriate or pay the agreed
17 amount under any of the contracts provided for in subdivision four of
18 this section.

19 S 32. Subdivision (b) of section 11 of chapter 329 of the laws of
20 1991, amending the state finance law and other laws relating to the
21 establishment of the dedicated highway and bridge trust fund, as amended
22 by section 29 of part I of chapter 60 of the laws of 2015, is amended to
23 read as follows:

24 (b) Any service contract or contracts for projects authorized pursuant
25 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
26 14-k of the transportation law, and entered into pursuant to subdivision
27 (a) of this section, shall provide for state commitments to provide
28 annually to the thruway authority a sum or sums, upon such terms and
29 conditions as shall be deemed appropriate by the director of the budget,
30 to fund, or fund the debt service requirements of any bonds or any obli-
31 gations of the thruway authority issued to fund or to reimburse the
32 state for funding such projects having a cost not in excess of
33 [\$8,658,881,000] \$9,147,234,000 cumulatively by the end of fiscal year
34 [2015-16] 2016-17.

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

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

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

48 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
49 notwithstanding any provisions of law to the contrary, the urban devel-
50 opment corporation is hereby authorized to issue bonds or notes in one
51 or more series in an aggregate principal amount not to exceed
52 [\$155,600,000] \$167,600,000, excluding bonds issued to finance one or
53 more debt service reserve funds, to pay costs of issuance of such bonds,
54 and bonds or notes issued to refund or otherwise repay such bonds or
55 notes previously issued, for the purpose of financing capital projects
56 including IT initiatives for the division of state police, debt service

1 and leases; and to reimburse the state general fund for disbursements
2 made therefor. Such bonds and notes of such authorized issuer shall not
3 be a debt of the state, and the state shall not be liable thereon, nor
4 shall they be payable out of any funds other than those appropriated by
5 the state to such authorized issuer for debt service and related
6 expenses pursuant to any service contract executed pursuant to subdivi-
7 sion (b) of this section and such bonds and notes shall contain on the
8 face thereof a statement to such effect. Except for purposes of comply-
9 ing with the internal revenue code, any interest income earned on bond
10 proceeds shall only be used to pay debt service on such bonds.

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

15 S 44. Issuance of certain bonds or notes. 1. Notwithstanding the
16 provisions of any other law to the contrary, the dormitory authority and
17 the corporation are hereby authorized to issue bonds or notes in one or
18 more series for the purpose of funding project costs for the regional
19 economic development council initiative, the economic transformation
20 program, state university of New York college for nanoscale and science
21 engineering, projects within the city of Buffalo or surrounding envi-
22 rons, the New York works economic development fund, projects for the
23 retention of professional football in western New York, the empire state
24 economic development fund, the clarkson-trudeau partnership, the New
25 York genome center, the cornell university college of veterinary medi-
26 cine, the olympic regional development authority, [a project] PROJECTS
27 at nano Utica, onondaga county revitalization projects, Binghamton
28 university school of pharmacy, New York power electronics manufacturing
29 consortium, regional infrastructure projects, HIGH TECHNOLOGY MANUFAC-
30 TURING PROJECTS IN CHAUTAUQUA AND ERIE COUNTY, AN INDUSTRIAL SCALE
31 RESEARCH AND DEVELOPMENT FACILITY IN CLINTON COUNTY, UPSTATE REVITALIZA-
32 TION INITIATIVE PROJECTS, MARKET NEW YORK PROJECTS, FAIRGROUND BUILDINGS
33 OR FACILITIES USED TO HOUSE AND PROMOTE AGRICULTURE, and other state
34 costs associated with such projects. The aggregate principal amount of
35 bonds authorized to be issued pursuant to this section shall not exceed
36 [two] FOUR billion [eight] SIX hundred [eighty-eight] SEVENTY-ONE
37 million [two] SEVEN hundred fifty-seven thousand dollars, excluding
38 bonds issued to fund one or more debt service reserve funds, to pay
39 costs of issuance of such bonds, and bonds or notes issued to refund or
40 otherwise repay such bonds or notes previously issued. Such bonds and
41 notes of the dormitory authority and the corporation shall not be a debt
42 of the state, and the state shall not be liable thereon, nor shall they
43 be payable out of any funds other than those appropriated by the state
44 to the dormitory authority and the corporation for principal, interest,
45 and related expenses pursuant to a service contract and such bonds and
46 notes shall contain on the face thereof a statement to such effect.
47 Except for purposes of complying with the internal revenue code, any
48 interest income earned on bond proceeds shall only be used to pay debt
49 service on such bonds.

50 2. Notwithstanding any other provision of law to the contrary, in
51 order to assist the dormitory authority and the corporation in undertak-
52 ing the financing for project costs for the regional economic develop-
53 ment council initiative, the economic transformation program, state
54 university of New York college for nanoscale and science engineering,
55 projects within the city of Buffalo or surrounding environs, the New
56 York works economic development fund, projects for the retention of

1 professional football in western New York, the empire state economic
2 development fund, the clarkson-trudeau partnership, the New York genome
3 center, the cornell university college of veterinary medicine, the olym-
4 pic regional development authority, [a project] PROJECTS at nano Utica,
5 onondaga county revitalization projects, Binghamton university school of
6 pharmacy, New York power electronics manufacturing consortium, regional
7 infrastructure projects, HIGH TECHNOLOGY MANUFACTURING PROJECTS IN CHAU-
8 TAUQUA AND ERIE COUNTY, AN INDUSTRIAL SCALE RESEARCH AND DEVELOPMENT
9 FACILITY IN CLINTON COUNTY, UPSTATE REVITALIZATION INITIATIVE PROJECTS,
10 MARKET NEW YORK PROJECTS, FAIRGROUND BUILDINGS OR FACILITIES USED TO
11 HOUSE AND PROMOTE AGRICULTURE, and other state costs associated with
12 such projects, the director of the budget is hereby authorized to enter
13 into one or more service contracts with the dormitory authority and the
14 corporation, none of which shall exceed thirty years in duration, upon
15 such terms and conditions as the director of the budget and the dormito-
16 ry authority and the corporation agree, so as to annually provide to the
17 dormitory authority and the corporation, in the aggregate, a sum not to
18 exceed the principal, interest, and related expenses required for such
19 bonds and notes. Any service contract entered into pursuant to this
20 section shall provide that the obligation of the state to pay the amount
21 therein provided shall not constitute a debt of the state within the
22 meaning of any constitutional or statutory provision and shall be deemed
23 executory only to the extent of monies available and that no liability
24 shall be incurred by the state beyond the monies available for such
25 purpose, subject to annual appropriation by the legislature. Any such
26 contract or any payments made or to be made thereunder may be assigned
27 and pledged by the dormitory authority and the corporation as security
28 for its bonds and notes, as authorized by this section.

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

32 3. The maximum amount of bonds that may be issued for the purpose of
33 financing environmental infrastructure projects authorized by this
34 section shall be [one] TWO billion [seven hundred seventy-five] ONE
35 HUNDRED EIGHT million [seven] TWO hundred sixty thousand dollars, exclu-
36 sive of bonds issued to fund any debt service reserve funds, pay costs
37 of issuance of such bonds, and bonds or notes issued to refund or other-
38 wise repay bonds or notes previously issued. Such bonds and notes of the
39 corporation shall not be a debt of the state, and the state shall not be
40 liable thereon, nor shall they be payable out of any funds other than
41 those appropriated by the state to the corporation for debt service and
42 related expenses pursuant to any service contracts executed pursuant to
43 subdivision one of this section, and such bonds and notes shall contain
44 on the face thereof a statement to such effect.

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

49 1. Notwithstanding the provisions of any other law to the contrary,
50 the urban development corporation of the state of New York is hereby
51 authorized to issue bonds or notes in one or more series for the purpose
52 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
53 2020 challenge grant program subject to the approval of a NY-SUNY and
54 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
55 the state university of New York or the chancellor of the city universi-
56 ty of New York, as applicable. The aggregate principal amount of bonds

1 authorized to be issued pursuant to this section shall not exceed
2 [\$440,000,000] \$550,000,000, excluding bonds issued to fund one or more
3 debt service reserve funds, to pay costs of issuance of such bonds, and
4 bonds or notes issued to refund or otherwise repay such bonds or notes
5 previously issued. Such bonds and notes of the corporation shall not be
6 a debt of the state, and the state shall not be liable thereon, nor
7 shall they be payable out of any funds other than those appropriated by
8 the state to the corporation for principal, interest, and related
9 expenses pursuant to a service contract and such bonds and notes shall
10 contain on the face thereof a statement to such effect. Except for
11 purposes of complying with the internal revenue code, any interest
12 income earned on bond proceeds shall only be used to pay debt service on
13 such bonds.

14 S 38. Subdivision (a) of section 48 of part K of chapter 81 of the
15 laws of 2002, providing for the administration of certain funds and
16 accounts related to the 2002-2003 budget, as amended by section 35 of
17 part I of chapter 60 of the laws of 2015, is amended to read as follows:

18 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
19 notwithstanding the provisions of section 18 of the urban development
20 corporation act, the corporation is hereby authorized to issue bonds or
21 notes in one or more series in an aggregate principal amount not to
22 exceed \$197,000,000 excluding bonds issued to fund one or more debt
23 service reserve funds, to pay costs of issuance of such bonds, and bonds
24 or notes issued to refund or otherwise repay such bonds or notes previ-
25 ously issued, for the purpose of financing capital costs related to
26 homeland security and training facilities for the division of state
27 police, the division of military and naval affairs, and any other state
28 agency, including the reimbursement of any disbursements made from the
29 state capital projects fund, and is hereby authorized to issue bonds or
30 notes in one or more series in an aggregate principal amount not to
31 exceed [\$469,800,000] \$509,600,000, excluding bonds issued to fund one
32 or more debt service reserve funds, to pay costs of issuance of such
33 bonds, and bonds or notes issued to refund or otherwise repay such bonds
34 or notes previously issued, for the purpose of financing improvements to
35 State office buildings and other facilities located statewide, including
36 the reimbursement of any disbursements made from the state capital
37 projects fund. Such bonds and notes of the corporation shall not be a
38 debt of the state, and the state shall not be liable thereon, nor shall
39 they be payable out of any funds other than those appropriated by the
40 state to the corporation for debt service and related expenses pursuant
41 to any service contracts executed pursuant to subdivision (b) of this
42 section, and such bonds and notes shall contain on the face thereof a
43 statement to such effect.

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

47 1. Notwithstanding any other provision of law to the contrary, the
48 authority, the dormitory authority and the urban development corporation
49 are hereby authorized to issue bonds or notes in one or more series for
50 the purpose of financing peace bridge projects and capital costs of
51 state and local highways, parkways, bridges, the New York state thruway,
52 Indian reservation roads, and facilities, and transportation infrastruc-
53 ture projects including aviation projects, non-MTA mass transit
54 projects, and rail service preservation projects, including work appur-
55 tenant and ancillary thereto. The aggregate principal amount of bonds
56 authorized to be issued pursuant to this section shall not exceed [one]

1 THREE billion [six hundred ninety] SIXTY-FIVE million dollars
2 [\$1,690,000,000] \$3,065,000,000, excluding bonds issued to fund one or
3 more debt service reserve funds, to pay costs of issuance of such bonds,
4 and to refund or otherwise repay such bonds or notes previously issued.
5 Such bonds and notes of the authority, the dormitory authority and the
6 urban development corporation shall not be a debt of the state, and the
7 state shall not be liable thereon, nor shall they be payable out of any
8 funds other than those appropriated by the state to the authority, the
9 dormitory authority and the urban development corporation for principal,
10 interest, and related expenses pursuant to a service contract and such
11 bonds and notes shall contain on the face thereof a statement to such
12 effect. Except for purposes of complying with the internal revenue code,
13 any interest income earned on bond proceeds shall only be used to pay
14 debt service on such bonds.

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

18 (c) Subject to the provisions of chapter fifty-nine of the laws of two
19 thousand, the dormitory authority shall not issue any bonds for state
20 university educational facilities purposes if the principal amount of
21 bonds to be issued when added to the aggregate principal amount of bonds
22 issued by the dormitory authority on and after July first, nineteen
23 hundred eighty-eight for state university educational facilities will
24 exceed eleven billion [two] SIX hundred [twenty-eight] SIXTY-THREE
25 million dollars; provided, however, that bonds issued or to be issued
26 shall be excluded from such limitation if: (1) such bonds are issued to
27 refund state university construction bonds and state university
28 construction notes previously issued by the housing finance agency; or
29 (2) such bonds are issued to refund bonds of the authority or other
30 obligations issued for state university educational facilities purposes
31 and the present value of the aggregate debt service on the refunding
32 bonds does not exceed the present value of the aggregate debt service on
33 the bonds refunded thereby; provided, further that upon certification by
34 the director of the budget that the issuance of refunding bonds or other
35 obligations issued between April first, nineteen hundred ninety-two and
36 March thirty-first, nineteen hundred ninety-three will generate long
37 term economic benefits to the state, as assessed on a present value
38 basis, such issuance will be deemed to have met the present value test
39 noted above. For purposes of this subdivision, the present value of the
40 aggregate debt service of the refunding bonds and the aggregate debt
41 service of the bonds refunded, shall be calculated by utilizing the true
42 interest cost of the refunding bonds, which shall be that rate arrived
43 at by doubling the semi-annual interest rate (compounded semi-annually)
44 necessary to discount the debt service payments on the refunding bonds
45 from the payment dates thereof to the date of issue of the refunding
46 bonds to the purchase price of the refunding bonds, including interest
47 accrued thereon prior to the issuance thereof. The maturity of such
48 bonds, other than bonds issued to refund outstanding bonds, shall not
49 exceed the weighted average economic life, as certified by the state
50 university construction fund, of the facilities in connection with which
51 the bonds are issued, and in any case not later than the earlier of
52 thirty years or the expiration of the term of any lease, sublease or
53 other agreement relating thereto; provided that no note, including
54 renewals thereof, shall mature later than five years after the date of
55 issuance of such note. The legislature reserves the right to amend or
56 repeal such limit, and the state of New York, the dormitory authority,

1 the state university of New York, and the state university construction
2 fund are prohibited from covenanting or making any other agreements with
3 or for the benefit of bondholders which might in any way affect such
4 right.

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

8 (c) Subject to the provisions of chapter fifty-nine of the laws of two
9 thousand, (i) the dormitory authority shall not deliver a series of
10 bonds for city university community college facilities, except to refund
11 or to be substituted for or in lieu of other bonds in relation to city
12 university community college facilities pursuant to a resolution of the
13 dormitory authority adopted before July first, nineteen hundred eighty-
14 five or any resolution supplemental thereto, if the principal amount of
15 bonds so to be issued when added to all principal amounts of bonds
16 previously issued by the dormitory authority for city university commu-
17 nity college facilities, except to refund or to be substituted in lieu
18 of other bonds in relation to city university community college facili-
19 ties will exceed the sum of four hundred twenty-five million dollars and
20 (ii) the dormitory authority shall not deliver a series of bonds issued
21 for city university facilities, including community college facilities,
22 pursuant to a resolution of the dormitory authority adopted on or after
23 July first, nineteen hundred eighty-five, except to refund or to be
24 substituted for or in lieu of other bonds in relation to city university
25 facilities and except for bonds issued pursuant to a resolution supple-
26 mental to a resolution of the dormitory authority adopted prior to July
27 first, nineteen hundred eighty-five, if the principal amount of bonds so
28 to be issued when added to the principal amount of bonds previously
29 issued pursuant to any such resolution, except bonds issued to refund or
30 to be substituted for or in lieu of other bonds in relation to city
31 university facilities, will exceed seven billion [three] FIVE hundred
32 [ninety-two] EIGHTY-EIGHT million [seven] FOUR hundred [fifty-three]
33 ELEVEN thousand dollars. The legislature reserves the right to amend or
34 repeal such limit, and the state of New York, the dormitory authority,
35 the city university, and the fund are prohibited from covenanting or
36 making any other agreements with or for the benefit of bondholders which
37 might in any way affect such right.

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

41 10-a. Subject to the provisions of chapter fifty-nine of the laws of
42 two thousand, but notwithstanding any other provision of the law to the
43 contrary, the maximum amount of bonds and notes to be issued after March
44 thirty-first, two thousand two, on behalf of the state, in relation to
45 any locally sponsored community college, shall be eight hundred [thir-
46 ty-eight] SIXTY-ONE million four hundred [fifty-eight] FIFTY-FOUR thou-
47 sand dollars. Such amount shall be exclusive of bonds and notes issued
48 to fund any reserve fund or funds, costs of issuance and to refund any
49 outstanding bonds and notes, issued on behalf of the state, relating to
50 a locally sponsored community college.

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

1 1. Subject to the provisions of chapter 59 of the laws of 2000, but
2 notwithstanding the provisions of section 18 of section 1 of chapter 174
3 of the laws of 1968, the New York state urban development corporation is
4 hereby authorized to issue bonds, notes and other obligations in an
5 aggregate principal amount not to exceed six hundred [eleven] FORTY-SEV-
6 EN million [two hundred fifteen] SIXTY-FIVE thousand dollars
7 [(\$611,215,000)] (\$647,065,000), which authorization increases the
8 aggregate principal amount of bonds, notes and other obligations author-
9 ized by section 40 of chapter 309 of the laws of 1996, and shall include
10 all bonds, notes and other obligations issued pursuant to chapter 211 of
11 the laws of 1990, as amended or supplemented. The proceeds of such
12 bonds, notes or other obligations shall be paid to the state, for depos-
13 it in the youth facilities improvement fund, to pay for all or any
14 portion of the amount or amounts paid by the state from appropriations
15 or reappropriations made to the office of children and family services
16 from the youth facilities improvement fund for capital projects. The
17 aggregate amount of bonds, notes and other obligations authorized to be
18 issued pursuant to this section shall exclude bonds, notes or other
19 obligations issued to refund or otherwise repay bonds, notes or other
20 obligations theretofore issued, the proceeds of which were paid to the
21 state for all or a portion of the amounts expended by the state from
22 appropriations or reappropriations made to the office of children and
23 family services; provided, however, that upon any such refunding or
24 repayment the total aggregate principal amount of outstanding bonds,
25 notes or other obligations may be greater than six hundred [eleven]
26 FORTY-SEVEN million [two hundred fifteen] SIXTY-FIVE thousand dollars
27 [(\$611,215,000)] (\$647,065,000), only if the present value of the aggre-
28 gate debt service of the refunding or repayment bonds, notes or other
29 obligations to be issued shall not exceed the present value of the
30 aggregate debt service of the bonds, notes or other obligations so to be
31 refunded or repaid. For the purposes hereof, the present value of the
32 aggregate debt service of the refunding or repayment bonds, notes or
33 other obligations and of the aggregate debt service of the bonds, notes
34 or other obligations so refunded or repaid, shall be calculated by
35 utilizing the effective interest rate of the refunding or repayment
36 bonds, notes or other obligations, which shall be that rate arrived at
37 by doubling the semi-annual interest rate (compounded semi-annually)
38 necessary to discount the debt service payments on the refunding or
39 repayment bonds, notes or other obligations from the payment dates ther-
40 eof to the date of issue of the refunding or repayment bonds, notes or
41 other obligations and to the price bid including estimated accrued
42 interest or proceeds received by the corporation including estimated
43 accrued interest from the sale thereof.

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

48 b. The agency shall have power and is hereby authorized from time to
49 time to issue negotiable bonds and notes in conformity with applicable
50 provisions of the uniform commercial code in such principal amount as,
51 in the opinion of the agency, shall be necessary, after taking into
52 account other moneys which may be available for the purpose, to provide
53 sufficient funds to the facilities development corporation, or any
54 successor agency, for the financing or refinancing of or for the design,
55 construction, acquisition, reconstruction, rehabilitation or improvement
56 of mental health services facilities pursuant to paragraph a of this

1 subdivision, the payment of interest on mental health services improve-
2 ment bonds and mental health services improvement notes issued for such
3 purposes, the establishment of reserves to secure such bonds and notes,
4 the cost or premium of bond insurance or the costs of any financial
5 mechanisms which may be used to reduce the debt service that would be
6 payable by the agency on its mental health services facilities improve-
7 ment bonds and notes and all other expenditures of the agency incident
8 to and necessary or convenient to providing the facilities development
9 corporation, or any successor agency, with funds for the financing or
10 refinancing of or for any such design, construction, acquisition, recon-
11 struction, rehabilitation or improvement and for the refunding of mental
12 hygiene improvement bonds issued pursuant to section 47-b of the private
13 housing finance law; provided, however, that the agency shall not issue
14 mental health services facilities improvement bonds and mental health
15 services facilities improvement notes in an aggregate principal amount
16 exceeding [seven] EIGHT billion [seven hundred twenty-two] TWENTY-ONE
17 million eight hundred fifteen thousand dollars, excluding mental health
18 services facilities improvement bonds and mental health services facili-
19 ties improvement notes issued to refund outstanding mental health
20 services facilities improvement bonds and mental health services facili-
21 ties improvement notes; provided, however, that upon any such refunding
22 or repayment of mental health services facilities improvement bonds
23 and/or mental health services facilities improvement notes the total
24 aggregate principal amount of outstanding mental health services facili-
25 ties improvement bonds and mental health facilities improvement notes
26 may be greater than [seven] EIGHT billion [seven hundred twenty-two]
27 TWENTY-ONE million eight hundred fifteen thousand dollars only if,
28 except as hereinafter provided with respect to mental health services
29 facilities bonds and mental health services facilities notes issued to
30 refund mental hygiene improvement bonds authorized to be issued pursuant
31 to the provisions of section 47-b of the private housing finance law,
32 the present value of the aggregate debt service of the refunding or
33 repayment bonds to be issued shall not exceed the present value of the
34 aggregate debt service of the bonds to be refunded or repaid. For
35 purposes hereof, the present values of the aggregate debt service of the
36 refunding or repayment bonds, notes or other obligations and of the
37 aggregate debt service of the bonds, notes or other obligations so
38 refunded or repaid, shall be calculated by utilizing the effective
39 interest rate of the refunding or repayment bonds, notes or other obli-
40 gations, which shall be that rate arrived at by doubling the semi-annual
41 interest rate (compounded semi-annually) necessary to discount the debt
42 service payments on the refunding or repayment bonds, notes or other
43 obligations from the payment dates thereof to the date of issue of the
44 refunding or repayment bonds, notes or other obligations and to the
45 price bid including estimated accrued interest or proceeds received by
46 the authority including estimated accrued interest from the sale there-
47 of. Such bonds, other than bonds issued to refund outstanding bonds,
48 shall be scheduled to mature over a term not to exceed the average
49 useful life, as certified by the facilities development corporation, of
50 the projects for which the bonds are issued, and in any case shall not
51 exceed thirty years and the maximum maturity of notes or any renewals
52 thereof shall not exceed five years from the date of the original issue
53 of such notes. Notwithstanding the provisions of this section, the agen-
54 cy shall have the power and is hereby authorized to issue mental health
55 services facilities improvement bonds and/or mental health services
56 facilities improvement notes to refund outstanding mental hygiene

1 improvement bonds authorized to be issued pursuant to the provisions of
2 section 47-b of the private housing finance law and the amount of bonds
3 issued or outstanding for such purposes shall not be included for
4 purposes of determining the amount of bonds issued pursuant to this
5 section. The director of the budget shall allocate the aggregate princi-
6 pal authorized to be issued by the agency among the office of mental
7 health, office for people with developmental disabilities, and the
8 office of alcoholism and substance abuse services, in consultation with
9 their respective commissioners to finance bondable appropriations previ-
10 ously approved by the legislature.

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

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

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

32 S 46. Notwithstanding any other provision of law to the contrary, from
33 the taxes, interest and penalties collected or received by the commis-
34 sioner of taxation and finance in respect of the tax imposed by the city
35 of New York pursuant to the authority of section 1210, 1211, 1212 or
36 1212-A of the tax law, the comptroller shall pay, as directed in writing
37 by the director of the budget, the sum of \$16,666,667 on or before the
38 twelfth day of each month from such taxes, penalties and interest
39 collected or received by such commissioner during the previous month to
40 (i) any issuers of state-related debt for the purposes of paying princi-
41 pal, interest, and related expenses, or for retiring or defeasing bonds
42 previously issued, including any accrued interest or other expenses
43 related thereto, for any state-related bonding program or programs, or
44 to (ii) a governmental fund or funds of the state treasury. The comp-
45 troller shall make the first payment to issuers of state-related debt or
46 the government funds on the twelfth day of May, 2016 from the taxes,
47 penalties and interest collected or received during April 2016 and the
48 last payment on or before the twelfth day of April, 2019 from the taxes,
49 penalties and interest collected or received during March 2019.
50 Provided, however, that in no event shall such payments exceed
51 \$200,000,000 in any state fiscal year; and provided further that such
52 payments shall not reduce the reasonable costs of such commissioner
53 under paragraph (b) of section 1261 of the tax law.

54 S 47. Section 1680-m of the public authorities law, as added by
55 section 39 of part T of chapter 57 of the laws of 2007, subdivision 1 as

1 amended by section 47 and subdivision 2 as amended by section 42 of part
2 JJ of chapter 56 of the laws of 2010, is amended to read as follows:

3 S 1680-m. Cultural education facilities. 1. Notwithstanding the
4 provisions of any other law to the contrary, the authority and the urban
5 development corporation are hereby authorized to issue bonds or notes in
6 one or more series for the purpose of funding project costs for
7 construction and rehabilitation associated with the cultural education
8 facilities, INCLUDING BUT NOT LIMITED TO ACQUISITION COSTS AND OTHER
9 STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS, and the St. Regis
10 Mohawk elementary school. The aggregate principal amount of bonds
11 authorized to be issued pursuant to this section shall not exceed seven-
12 ty-nine million dollars, 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. Such bonds and notes of the authority and the urban devel-
16 opment corporation shall not be a debt of the state, and the state shall
17 not be liable thereon, nor shall they be payable out of any funds other
18 than those appropriated by the state to the authority for principal,
19 interest, and related expenses pursuant to a service contract and such
20 bonds and notes shall contain on the face thereof a statement to such
21 effect. Except for purposes of complying with the internal revenue code,
22 any interest income earned on bond proceeds shall only be used to pay
23 debt service on such bonds.

24 2. Notwithstanding any other provision of law to the contrary, in
25 order to assist the authority and the urban development corporation in
26 undertaking the financing for construction and rehabilitation associated
27 with the cultural education facilities, INCLUDING BUT NOT LIMITED TO
28 ACQUISITION COSTS AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL
29 PROJECTS, and the St. Regis Mohawk elementary school, the director of
30 the budget is hereby authorized to enter into one or more service
31 contracts with the authority and the urban development corporation, none
32 of which shall exceed thirty years in duration, upon such terms and
33 conditions as the director of the budget and the authority and the urban
34 development corporation agree, so as to annually provide to the authori-
35 ty and the urban development corporation, in the aggregate, a sum not to
36 exceed the principal, interest, and related expenses required for such
37 bonds and notes. Any service contract entered into pursuant to this
38 section shall provide that the obligation of the state to pay the amount
39 therein provided shall not constitute a debt of the state within the
40 meaning of any constitutional or statutory provision and shall be deemed
41 executory only to the extent of monies available and that no liability
42 shall be incurred by the state beyond the monies available for such
43 purpose, subject to annual appropriation by the legislature. Any such
44 contract or any payments made or to be made thereunder may be assigned
45 and pledged by the authority and the urban development corporation as
46 security for its bonds and notes, as authorized by this section.

47 S 48. Subdivision 1 of section 1680-r of the public authorities law,
48 as amended by section 40 of part I of chapter 60 of the laws of 2015, is
49 amended to read as follows:

50 1. Notwithstanding the provisions of any other law to the contrary,
51 the dormitory authority and the urban development corporation are hereby
52 authorized to issue bonds or notes in one or more series for the purpose
53 of funding project costs for the capital restructuring financing program
54 for health care and related facilities licensed pursuant to the public
55 health law or the mental hygiene law and other state costs associated
56 with such capital projects and the health care facility transformation

1 program. The aggregate principal amount of bonds authorized to be issued
2 pursuant to this section shall not exceed two billion [two] FOUR hundred
3 million dollars, excluding bonds issued to fund one or more debt service
4 reserve funds, to pay costs of issuance of such bonds, and bonds or
5 notes issued to refund or otherwise repay such bonds or notes previously
6 issued. Such bonds and notes of the dormitory authority and the urban
7 development corporation shall not be a debt of the state, and the state
8 shall not be liable thereon, nor shall they be payable out of any funds
9 other than those appropriated by the state to the dormitory authority
10 and the urban development corporation for principal, interest, and
11 related expenses pursuant to a service contract and such bonds and notes
12 shall contain on the face thereof a statement to such effect. Except for
13 purposes of complying with the internal revenue code, any interest
14 income earned on bond proceeds shall only be used to pay debt service on
15 such bonds.

16 S 49. Subdivision 1 of section 49 of section 1 of chapter 174 of the
17 laws of 1968, constituting the New York state urban development corpo-
18 ration act, as amended by section 44 of part I of chapter 60 of the laws
19 of 2105, is amended to read as follows:

20 1. Notwithstanding the provisions of any other law to the contrary,
21 the dormitory authority and the corporation are hereby authorized to
22 issue bonds or notes in one or more series for the purpose of funding
23 project costs for the state and municipal facilities program and other
24 state costs associated with such capital projects. The aggregate princi-
25 pal amount of bonds authorized to be issued pursuant to this section
26 shall not exceed one billion [one] FIVE hundred [fifty-five] FORTY
27 million dollars, excluding bonds issued to fund one or more debt service
28 reserve funds, to pay costs of issuance of such bonds, and bonds or
29 notes issued to refund or otherwise repay such bonds or notes previously
30 issued. Such bonds and notes of the dormitory authority and the corpo-
31 ration shall not be a debt of the state, and the state shall not be
32 liable thereon, nor shall they be payable out of any funds other than
33 those appropriated by the state to the dormitory authority and the
34 corporation for principal, interest, and related expenses pursuant to a
35 service contract and such bonds and notes shall contain on the face
36 thereof a statement to such effect. Except for purposes of complying
37 with the internal revenue code, any interest income earned on bond
38 proceeds shall only be used to pay debt service on such bonds.

39 S 50. Subdivision 1 of section 51 of section 1 of chapter 174 of the
40 laws of 1968, constituting the New York state urban development corpo-
41 ration act, as added by section 26 of part I of chapter 60 of the laws
42 of 2015, is amended to read as follows:

43 1. Notwithstanding the provisions of any other law to the contrary,
44 the dormitory authority and the urban development corporation are hereby
45 authorized to issue bonds or notes in one or more series for the purpose
46 of funding project costs for the nonprofit infrastructure capital
47 investment program and other state costs associated with such capital
48 projects. The aggregate principal amount of bonds authorized to be
49 issued pursuant to this section shall not exceed [fifty] ONE HUNDRED
50 million dollars, excluding bonds issued to fund one or more debt service
51 reserve funds, to pay costs of issuance of such bonds, and bonds or
52 notes issued to refund or otherwise repay such bonds or notes previously
53 issued. Such bonds and notes of the dormitory authority and the urban
54 development corporation shall not be a debt of the state, and the state
55 shall not be liable thereon, nor shall they be payable out of any funds
56 other than those appropriated by the state to the dormitory authority

1 and the urban development corporation for principal, interest, and
2 related expenses pursuant to a service contract and such bonds and notes
3 shall contain on the face thereof a statement to such effect. Except for
4 purposes of complying with the internal revenue code, any interest
5 income earned on bond proceeds shall only be used to pay debt service on
6 such bonds.

7 S 51. Subdivision 11 of section 5-a of chapter 35 of the laws of 1979
8 relating to appropriating funds to the New York state urban develop-
9 mental corporation, as added by chapter 3 of the laws of 2004, is
10 amended to read as follows:

11 (11) Financing agreements. The development corporation and the state,
12 acting through the director of the budget, are hereby authorized to
13 enter into one or more financing agreements with respect to bonds (other
14 than hotel bonds) on the terms and conditions as the director of budget
15 and the development corporation agree, so as to annually provide to the
16 development corporation, in the aggregate, a sum not to exceed the annu-
17 al debt service payments and related expenses (including without limita-
18 tion financing costs and costs and expenses under ancillary bond facili-
19 ties and development corporation credit support agreements) required for
20 the bonds secured by a financing agreement and subject to the limita-
21 tions of this section. Copies of any such agreements, including any
22 amendments thereto shall be submitted to the state comptroller and the
23 chairs of the assembly committee on ways and means and the senate
24 finance committee. The obligation of the state to fund or to pay the
25 amounts provided for in any financing agreement, as in this section
26 provided and as shall be provided in the financing agreement, shall not
27 constitute a debt of the state within the meaning of any constitutional
28 or statutory provision and shall be deemed executory only to the extent
29 of monies available; no liability shall be incurred by the state beyond
30 the moneys available for such purpose; and such obligation is subject to
31 annual appropriation by the legislature. The amounts paid to the devel-
32 opment corporation pursuant to any such financing agreement shall be
33 used by it solely to pay or provide for debt service payments and
34 related expenses as more particularly set forth in the applicable
35 financing agreement (including rebate to the federal government of
36 certain earnings, if so required). The bonds for which each financing
37 agreement is applicable (a) shall be issued with a final maturity of no
38 more than thirty years, and (b) may be issued in one or more series in
39 an aggregate principal amount not to exceed the sum of [\$350,000,000]
40 \$1,350,000,000, excluding the amount determined by resolution of the
41 development corporation to be required for refunding the outstanding
42 Jacob K. Javits convention center bonds referred to in subdivision one
43 of this section, and, excluding bonds issued to fund one or more debt
44 service reserve funds and to pay costs of issuance of such bonds, and
45 (c) shall be subject to the provisions of article 5-B of the state
46 finance law. It is hereby determined and found that the development
47 corporation, as a subsidiary of the urban development corporation, is an
48 authorized issuer pursuant to [article] ARTICLES 5-C AND 5-F of the
49 state finance law and that the bonds secured by a financing agreement,
50 upon issuance in accordance with and subject to the provisions of this
51 section, may be issued pursuant to such [article] ARTICLES.

52 S 52. This act shall take effect immediately and shall be deemed to
53 have been in full force and effect on and after April 1, 2016; provided,
54 however: (a) the provisions of sections one through eight, and sections
55 twelve through twenty of this act shall expire March 31, 2017, when upon
56 such date the provisions of such sections shall be deemed repealed; (b)

1 provided, however, that the provisions of section twenty-seven-j of this
2 act shall be deemed to have been in full force and effect on the same
3 date and in the same manner as chapter 453 of the laws of 2015, took
4 effect; and (c) the provisions of section forty-six of this act shall
5 expire upon the last payment made by the comptroller pursuant to section
6 forty-six of this act when upon such date the provisions of such section
7 shall be deemed repealed; provided that the state comptroller shall
8 notify the legislative bill drafting commission upon the occurrence of
9 the last payment provided for in section forty-six of this act in order
10 that the commission may maintain an accurate and timely effective data-
11 base of the official text of the laws of the state of New York in furth-
12 erance of effectuating the provisions of section 44 of the legislative
13 law and section 70-b of the public officers law.

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

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