STATE OF NEW YORK

10616

IN ASSEMBLY

May 9, 2018

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

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

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

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

§ 88. Administration expenses. The entire expense of administering the state insurance fund shall be paid out of such fund which shall not be considered an agency or a fund of the state for the purposes of section four of the state finance law. The portion of such expenses applicable and chargeable to the disability benefits fund shall be determined on an equitable basis with due allowance for the division of overhead expenses. There shall be submitted to the director of the budget quarterly financial statements on a calendar year basis. In no case shall the amount of administrative expenditures so authorized for an entire year from the workers' compensation fund exceed twenty-five per centum of the earned premiums for such insurance for that year. In no case shall the amount of administrative expenditures authorized for the disability benefits fund for an entire year exceed twenty-five per centum of the premiums earned by that fund for such insurance for that year. [~~No payment, expenditure or refund out of the state insurance fund shall be subject to pre-audit by the department of audit and control as provided by section one hundred eleven of the state finance law.~~] All appointments to positions in the state insurance fund shall be made subject to civil service requirements.

§ 2. This act shall take effect immediately.

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

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