

STATE OF NEW YORK

9023

IN SENATE

June 14, 2018

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the workers' compensation law, in relation to reimbursing certain self-insured groups for which the chair of the workers' compensation board has approved a deficit assessment plan

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

1 Section 1. Paragraph f of subdivision 5 of section 50 of the workers'
2 compensation law, as amended by chapter 139 of the laws of 2008, is
3 amended to read as follows:

4 f. Whenever the chair shall determine that the compensation and bene-
5 fits provided by this chapter may be unpaid by reason of the default of
6 an insolvent private self-insured employer, including a private group
7 self-insurer, the chair shall pay such compensation and benefits from
8 administration expenses as provided in section one hundred fifty-one of
9 this chapter upon audit and warrant of the comptroller upon vouchers
10 approved by the chair. Such payments shall be considered expenses of
11 administration. The chair shall be reimbursed therefor from the surety
12 bond, cash or securities held or, if such surety bond, securities or
13 cash is insufficient, by the employer, its receiver, liquidator, rehabi-
14 litator or trustee in bankruptcy. All moneys reimbursed to the chair or
15 recovered by the chair in an action or proceeding to secure such
16 reimbursement shall forthwith be applied as a credit against the
17 expenses on which the assessment levied upon all private self-insured
18 employers, in accordance with paragraphs c and e of this subdivision, is
19 calculated, provided that the chair shall reimburse to any inactive
20 self-insured group for which the chair has approved a deficit assessment
21 plan the full amount of assessments imposed on such inactive self-in-
22 sured group related to the board's administrative expenses incurred
23 pursuant to this paragraph in accordance with a reimbursement plan
24 approved by the chair, with such reimbursement to be made by January
25 first, two thousand nineteen for any such group with a deficit assess-
26 ment plan approved prior to January first, two thousand eighteen, and
27 within one year of the board's approval for a group whose deficit
28 assessment plan was approved on or after January first, two thousand
29 eighteen.

30 § 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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