

2013-14 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

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Legislative Bill Drafting Commission
12570-01-3

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the public protection and general
government budget for the 2013-2014
state fiscal year)

BUDGBL. PPGG

AN ACT

authorizing the governor to close
correctional facilities; and provid-
ing for the repeal of such
provisions upon expiration thereof
(Part A); authorizing the urban
development corporation, the office
of general services and the depart-
ment of corrections and community
supervision to transfer and convey
certain lands in the county of
Bronx, city of New York, to the

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s57 Young
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s03 Zeldin
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s46

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a136 Morelle	a111 Santabarbara
a092 Abinanti	a081 Dinowitz	a135 Johns	a057 Mosley	a029 Scarborough
a084 Arroyo	a147 DiPietro	a113 Jordan	a039 Moya	a016 Schimel
a035 Aubry	a115 Duprey	a094 Katz	a133 Nojay	a140 Schimminger
a120 Barclay	a004 Englebright	a074 Kavanagh	a037 Nolan	a087 Sepulveda
a106 Barrett	a054 Espinal	a142 Kearns	a130 Oaks	a065 Silver
a060 Barron	a109 Fahy	a076 Kellner	a069 O'Donnell	a027 Simanowitz
a082 Benedetto	a071 Farrell	a040 Kim	a051 Ortiz	a036 Simotas
a117 Blankenbush	a126 Finch	a131 Kolb	a091 Otis	a104 Skartados
a062 Borelli	a008 Fitzpatrick	a105 Lalor	a132 Palmesano	a099 Skoufif
a055 Boyland	a124 Friend	a013 Lavine	a088 Paulin	a022 Solages
a026 Braunstein	a143 Gabryszak	a050 Lentol	a141 Peoples-	a114 Stec
a044 Brennan	a095 Galef	a125 Lifton	Stokes	a110 Steck
a119 Brindisi	a137 Gantt	a102 Lopez, P.	a058 Perry	a079 Stevenson
a138 Bronson	a007 Garbarino	a053 Lopez, V.	a089 Pretlow	a127 Stirpe
a046 Brook-Krasny	a077 Gibson	a002 Losquadro	a073 Quart	a011 Sweeney
a093 Buchwald	a148 Giglio	a123 Lupardo	a019 Ra	a112 Tedisco
a118 Butler	a080 Gjonaj	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a103 Cahill	a066 Glick	a121 Magee	a012 Raia	a001 Thiele
a043 Camara	a023 Goldfeder	a129 Magnarelli	a006 Ramos	a061 Titone
a086 Castro	a150 Goodell	a059 Maisel	a134 Reilich	a031 Titus
a145 Ceretto	a075 Gottfried	a064 Malliotakis	a078 Rivera	a146 Walter
a033 Clark	a005 Graf	a030 Markey	a128 Roberts	a041 Weinstein
a047 Colton	a100 Gunther	a090 Mayer	a056 Robinson	a020 Weisenberg
a032 Cook	a139 Hawley	a108 McDonald	a068 Rodriguez	a024 Weprin
a144 Corwin	a083 Heastie	a014 McDonough	a072 Rosa	a070 Wright
a085 Crespo	a003 Hennessey	a017 McKevitt	a067 Rosenthal	a096 Zebrowski
a122 Crouch	a028 Hevesi	a107 McLaughlin	a025 Rozic	
a021 Curran	a048 Hikind	a038 Miller	a116 Russell	
a063 Cusick	a018 Hooper	a052 Millman	a149 Ryan	
a045 Cymbrowitz	a042 Jacobs	a015 Montesano	a009 Saladino	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

Thomas Mott Osborne Memorial Fund, Inc. (Part B); to amend the vehicle and traffic law, in relation to plea limitations; in relation to extending surcharges and the crime victim assistance fee for certain violations; in relation to enhanced penalties for multiple violations of the mobile phone and texting prohibitions; to amend the state finance law, in relation to certain payments to the state treasurer; and to repeal section 1101 of the vehicle and traffic law relating thereto (Part C); to amend the executive law, in relation to adopting the national crime prevention and privacy compact (Part D); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to making the provisions of such chapter permanent; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to making the provisions of such chapter permanent; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to making the provisions of such chapter permanent; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to making the provisions of such chapter permanent; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state

operations budget, in relation to making certain provisions of such chapter permanent; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chap-

ter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to making certain provisions of such chapter permanent; to amend part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; and to amend section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part

F); to amend the retirement and social security law and the education law, in relation to pension contributions paid by local governments and school districts beginning in the 2013-14 fiscal year and certain fiscal years thereafter (Part G); to amend the civil service law, in relation to the reimbursement of medicare premium charges (Part H); to amend the state finance law, in relation to creating a new New York state gaming commission account (Part I); to amend the tax law, in relation to reducing purse amounts paid from the VLT program (Part J); to amend the state finance law, in relation to reforming the local government citizens re-organization empowerment grant program and the local government efficiency grant program (Part K); providing for the elimination of burdensome reporting requirements imposed on school districts and local governments (Part L); to provide for the administration of certain funds and accounts related to the 2013-14 budget; authorizing certain payments and transfers; to amend chapter 59 of the laws of 2012, relating to providing for administration of certain funds and accounts related to the 2013-2014 budget, in relation to the effectiveness thereof; to amend the state finance law, in relation to school tax relief fund; to amend chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, in relation to the availability of moneys; to amend the New York state medical care facilities finance agency act, in relation to the deposit of certain funds; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the public authorities law, in relation to the number of directors required for approval of a resolution authorizing the issuance of bonds or notes; to amend the New York state urban development corporation act, in relation to funding

project costs for certain capital projects; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the Division of Military and Naval Affairs Capital Projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to courthouse improvements and training facilities, metropolitan transportation authority facilities, peace bridge projects and issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to projects for retention of professional football in western New York; to amend the public authorities law, in relation to the cleaner, greener communities program; to amend the state finance law, in relation to establishing the sales tax revenue bond tax fund and providing for the deposit of revenues therefrom, establishing the sales tax revenue bond financing program; to amend the tax law, in relation to deposit and disposition of revenue; to amend the state finance law, in relation to establishing the New York state transformative capital fund; to amend the New York state urban development corporation act, in relation to authorizing the urban

development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of New York works transportation capital projects; and providing for the repeal of certain provisions upon expiration thereof (Part M); to amend the executive law, the state technology law and the general business law, in relation to providing for the consolidation of certain information technology staff and services within the office of information technology services; and to repeal section 715 of the executive law, relating to the office of cyber security (Part N); to amend the workers' compensation law, in relation to changing the composition of the board's practice committees and to permitting a single arbitrator process; to amend the workers' compensation law, in relation to the collection of assessments for annual expenses and the investment of surplus or reserve; in relation to the representation of funds; in relation to closing the fund for reopened cases; in relation to the termination of payments into the aggregate trust fund; in relation to administration expenses for the

state insurance fund; in relation to requiring self-insured municipal groups and county treasurers to provide certain financial information to the workers' compensation board; to amend the workers' compensation law and the public authorities law, in relation to authorizing the workers' compensation board and the dormitory authority to enter into a self-insured bond financing agreement; to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to the payment of benefits and to the assessment of expenses; to amend the public officers law, in relation to indemnification of state officers and employees; and repealing certain provisions of the workers' compensation law, the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law relating to assessments for expenses, and relating to the location of the workers' compensation board (Part O); to amend the state finance law, in relation to increasing discretionary thresholds for procurement of food commodities (Part P); to amend the executive law, in relation to including school districts and boards of cooperative educational services in the intra-state mutual aid program (Part Q); to amend the public officers law, in relation to exempting certain state employees from the two-year and lifetime bars (Part R); and to amend chapter 56 of the laws of 2011 relating to permitting authorized state entities to utilize the design-build method for infrastructure projects, in relation to the definition of authorized state entities (Part S)

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

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

12 PART A

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

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

23 PART B

1 Section 1. Notwithstanding any inconsistent provision of law to the
2 contrary, the urban development corporation is authorized to transfer
3 and convey to the Thomas Mott Osborne Memorial Fund, Inc. its right,
4 title, and interest in the lands and improvements known as the Fulton
5 Correctional Facility and further described in section two of this act.
6 The conveyance shall be made upon such terms and conditions, as the
7 board of directors of the urban development corporation may, in its
8 discretion, fix and determine. The commissioner of general services and
9 the commissioner of the department of corrections and community super-
10 vision are hereby empowered to enter into such contractual agreements
11 with the corporation and its subsidiaries to effect the transfer and
12 conveyance and do all things necessary to carry out the provisions of
13 this act.

14 § 2. The lands to be conveyed pursuant to section one of this act are
15 situated in the city of New York, county of Bronx, and are generally
16 described as follows:

17 Parcel I

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

21 Beginning at the intersection of the northerly line of E. 171st
22 Street, and the westerly line of Fulton Avenue, thence westerly along
23 the northerly line of E. 171st Street, 115.32 feet to the easterly line
24 of Lot 33; thence northerly along the last mentioned lot line 71.90 feet
25 to the intersection of the southerly line of Lot 29; thence easterly
26 along the last mentioned lot line, 106.08 feet to its intersection with
27 the said westerly line of Fulton Ave.; thence southerly along the said

1 westerly line of Fulton Avenue 80.00 feet to the point or place of
2 beginning.

3 Parcel II

4 All that piece or parcel of land lying and being in the Borough and
5 County of the Bronx, City and State of New York, and being all of Lot
6 No. 33, Block 2928, and being more particularly described as follows:

7 Beginning at the intersection of the northerly line of E. 171st
8 Street, and the westerly line of Lot 30, said point being 115.32 feet
9 westerly from the intersection of the northerly line of E. 171st Street,
10 and the westerly line of Fulton Avenue; thence South 88° 21' 50" West,
11 along the northerly line of E. 171st Street, a distance of 75.86 feet
12 to a point, said point being 175.21 feet distant easterly, measured
13 along the northerly line of E. 171st Street from the corner formed by
14 the intersection of the easterly line of 3rd Avenue and the northerly
15 line of E. 171st Street; thence North 01° 11' 27" East, and parallel
16 with 3rd Avenue 141.75 feet to a point; thence North 84° 03' 45" East, a
17 distance of 50.38 feet to a point; thence South 01° 11' 27" West, and
18 parallel to 3rd Avenue, 25.19 feet to a point; thence North 84° 03' 45"
19 East, 25.99 feet to a point; thence South 01° 11' 27" West, and parallel
20 to 3rd Avenue, 122.30 feet to the point or place of beginning.

21 § 3. Notwithstanding the foregoing, the authorization to convey the
22 Fulton Correctional Facility shall be subject to the condition precedent
23 that such conveyance shall not impair or result in any diminution of the
24 obligations to holders of any bonds which financed, refinanced or are
25 secured by correctional facilities (or payments in respect thereof),
26 including the Fulton Correctional Facility, and shall not adversely
27 affect any exemption of interest on such bonds from federal income tax.

1 § 4. The description in section two of this act is not intended to be
2 a legal description but is intended to identify the parcel to be
3 conveyed. As a condition of the purchase, the Thomas Mott Osborne Memo-
4 rial Fund, Inc. may submit to the urban development corporation for
5 approval, an accurate survey and description of the lands to be
6 conveyed, which may be used in the conveyance thereof.

7 § 5. Any lands transferred pursuant to this act shall be used for the
8 purpose of providing opportunities for individuals in conflict with the
9 law through reform and rehabilitation programs, alternatives to incar-
10 ceration and re-entry, for providing services to persons affected by
11 crime and/or incarceration, and for related community activities, and
12 upon termination of such use, title to the lands so transferred shall
13 revert to the state of New York.

14 § 6. The board of directors of the urban development corporation shall
15 not transfer and convey said lands unless application is made therefor
16 by the Thomas Mott Osborne Memorial Fund, Inc. within one year after the
17 effective date of this act.

18 § 7. This act shall take effect immediately.

19 PART C

20 Section 1. Section 1101 of the vehicle and traffic law is REPEALED.

21 § 2. Section 1180 of the vehicle and traffic law is amended by adding
22 a new subdivision (i) to read as follows:

23 (i) In any case wherein the charge laid before the court alleges a
24 violation of subdivision (b), (c), (d), (f), or (g) of this section and
25 the speed upon which the charge is based exceeds the applicable speed
26 limit by more than twenty miles per hour, any plea of guilty thereafter

1 entered in satisfaction of such charge must include, at a minimum, a
2 plea of guilty to a violation of this chapter or of any ordinance, rule
3 or regulation adopted pursuant to this chapter for which points are
4 assigned pursuant to the regulations of the commissioner; provided,
5 however, that, if the district attorney, upon reviewing the available
6 evidence, determines that the charge of a violation of subdivision (b),
7 (c), (d), (f) or (g) of this section is not warranted, such district
8 attorney may consent to, and the court may allow, a disposition by plea
9 of guilty to another charge. In all such cases, the court shall set
10 forth upon the record the basis for such disposition.

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

14 4. A violation of subdivision two of this section shall be a traffic
15 infraction and shall be punishable by a fine of not less than fifty
16 dollars nor more than one hundred fifty dollars upon conviction of a
17 first violation; upon conviction of a second violation, both of which
18 were committed within a period of eighteen months, such violation shall
19 be punished by a fine of not less than two hundred dollars nor more than
20 three hundred fifty dollars; upon conviction of a third or subsequent
21 violation, all of which were committed within a period of eighteen
22 months, such violation shall be punished by a fine of not less than four
23 hundred dollars nor more than five hundred fifty dollars.

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

27 6. A violation of this section shall be a traffic infraction and shall
28 be punishable by a fine of not less than fifty dollars nor more than one

1 hundred fifty dollars[.]upon conviction of a first violation; upon
2 conviction of a second violation, both of which were committed within a
3 period of eighteen months, such violation shall be punished by a fine of
4 not less than two hundred dollars nor more than three hundred fifty
5 dollars; upon conviction or a third or subsequent violation, all of
6 which were committed within a period of eighteen months, such violation
7 shall be punished by a fine of not less than four hundred dollars nor
8 more than five hundred fifty dollars.

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

13 1. Whenever proceedings in an administrative tribunal or a court of
14 this state result in a conviction for an offense under this chapter or a
15 traffic infraction under this chapter, or a local law, ordinance, rule
16 or regulation adopted pursuant to this chapter, other than a traffic
17 infraction involving standing, stopping, or parking except those set
18 forth in sections twelve hundred, twelve hundred one and twelve hundred
19 two of this chapter, or violations by pedestrians or bicyclists, or
20 other than an adjudication of liability of an owner for a violation of
21 subdivision (d) of section eleven hundred eleven of this chapter in
22 accordance with section eleven hundred eleven-a of this chapter, or
23 other than an adjudication of liability of an owner for a violation of
24 subdivision (d) of section eleven hundred eleven of this chapter in
25 accordance with section eleven hundred eleven-b of this chapter, or
26 other than an adjudication in accordance with section eleven hundred
27 eleven-c of this chapter for a violation of a bus lane restriction as
28 defined in such section, there shall be levied a crime victim assistance

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

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

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

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

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

19 (c) Whenever proceedings in an administrative tribunal or a court of
20 this state result in a conviction for an offense under this chapter
21 other than a crime pursuant to section eleven hundred ninety-two of this
22 chapter, or a traffic infraction under this chapter, or a local law,
23 ordinance, rule or regulation adopted pursuant to this chapter, other
24 than a traffic infraction involving standing, stopping, or parking,
25 except those set forth in section twelve hundred, twelve hundred one or
26 twelve hundred two of this chapter or violations by pedestrians or bicy-
27 clists, or other than an adjudication of liability of an owner for a
28 violation of subdivision (d) of section eleven hundred eleven of this

1 chapter in accordance with section eleven hundred eleven-a of this chap-
2 ter, or other than an adjudication of liability of an owner for a
3 violation of subdivision (d) of section eleven hundred eleven of this
4 chapter in accordance with section eleven hundred eleven-b of this chap-
5 ter, or other than an infraction pursuant to article nine of this chap-
6 ter or other than an adjudication of liability of an owner for a
7 violation of toll collection regulations pursuant to section two thou-
8 sand nine hundred eighty-five of the public authorities law or sections
9 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
10 of the laws of nineteen hundred fifty or other than an adjudication in
11 accordance with section eleven hundred eleven-c of this chapter for a
12 violation of a bus lane restriction as defined in such section, there
13 shall be levied a crime victim assistance fee in the amount of five
14 dollars and a mandatory surcharge, in addition to any sentence required
15 or permitted by law, in the amount of fifty-five dollars.

16 § 6. Subdivision 1 of section 1809 of the vehicle and traffic law, as
17 amended by section 10-a of part II of chapter 59 of the laws of 2010, is
18 amended to read as follows:

19 1. Whenever proceedings in an administrative tribunal or a court of
20 this state result in a conviction for a crime under this chapter or a
21 traffic infraction under this chapter, or a local law, ordinance, rule
22 or regulation adopted pursuant to this chapter, other than a traffic
23 infraction involving standing, stopping, parking except those set forth
24 in sections twelve hundred, twelve hundred one and twelve hundred two of
25 this chapter, or motor vehicle equipment or violations by pedestrians or
26 bicyclists, or other than an adjudication of liability of an owner for a
27 violation of subdivision (d) of section eleven hundred eleven of this
28 chapter in accordance with section eleven hundred eleven-a of this chap-

1 ter, or other than an adjudication of liability of an owner for a
2 violation of subdivision (d) of section eleven hundred eleven of this
3 chapter in accordance with section eleven hundred eleven-b of this chap-
4 ter, or other than an adjudication in accordance with section eleven
5 hundred eleven-c of this chapter for a violation of a bus lane
6 restriction as defined in such section, there shall be levied a mandato-
7 ry surcharge, in addition to any sentence required or permitted by law,
8 in the amount of twenty-five dollars.

9 § 7. Subdivision 1 of section 1809 of the vehicle and traffic law, as
10 amended by section 10-b of part II of chapter 59 of the laws of 2010, is
11 amended to read as follows:

12 1. Whenever proceedings in an administrative tribunal or a court of
13 this state result in a conviction for a crime under this chapter or a
14 traffic infraction under this chapter other than a traffic infraction
15 involving standing, stopping, parking except those set forth in sections
16 twelve hundred, twelve hundred one and twelve hundred two of this chap-
17 ter, or motor vehicle equipment or violations by pedestrians or bicy-
18 clists, or other than an adjudication in accordance with section eleven
19 hundred eleven-c of this chapter for a violation of a bus lane
20 restriction as defined in such section, there shall be levied a mandato-
21 ry surcharge, in addition to any sentence required or permitted by law,
22 in the amount of seventeen dollars.

23 § 8. Subdivision 1 of section 1809 of the vehicle and traffic law, as
24 separately amended by chapter 16 of the laws of 1983 and chapter 62 of
25 the laws of 1989, is amended to read as follows:

26 1. Whenever proceedings in an administrative tribunal or a court of
27 this state result in a conviction for a crime under this chapter or a
28 traffic infraction under this chapter other than a traffic infraction

1 involving standing, stopping, parking except those set forth in sections
2 twelve hundred, twelve hundred one and twelve hundred two of this chap-
3 ter, or motor vehicle equipment or violations by pedestrians or bicy-
4 clists, there shall be levied a mandatory surcharge, in addition to any
5 sentence required or permitted by law, in the amount of seventeen
6 dollars.

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

10 a. Notwithstanding any other provision of law, whenever proceedings in
11 a court or an administrative tribunal of this state result in a
12 conviction for an offense under this chapter, except a conviction pursu-
13 ant to section eleven hundred ninety-two of this chapter, or for a traf-
14 fic infraction under this chapter, or a local law, ordinance, rule or
15 regulation adopted pursuant to this chapter, except a traffic infraction
16 involving standing, stopping, or parking, other than those set forth in
17 sections twelve hundred, twelve hundred one and twelve hundred two, or
18 violations by pedestrians or bicyclists, and except an adjudication of
19 liability of an owner for a violation of subdivision (d) of section
20 eleven hundred eleven of this chapter in accordance with section eleven
21 hundred eleven-a of this chapter, and except an adjudication of liabil-
22 ity of an owner for a violation of subdivision (d) of section eleven
23 hundred eleven of this chapter in accordance with section eleven hundred
24 eleven-b of this chapter, and except an adjudication in accordance with
25 section eleven hundred eleven-c of this chapter of a violation of a bus
26 lane restriction as defined in such section, and except an adjudication
27 of liability of an owner for a violation of toll collection regulations
28 pursuant to section two thousand nine hundred eighty-five of the public

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

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

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

1 ty or other surcharge required or permitted by law, an additional
2 surcharge of twenty dollars.

3 § 11. Paragraph a of subdivision 1 of section 1809-e of the vehicle
4 and traffic law, as amended by section 1 of part EE of chapter 56 of the
5 laws of 2008, is amended to read as follows:

6 a. Notwithstanding any other provision of law, whenever proceedings in
7 a court or an administrative tribunal of this state result in a
8 conviction for an offense under this chapter, except a conviction pursu-
9 ant to section eleven hundred ninety-two of this chapter, or for a traf-
10 fic infraction under this chapter, or a local law, ordinance, rule or
11 regulation adopted pursuant to this chapter, except a traffic infraction
12 involving standing, stopping, or parking, other than those set forth in
13 sections twelve hundred, twelve hundred one and twelve hundred two, or
14 violations by pedestrians or bicyclists, and except an adjudication of
15 liability of an owner for a violation of subdivision (d) of section
16 eleven hundred eleven of this chapter in accordance with section eleven
17 hundred eleven-a of this chapter, and except an adjudication of liabil-
18 ity of an owner for a violation of toll collection regulations pursuant
19 to section two thousand nine hundred eighty-five of the public authori-
20 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
21 hundred seventy-four of the laws of nineteen hundred fifty, there shall
22 be levied in addition to any sentence, penalty or other surcharge
23 required or permitted by law, an additional surcharge of twenty dollars.

24 § 12. Subdivision 3-a of section 121 of the state finance law, as
25 added by section 16 of part J of chapter 62 of the laws of 2003, is
26 amended to read as follows:

27 3-a. [On or before the twentieth day of October in each year commenc-
28 ing with the twentieth of October, two thousand three, the] The comp-

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

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

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

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

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

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

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

9 PART D

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

12 ARTICLE 38

13 NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

14 Section 850. Enactment of compact.

15 § 850. Enactment of compact. The national crime prevention and privacy
16 compact is hereby enacted into law and entered into with all other
17 jurisdictions legally joining therein in the form substantially as
18 follows:

19 The Contracting Parties agree to the following:

20 NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

21 ARTICLE I. Definitions.

22 ARTICLE II. Purposes.

23 ARTICLE III. Responsibilities of compact parties.

24 ARTICLE IV. Authorized record disclosures.

25 ARTICLE V. Record request procedures.

26 ARTICLE VI. Establishment of compact council.

- 1 ARTICLE VII. Ratification of compact.
2 ARTICLE VIII. Miscellaneous provisions.
3 ARTICLE IX. Renunciation.
4 ARTICLE X. Severability.
5 ARTICLE XI. Adjudication of disputes.

6 OVERVIEW

7 (a) In general, this compact organizes an electronic information shar-
8 ing system among the federal government and the states to exchange crim-
9 inal history records for noncriminal justice purposes authorized by
10 federal or state law, such as background checks for governmental licens-
11 ing and employment.

12 (b) Under this compact, the FBI and the party states agree to maintain
13 detailed databases of their respective criminal history records, includ-
14 ing arrests and dispositions, and to make them available to the federal
15 government and to party states for authorized purposes. The FBI shall
16 also manage the federal data facilities that provide a significant part
17 of the infrastructure for the system.

18 ARTICLE I--DEFINITIONS

19 As used in this compact:

20 (a) "Attorney general" means the attorney general of the United
21 States.

22 (b) "Compact officer" means:

23 1. with respect to the federal government, an official so designated
24 by the director of the FBI; and

1 2. with respect to a party state, the chief administrator of the
2 state's criminal history record repository or a designee of the chief
3 administrator who is a regular full-time employee of the repository.

4 (c) "Council" means the compact council established under article VI.

5 (d) "Criminal history records":

6 1. means information collected by criminal justice agencies on indi-
7 viduals consisting of identifiable descriptions and notations of
8 arrests, detentions, indictments, or other formal criminal charges, and
9 any disposition arising therefrom, including acquittal, sentencing,
10 correctional supervision, or release; and

11 2. does not include identification information such as fingerprint
12 records if such information does not indicate involvement of the indi-
13 vidual with the criminal justice system.

14 (e) "Criminal history record repository" means the state agency desig-
15 nated by the governor or other appropriate executive official or the
16 legislature of a state to perform centralized recordkeeping functions
17 for criminal history records and services in the state.

18 (f) "Criminal justice" includes activities relating to the detection,
19 apprehension, detention, pretrial release, post-trial release, prose-
20 cution, adjudication, correctional supervision, or rehabilitation of
21 accused persons or criminal offenders. The administration of criminal
22 justice includes criminal identification activities and the collection,
23 storage, and dissemination of criminal history records.

24 (g) "Criminal justice agency":

25 1. means:

26 a. courts; and

27 b. a governmental agency or any subunit thereof that:

1 (i) performs the administration of criminal justice pursuant to a
2 statute or executive order; and

3 (ii) allocates a substantial part of its annual budget to the adminis-
4 tration of criminal justice; and

5 2. includes federal and state inspectors general offices.

6 (h) "Criminal justice services" means services provided by the FBI to
7 criminal justice agencies in response to a request for information about
8 a particular individual or as an update to information previously
9 provided for criminal justice purposes.

10 (i) "Criterion offense" means any felony or misdemeanor offense not
11 included on the list of nonserious offenses published periodically by
12 the FBI.

13 (j) "Direct access" means access to the national identification index
14 by computer terminal or other automated means not requiring the assist-
15 ance of or intervention by any other party or agency.

16 (k) "Executive order" means an order of the president of the United
17 States or the chief executive officer of a state that has the force of
18 law and that is promulgated in accordance with applicable law.

19 (l) "FBI" means the Federal Bureau of Investigation.

20 (m) "Interstate identification index system" or "III system":

21 1. means the cooperative federal-state system for the exchange of
22 criminal history records; and

23 2. includes the national identification index, the national finger-
24 print file and, to the extent of their participation in such system, the
25 criminal history record repositories of the states and the FBI.

26 (n) "National fingerprint file" means a database of fingerprints, or
27 other uniquely personal identifying information, relating to an arrested

1 or charged individual maintained by the FBI to provide positive iden-
2 tification of record subjects indexed in the III system.

3 (o) "National identification index" means an index maintained by the
4 FBI consisting of names, identifying numbers, and other descriptive
5 information relating to record subjects about whom there are criminal
6 history records in the III system.

7 (p) "National indices" means the national identification index and the
8 national fingerprint file.

9 (q) "Nonparty state" means a state that has not ratified this compact.

10 (r) "Noncriminal justice purposes" means uses of criminal history
11 records for purposes authorized by federal or state law other than
12 purposes relating to criminal justice activities, including employment
13 suitability, licensing determinations, immigration and naturalization
14 matters, and national security clearances.

15 (s) "Party state" means a state that has ratified this compact.

16 (t) "Positive identification" means a determination, based upon a
17 comparison of fingerprints or other equally reliable biometric identifi-
18 cation techniques, that the subject of a record search is the same
19 person as the subject of a criminal history record or records indexed in
20 the III system. Identifications based solely upon a comparison of
21 subjects' names or other nonunique identification characteristics or
22 numbers, or combinations thereof, shall not constitute positive iden-
23 tification.

24 (u) "Sealed record information" means:

25 1. with respect to adults, that portion of a record that is:

26 a. not available for criminal justice uses;

27 b. not supported by fingerprints or other accepted means of positive
28 identification; or

1 c. subject to restrictions on dissemination for noncriminal justice
2 purposes pursuant to a court order related to a particular subject or
3 pursuant to a federal or state statute that requires action on a sealing
4 petition filed by a particular record subject; and

5 2. with respect to juveniles, whatever each state determines is a
6 sealed record under its own law and procedure.

7 (v) "State" means any state, territory, or possession of the United
8 States, the district of Columbia, and the commonwealth of Puerto Rico.

9 ARTICLE II--PURPOSES

10 The purposes of this compact are to:

11 (a) provide a legal framework for the establishment of a cooperative
12 federal-state system for the interstate and federal-state exchange of
13 criminal history records for noncriminal justice uses;

14 (b) require the FBI to permit use of the national identification index
15 and the national fingerprint file by each party state, and to provide,
16 in a timely fashion, federal and state criminal history records to
17 requesting states, in accordance with the terms of this compact and with
18 rules, procedures, and standards established by the council under arti-
19 cle VI;

20 (c) require party states to provide information and records for the
21 national identification index and the national fingerprint file and to
22 provide criminal history records, in a timely fashion, to criminal
23 history record repositories of other states and the federal government
24 for noncriminal justice purposes, in accordance with the terms of this
25 compact and with rules, procedures, and standards established by the
26 council under article VI;

1 (d) provide for the establishment of a council to monitor III system
2 operations and to prescribe system rules and procedures for the effec-
3 tive and proper operation of the III system for noncriminal justice
4 purposes; and

5 (e) require the FBI and each party state to adhere to III system stan-
6 dards concerning record dissemination and use, response times, system
7 security, data quality, and other duly established standards, including
8 those that enhance the accuracy and privacy of such records.

9 ARTICLE III--RESPONSIBILITIES OF COMPACT PARTIES

10 (a) The director of the FBI shall:

11 1. appoint an FBI compact officer who shall:

12 a. administer this compact within the department of justice and among
13 federal agencies and other agencies and organizations that submit search
14 requests to the FBI pursuant to subdivision (c) of this article;

15 b. ensure that compact provisions and rules, procedures, and standards
16 prescribed by the council under article VI are complied with by the
17 department of justice and the federal agencies and other agencies and
18 organizations referred to in subparagraph a of paragraph one of subdivi-
19 sion (a) of this article; and

20 c. regulate the use of records received by means of the III system
21 from party states when such records are supplied by the FBI directly to
22 other federal agencies;

23 2. provide to federal agencies and to state criminal history record
24 repositories, criminal history records maintained in its database for
25 the noncriminal justice purposes described in article IV, including:

26 a. information from nonparty states; and

1 b. information from party states that is available from the FBI
2 through the III system, but is not available from the party state
3 through the III system;

4 c. provide a telecommunications network and maintain centralized
5 facilities for the exchange of criminal history records for both crimi-
6 nal justice purposes and the noncriminal justice purposes described in
7 article IV, and ensure that the exchange of such records for criminal
8 justice purposes has priority over exchange for noncriminal justice
9 purposes; and

10 d. modify or enter into user agreements with nonparty state criminal
11 history record repositories to require them to establish record request
12 procedures conforming to those prescribed in article V.

13 (b) Each party state shall:

14 1. appoint a compact officer who shall:

15 a. administer this compact within that state;

16 b. ensure that compact provisions and rules, procedures, and standards
17 established by the council under article VI are complied with in the
18 state; and

19 c. regulate the in-state use of records received by means of the III
20 system from the FBI or from other party states;

21 2. establish and maintain a criminal history record repository, which
22 shall provide:

23 a. information and records for the national identification index and
24 the national fingerprint file; and

25 b. the state's III system-indexed criminal history records for
26 noncriminal justice purposes described in article IV; and

27 c. participate in the national fingerprint file; and

1 d. provide and maintain telecommunications links and related equipment
2 necessary to support the services set forth in this compact.

3 (c) Compliance with III system standards. In carrying out their
4 responsibilities under this compact, the FBI and each party state shall
5 comply with III system rules, procedures, and standards duly established
6 by the council concerning record dissemination and use, response times,
7 data quality, system security, accuracy, privacy protection, and other
8 aspects of III system operation.

9 (d) 1. Use of the III system for noncriminal justice purposes author-
10 ized in this compact shall be managed so as not to diminish the level of
11 services provided in support of criminal justice purposes.

12 2. Administration of compact provisions shall not reduce the level of
13 service available to authorized noncriminal justice users on the effec-
14 tive date of this compact.

15 ARTICLE IV--AUTHORIZED RECORD DISCLOSURES

16 (a) State criminal history record repositories. To the extent author-
17 ized by section five hundred fifty-two-a of title five of the United
18 States code, (commonly known as the "Privacy Act of 1974"), the FBI
19 shall provide on request criminal history records (excluding sealed
20 records) to state criminal history record repositories for noncriminal
21 justice purposes allowed by federal statute, federal executive order, or
22 a state statute that has been approved by the attorney general and that
23 authorizes national indices checks.

24 (b) The FBI, to the extent authorized by section five hundred fifty-
25 two-a of title five of the United States code, (commonly known as the
26 "Privacy Act of 1974"), and state criminal history record repositories

1 shall provide criminal history records (excluding sealed records) to
2 criminal justice agencies and other governmental or nongovernmental
3 agencies for noncriminal justice purposes allowed by federal statute,
4 federal executive order, or a state statute that has been approved by
5 the attorney general, that authorizes national indices checks.

6 (c) Any record obtained under this compact may be used only for the
7 official purposes for which the record was requested. Each compact offi-
8 cer shall establish procedures, consistent with this compact, and with
9 rules, procedures, and standards established by the council under arti-
10 cle VI, which procedures shall protect the accuracy and privacy of the
11 records, and shall:

12 1. ensure that records obtained under this compact are used only by
13 authorized officials for authorized purposes;

14 2. require that subsequent record checks are requested to obtain
15 current information whenever a new need arises; and

16 3. ensure that record entries that may not legally be used for a
17 particular noncriminal justice purpose are deleted from the response
18 and, if no information authorized for release remains, an appropriate
19 "no record" response is communicated to the requesting official.

20 ARTICLE V--RECORD REQUEST PROCEDURES

21 (a) Subject fingerprints or other approved forms of positive identifi-
22 cation shall be submitted with all requests for criminal history record
23 checks for noncriminal justice purposes.

24 (b) Each request for a criminal history record check utilizing the
25 national indices made under any approved state statute shall be submit-
26 ted through that state's criminal history record repository. A state

1 criminal history record repository shall process an interstate request
2 for noncriminal justice purposes through the national indices only if
3 such request is transmitted through another state criminal history
4 record repository or the FBI.

5 (c) Each request for criminal history record checks utilizing the
6 national indices made under federal authority shall be submitted through
7 the FBI or, if the state criminal history record repository consents to
8 process fingerprint submissions, through the criminal history record
9 repository in the state in which such request originated. Direct access
10 to the national identification index by entities other than the FBI and
11 state criminal history records repositories shall not be permitted for
12 noncriminal justice purposes.

13 (d) A state criminal history record repository or the FBI:

14 1. may charge a fee, in accordance with applicable law, for handling a
15 request involving fingerprint processing for noncriminal justice
16 purposes; and

17 2. may not charge a fee for providing criminal history records in
18 response to an electronic request for a record that does not involve a
19 request to process fingerprints.

20 (e) 1. If a state criminal history record repository cannot positively
21 identify the subject of a record request made for noncriminal justice
22 purposes, the request, together with fingerprints or other approved
23 identifying information, shall be forwarded to the FBI for a search of
24 the national indices.

25 2. If, with respect to a request forwarded by a state criminal history
26 record repository under paragraph one of this subdivision, the FBI posi-
27 tively identifies the subject as having a III system-indexed record or
28 records:

- 1 a. the FBI shall so advise the state criminal history record reposito-
2 ry; and
- 3 b. the state criminal history record repository shall be entitled to
4 obtain the additional criminal history record information from the FBI
5 or other state criminal history record repositories.

6 ARTICLE VI--ESTABLISHMENT OF COMPACT COUNCIL

7 (a) 1. In general, there is established a council to be known as the
8 "compact council", which shall have the authority to promulgate rules
9 and procedures governing the use of the III system for noncriminal
10 justice purposes, not to conflict with FBI administration of the III
11 system for criminal justice purposes.

12 2. The council shall:

- 13 a. continue in existence as long as this compact remains in effect;
14 b. be located, for administrative purposes, within the FBI; and
15 c. be organized and hold its first meeting as soon as practicable
16 after the effective date of this compact.

17 (b) The council shall be composed of fifteen members, each of whom
18 shall be appointed by the attorney general, as follows:

19 1. Nine members, each of whom shall serve a two-year term, who shall
20 be selected from among the compact officers of party states based on the
21 recommendation of the compact officers of all party states, except that,
22 in the absence of the requisite number of compact officers available to
23 serve, the chief administrators of the criminal history record reposito-
24 ries of nonparty states shall be eligible to serve on an interim basis.

25 2. Two at-large members, nominated by the director of the FBI, each of
26 whom shall serve a three-year term, of whom:

1 a. one shall be a representative of the criminal justice agencies of
2 the federal government and may not be an employee of the FBI; and

3 b. one shall be a representative of the noncriminal justice agencies
4 of the federal government.

5 3. Two at-large members, nominated by the chairman of the council,
6 once the chairman is elected pursuant to subdivision (c) of this arti-
7 cle, each of whom shall serve a three-year term, of whom:

8 a. one shall be a representative of state or local criminal justice
9 agencies; and

10 b. one shall be a representative of state or local noncriminal justice
11 agencies.

12 4. One member, who shall serve a three-year term, and who shall simul-
13 taneously be a member of the FBI's advisory policy board on criminal
14 justice information services, nominated by the membership of that policy
15 board.

16 5. One member, nominated by the director of the FBI, who shall serve a
17 three-year term, and who shall be an employee of the FBI.

18 (c) 1. In general, from its membership, the council shall elect a
19 chairman and a vice chairman of the council, respectively. Both the
20 chairman and vice chairman of the council:

21 a. shall be a compact officer, unless there is no compact officer on
22 the council who is willing to serve, in which case the chairman may be
23 an at-large member; and

24 b. shall serve a two-year term and may be reelected to only one addi-
25 tional two-year term.

26 2. The vice chairman of the council shall serve as the chairman of
27 the council in the absence of the chairman.

1 (d) 1. In general, the council shall meet at least once each year at
2 the call of the chairman. Each meeting of the council shall be open to
3 the public. The council shall provide prior public notice in the federal
4 register of each meeting of the council, including the matters to be
5 addressed at such meeting.

6 2. A majority of the council or any committee of the council shall
7 constitute a quorum of the council or of such committee, respectively,
8 for the conduct of business. A lesser number may meet to hold hearings,
9 take testimony, or conduct any business not requiring a vote.

10 (e) The council shall make available for public inspection and copying
11 at the council office within the FBI, and shall publish in the federal
12 register, any rules, procedures, or standards established by the coun-
13 cil.

14 (f) The council may request from the FBI such reports, studies,
15 statistics, or other information or materials as the council determines
16 to be necessary to enable the council to perform its duties under this
17 compact. The FBI, to the extent authorized by law, may provide such
18 assistance or information upon such a request.

19 (g) The chairman may establish committees as necessary to carry out
20 this compact and may prescribe their membership, responsibilities, and
21 duration.

22 ARTICLE VII--RATIFICATION OF COMPACT

23 This compact shall take effect upon being entered into by two or more
24 states as between those states and the federal government. Upon subse-
25 quent entering into this compact by additional states, it shall become
26 effective among those states and the federal government and each party

1 state that has previously ratified it. When ratified, this compact shall
2 have the full force and effect of law within the ratifying jurisdic-
3 tions. The form of ratification shall be in accordance with the laws of
4 the executing state.

5 ARTICLE VIII--MISCELLANEOUS PROVISIONS

6 (a) Administration of this compact shall not interfere with the
7 management and control of the director of the FBI over the FBI's
8 collection and dissemination of criminal history records and the advi-
9 sory function of the FBI's advisory policy board chartered under the
10 federal advisory committee act (5 U.S.C. App.) for all purposes other
11 than noncriminal justice.

12 (b) Nothing in this compact shall require the FBI to obligate or
13 expend funds beyond those appropriated to the FBI.

14 (c) Nothing in this compact shall diminish or lessen the obligations,
15 responsibilities, and authorities of any state, whether a party state or
16 a nonparty state, or of any criminal history record repository or other
17 subdivision or component thereof, under the departments of state,
18 justice, and commerce, the judiciary, and related agencies appropriation
19 act, 1973 (Public Law 92-544), or regulations and guidelines promulgated
20 thereunder, including the rules and procedures promulgated by the coun-
21 cil under subdivision (a) of article VI, regarding the use and dissem-
22 ination of criminal history records and information.

23 ARTICLE IX--RENUNCIATION

1 (a) In general, this compact shall bind each party state until
2 renounced by the party state.

3 (b) Any renunciation of this compact by a party state shall:

4 1. be effected in the same manner by which the party state ratified
5 this compact; and

6 2. become effective one hundred eighty days after written notice of
7 renunciation is provided by the party state to each other party state
8 and to the federal government.

9 ARTICLE X--SEVERABILITY

10 The provisions of this compact shall be severable, and if any phrase,
11 clause, sentence, or provision of this compact is declared to be contra-
12 ry to the constitution of any participating state, or to the constitu-
13 tion of the United States, or the applicability thereof to any govern-
14 ment, agency, person, or circumstance is held invalid, the validity of
15 the remainder of this compact and the applicability thereof to any
16 government, agency, person, or circumstance shall not be affected there-
17 by. If a portion of this compact is held contrary to the constitution of
18 any party state, all other portions of this compact shall remain in full
19 force and effect as to the remaining party states and in full force and
20 effect as to the party state affected, as to all other provisions.

21 ARTICLE XI--ADJUDICATION OF DISPUTES

22 (a) The council shall:

23 1. have initial authority to make determinations with respect to any
24 dispute regarding:

1 a. interpretation of this compact;
2 b. any rule or standard established by the council pursuant to article
3 V; and
4 c. any dispute or controversy between any parties to this compact; and
5 2. hold a hearing concerning any dispute described in paragraph one of
6 this subdivision at a regularly scheduled meeting of the council and
7 only render a decision based upon a majority vote of the members of the
8 council. Such decision shall be published pursuant to the requirements
9 of subdivision (e) of article VI.

10 (b) The FBI shall exercise immediate and necessary action to preserve
11 the integrity of the III system, maintain system policy and standards,
12 protect the accuracy and privacy of records, and to prevent abuses,
13 until the council holds a hearing on such matters.

14 (c) The FBI or a party state may appeal any decision of the council to
15 the attorney general, and thereafter may file suit in the appropriate
16 district court of the United States, which shall have original jurisdic-
17 tion of all cases or controversies arising under this compact. Any suit
18 arising under this compact and initiated in a state court shall be
19 removed to the appropriate district court of the United States in the
20 manner provided by section fourteen hundred forty-six of title twenty-
21 eight of the United States code, or other statutory authority.

22 § 2. This act shall take effect immediately.

23 PART E

24 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the
25 correction law relating to the psychological testing of candidates, as

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

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

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

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

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

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

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

27 § 20. This act shall take effect immediately [except that section
28 thirteen of this act shall expire and be of no further force or effect

1 on and after September 1, 2013] and shall not apply to persons committed
2 to the custody of the department after such date, and provided further
3 that the commissioner of correctional services shall report each January
4 first and July first during such time as the earned eligibility program
5 is in effect, to the chairmen of the senate crime victims, crime and
6 correction committee, the senate codes committee, the assembly
7 correction committee, and the assembly codes committee, the standards in
8 effect for earned eligibility during the prior six-month period, the
9 number of inmates subject to the provisions of earned eligibility, the
10 number who actually received certificates of earned eligibility during
11 that period of time, the number of inmates with certificates who are
12 granted parole upon their first consideration for parole, the number
13 with certificates who are denied parole upon their first consideration,
14 and the number of individuals granted and denied parole who did not have
15 earned eligibility certificates.

16 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
17 amending the tax law and other laws relating to taxes, surcharges, fees
18 and funding, as amended by section 5 of part A of chapter 57 of the laws
19 of 2011, is amended to read as follows:

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

23 § 6. Section 10 of chapter 339 of the laws of 1972, amending the
24 correction law and the penal law relating to inmate work release,
25 furlough and leave, as amended by section 6 of part A of chapter 57 of
26 the laws of 2011, is amended to read as follows:

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

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

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

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

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

23 h. Section fifty-two of this act shall be deemed to have been in full
24 force and effect on and after April 1, 1995; provided, however, that the
25 provisions of section 189 of the correction law, as amended by section
26 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
27 as amended by section fifty-six of this act, and section fifty-seven of
28 this act shall expire September 1, [2013] 2015, when upon such date the

1 amendments to the correction law and penal law made by sections fifty-
2 five and fifty-six of this act shall revert to and be read as if the
3 provisions of this act had not been enacted; provided, however, that
4 sections sixty-two, sixty-three and sixty-four of this act shall be
5 deemed to have been in full force and effect on and after March 1, 1995
6 and shall be deemed repealed April 1, 1996 and upon such date the
7 provisions of subsection (e) of section 9110 of the insurance law and
8 subdivision 2 of section 89-d of the state finance law shall revert to
9 and be read as set out in law on the date immediately preceding the
10 effective date of sections sixty-two and sixty-three of this act;

11 § 9. Subdivision (z) of section 427 of chapter 55 of the laws of 1992,
12 amending the tax law and other laws relating to taxes, surcharges, fees
13 and funding, as amended by section 10 of part A of chapter 57 of the
14 laws of 2011, is amended to read as follows:

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

21 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
22 1992, amending the tax law and other laws relating to taxes, surcharges,
23 fees and funding, as amended by section 11 of part A of chapter 57 of
24 the laws of 2011, is amended to read as follows:

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

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

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

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

14 (p) The amendments to section 1809 of the vehicle and traffic law made
15 by sections three hundred thirty-seven and three hundred thirty-eight of
16 this act shall not apply to any offense committed prior to such effec-
17 tive date; provided, further, that section three hundred forty-one of
18 this act shall take effect immediately and shall expire November 1, 1993
19 at which time it shall be deemed repealed; sections three hundred
20 forty-five and three hundred forty-six of this act shall take effect
21 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
22 six, three hundred fifty-seven and three hundred fifty-nine of this act
23 shall take effect immediately and shall expire June 30, 1995 and shall
24 revert to and be read as if this act had not been enacted; section three
25 hundred fifty-eight of this act shall take effect immediately and shall
26 expire June 30, 1998 and shall revert to and be read as if this act had
27 not been enacted; section three hundred sixty-four through three hundred
28 sixty-seven of this act shall apply to claims filed on or after such

1 effective date; sections three hundred sixty-nine, three hundred seven-
2 ty-two, three hundred seventy-three, three hundred seventy-four, three
3 hundred seventy-five and three hundred seventy-six of this act shall
4 remain in effect until September 1, [2013] 2015, at which time they
5 shall be deemed repealed; provided, however, that the mandatory
6 surcharge provided in section three hundred seventy-four of this act
7 shall apply to parking violations occurring on or after said effective
8 date; and provided further that the amendments made to section 235 of
9 the vehicle and traffic law by section three hundred seventy-two of this
10 act, the amendments made to section 1809 of the vehicle and traffic law
11 by sections three hundred thirty-seven and three hundred thirty-eight of
12 this act and the amendments made to section 215-a of the labor law by
13 section three hundred seventy-five of this act shall expire on September
14 1, [2013] 2015 and upon such date the provisions of such subdivisions
15 and sections shall revert to and be read as if the provisions of this
16 act had not been enacted; the amendments to subdivisions 2 and 3 of
17 section 400.05 of the penal law made by sections three hundred seventy-
18 seven and three hundred seventy-eight of this act shall expire on July
19 1, 1992 and upon such date the provisions of such subdivisions shall
20 revert and shall be read as if the provisions of this act had not been
21 enacted; the state board of law examiners shall take such action as is
22 necessary to assure that all applicants for examination for admission to
23 practice as an attorney and counsellor at law shall pay the increased
24 examination fee provided for by the amendment made to section 465 of the
25 judiciary law by section three hundred eighty of this act for any exam-
26 ination given on or after the effective date of this act notwithstanding
27 that an applicant for such examination may have prepaid a lesser fee for
28 such examination as required by the provisions of such section 465 as of

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

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

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

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

1 § 6. This act shall take effect on the first day of April next
2 succeeding the date on which it shall have become a law; provided,
3 however, that effective immediately, the addition, amendment or repeal
4 of any rule or regulation necessary for the implementation of the fore-
5 going sections of this act on their effective date is authorized and
6 directed to be made and completed on or before such effective date and
7 shall remain in full force and effect until the first day of September,
8 [2013] 2015 when upon such date the provisions of this act shall be
9 deemed repealed.

10 § 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the
11 laws of 1997, amending the military law and other laws relating to vari-
12 ous provisions, as amended by section 16 of part A of chapter 57 of the
13 laws of 2011, is amended to read as follows:

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

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

20 § 4. This act shall take effect 120 days after it shall have become a
21 law and shall remain in full force and effect until September 1, [2013]
22 2015, when upon such date it shall expire.

23 § 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,
24 constituting the family protection and domestic violence intervention
25 act of 1994, as amended by section 18 of part A of chapter 57 of the
26 laws of 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

1 § 21. Section 3 of chapter 688 of the laws of 2003, amending the execu-
2 tive law relating to enacting the interstate compact for adult offender
3 supervision, as amended by section 22 of part A of chapter 57 of the
4 laws of 2011, is amended to read as follows:

5 § 3. This act shall take effect immediately, except that section one
6 of this act shall take effect on the first of January next succeeding
7 the date on which it shall have become a law[, and shall remain in
8 effect until the first of September, 2013, upon which date this act
9 shall be deemed repealed and have no further force and effect]; provided
10 that section one of this act shall only take effect with respect to any
11 compacting state which has enacted an interstate compact entitled
12 "Interstate compact for adult offender supervision" and having an iden-
13 tical effect to that added by section one of this act and provided
14 further that with respect to any such compacting state, upon the effec-
15 tive date of section one of this act, section 259-m of the executive law
16 is hereby deemed REPEALED and section 259-mm of the executive law, as
17 added by section one of this act, shall take effect; and provided
18 further that with respect to any state which has not enacted an inter-
19 state compact entitled "Interstate compact for adult offender super-
20 vision" and having an identical effect to that added by section one of
21 this act, section 259-m of the executive law shall take effect and the
22 provisions of section one of this act, with respect to any such state,
23 shall have no force or effect until such time as such state shall adopt
24 an interstate compact entitled "Interstate compact for adult offender
25 supervision" and having an identical effect to that added by section one
26 of this act in which case, with respect to such state, effective imme-
27 diately, section 259-m of the executive law is deemed repealed and

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

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

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

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

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

25 § 24. This act shall take effect immediately.

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

6 § 2. This act shall take effect immediately and shall remain in full
7 force and effect until March 31, [2013] 2014, when it shall expire and
8 be deemed repealed.

9 § 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after March 31, 2013.

11 PART G

12 Section 1. Legislative findings and intent. The legislature finds that
13 local governments and school districts are facing increased stress from
14 rising costs including employee pension obligations. Ultimately, the
15 growth in pension costs results in greater stress on the already over-
16 burdened taxpayer.

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

22 It is the intent of the legislature to authorize the comptroller and
23 the New York state teachers' retirement system board to establish a
24 long-term stable contribution option assuming a baseline term of twen-
25 ty-five years. If the comptroller and the New York state teachers'
26 retirement system board elect to implement this act, the comptroller and

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

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

13 § 17-e. Long-term stable contribution option for participating municipi-
14 pal employers for the two thousand thirteen--two thousand fourteen
15 fiscal year. a. In addition to the definitions in section two of this
16 article, when used in this section:

17 (1) "Participating municipal employer" shall mean a county, city,
18 town, village or school district who elects to pay the stable contrib-
19 ution amount in the manner provided in this section.

20 (2) "Stable contribution amount" shall mean an amount equal to twelve
21 percent of the estimated pensionable salary base (exclusive of payments
22 for group term life insurance, deficiency payments, adjustments relating
23 to prior fiscal years' obligations, obligations pertaining to retirement
24 incentives and amortized payments pursuant to section nineteen-a of this
25 title or any other obligations that a participating municipal employer
26 is permitted to pay on an amortized basis).

27 (3) "Stable contribution rate" shall mean twelve percent.

1 b. Notwithstanding the provisions of this chapter or any other law to
2 the contrary, the comptroller, in his or her discretion, shall have
3 authority to implement the provisions of this section. If the comp-
4 troller elects to implement the provisions of this section, the
5 provisions of this section shall apply to the payment of participating
6 municipal employer contributions for the fiscal year commencing on April
7 first, two thousand thirteen, and for subsequent fiscal years.

8 c. For each fiscal year to which the provisions of this section apply,
9 the comptroller shall use the stable contribution rate for participating
10 municipal employers.

11 d. If the comptroller, in his or her discretion, decides to permit a
12 stable employer contribution option pursuant to this section, then, the
13 comptroller shall determine the stable contribution amount for a partic-
14 ipating municipal employer pursuant to paragraph two of subdivision a of
15 this section. Such contribution shall be in lieu of the participating
16 municipal employer's normal and administrative contributions for the
17 fiscal year determined in accordance with sections twenty-three and
18 twenty-three-a of this article.

19 e. Participating municipal employers are authorized to choose the
20 stable employer contribution option with regard to the February first,
21 two thousand fourteen pension bill. A participating municipal employer,
22 may, in lieu of paying its normal and administrative February first, two
23 thousand fourteen pension bill, pay the stable contribution amount. Such
24 participating municipal employer shall pay the stable contribution
25 amount for a period of twenty-five years provided, however, that such
26 twenty-five year period may be increased or decreased at the discretion
27 of the comptroller pursuant to subdivision k of this section. This long-
28 term stable contribution option shall commence in the fiscal year ending

1 March thirty-first, two thousand fourteen and shall end at the
2 discretion of the comptroller pursuant to subdivision k of this section.

3 f. Any participating municipal employer which elects to pay the stable
4 contribution amount pursuant to subdivisions a, b, c, d and e of this
5 section shall pay the amount based on the stable contribution rate for a
6 period of twenty-five years, such term as subject to increase or
7 decrease at the discretion of the comptroller pursuant to subdivision k
8 of this section. This long-term stable contribution shall commence in
9 the fiscal year ending March thirty-first, two thousand fourteen and
10 shall end at the discretion of the comptroller pursuant to subdivision k
11 of this section. Upon completion of such long-term stable contribution
12 option, the participating municipal employer shall resume paying normal
13 and administrative employer contributions pursuant to sections twenty-
14 three and twenty-three-a of this article.

15 g. A participating municipal employer making a payment pursuant to
16 subdivisions a, b, c, d, e and f of this section shall pay on February
17 first, two thousand fourteen an amount determined by the comptroller by
18 adding the following two amounts together:

19 (1) the stable contribution amount calculated pursuant to subdivisions
20 a, b, c, d, e and f of this section; and

21 (2) payments for group term life insurance, deficiency payments,
22 adjustments relating to prior fiscal years' obligations, obligations
23 pertaining to retirement incentives and amortized payments pursuant to
24 section nineteen-a of this title or any other obligations that a partic-
25 ipating municipal employer is permitted to pay on an amortized basis.

26 h. The stable contribution amount must be paid in full by participat-
27 ing municipal employers on the date set forth in subdivision c of
28 section seventeen of this title.

1 i. A participating municipal employer which elects the long-term
2 stable contribution option shall be prohibited from amortizing any
3 portion of its future pension bill pursuant to the option otherwise
4 available in section nineteen-a of this title.

5 j. The comptroller is authorized to evaluate the stable contribution
6 rate used to calculate participating municipal employer contribution
7 amounts in the fiscal year commencing on April first, two thousand
8 seventeen and subsequently in the fiscal year commencing on April first,
9 two thousand twenty-two. Such evaluation shall be based on a long-term
10 projection of assets and liabilities so as to ensure that contributions
11 by municipal employers which participate in the long-term stable
12 contribution option are adequate to ensure that system assets over the
13 long-term stable contribution option period are sufficient to fund bene-
14 fits for active and retired members associated with participating munic-
15 ipal employers. The comptroller is authorized to increase the stable
16 contribution rate by up to two percentage points at such five-year and
17 subsequent ten-year evaluation. The revised stable contribution rate
18 resulting from the five and subsequent ten-year evaluations may not, in
19 combination, exceed sixteen percent. The comptroller is authorized to
20 decrease the stable contribution rate if warranted at the ten-year eval-
21 uation but in no event shall the stable contribution rate be less than
22 twelve percent.

23 k. (1) The baseline long-term stable contribution term shall be twen-
24 ty-five years. Provided, however, such baseline long-term stable
25 contribution term may eventually be increased or decreased, at the
26 discretion of the comptroller, so as to ensure that system assets are
27 sufficient to fund benefits for active and retired members associated
28 with participating municipal employers.

1 (2) The comptroller is authorized to evaluate the baseline long-term
2 stable contribution term every five years after the fiscal year commenc-
3 ing on April first, two thousand thirteen. Such evaluation shall inform
4 participating municipal employers whether the baseline long-term stable
5 contribution term is expected to increase or decrease pursuant to para-
6 graph one of this subdivision and the duration of such increase or
7 decrease.

8 1. A participating municipal employer may elect to terminate partic-
9 ipation in the long-term stable contribution option and resume payment
10 of the normal and administrative contributions in accordance with
11 sections twenty-three and twenty-three-a of this article. Provided,
12 however, that such participating municipal employer which elects to
13 terminate participation shall make a reconciliation contribution to the
14 retirement system, at an amount to be determined by the comptroller,
15 adequate to fund the benefits for active and retired members associated
16 with such participating municipal employer had such participating munic-
17 ipal employer not elected the provisions of this section. Such reconcil-
18 iation contribution shall be made over a period not to exceed five years
19 and shall be made in addition to the normal and administrative contrib-
20 utions pursuant to sections twenty-three and twenty-three-a of this
21 article for the fiscal year in which such participating municipal
22 employer chooses to resume payment of the normal and administrative
23 contributions pursuant to sections twenty-three and twenty-three-a of
24 this article. Termination of the long-term stable contribution option by
25 a participating municipal employer shall be subject to timing and
26 notification procedures established by the comptroller.

1 § 3. Paragraph 1 of subdivision b of section 23-a of the retirement
2 and social security law, as added by section 1 of part A of chapter 49
3 of the laws of 2003, is amended to read as follows:

4 1. revision of the schedule pertaining to the valuation, billing and
5 payment of contributions by the state and participating employers,
6 excluding participating municipal employers as defined in section seven-
7 teen-e of this article, under which the valuation of the assets and
8 liabilities of the retirement system, excluding the assets and liabil-
9 ities associated with participating municipal employers as defined in
10 section seventeen-e of this article, undertaken on the first day of a
11 fiscal year shall be used to determine the contribution rates to be
12 applied to the pensionable salaries of the state and participating
13 employers, with the exception of the pensionable salaries of participat-
14 ing municipal employers as defined in section seventeen-e of this arti-
15 cle, for the next succeeding fiscal year; and

16 § 4. The retirement and social security law is amended by adding a new
17 section 317-e to read as follows:

18 § 317-e. Long-term stable contribution option for participating munic-
19 ipal employers for the two thousand thirteen--two thousand fourteen
20 fiscal year. a. In addition to the definitions in section three hundred
21 two of this article, when used in this section:

22 (1) "participating municipal employer" shall mean a county, city, town
23 or village who elects to pay the stable contribution amount in the
24 manner provided in this section.

25 (2) "stable contribution amount" shall mean an amount equal to eigh-
26 teen and five-tenths percent of the estimated pensionable salary base
27 (exclusive of payments for group term life insurance, deficiency
28 payments, adjustments relating to prior fiscal years' obligations, obli-

1 gations pertaining to retirement incentives and amortized payments
2 pursuant to section three hundred nineteen-a of this title or any other
3 obligations that a participating municipal employer is permitted to pay
4 on an amortized basis).

5 (3) "stable contribution rate" shall mean eighteen and five-tenths
6 percent.

7 b. Notwithstanding the provisions of this chapter or any other law to
8 the contrary, the comptroller, in his or her discretion, shall have
9 authority to implement the provisions of this section. If the comp-
10 troller elects to implement the provisions of this section, the
11 provisions of this section shall apply to the payment of participating
12 municipal employer contributions for the fiscal year commencing on April
13 first, two thousand thirteen, and for subsequent fiscal years.

14 c. For each fiscal year to which the provisions of this section apply,
15 the comptroller shall use the stable contribution rate for participating
16 municipal employers.

17 d. If the comptroller, in his or her discretion, decides to permit a
18 stable employer contribution option pursuant to this section, then, the
19 comptroller shall determine the stable contribution amount for a partic-
20 ipating municipal employer pursuant to paragraph two of subdivision a of
21 this section. Such contribution shall be in lieu of the participating
22 municipal employer's normal and administrative contributions for the
23 fiscal year determined in accordance with sections three hundred twen-
24 ty-three and three hundred twenty-three-a of this article.

25 e. Participating municipal employers are authorized to choose the
26 stable employer contribution option with regard to the February first,
27 two thousand fourteen pension bill. A participating municipal employer,
28 may, in lieu of paying its normal and administrative February first, two

1 thousand fourteen pension bill, pay the stable contribution amount. Such
2 participating municipal employer shall pay the stable contribution
3 amount for a period of twenty-five years provided, however, that such
4 twenty-five year period may be increased or decreased at the discretion
5 of the comptroller pursuant to subdivision k of this section. This long-
6 term stable contribution option shall commence in the fiscal year ending
7 March thirty-first, two thousand fourteen and shall end at the
8 discretion of the comptroller pursuant to subdivision k of this section.

9 f. Any participating municipal employer which elects to pay the stable
10 contribution amount pursuant to subdivisions a, b, c, d and e of this
11 section shall pay the amount based on the stable contribution rate for a
12 period of twenty-five years, such term as subject to increase or
13 decrease at the discretion of the comptroller pursuant to subdivision k
14 of this section. This long-term stable contribution shall commence in
15 the fiscal year ending March thirty-first, two thousand fourteen and
16 shall end at the discretion of the comptroller pursuant to subdivision k
17 of this section. Upon completion of such long-term stable contribution
18 option, the participating municipal employer shall resume paying normal
19 and administrative employer contributions pursuant to sections three
20 hundred twenty-three and three hundred twenty-three-a of this article.

21 g. A participating municipal employer making a payment pursuant to
22 subdivisions a, b, c, d, e and f of this section shall pay on February
23 first, two thousand fourteen an amount determined by the comptroller by
24 adding the following two amounts together:

25 (1) the stable contribution amount calculated pursuant to subdivisions
26 a, b, c, d, e and f of this section; and

27 (2) payments for group term life insurance, deficiency payments,
28 adjustments relating to prior fiscal years' obligations, obligations

1 pertaining to retirement incentives and amortized payments pursuant to
2 section three hundred nineteen-a of this title or any other obligations
3 that a participating municipal employer is permitted to pay on an amor-
4 tized basis.

5 h. The stable contribution amount must be paid in full by participat-
6 ing municipal employers on the date set forth in subdivision c of
7 section three hundred seventeen of this title.

8 i. A participating municipal employer which elects the long-term
9 stable contribution option shall be prohibited from amortizing any
10 portion of its future pension bill pursuant to the option otherwise
11 available in section three hundred nineteen-a of this title.

12 j. The comptroller is authorized to evaluate the stable contribution
13 rate used to calculate participating municipal employer contribution
14 amounts in the fiscal year commencing on April first, two thousand
15 seventeen and subsequently in the fiscal year commencing on April first,
16 two thousand twenty-two. Such evaluation shall be based on a long-term
17 projection of assets and liabilities so as to ensure that contributions
18 by municipal employers which participate in the long-term stable
19 contribution option are adequate to ensure that system assets over the
20 long-term stable contribution option period are sufficient to fund bene-
21 fits for active and retired members associated with participating munic-
22 ipal employers. The comptroller is authorized to increase the stable
23 contribution rate by up to two percentage points at such five-year and
24 subsequent ten-year evaluation. The revised stable contribution rate
25 resulting from the five and subsequent ten-year evaluations may not, in
26 combination, exceed twenty-two and five-tenths percent. The comptroller
27 is authorized to decrease the stable contribution rate if warranted at

1 the ten-year evaluation but in no event shall the stable contribution
2 rate be less than eighteen and five-tenths percent.

3 k. (1) The baseline long-term stable contribution term shall be twen-
4 ty-five years. Provided, however, such baseline long-term stable
5 contribution term may eventually be increased or decreased, at the
6 discretion of the comptroller, so as to ensure that system assets are
7 sufficient to fund benefits for active and retired members associated
8 with participating municipal employers.

9 (2) The comptroller is authorized to evaluate the baseline long-term
10 stable contribution term every five years after the fiscal year commenc-
11 ing on April first, two thousand thirteen. Such evaluation shall inform
12 participating municipal employers whether the baseline long-term stable
13 contribution term is expected to increase or decrease pursuant to para-
14 graph one of this subdivision and the duration of such increase or
15 decrease.

16 l. A participating municipal employer may elect to terminate partic-
17 ipation in the long-term stable contribution option and resume payment
18 of the normal and administrative contributions in accordance with
19 sections three hundred twenty-three and three hundred twenty-three-a of
20 this article. Provided, however, that such participating municipal
21 employer which elects to terminate participation shall make a reconcil-
22 iation contribution to the retirement system, at an amount to be deter-
23 mined by the comptroller, adequate to fund the benefits for active and
24 retired members associated with such participating municipal employer
25 had such participating municipal employer not elected the provisions of
26 this section. Such reconciliation contribution shall be made over a
27 period not to exceed five years and shall be made in addition to the
28 normal and administrative contributions pursuant to sections three

1 hundred twenty-three and three hundred twenty-three-a of this article
2 for the fiscal year in which such participating municipal employer
3 chooses to resume payment of the normal and administrative contributions
4 pursuant to sections three hundred twenty-three and three hundred twen-
5 ty-three-a of this article. Termination of the long-term stable
6 contribution option by a participating municipal employer shall be
7 subject to timing and notification procedures established by the comp-
8 troller.

9 § 5. Paragraph 1 of subdivision b of section 323-a of the retirement
10 and social security law, as added by section 2 of part A of chapter 49
11 of the laws of 2003, is amended to read as follows:

12 1. revision of the schedule pertaining to the valuation, billing and
13 payment of contributions by the state and participating employers,
14 excluding participating municipal employers as defined in section three
15 hundred seventeen-e of this article, under which the valuation of the
16 assets and liabilities of the retirement system, excluding the assets
17 and liabilities associated with participating municipal employers as
18 defined in section three hundred seventeen-e of this article, undertaken
19 on the first day of a fiscal year shall be used to determine the
20 contribution rates to be applied to the pensionable salaries of the
21 state and participating employers, with the exception of the pensionable
22 salaries of participating municipal employers as defined in section
23 three hundred seventeen-e of this article, for the next succeeding
24 fiscal year; and

25 § 6. Section 521 of the education law is amended by adding a new
26 subdivision 3 to read as follows:

27 3. Long-term stable contribution option for participating educational
28 employers for the two thousand thirteen--two thousand fourteen plan

1 year. a. In addition to the definitions in section five hundred one of
2 this article, when used in this subdivision:

3 (1) "participating educational employer" shall mean the city, village,
4 school district board or trustee by which a teacher is paid who elects
5 to pay the stable contribution amount in the manner provided in this
6 section.

7 (2) "stable contribution amount" shall mean an amount equal to twelve
8 and five-tenths percent of the estimated pensionable salary base (exclu-
9 sive of payments for group term life insurance, deficiency contrib-
10 utions, adjustments relating to prior fiscal years' obligations, obli-
11 gations pertaining to retirement incentives or any other obligations
12 that a participating educational employer is permitted to pay on an
13 amortized basis).

14 (3) "stable contribution rate" shall mean twelve and five-tenths
15 percent.

16 b. Notwithstanding the provisions of this chapter or any other law to
17 the contrary, the retirement board, in its discretion, shall have
18 authority to implement the provisions of this subdivision. If the
19 retirement board elects to implement the provisions of this subdivision,
20 the provisions of this section shall apply to the payment of participat-
21 ing educational employer contributions for the plan year commencing with
22 the July first, two thousand thirteen fiscal year, and for subsequent
23 fiscal years.

24 c. For each plan year to which the provisions of this subdivision
25 apply, the retirement board shall use a stable contribution rate for
26 participating educational employers.

27 d. If the retirement board, in its discretion, decides to permit a
28 stable employer contribution option pursuant to this subdivision, then,

1 the retirement board shall determine the stable contribution amount for
2 a participating educational employer pursuant to subparagraph two of
3 paragraph a of this subdivision. Such contribution shall be in lieu of a
4 participating educational employer's normal contributions and adminis-
5 trative contributions pursuant to sections five hundred seventeen and
6 five hundred nineteen of this article for the fiscal year commencing
7 July first, two thousand thirteen, and for subsequent fiscal years.

8 e. Participating educational employers are authorized to choose the
9 stable employer contribution option commencing with the July first, two
10 thousand thirteen fiscal year pension bill. A participating educational
11 employer, may, in lieu of paying its normal and administrative contrib-
12 ution commencing with the July first, two thousand thirteen fiscal year
13 pension bill, pay the stable contribution amount. Such participating
14 educational employer shall pay the stable contribution amount for a
15 period of twenty-five years provided, however, that such twenty-five
16 year period may be increased or decreased at the discretion of the
17 retirement board pursuant to paragraph j of this subdivision. This long-
18 term stable contribution option shall commence with the July first, two
19 thousand thirteen fiscal year and shall end at the discretion of the
20 retirement board pursuant to paragraph j of this subdivision.

21 f. Any participating educational employer which elects to pay the
22 stable contribution amount pursuant to paragraphs a, b, c, d and e of
23 this subdivision shall pay the amount based on the stable contribution
24 rate for a period of twenty-five years, such term as subject to increase
25 or decrease at the discretion of the retirement board pursuant to para-
26 graph j of this subdivision. This long-term stable contribution shall
27 commence with the July first, two thousand thirteen fiscal year and
28 shall end at the discretion of the retirement board pursuant to para-

1 graph j of this subdivision. Upon completion of such long-term stable
2 contribution option, the participating educational employer shall resume
3 paying normal and administrative contributions pursuant to sections five
4 hundred seventeen and five hundred nineteen of this article.

5 g. A participating educational employer making a payment pursuant to
6 paragraphs a, b, c, d, e and f of this subdivision shall pay commencing
7 with the July first, two thousand thirteen fiscal year an amount deter-
8 mined by the retirement board by adding the following two amounts
9 together:

10 (1) the stable contribution amount calculated pursuant to paragraphs
11 a, b, c, d, e and f of this subdivision; and

12 (2) payments for group term life insurance, deficiency payments,
13 adjustments relating to prior fiscal years' obligations and obligations
14 pertaining to retirement incentives or any other obligations that a
15 participating educational employer is permitted to pay on an amortized
16 basis.

17 h. The stable contribution amount must be paid in full by participat-
18 ing educational employers on the dates specified in paragraph h of
19 subdivision two of this section.

20 i. The retirement board is authorized to evaluate the stable contrib-
21 ution rate used to calculate participating educational employer contrib-
22 ution amounts in the fiscal year commencing on July first, two thousand
23 seventeen and subsequently in the fiscal year commencing on July first,
24 two thousand twenty-two. Such evaluation shall be based on a long-term
25 projection of assets and liabilities so as to ensure that contributions
26 by participating educational employers which participate in the long-
27 term stable contribution option are adequate to ensure that system
28 assets over the long-term stable option period are sufficient to fund

1 benefits for active and retired members associated with participating
2 educational employers. The retirement board is authorized to increase
3 the stable contribution rate by up to two percentage points at such
4 five-year and subsequent ten-year evaluation. The revised stable
5 contribution rate resulting from the five and subsequent ten-year evalu-
6 ation may not, in combination, exceed sixteen and five-tenths percent.
7 The retirement board is authorized to decrease the stable contribution
8 rate if warranted at the ten-year evaluation but in no event shall the
9 stable contribution rate be less than twelve and five-tenths percent.

10 j. (1) The baseline long-term stable contribution term shall be twen-
11 ty-five years. Provided, however, such baseline long-term stable
12 contribution term may eventually be increased or decreased, at the
13 discretion of the retirement board, so as to ensure that system assets
14 are sufficient to fund benefits for active and retired members associ-
15 ated with participating educational employers.

16 (2) The retirement board is authorized to evaluate the baseline long-
17 term stable contribution term every five years after the fiscal year
18 commencing on July first, two thousand thirteen. Such evaluation shall
19 inform participating educational employers whether the baseline long-
20 term stable contribution term is expected to increase or decrease pursu-
21 ant to subparagraph one of this paragraph and the duration of such
22 increase or decrease.

23 k. A participating educational employer may elect to terminate partic-
24 ipation in the long-term stable contribution option and resume payment
25 of the normal and administrative contributions in accordance with
26 sections five hundred seventeen and five hundred nineteen of this arti-
27 cle. Provided, however, that such participating educational employer
28 which elects to terminate participation shall make a reconciliation

1 contribution to the retirement system, at an amount to be determined by
2 the retirement board, adequate to fund the benefits for active and
3 retired members associated with such participating educational employer
4 had such participating educational employer not elected the provisions
5 of this section. Such reconciliation contribution shall be made over a
6 period not to exceed five years and shall be made in addition to the
7 normal and administrative contributions pursuant to sections five
8 hundred seventeen and five hundred nineteen of this article for the
9 fiscal year in which such participating educational employer chooses to
10 resume payment of the normal and administrative contributions pursuant
11 to sections five hundred seventeen and five hundred nineteen of this
12 article. Termination of the long-term stable contribution option by a
13 participating educational employer shall be subject to timing and
14 notification procedures established by the retirement board.

15 § 7. Paragraph a of subdivision 2 of section 517 of the education law
16 is amended to read as follows:

17 a. On account of each teacher who is a member of the retirement system
18 there shall be paid annually into the pension accumulation fund by
19 employers, a certain percentage of the earnable compensation of each of
20 such members of the retirement system to be known as the "normal
21 contribution" and a further percentage known as the "deficiency contrib-
22 ution." The rates per centum of such contributions shall be fixed on the
23 basis of the liabilities of the retirement system as shown by actuarial
24 valuations; provided, however, that the rate per centum of the normal
25 contribution be fixed on the basis of the liabilities of the retirement
26 system as shown by actuarial valuations, excluding the liabilities asso-
27 ciated with participating educational employers as defined in subpara-

1 graph one of paragraph a of subdivision three of section five hundred
2 twenty-one of this article.

3 § 8. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would amend the Retirement and Social Security Law and the Education Law as it pertains to bills for certain eligible employers of the New York State and Local Employees' Retirement System (ERS), the New York State and Local Police and Fire Retirement System (PFRS), and the Teachers' Retirement System (TRS).

This bill puts in place a program that allows ERS, PFRS and TRS local government and school district employers, if they choose to participate, to secure a long-term stable employer contribution rate instead of the fluctuating normal employer contribution rate applied to the employer's pensionable wage base. The Comptroller and the TRS Retirement Board will determine the final length of the stable pension contribution term by increasing or decreasing such term to ensure appropriate pension system funding. The stable pension contribution rates would be 12 percent for ERS, 12.5 percent for TRS, and 18.5 percent for PFRS. These stable pension contribution rates could be increased, by up to two percentage points, at the discretion of the Comptroller and the TRS Retirement Board, upon evaluations by System actuaries, five and ten years after commencement of the long-term stable contribution option.

If this bill is enacted, we estimate that there would be little or no impact on the funded status of the ERS, PFRS and TRS systems over the full term of the program. For those local governments and school districts which elect this option, employer pension contributions would be less than the normal employer pension contributions they would otherwise pay in the early years of the long-term stable employer contrib-

ution option and employer pension contributions would be more than the normal employer contributions they would otherwise pay in the later years of the option.

This estimate, dated January 22, 2013, and intended for use only during the 2013 Legislative Session, is prepared by the State of New York Division of the Budget.

1

PART H

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

5 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
6 from the coverage of the health benefit plan of supplementary medical
7 insurance benefits for which an active or retired employee or a depend-
8 ent covered by the health benefit plan is or would be eligible under the
9 federal old-age, survivors and disability insurance program, an amount
10 equal to the standard medicare premium charge without any income-related
11 adjustment for such supplementary medical insurance benefits for such
12 active or retired employee and his or her dependents, if any, shall be
13 paid monthly or at other intervals to such active or retired employee
14 from the health insurance fund. Where appropriate, such amount may be
15 deducted from contributions payable by the employee or retired employee;
16 or where appropriate in the case of a retired employee receiving a
17 retirement allowance, such amount may be included with payments of his
18 or her retirement allowance. All state employer, employee, retired
19 employee and dependent contributions to the health insurance fund,
20 including contributions from public authorities, public benefit corpo-

1 rations or other quasi-public organizations of the state eligible for
2 participation in the health benefit plan as authorized by subdivision
3 two of section one hundred sixty-three of this article, shall be
4 adjusted as necessary to cover the cost of reimbursing federal old-age,
5 survivors and disability insurance program premium charges under this
6 section. This cost shall be included in the calculation of premium or
7 subscription charges for health coverage provided to employees and
8 retired employees of the state, public authorities, public benefit
9 corporations or other quasi-public organizations of the state; provided,
10 however, the state, public authorities, public benefit corporations or
11 other quasi-public organizations of the state shall remain obligated to
12 pay no less than its share of such increased cost consistent with its
13 share of premium or subscription charges provided for by this article.
14 All other employer contributions to the health insurance fund shall be
15 adjusted as necessary to provide for such payments.

16 § 2. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after January 1, 2013.

18 PART I

19 Section 1. The state finance law is amended by adding a new section
20 99-u to read as follows:

21 § 99-u. New York state gaming commission account. 1. There is hereby
22 established in the joint custody of the comptroller and the executive
23 director of the New York state gaming commission an account in the
24 miscellaneous special revenue fund to be known as the "New York state
25 gaming commission account".

1 2. Such account shall consist of moneys transferred thereto from the
2 state lottery fund administration account, the regulation of racing
3 account, the bell jar collection account or the regulation of Indian
4 gaming account.

5 3. All moneys in the New York state gaming commission account shall be
6 available, subject to appropriation, for the payment of administrative
7 expenses of the New York state gaming commission.

8 § 2. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after February 1, 2013.

10 PART J

11 Section 1. Paragraphs 2 and 3 of subdivision b of section 1612 of the
12 tax law, as amended by section 1 of part 01 of chapter 57 of the laws of
13 2009, are amended to read as follows:

14 2. As consideration for the operation of a video lottery gaming facil-
15 ity, the division, shall cause the investment in the racing industry of
16 a portion of the vendor fee received pursuant to paragraph one of this
17 subdivision in the manner set forth in this subdivision. With the
18 exception of Aqueduct racetrack, each such track shall dedicate a
19 portion of its vendor fees, received pursuant to clause (A), (B), (C),
20 (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this
21 subdivision, solely for the purpose of enhancing purses at such track,
22 in an amount equal to eight and three-quarters percent of the total
23 revenue wagered at the vendor track after pay out for prizes. One
24 percent of such purse enhancement amount shall be paid to the gaming
25 commission to be used exclusively to promote and ensure equine health
26 and safety in New York. Any portion of such funding to the gaming

1 commission unused during a fiscal year shall be returned to the video
2 lottery gaming operators on a pro rata basis in accordance with the
3 amounts originally contributed by each operator and shall be used for
4 the purpose of enhancing purses at such track. In addition, with the
5 exception of Aqueduct racetrack, one and one-quarter percent of total
6 revenue wagered at the vendor track after pay out for prizes, received
7 pursuant to clause (A), (B), (C), (D), (E), (F), or (G) of subparagraph
8 (ii) of paragraph one of this subdivision, shall be distributed to the
9 appropriate breeding fund for the manner of racing conducted by such
10 track.

11 Provided, further, that nothing in this paragraph shall prevent each
12 track from entering into an agreement, not to exceed five years, with
13 the organization authorized to represent its horsemen to increase or
14 decrease the portion of its vendor fee dedicated to enhancing purses at
15 such track during the years of participation by such track, or to race
16 fewer dates than required herein.

17 3. Nothing in paragraph two of this subdivision shall affect any
18 agreement in effect on or before the effective date of this paragraph,
19 except that the obligation to pay funds to the gaming commission to
20 promote and ensure equine health and safety shall supersede any
21 provision to the contrary in any such agreement.

22 § 2. Paragraph 1 of subdivision f of section 1612 of the tax law, as
23 amended by chapter 140 of the laws of 2008, is amended to read as
24 follows:

25 1. Six and one-half percent of the total wagered after payout of
26 prizes for the first year of operation of video lottery gaming at Aque-
27 duct racetrack, seven percent of the total wagered after payout of
28 prizes for the second year of operation, and seven and one-half percent

1 of the total wagered after payout of prizes for the third year of opera-
2 tion and thereafter, for the purpose of enhancing purses at Aqueduct
3 racetrack, Belmont Park racetrack and Saratoga race course. One percent
4 of such purse enhancement amount shall be paid to the gaming commission
5 to be used exclusively to promote and ensure equine health and safety in
6 New York. Any portion of such funding to the gaming commission unused
7 during a fiscal year shall be returned on a pro rata basis in accordance
8 with the amounts originally contributed and shall be used for the
9 purpose of enhancing purses at such tracks.

10 § 3. This act shall take effect immediately.

11 PART K

12 Section 1. Subparagraph (vii) of paragraph q of subdivision 10 of
13 section 54 of the state finance law, as added by section 3 of part K of
14 chapter 57 of the laws of 2011, is amended to read as follows:

15 (vii) Matching funds equal to [ten] at least fifty percent of the
16 total cost of activities under the grant work plan approved by the
17 department of state shall be required for a local government re-organi-
18 zation grant for a re-organization study, except for such grants that
19 are awarded to a local government entity eligible for an expedited grant
20 pursuant to subparagraph (v) of this paragraph. Upon implementation of
21 the local government re-organization, the local matching funds required
22 by such grant for a re-organization study shall be refunded except for
23 ten percent of the total cost of activities under the grant work plan
24 approved by the department of state. Matching funds equal to at least
25 ten percent of the total cost of activities under the grant work plan
26 approved by the department of state shall be required for a local

1 government re-organization grant for a re-organization study awarded to
2 a local government entity eligible for an expedited grant pursuant to
3 subparagraph (v) of this paragraph and for a local government re-organi-
4 zation grant for the implementation of a re-organization.

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

8 Local government efficiency grant program beginning in the state
9 fiscal year commencing April first, two thousand eleven and continuing
10 until the end of the state fiscal year commencing April first, two thou-
11 sand twelve.

12 § 3. Paragraphs s and t of subdivision 10 of section 54 of the state
13 finance law, paragraph t as relettered by section 3 of part K of chapter
14 57 of the laws of 2011, are relettered paragraphs t and u and a new
15 paragraph s is added to read as follows:

16 s. Local government efficiency grant program beginning in the state
17 fiscal year commencing April first, two thousand thirteen. (i) (1) For
18 the purposes of this paragraph, "municipality" shall mean a county,
19 city, town, village, special improvement district, fire district, public
20 library, association library, or public library system as defined by
21 section two hundred seventy-two of the education law, provided however,
22 that for the purposes of this definition, a public library system shall
23 be considered a municipality only in instances where such public library
24 system advances a joint application on behalf of its member libraries,
25 water authority, sewer authority, regional planning and development
26 board, school district, or board of cooperative educational services;
27 provided, however, that for the purposes of this definition, a board of
28 cooperative educational services shall be considered a municipality only

1 in instances where such board of cooperative educational services
2 advances a joint application on behalf of school districts and other
3 municipalities within the board of cooperative educational services
4 region; provided, however, that any agreements with a board of cooper-
5 ative educational services: shall not generate additional state aid;
6 shall be deemed not to be a part of the program, capital and administra-
7 tive budgets of the board of cooperative educational services for the
8 purposes of computing charges upon component school districts pursuant
9 to subdivision one and subparagraph seven of paragraph b of subdivision
10 four of section nineteen hundred fifty and subdivision one of section
11 nineteen hundred fifty-one of the education law; and shall be deemed to
12 be a cooperative municipal service for purposes of subparagraph two of
13 paragraph d of subdivision four of section nineteen hundred fifty of the
14 education law.

15 (2) For the purposes of this paragraph, "functional consolidation"
16 shall mean one municipality completely providing a service or function
17 for another municipality, which no longer provides such service or func-
18 tion.

19 (ii) Within the annual amounts appropriated therefor, the secretary of
20 state may award competitive grants to municipalities to cover costs
21 associated with local government efficiency projects, including, but not
22 limited to, planning for or implementation of a municipal consolidation
23 or dissolution, a functional consolidation, a city or county charter
24 revision that includes functional consolidation, shared or cooperative
25 services, and regionalized delivery of services; provided, however, that
26 such local government efficiency projects must demonstrate new opportu-
27 nities for financial savings and operational efficiencies; provided,
28 further, that eligible local government efficiency projects shall not

1 include studies and plans for a local government re-organization eligi-
2 ble to receive a local government citizens re-organization empowerment
3 grant pursuant to paragraph q of this subdivision. The secretary of
4 state may focus the grant program in specific functional areas, within
5 distressed communities and areas of historically high local government
6 costs and property taxes, or in areas of unique opportunity, in which
7 case such areas of focus shall be detailed in a request for applica-
8 tions.

9 (iii) Any approved project shall include an examination of financial
10 savings, return on public investment and management improvements result-
11 ing from project implementation.

12 (iv) Local government efficiency grants may be used to cover costs
13 including, but not limited to, legal and consultant services, capital
14 improvements, transitional personnel costs and other necessary expenses
15 related to implementing the approved local government efficiency grant
16 work plan. Grants may be used for capital improvements, transitional
17 personnel costs or joint equipment purchases only where such expenses
18 are integral to implementation of the local government efficiency
19 project. No part of the grant shall be used by the applicant for recur-
20 ring expenses such as salaries, except that the salaries of certain
21 transitional personnel essential for the implementation of the approved
22 local government efficiency grant work plan shall be eligible for a
23 period not to exceed three years. The amounts awarded to a school
24 district pursuant to this subparagraph shall not be included in the
25 approved operating expense of the school district as defined in para-
26 graph t of subdivision one of section thirty-six hundred two of the
27 education law.

1 (v) The maximum cumulative grant award for a local government effi-
2 ciency project shall not exceed two hundred thousand dollars per munici-
3 pality; provided, however, that in no case shall such a project receive
4 a cumulative grant award in excess of one million dollars. The maximum
5 grant award for a local government efficiency planning project, or the
6 planning component of a project that includes both planning and imple-
7 mentation of a local government efficiency project, shall not exceed
8 twelve thousand five hundred dollars per municipality; provided, howev-
9 er, that in no event shall such a planning project receive a grant award
10 in excess of one hundred thousand dollars.

11 (vi) Local matching funds equal to at least fifty percent of the total
12 cost of activities under the grant work plan approved by the department
13 of state shall be required for planning grants, and local matching funds
14 equal to at least ten percent of the total cost of activities under the
15 grant work plan approved by the department of state shall be required
16 for implementation grants. In the event an applicant is implementing a
17 project that the applicant developed through a successfully completed
18 planning grant funded under the local government efficiency grant
19 program or the shared municipal services incentive grant program, the
20 local matching funds required shall be reduced by the local matching
21 funds required by such successfully completed planning grant up to the
22 amount of local matching funds required for the implementation grant.

23 (vii) In the selection of grant awards, the secretary of state shall
24 give the highest priority to applications: (1) that would result in the
25 dissolution or consolidation of municipalities; (2) that would implement
26 the complete functional consolidation of a municipal service; or (3) by
27 local governments with historically high costs of local government or
28 sustained increases in property taxes. Priority will also be given to

1 municipalities that have previously completed a planning grant pursuant
2 to this program or the shared municipal services incentive grant
3 program, and to local governments currently involved in regional devel-
4 opment projects that have received funds through state community and
5 infrastructure development programs.

6 (viii) The department of state shall prepare an annual report to the
7 governor and the legislature on the effectiveness of the local govern-
8 ment efficiency grant program and the local government citizens re-or-
9 ganization empowerment grant program. Such report shall be provided on
10 or before October first of each year and shall include, but not be
11 limited to, the following: a summary of applications and awards for each
12 grant category, an assessment of progress in implementing initiatives
13 that received grant awards, and estimated financial savings and signif-
14 icant improvements in service realized by municipalities that have
15 received grants.

16 § 4. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2013.

18 PART L

19 Section 1. Notwithstanding any provision of law to the contrary, any
20 provision of statute or regulation that requires a local government or
21 school district to submit a report to a state agency or authority that
22 has not been approved for continuation by the mandate relief council as
23 provided herein shall expire and be deemed repealed on April 1, 2014;
24 provided, however, that all provisions of such statutes and regulations
25 other than such specific reporting requirements shall be unaffected by
26 the repeal of such reporting requirements and remain in full force and

1 effect. Every state agency and authority shall refer to the mandate
2 relief council, on or before September 1, 2013, all local government and
3 school district reporting requirements, imposed by statute or regu-
4 lation, and which of these reporting requirements, in the opinion of the
5 agency or authority, are necessary and should be continued because such
6 reporting requirements are (1) required for compliance with federal laws
7 or rules or to meet eligibility standards for federal entitlements; (2)
8 required for the protection of the health, safety or welfare of the
9 public; or (3) are otherwise necessary for critical state purposes. The
10 council shall review such requests to determine whether such reports are
11 necessary and should be continued. Upon a determination that a reporting
12 requirement is necessary and should be continued, the council may direct
13 the agency or authority to take actions to reduce the burden the report-
14 ing requirement imposes on local governments and school districts.

15 § 2. This act shall take effect immediately; provided that the mandate
16 relief council shall notify the legislative bill drafting commission
17 which reporting requirements were referred to it and which reporting
18 requirements were approved for continuation so that such commission may
19 maintain an accurate and timely effective database of the official text
20 of the laws of the state of New York in furtherance of effecting the
21 provisions of section 44 of the legislative law and section 70-b of the
22 public officers law.

23

PART M

24 Section 1. The state comptroller is hereby authorized and directed to
25 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. Tuition reimbursement fund:

4 a. Tuition reimbursement account (20451).

5 b. Proprietary vocational school supervision account (20452).

6 2. Local government records management improvement fund:

7 a. Local government records management account (20501).

8 3. Dedicated highway and bridge trust fund:

9 a. Highway and bridge capital account (30051).

10 4. State university residence hall rehabilitation fund.

11 5. State parks infrastructure trust fund:

12 a. State parks infrastructure account (30351).

13 6. Clean water/clean air implementation fund.

14 7. Employees health insurance fund.

15 a. Employees health insurance account (60201).

16 8. State lottery fund:

17 a. Education - New (20901).

18 b. VLT - Sound basic education fund (20904).

19 9. Medicaid management information system escrow fund.

20 10. Sewage treatment program management and administration fund.

21 11. Environmental conservation special revenue fund:

22 a. Waste cleanup and management account (21053).

23 b. Hazardous bulk storage account (21061).

24 c. Great lakes restoration initiative account (21087).

25 d. Low level radioactive waste siting account (21066).

26 e. Recreation account (21067).

27 f. Public safety recovery account (21077).

28 g. Conservationist magazine account (21080).

- 1 h. Environmental regulatory account (21081).
- 2 i. Natural resource account (21082).
- 3 j. Mined land reclamation program account (21084).
- 4 k. Federal grants indirect cost recovery account (21065).
- 5 12. Environmental protection and oil spill compensation fund.
- 6 13. Hazardous waste remedial fund:
 - 7 a. Hazardous waste remedial cleanup account (31506).
- 8 14. Mass transportation operating assistance fund:
 - 9 a. Public transportation systems account (21401).
 - 10 b. Metropolitan mass transportation (21402).
- 11 15. Clean air fund:
 - 12 a. Operating permit program account (21451).
 - 13 b. Mobile source account (21452).
- 14 16. Centralized services fund.
- 15 17. State exposition special fund.
- 16 18. Agency enterprise fund:
 - 17 a. OGS convention center account (50318).
- 18 19. Agencies internal service fund:
 - 19 a. Archives records management account (55052).
 - 20 b. Federal single audit account (55053).
 - 21 c. Civil service law: sec 11 admin account (55055).
 - 22 d. Civil service EHS occupational health program account (55056).
 - 23 e. Banking services account (55057).
 - 24 f. Cultural resources survey account (55058).
 - 25 g. Neighborhood work project (55059).
 - 26 h. Automation & printing chargeback account (55060).
 - 27 i. OFT NYT account (55061).
 - 28 j. Data center account (55062).

- 1 k. Human service telecom account (55063).
- 2 l. Centralized technology services account (55069).
- 3 m. OPWDD copy center account (55065).
- 4 n. Intrusion detection account (55066).
- 5 o. Domestic violence grant account (55067).
- 6 p. Learning management system account (55070).
- 7 q. Tax contact center account.
- 8 r. Human services contact center account.
- 9 s. Labor contact center account.
- 10 20. Miscellaneous special revenue fund:
 - 11 a. Statewide planning and research cooperative system account (21902).
 - 12 b. OPWDD provider of service account (21903).
 - 13 c. New York state thruway authority account (21905).
 - 14 d. Mental hygiene patient income account (21909).
 - 15 e. Financial control board account (21911).
 - 16 f. Regulation of racing account (21912).
 - 17 g. New York metropolitan transportation council account (21913).
 - 18 h. Cyber upgrade account (21919).
 - 19 i. State university dormitory income reimbursable account (21937).
 - 20 j. Energy research account (21943).
 - 21 k. Criminal justice improvement account (21945).
 - 22 l. Fingerprint identification and technology account (21950).
 - 23 m. Environmental laboratory reference fee account (21959).
 - 24 n. Clinical laboratory reference system assessment account (21962).
 - 25 o. Public employment relations board account (21964).
 - 26 p. Cable television account (21971).
 - 27 q. Indirect cost recovery account (21978).
 - 28 r. High school equivalency program account (21979).

- 1 s. Rail safety inspection account (21983).
- 2 t. Multi-agency training account (21989).
- 3 u. Critical infrastructure account (21992).
- 4 v. Bell jar collection account (22003).
- 5 w. Industry and utility service account (22004).
- 6 x. Real property disposition account (22006).
- 7 y. Parking account (22007).
- 8 z. Asbestos safety training program account (22009).
- 9 aa. Public service account (22011).
- 10 bb. Batavia school for the blind account (22032).
- 11 cc. Investment services account (22034).
- 12 dd. Surplus property account (22036).
- 13 ee. Financial oversight account (22039).
- 14 ff. Regulation of indian gaming account (22046).
- 15 gg. Rome school for the deaf account (22053).
- 16 hh. Seized assets account (22054).
- 17 ii. Administrative adjudication account (22055).
- 18 jj. Federal salary sharing account (22056).
- 19 kk. New York City assessment account (22062).
- 20 ll. Cultural education account (22063).
- 21 mm. Examination and miscellaneous revenue account (22065).
- 22 nn. Local services account (22078).
- 23 oo. DHCR mortgage servicing account (22085).
- 24 pp. Department of motor vehicles compulsory insurance account (22087).
- 25 qq. Housing indirect cost recovery account (22090).
- 26 rr. DHCR-HCA application fee account (22100).
- 27 ss. Low income housing monitoring account (22130).
- 28 tt. Corporation administration account (22135).

- 1 uu. Montrose veteran's home account (22144).
- 2 vv. Motor fuel quality account (22149).
- 3 ww. Deferred compensation administration account (22151).
- 4 xx. Rent revenue other account (22156).
- 5 yy. Rent revenue account (22158).
- 6 zz. Tax revenue arrearage account (22168).
- 7 aaa. Solid waste management account (22176).
- 8 bbb. Capacity contracting (22016).
- 9 ccc. Point insurance reduction program account.
- 10 ddd. Internet point insurance reduction program account (22094).
- 11 eee. Mental hygiene program fund account (21907).
- 12 fff. Third party debt collection account.
- 13 21. New York State Transformative Capital Fund:
- 14 a. Storm recovery account.
- 15 b. Transformative capital account.
- 16 22. State university income fund:
- 17 a. State university general income offset account (22654).
- 18 23. State police and motor vehicle law enforcement fund:
- 19 a. State police motor vehicle law enforcement account (22802).
- 20 24. Youth facilities improvement fund:
- 21 a. Youth facilities improvement account (31701).
- 22 25. Highway safety program fund:
- 23 a. Highway safety program account (23001).
- 24 26. Drinking water program management and administration fund:
- 25 a. EFC drinking water program account (23101).
- 26 b. DOH drinking water program account (23102).
- 27 27. New York city county clerks offset fund:
- 28 a. NYCCC operating offset account (23151).

- 1 28. Housing assistance fund.
- 2 29. Housing program fund.
- 3 30. Department of transportation - engineering services fund:
- 4 a. Highway facility purpose account (31951).
- 5 31. Miscellaneous capital projects fund:
- 6 a. New York racing account (32213).
- 7 32. Mental hygiene facilities capital improvement fund.
- 8 33. Joint labor/management administration fund:
- 9 a. Joint labor/management administration fund (55201).
- 10 34. Audit and control revolving fund:
- 11 a. Executive direction internal audit account (55251).
- 12 b. CIO Information technology centralized services account (55252).
- 13 35. Health insurance internal service fund:
- 14 a. Health insurance internal service account (55300).
- 15 b. Civil service employee benefits div admin (55301).
- 16 36. Correctional industries revolving fund.
- 17 37. Correctional facilities capital improvement fund.
- 18 38. HCRA resources fund:
- 19 a. EPIC premium account (20818).
- 20 b. Hospital based grants program account (20812).
- 21 c. Child health plus program account (20810).
- 22 § 1-a. The state comptroller is hereby authorized and directed to loan
- 23 money in accordance with the provisions set forth in subdivision 5 of
- 24 section 4 of the state finance law to any account within the following
- 25 federal funds, provided the comptroller has made a determination that
- 26 sufficient federal grant award authority is available to reimburse such
- 27 loans:
- 28 1. Federal USDA-food nutrition services fund.

- 1 2. Federal health and human services fund.
- 2 3. Federal education grants fund.
- 3 4. Federal block grant fund.
- 4 5. Federal operating grants fund.
- 5 6. Federal capital projects fund.
- 6 7. Federal unemployment insurance administration fund.
- 7 8. Federal unemployment insurance occupational training fund.
- 8 9. Federal employment and training grants.

9 § 2. Notwithstanding any law to the contrary, and in accordance with
10 section 4 of the state finance law, the comptroller is hereby authorized
11 and directed to transfer, upon request of the director of the budget, on
12 or before March 31, 2014, up to the unencumbered balance or the follow-
13 ing amounts:

14 Economic Development and Public Authorities:

- 15 1. \$175,000 from the miscellaneous special revenue fund underground
16 facilities safety training account (22172), to the general fund.
- 17 2. An amount up to the unencumbered balance from the miscellaneous
18 special revenue fund, business and licensing services account (21977),
19 to the general fund.
- 20 3. \$14,810,000 from the miscellaneous special revenue fund, code
21 enforcement account (21904), to the general fund.
- 22 4. An amount up to the unencumbered balance from the miscellaneous
23 special revenue fund, administrative costs account (21974), to the
24 general fund.
- 25 5. \$3,000,000 from the general fund to the miscellaneous special
26 revenue fund, tax revenue arrearage account (22168).

27 Education:

- 1 1. \$2,242,000,000 from the general fund to the state lottery fund,
2 education account (20901), as reimbursement for disbursements made from
3 such fund for supplemental aid to education pursuant to section 92-c of
4 the state finance law that are in excess of the amounts deposited in
5 such fund for such purposes pursuant to section 1612 of the tax law.
- 6 2. \$901,800,000 from the general fund to the state lottery fund, VLT
7 education account (20904), as reimbursement for disbursements made from
8 such fund for supplemental aid to education pursuant to section 92-c of
9 the state finance law that are in excess of the amounts deposited in
10 such fund for such purposes pursuant to section 1612 of the tax law.
- 11 3. Moneys from the state lottery fund up to an amount deposited in
12 such fund pursuant to section 1612 of the tax law in excess of the
13 current year appropriation for supplemental aid to education pursuant to
14 section 92-c of the state finance law.
- 15 4. \$300,000 from the local government records management improvement
16 fund to the archives partnership trust fund.
- 17 5. \$900,000 from the general fund to the miscellaneous special revenue
18 fund, Batavia school for the blind account (22032).
- 19 6. \$900,000 from the general fund to the miscellaneous special revenue
20 fund, Rome school for the deaf account (22053).
- 21 7. \$80,000,000 from the state university dormitory income fund to the
22 state university residence hall rehabilitation fund.
- 23 8. \$343,400,000 from the state university dormitory income fund to the
24 miscellaneous special revenue fund, state university dormitory income
25 reimbursable account (21937).
- 26 9. \$24,000,000 from any of the state education department special
27 revenue and internal service funds to the miscellaneous special revenue
28 fund, indirect cost recovery account (21978).

1 10. \$8,318,000 from the general fund to the state university income
2 fund, state university income offset account (22654), for the state's
3 share of repayment of the STIP loan.

4 11. \$51,700,000 from the state university income fund, state universi-
5 ty hospitals income reimbursable account (22656) to the general fund for
6 hospital debt service for the period April 1, 2013 through March 31,
7 2014.

8 Environmental Affairs:

9 1. \$5,000,000 from the department of transportation's federal capital
10 projects fund to the office of parks and recreation federal operating
11 grants fund, miscellaneous operating grants account (25300).

12 2. \$16,000,000 from any of the department of environmental conserva-
13 tion's special revenue federal funds to the special revenue fund federal
14 grant indirect cost recovery account (22188).

15 3. \$2,000,000 from any of the department of environmental conserva-
16 tion's special revenue federal funds to the conservation fund as neces-
17 sary to avoid diversion of conservation funds.

18 4. \$15,000,000 from the environmental protection fund, environmental
19 protection transfer account (30451) to the general fund.

20 5. \$3,000,000 from any of the office of parks, recreation and historic
21 preservation capital projects federal funds and special revenue federal
22 funds to the special revenue fund federal grant indirect cost recovery
23 account (22188).

24 6. \$1,000,000 from any of the office of parks, recreation and historic
25 preservation special revenue federal funds to the special revenue fund,
26 I love NY water account (21930).

27 Family Assistance:

1 1. \$10,000,000 from any of the office of children and family services,
2 office of temporary and disability assistance, or department of health
3 special revenue federal funds and the general fund, in accordance with
4 agreements with social services districts, to the miscellaneous special
5 revenue fund, office of human resources development state match account
6 (21967).

7 2. \$3,000,000 from any of the office of children and family services
8 or office of temporary and disability assistance special revenue federal
9 funds to the miscellaneous special revenue fund, family preservation and
10 support services and family violence services account (22082).

11 3. \$6,000,000 from any of the office of children and family services
12 special revenue federal funds to the general fund for title IV-E
13 reimbursement of youth facility costs.

14 4. \$12,670,000 from any of the office of children and family services,
15 office of temporary and disability assistance, or department of health
16 special revenue federal funds and any other miscellaneous revenues
17 generated from the operation of office of children and family services
18 programs to the general fund.

19 5. \$10,000,000 from any of the office of children and family services
20 or office of temporary and disability assistance special revenue funds
21 or the general fund to the miscellaneous special revenue fund,
22 connections account (22180).

23 6. \$41,000,000 from any of the office of temporary and disability
24 assistance accounts within the federal health and human services fund to
25 the general fund.

26 7. \$159,000,000 from any of the office of temporary and disability
27 assistance or department of health special revenue funds to the general
28 fund.

1 8. \$2,500,000 from any of the office of temporary and disability
2 assistance or office of children and family services special revenue
3 federal funds to the miscellaneous special revenue fund, office of
4 temporary and disability assistance program account (21980).

5 9. \$50,000,000 from any of the office of children and family services,
6 office of temporary and disability assistance, department of labor, and
7 department of health special revenue federal funds to the office of
8 children and family services miscellaneous special revenue fund, multi-
9 agency training contract account (21989).

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

12 11. \$621,850 from the general fund to the combined gifts, grants, and
13 bequests fund, WB Hoyt Memorial account (20128).

14 12. \$4,822,000 from the miscellaneous special revenue fund state
15 central registry (22028) to the general fund.

16 General Government:

17 1. \$1,566,000 from the miscellaneous special revenue fund, examination
18 and miscellaneous revenue account (22065) to the general fund.

19 2. \$12,500,000 from the general fund to the health insurance revolving
20 fund.

21 3. \$192,400,000 from the health insurance reserve receipts fund to the
22 general fund.

23 4. \$150,000 from the general fund to the not-for-profit revolving loan
24 fund.

25 5. \$150,000 from the not-for-profit revolving loan fund to the general
26 fund.

27 6. \$31,000,000 from the miscellaneous special revenue fund, real prop-
28 erty disposition account (22006), to the general fund.

1 7. \$3,000,000 from the miscellaneous special revenue fund, surplus
2 property account (22036), to the general fund.

3 8. \$18,200,000 from the general fund to the miscellaneous special
4 revenue fund, alcoholic beverage control account (22033).

5 9. \$23,000,000 from the miscellaneous special revenue fund, revenue
6 arrearage account (22024), to the general fund.

7 10. \$1,826,000 from the miscellaneous special revenue fund revenue
8 arrearage account (22024), to the miscellaneous special revenue fund
9 authority budget office account (22138).

10 11. \$1,000,000 from the miscellaneous special revenue fund, parking
11 services account (22007), to the general fund, for the purpose of reim-
12 bursing the costs of debt service related to state parking facilities.

13 12. \$55,200,000 from the general fund to the miscellaneous special
14 revenue fund, statewide financial system account (22074).

15 13. \$40,000,000 from the general fund to the office for technology
16 internal service fund, central technology services account (55069), for
17 the purpose of enterprise technology projects.

18 Health:

19 1. \$139,560,000 from the miscellaneous special revenue fund, quality
20 of care account (21915) to the general fund.

21 2. \$1,000,000 from the general fund to the combined gifts, grants and
22 bequests fund, breast cancer research and education account (20155), an
23 amount equal to the monies collected and deposited into that account in
24 the previous fiscal year.

25 3. \$2,464,000 from any of the department of health accounts within the
26 federal health and human services fund to the department of health
27 miscellaneous special revenue fund, statewide planning and research
28 cooperation system (SPARCS) program account (21902).

1 4. \$250,000 from the general fund to the combined gifts, grants and
2 bequests fund, prostate cancer research, detection, and education
3 account (20183), an amount equal to the moneys collected and deposited
4 into that account in the previous fiscal year.

5 5. \$500,000 from the general fund to the combined gifts, grants and
6 bequests fund, Alzheimer's disease research and assistance account
7 (20143), an amount equal to the moneys collected and deposited into that
8 account in the previous fiscal year.

9 6. \$1,000,000 from the miscellaneous special revenue fund, adminis-
10 tration account (21982), to the general fund.

11 7. \$600,000,000 from any of the department of health accounts within
12 the federal health and human services fund to the miscellaneous special
13 revenue fund, federal state health reform partnership account (22076).

14 8. \$26,000,000 from the special revenue fund, HCRA resources fund, to
15 the miscellaneous special revenue fund, empire state stem cell trust
16 fund account (22161).

17 9. \$1,250,000 from the miscellaneous New York state agency fund,
18 medical assistance account to the general fund.

19 10. \$3,700,000 from the miscellaneous New York state agency fund,
20 medical assistance account to the general fund.

21 11. \$14,000,000 from the general fund to the miscellaneous special
22 revenue fund, empire state stem cell trust fund (22161).

23 12. \$139,560,000 from any of the department of health accounts within
24 the federal health and human services fund to the miscellaneous special
25 revenue fund, quality of care account (21915).

26 Labor:

- 1 1. \$700,000 from the labor standards miscellaneous special revenue
2 fund, fee and penalty account (21923), to the child performer protection
3 fund, child performer protection account (20401).
- 4 2. \$8,400,000 from the labor standards miscellaneous special revenue
5 fund, fee and penalty account (21923), to the general fund.
- 6 3. \$3,300,000 from the unemployment insurance interest and penalty
7 special revenue fund, unemployment insurance special interest and penal-
8 ty account (23601), to the general fund.
- 9 4. \$3,000,000 from the labor standards miscellaneous special revenue
10 fund, public work enforcement account (21998), to the general fund.
- 11 5. \$2,200,000 from the training and education program on occupational
12 safety and health fund, occupational safety and health inspection
13 account (21252), to the general fund.
- 14 6. \$900,000 from the training and education program on occupational
15 safety and health fund, training and education account (21251), to the
16 general fund.
- 17 Mental Hygiene:
 - 18 1. \$10,000,000 from the miscellaneous special revenue fund, mental
19 hygiene patient income account (21909), to the miscellaneous special
20 revenue fund, federal salary sharing account (22056).
 - 21 2. \$150,000,000 from the miscellaneous special revenue fund, mental
22 hygiene patient income account (21909) to the miscellaneous special
23 revenue fund, provider of service accounts (21903).
 - 24 3. \$150,000,000 from the miscellaneous special revenue fund, mental
25 hygiene program fund account (21907) to the miscellaneous special reven-
26 ue fund, provider of service account (21903).
 - 27 4. \$150,000,000 from the general fund to the miscellaneous special
28 revenue fund, mental hygiene patient income account (21909).

1 5. \$300,000,000 from the general fund to the miscellaneous special
2 revenue fund, mental hygiene program fund account (21907).

3 6. \$100,000,000 from the miscellaneous special revenue fund, mental
4 hygiene program fund account (21907) to the general fund.

5 7. \$100,000,000 from the miscellaneous special revenue fund, mental
6 hygiene patient income account (21909) to the general fund.

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. \$9,500,000 from the general fund to the correctional industries
13 revolving fund, correctional industries internal service account
14 (55350).

15 4. \$10,000,000 from federal miscellaneous operating grants fund, DMNA
16 damage account (25324), to the general fund.

17 5. \$16,000,000 from the general fund to the miscellaneous special
18 revenue fund, crimes against revenue program account (22015).

19 6. \$20,000,000 from any office of homeland security account within the
20 federal miscellaneous operating grants fund, receiving money through the
21 homeland security grants program, to the general fund.

22 7. \$22,000,000 from the miscellaneous special revenue fund, criminal
23 justice improvement account (21945) to the general fund.

24 8. \$20,000,000 from the miscellaneous special revenue fund, statewide
25 public safety communications account (22123), to the general fund.

26 9. \$106,000,000 from the state police and motor vehicle law enforce-
27 ment and motor vehicle theft and insurance fund prevention fund, state

1 police motor vehicle enforcement account (22802) to the general fund for
2 state operation expenses of the division of state police.

3 10. \$21,500,000 from the general fund to the correctional facilities
4 capital improvement fund.

5 11. \$1,500,000 from the miscellaneous special revenue fund, statewide
6 public safety communications account (22123), to the combined gifts,
7 grants and bequests fund, New York state emergency services revolving
8 loan account (20150).

9 12. \$3,000,000 from the general fund to the dedicated highway and
10 bridge trust fund for the purpose of work zone safety activities
11 provided by the division of state police for the department of transpor-
12 tation.

13 Transportation:

14 1. \$17,672,000 from the federal miscellaneous operating grants fund to
15 the special revenue fund, tri-state federal regional planning account
16 (21913).

17 2. \$20,147,000 from the federal capital projects fund to the special
18 revenue fund, tri-state federal regional planning accounts (21913).

19 3. \$15,368,000 from the miscellaneous special revenue fund, compulsory
20 insurance account (22087), to the general fund.

21 4. \$12,000,000 from the general fund to the mass transportation oper-
22 ating assistance fund, public transportation systems operating assist-
23 ance account (21401).

24 5. \$624,691,000 from the general fund to the dedicated highway and
25 bridge trust fund.

26 6. \$606,000 from the miscellaneous special revenue fund, internet
27 point insurance reduction program account (22094), to the general fund.

1 7. \$6,000 from the miscellaneous special revenue fund, motorcycle
2 safety account (21976), to the general fund.

3 8. \$307,200,000 from the general fund to the MTA financial assistance
4 fund, mobility tax trust account (23651).

5 9. \$20,000,000 from the mass transportation operating assistance fund,
6 metropolitan mass transportation operating assistance account (21402),
7 to the general debt service fund, for reimbursement of the state's
8 expenses in connection with payments of debt service and related
9 expenses for the metropolitan transportation authority's state service
10 contract bonds.

11 Miscellaneous:

12 1. \$150,000,000 from the general fund to any funds or accounts for the
13 purpose of reimbursing certain outstanding accounts receivable balances.

14 2. \$ 1,000,000,000 from the general fund to the debt reduction reserve
15 fund.

16 3. \$450,000,000 from the transformative capital fund to the revenue
17 bond tax fund (40152).

18 § 3. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized
20 and directed to transfer, on or before March 31, 2014:

21 1. Upon request of the commissioner of environmental conservation, up
22 to \$11,126,800 from revenues credited to any of the department of envi-
23 ronmental conservation special revenue funds, including \$3,253,200 from
24 the environmental protection and oil spill compensation fund, and
25 \$1,762,600 from the conservation fund, to the environmental conservation
26 special revenue fund, indirect charges account (21060).

27 2. Upon request of the commissioner of agriculture and markets, up to
28 \$3,000,000 from any special revenue fund or enterprise fund within the

1 department of agriculture and markets to the general fund, to pay appro-
2 priate administrative expenses.

3 3. Upon request of the commissioner of agriculture and markets, up to
4 \$2,000,000 from the state exposition special fund, state fair receipts
5 account (50051) to the miscellaneous capital projects fund, state fair
6 capital improvement account (32208).

7 4. Upon request of the commissioner of the division of housing and
8 community renewal, up to \$6,221,000 from revenues credited to any divi-
9 sion of housing and community renewal federal or miscellaneous special
10 revenue fund to the agency cost recovery account (22090).

11 5. Upon request of the commissioner of the division of housing and
12 community renewal, up to \$5,500,000 may be transferred from any miscel-
13 laneous special revenue fund account, to any miscellaneous special
14 revenue fund.

15 6. Upon request of the commissioner of health up to \$15,000,000 from
16 revenues credited to any of the department of health's special revenue
17 funds, to the miscellaneous special revenue fund, administration account
18 (21982).

19 § 4. Notwithstanding section 2815 of the public health law or any
20 other contrary provision of law, upon the direction of the director of
21 the budget and the commissioner of health, the dormitory authority of
22 the state of New York is directed to transfer seven million dollars
23 annually from funds available and uncommitted in the New York state
24 health care restructuring pool to the health care reform act (HCRA)
25 resources fund - HCRA resources account.

26 § 5. On or before March 31, 2014, the comptroller is hereby authorized
27 and directed to deposit earnings that would otherwise accrue to the
28 general fund that are attributable to the operation of section 98-a of

1 the state finance law, to the agencies internal service fund, banking
2 services account (55057), for the purpose of meeting direct payments
3 from such account.

4 § 6. Notwithstanding any law to the contrary, upon the direction of
5 the director of the budget and upon requisition by the state university
6 of New York, the dormitory authority of the state of New York is
7 directed to transfer, up to \$22,000,000 in revenues generated from the
8 sale of notes or bonds, to the state university of New York for
9 reimbursement of bondable equipment for further transfer to the state's
10 general fund.

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

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

1 § 9. Notwithstanding any law to the contrary, the state university
2 chancellor or her designee is authorized and directed to transfer esti-
3 mated tuition revenue balances from the state university collection fund
4 to the state university fund, state university general revenue offset
5 account (22655) on or before March 31, 2014.

6 § 10. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller is hereby authorized
8 and directed to transfer, upon request of the director of the budget, up
9 to \$60,000,000 from the general fund to the state university income
10 fund, state university hospitals income reimbursable account (22656)
11 during the period July 1, 2013 through June 30, 2014 to reflect ongoing
12 state subsidy of SUNY hospitals and to pay costs attributable to the
13 SUNY hospitals' state agency status.

14 § 11. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, upon request of the director of the budget, up
17 to \$969,050,300 from the general fund to the state university income
18 fund, state university general revenue offset account (22655) during the
19 period of July 1, 2013 through June 30, 2014 to support operations at
20 the state university.

21 § 12. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller is hereby authorized
23 and directed to transfer, upon request of the state university chancel-
24 lor or his or her designee, up to \$50,000,000 from the state university
25 income fund, state university hospitals income reimbursable account
26 (22656), for hospital income reimbursable for services and expenses of
27 hospital operations and capital expenditures at the state university
28 hospitals, and the state university income fund Long Island veterans'

1 home account (22652) to the state university capital projects fund on or
2 before June 30, 2014.

3 § 13. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller, after consultation
5 with the state university chancellor or his or her designee, is hereby
6 authorized and directed to transfer moneys, in the first instance, from
7 the state university collection fund, Stony Brook hospital collection
8 account (61006), Brooklyn hospital collection account (61007), and Syra-
9 cuse hospital collection account (61008) to the state university income
10 fund, state university hospitals income reimbursable account (22656) in
11 the event insufficient funds are available in the state university
12 income fund, state university hospitals income reimbursable account
13 (22656) to transfer moneys, in amounts sufficient to permit the full
14 transfer of moneys authorized for transfer, to the general fund for
15 payment of debt service related to the SUNY hospitals. Notwithstanding
16 any law to the contrary, the comptroller is also hereby authorized and
17 directed, after consultation with the state university chancellor or his
18 or her designee, to transfer moneys from the state university income
19 fund to the state university income fund, state university hospitals
20 income reimbursable account (22656) in the event insufficient funds are
21 available in the state university income fund, state university hospi-
22 tals income reimbursable account (22656) to pay hospital operating costs
23 or to transfer moneys, in amounts sufficient to permit the full transfer
24 of moneys authorized for transfer, to the general fund for payment of
25 debt service related to the SUNY hospitals on or before March 31, 2014.

26 § 14. Notwithstanding any law to the contrary, and in accordance with
27 section 4 of the state finance law, the comptroller is hereby authorized
28 and directed to transfer monies, upon request of the director of the

1 budget, on or before March 31, 2014, from and to any of the following
2 accounts: the miscellaneous special revenue fund, patient income account
3 (21909), the miscellaneous special revenue fund, mental hygiene program
4 fund account (21907), the miscellaneous special revenue fund, federal
5 salary sharing account (22056) or the general fund in any combination,
6 the aggregate of which shall not exceed \$350 million.

7 § 15. Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller is hereby authorized
9 and directed to transfer, at the request of the director of the budget,
10 up to \$500 million from the unencumbered balance of any special revenue
11 fund or account, or combination of funds and accounts, to the general
12 fund. The amounts transferred pursuant to this authorization shall be in
13 addition to any other transfers expressly authorized in the 2013-14
14 budget. Transfers from federal funds, debt service funds, capital
15 projects funds, the community projects fund, or funds that would result
16 in the loss of eligibility for federal benefits or federal funds pursu-
17 ant to federal law, rule, or regulation, are not permitted pursuant to
18 this authorization. The director of the budget shall notify both houses
19 of the legislature in writing prior to initiating transfers pursuant to
20 this authorization.

21 § 16. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller is hereby authorized
23 and directed to transfer, at the request of the director of the budget,
24 up to \$100 million from any non-general fund or account, or combination
25 of funds and accounts, to the special revenue other-technology financing
26 account for the purpose of consolidating technology procurement and
27 services. The amounts transferred pursuant to this authorization shall
28 be equal to or less than the amount of such monies intended to support

1 information technology costs which are attributable, according to a
2 plan, to such account made in pursuance to an appropriation by law.
3 Transfers to the technology financing account shall be completed from
4 amounts collected by non-general funds or accounts pursuant to a fund
5 deposit schedule or permanent statute, and shall be transferred to the
6 technology financing account pursuant to a schedule agreed upon by the
7 affected agency commissioner. Transfers from federal funds are not
8 permitted pursuant to this authorization; nor may transfers be made from
9 funds that would result in the loss of eligibility for federal benefits
10 or federal funds pursuant to federal law, rule, or regulation. The
11 director of the budget shall notify both houses of the legislature in
12 writing prior to initiating transfers pursuant to this authorization.

13 § 17. Notwithstanding any provision of law to the contrary, as deemed
14 feasible and advisable by its trustees, the power authority of the state
15 of New York is authorized and directed to (i) make a contribution to the
16 state treasury to the credit of the general fund, or as otherwise
17 directed in writing by the director of the budget, in an amount of up to
18 \$90,000,000 for the state fiscal year commencing April 1, 2013, the
19 proceeds of which will be utilized for economic development, energy
20 efficiency, or energy cost mitigation purposes, and (ii) transfer up to
21 \$25,000,000 of any such contribution by June 30, 2013 and the remainder
22 of any such contribution by March 31, 2014.

23 § 18. In addition to any payment made by a public benefit corporation
24 pursuant to an assessment imposed under sections 2975, 2975-a, 2976 and
25 2976-a of the public authorities law, a public benefit corporation is
26 authorized to make voluntary contributions to the state general fund for
27 any lawful purpose at any time from any public benefit corporation funds
28 in such amounts as deemed to be feasible and advisable by such public

1 benefit corporation's governing board after due consideration of the
2 public benefit corporation's legal and financial obligations. Notwith-
3 standing any other law, the payment of a voluntary payment pursuant to
4 this subdivision is deemed to be a valid and proper purpose for which
5 available funds may be applied. Voluntary contributions made to the
6 state pursuant to this subdivision shall be payable to the state treas-
7 ury to the credit of the general fund.

8 § 19. Section 53 of part U of chapter 59 of the laws of 2012, relating
9 to providing for administration of certain funds and accounts related to
10 the 2013-2014 budget, is amended to read as follows:

11 § 53. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2012; provided
13 that sections one through seven, sections ten through fifteen, [section
14 seventeen,] and sections twenty through thirty-three of this act shall
15 expire March 31, 2013, when upon such date, the provisions of such
16 sections shall be deemed repealed; provided further that the amendments
17 to subdivisions 1 and 2 of section 45 of section 1 of chapter 174 of the
18 laws of 1968 made by section forty-nine of this act shall not affect the
19 expiration of such subdivisions and shall be deemed to expire therewith.

20 § 20. Subdivision 5 of section 97-rrr of the state finance law, as
21 amended by section 16 of part U of chapter 59 of the laws of 2012, is
22 amended to read as follows:

23 5. Notwithstanding the provisions of section one hundred seventy-one-a
24 of the tax law, as separately amended by chapters four hundred eighty-
25 one and four hundred eighty-four of the laws of nineteen hundred eight-
26 y-one, and notwithstanding the provisions of chapter ninety-four of the
27 laws of two thousand eleven, or any other provisions of law to the
28 contrary, during the fiscal year beginning April first, two thousand

1 [twelve] thirteen, the state comptroller is hereby authorized and
2 directed to deposit to the fund created pursuant to this section from
3 amounts collected pursuant to article twenty-two of the tax law and
4 pursuant to a schedule submitted by the director of the budget, up to
5 ~~[\$3,322,067,000]~~ \$3,419,375,000, as may be certified in such schedule as
6 necessary to meet the purposes of such fund for the fiscal year begin-
7 ning April first, two thousand [twelve] thirteen.

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

17 § 22. Section 3 of part W of chapter 60 of the laws of 2011, amending
18 the state finance law relating to disbursements from the tribal-state
19 compact revenue account to certain municipalities, is amended to read as
20 follows:

21 § 3. This act shall take effect immediately; provided that:

22 (a) the amendments to subdivision 3 of section 99-h of the state
23 finance law made by section one of this act shall expire and be deemed
24 repealed ~~[March 31, 2013]~~ December 31, 2016; and

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

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

4 3. Moneys of the account, following [appropriation] the segregation of
5 appropriations enacted by the legislature, shall be available for
6 purposes including but not limited to: (a) reimbursements or payments to
7 municipal governments that host tribal casinos pursuant to a tribal-
8 state compact for costs incurred in connection with services provided to
9 such casinos or arising as a result thereof, for economic development
10 opportunities and job expansion programs authorized by the executive
11 law; provided, however, that for any gaming facility located in the
12 county of Erie or Niagara, the municipal governments hosting the facili-
13 ty shall collectively receive a minimum of twenty-five percent of the
14 negotiated percentage of the net drop from electronic gaming devices the
15 state receives pursuant to the compact and provided further that for any
16 gaming facility located in the county or counties of Cattaraugus, Chau-
17 tauqua or Allegany, the municipal governments of the state hosting the
18 facility shall collectively receive a minimum of twenty-five percent of
19 the negotiated percentage of the net drop from electronic gaming devices
20 the state receives pursuant to the compact; and provided further that
21 pursuant to chapter five hundred ninety of the laws of two thousand
22 four, a minimum of twenty-five percent of the revenues received by the
23 state pursuant to the state's compact with the St. Regis Mohawk tribe
24 shall be made available to the counties of Franklin and St. Lawrence,
25 and affected towns in such counties. Each such county and its affected
26 towns shall receive fifty percent of the moneys made available by the
27 state; and (b) support and services of treatment programs for persons
28 suffering from gambling addictions. Moneys not [appropriated] segregated

1 for such purposes shall be transferred to the general fund for the
2 support of government during the fiscal year in which they are received.

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

8 (a) In connection with the making of federally-aided mortgage loans,
9 the commissioner of health shall charge to such non-profit hospital
10 corporation, non-profit corporation providing a residential health care
11 facility or non-profit medical corporation, for mortgage closings on or
12 after April first, nineteen hundred eighty-nine, a fee of nine-tenths of
13 one percent of the mortgage loan, payable on requisition on or after the
14 mortgage closing to the state department of health by the mortgagor for
15 deposit into the [miscellaneous special revenue fund - 339 hospital and
16 nursing home management account] state general fund.

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

1 § 25. In the event that a capital appropriation in the amount of
2 \$25,000,000 is included in the enacted budget for the fiscal year
3 commencing April 1, 2013 for the cleaner, greener communities program
4 administered by the New York State energy research and development
5 authority, then notwithstanding any provision of law, rule or regulation
6 to the contrary, the New York State energy research and development
7 authority is authorized and directed to pay to the state treasury to the
8 credit of the general fund for the cost of such program the amount of
9 \$15,000,000 for the fiscal year commencing April 1, 2013 from proceeds
10 collected by the authority from the auction or sale of carbon dioxide
11 emission allowances allocated by the department of environmental conser-
12 vation under the Regional Greenhouse Gas Initiative. If, in any fiscal
13 year, such \$25,000,000 appropriation or any reappropriation thereof is
14 reduced or eliminated prior to disbursement of \$15,000,000, where such
15 reduction or elimination is not based upon the disbursement of such
16 \$25,000,000 appropriation, the comptroller is authorized and directed to
17 transfer, at the request of the director of the division of the budget,
18 an amount equal to such reduced or eliminated amount from the general
19 fund to the New York State energy research and development authority,
20 not to exceed in the aggregate \$15,000,000.

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

1 § 27. Notwithstanding any other law, rule, or regulation to the
2 contrary, the comptroller is hereby authorized and directed to deposit
3 to the credit of the capital projects fund, reimbursement from the
4 proceeds of notes or bonds issued by the environmental facilities corpo-
5 ration for a capital appropriation of \$30,174,000 authorized by chapter
6 55 of the laws of 2003 to the department of environmental conservation
7 for payment of a portion of the state's match for federal capitalization
8 grants for the water pollution control revolving loan fund, reimburse-
9 ment from the proceeds of notes or bonds issued by the urban development
10 corporation or other financing source for a capital appropriation of
11 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
12 of general services for payment of capital construction costs for the 51
13 Elk street parking garage building located in the city of Albany,
14 reimbursement from the proceeds of notes or bonds issued by the urban
15 development corporation for disbursements of up to \$10,000,000 from any
16 capital appropriation or reappropriation authorized by chapter 50 of the
17 laws of 2003 to the office of general services for various purposes,
18 reimbursement from the proceeds of notes or bonds issued by the environ-
19 mental facilities corporation for a capital appropriation of \$13,250,000
20 authorized by chapter 55 of the laws of 2003 to the energy research and
21 development authority for the Western New York Nuclear Service Center at
22 West Valley, reimbursement from the proceeds of notes or bonds issued by
23 the dormitory authority for disbursements of up to \$16,400,000 from any
24 capital appropriation or reappropriation authorized by chapter 51 of the
25 laws of 2003 to the judiciary for courthouse improvements, reimbursement
26 from the proceeds of notes or bonds issued by the urban development
27 corporation for disbursements of up to \$10,000,000 from appropriations
28 or reappropriations authorized by chapter 50 of the laws of 2003 to any

1 agency for costs related to homeland security, reimbursement from the
2 proceeds of notes or bonds issued by the environmental facilities corpo-
3 ration for a capital appropriation of \$10,000,000 authorized by chapter
4 55 of the laws of 2003 to the department of environmental conservation
5 for Onondaga lake, reimbursement from the proceeds of notes or bonds
6 issued by the environmental facilities corporation for disbursements of
7 up to \$11,000,000 from any capital appropriations or reappropriations
8 authorized by chapter 55 of the laws of 2003 to the department of envi-
9 ronmental conservation for environmental purposes, and reimbursement
10 from the proceeds of notes or bonds issued by the dormitory authority
11 for disbursements of up to \$100,000,000 from a capital appropriation
12 authorized by chapter 50 of the laws of 2003 to the department of state
13 for enhanced 911 wireless service.

14 § 28. Notwithstanding any other law, rule, or regulation to the
15 contrary, the comptroller is hereby authorized and directed to deposit
16 to the credit of the capital projects fund, reimbursement from the
17 proceeds of notes or bonds issued by the environmental facilities corpo-
18 ration for a capital appropriation for \$28,893,000 authorized by chapter
19 55 of the laws of 2004 to the department of environmental conservation
20 for payment of a portion of the state's match for federal capitalization
21 grants for the water pollution control revolving loan fund, reimburse-
22 ment from the proceeds of notes or bonds issued by the urban development
23 corporation for disbursements of up to \$10,000,000 from any capital
24 appropriation or reappropriation authorized by chapter 50 of the laws of
25 2004 to the office of general services for various purposes, reimburse-
26 ment from the proceeds of notes or bonds issued by the environmental
27 facilities corporation for a capital appropriation of \$11,350,000
28 authorized by chapter 55 of the laws of 2004 to the energy research and

1 development authority for the Western New York Nuclear Service Center at
2 West Valley, reimbursement from the proceeds of notes or bonds issued by
3 the environmental facilities corporation, for a capital appropriation of
4 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
5 ment of environmental conservation for Onondaga lake, reimbursement from
6 the proceeds of notes or bonds issued by the environmental facilities
7 corporation for disbursements of up to \$11,000,000 from any capital
8 appropriations or reappropriations authorized by chapter 55 of the laws
9 of 2004 to the department of environmental conservation for environ-
10 mental purposes, reimbursement from the proceeds of notes or bonds
11 issued by the dormitory authority for a capital appropriation of
12 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
13 tion department for capital transition grants for transportation,
14 reimbursement from the proceeds of notes or bonds issued by the dormito-
15 ry authority for a capital appropriation of \$243,325,000 authorized by
16 chapter 55 of the laws of 2004 for payment of costs related to economic
17 development projects, reimbursement from the proceeds of bonds or notes
18 issued by the urban development corporation for a capital appropriation
19 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
20 by chapter 108 of the laws of 2006, for payment of costs related to the
21 H. H. Richardson complex and the Darwin Martin House, and reimbursement
22 from the proceeds of notes or bonds issued by the dormitory authority
23 for a capital appropriation of \$345,750,000 authorized by chapter 3 of
24 the laws of 2004 for the New York state economic development program.

25 § 29. Notwithstanding any other law, rule, or regulation to the
26 contrary, the comptroller is hereby authorized and directed to deposit
27 to the credit of the capital projects fund, reimbursement from the
28 proceeds of notes or bonds issued by the environmental facilities corpo-

1 ration for a capital appropriation of \$29,602,000 authorized by chapter
2 55 of the laws of 2005 to the department of environmental conservation
3 for payment of a portion of the state's match for federal capitalization
4 grants for the water pollution control revolving loan fund, reimburse-
5 ment from the proceeds of notes or bonds issued by the urban development
6 corporation for disbursements of up to \$10,000,000 from any capital
7 appropriation or reappropriation authorized by chapter 50 of the laws of
8 2005 to the office of general services for various purposes, reimburse-
9 ment from the proceeds of notes or bonds issued by the environmental
10 facilities corporation for a capital appropriation of \$11,350,000
11 authorized by chapter 55 of the laws of 2005 to the energy research and
12 development authority for the Western New York Nuclear Service Center at
13 West Valley, reimbursement from the proceeds of notes or bonds issued by
14 the environmental facilities corporation for a capital appropriation of
15 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
16 ment of environmental conservation for Onondaga lake, reimbursement from
17 the proceeds of notes or bonds issued by the environmental facilities
18 corporation for disbursements of up to \$11,000,000 from any capital
19 appropriations or reappropriations authorized by chapter 55 of the laws
20 of 2005 to the department of environmental conservation for environ-
21 mental purposes, reimbursement from the proceeds of notes or bonds
22 issued by the urban development corporation for a capital appropriation
23 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
24 Javits center, reimbursement from the proceeds of notes or bonds issued
25 by the dormitory authority for a capital appropriation of \$89,750,000
26 authorized by chapter 62 of the laws of 2005 for regional development,
27 reimbursement from the proceeds of notes or bonds issued by the dormito-
28 ry authority for a capital appropriation of \$249,000,000 authorized by

1 chapter 62 of the laws of 2005 for technology and development,
2 reimbursement from the proceeds of notes or bonds issued by the urban
3 development corporation for a capital appropriation of \$48,517,000
4 authorized by chapter 162 of the laws of 2005 for the New York state
5 economic development program, reimbursement from the proceeds of notes
6 or bonds issued by the urban development corporation for a capital
7 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
8 2005 for the higher education facilities capital matching grants
9 program, reimbursement from the proceeds of notes or bonds issued by the
10 dormitory authority or other financing source for a capital appropri-
11 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
12 office of general services for payment of capital construction costs for
13 the Elk street parking garage building located in the city of Albany,
14 reimbursement from the proceeds of notes or bonds issued by the urban
15 development corporation for a capital appropriation of \$15,000,000
16 authorized by chapter 53 of the laws of 2005 to the state education
17 department for payment of capital construction costs for public broad-
18 casting facilities, reimbursement from the proceeds of notes or bonds
19 issued by the urban development corporation for a capital appropriation
20 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
21 sion of state police for public protection facilities, and reimbursement
22 from the proceeds of notes or bonds issued by the urban development
23 corporation for capital disbursements of up to \$3,000,000 from any capi-
24 tal appropriation or reappropriation authorized by chapter 50 of the
25 laws of 2005 to the division of military and naval affairs for various
26 purposes.

27 § 30. Notwithstanding any other law, rule, or regulation to the
28 contrary, the comptroller is hereby authorized and directed to deposit

1 to the credit of the capital projects fund, reimbursement from the
2 proceeds of notes or bonds issued by the environmental facilities corpo-
3 ration for a capital appropriation for \$29,600,000 authorized by chapter
4 55 of the laws of 2006 to the department of environmental conservation
5 for payment of a portion of the state's match for federal capitalization
6 grants for the water pollution control revolving loan fund, reimburse-
7 ment from the proceeds of notes or bonds issued by the urban development
8 corporation for disbursements of up to \$20,000,000 from any capital
9 appropriation or reappropriation authorized by chapter 50 of the laws of
10 2006 to the office of general services for various purposes, reimburse-
11 ment from the proceeds of notes or bonds issued by the environmental
12 facilities corporation for a capital appropriation of \$14,000,000
13 authorized by chapter 55 of the laws of 2006 to the energy research and
14 development authority for the Western New York Nuclear Service Center at
15 West Valley, reimbursement from the proceeds of notes or bonds issued by
16 the environmental facilities corporation for a capital appropriation of
17 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
18 ment of environmental conservation for Onondaga lake, reimbursement from
19 the proceeds of notes or bonds issued by the environmental facilities
20 corporation for disbursements of up to \$12,000,000 from any capital
21 appropriations or reappropriations authorized by chapter 55 of the laws
22 of 2006 to the department of environmental conservation for environ-
23 mental purposes, reimbursement from the proceeds of notes or bonds
24 issued by the urban development corporation for capital disbursements of
25 up to \$3,000,000 from any capital appropriation or reappropriation
26 authorized by chapter 50 of the laws of 2006 to the division of military
27 and naval affairs for various purposes, reimbursement from the proceeds
28 of notes or bonds issued by the urban development corporation for

1 disbursements of up to \$12,400,000 from any capital appropriation or
2 reappropriation authorized by chapter 50 of the laws of 2006 to the
3 division of state police for public protection facilities, reimbursement
4 from the proceeds of notes or bonds issued by the urban development
5 corporation for a capital appropriation of \$117,000,000 authorized by
6 chapter 50 of the laws of 2006 to all state departments and agencies for
7 the purchase of equipment, reimbursement from the proceeds of notes or
8 bonds issued by the dormitory authority or the urban development corpo-
9 ration for all or a portion of capital appropriations of \$603,050,000
10 authorized by chapter 108 of the laws of 2006 to the urban development
11 corporation for economic development/other projects, reimbursement from
12 the proceeds of notes or bonds issued by the urban development corpo-
13 ration for a capital appropriation of \$269,500,000 authorized by chapter
14 108 of the laws of 2006 to the dormitory authority or the urban develop-
15 ment corporation for economic development projects, reimbursement from
16 the proceeds of notes or bonds issued by the dormitory authority or the
17 urban development corporation for a capital appropriation of
18 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
19 development corporation for university development projects, reimburse-
20 ment from the proceeds of notes or bonds issued by the dormitory author-
21 ity or for a capital appropriation of \$143,000,000 authorized by chapter
22 108 of the laws of 2006 to the urban development corporation for
23 cultural facilities projects, reimbursement from the proceeds of notes
24 or bonds issued by the dormitory authority or the urban development
25 corporation for capital appropriations totaling \$60,000,000 authorized
26 by chapter 108 of the laws of 2006 to the urban development corporation
27 for energy/environmental projects, reimbursement from the proceeds of
28 notes or bonds issued by the dormitory authority or the urban develop-

1 ment corporation for a capital appropriation of \$20,000,000 authorized
2 by chapter 108 of the laws of 2006 to the urban development corporation
3 for a competitive solicitation for construction of a pilot cellulosic
4 ethanol refinery, reimbursement from the proceeds of notes or bonds
5 issued by the urban development corporation for a capital appropriation
6 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
7 development corporation for services and expenses related to infrastruc-
8 ture for a new stadium in Queens county, and reimbursement from the
9 proceeds of notes or bonds issued by the urban development corporation
10 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
11 the laws of 2006 to the urban development corporation for services and
12 expenses related to infrastructure improvements to construct a new park-
13 ing facility at a new stadium in Bronx county, reimbursement from the
14 proceeds of notes and bonds issued by the environmental facilities
15 corporation for a capital appropriation of \$5,000,000 authorized by
16 chapter 55 of the laws of 2006 to the environmental facilities corpo-
17 ration for payment for the pipeline for jobs program, reimbursement from
18 the proceeds of notes or bonds issued by the dormitory authority for
19 capital disbursements of up to \$14,000,000 from any capital appropri-
20 ation or reappropriation authorized by chapter 53 of the laws of 2006
21 for the library construction purpose, reimbursement from the proceeds of
22 notes or bonds issued by the urban development corporation or the dormi-
23 tory authority for an appropriation of \$1,200,000 authorized by chapter
24 53 of the laws of 2006 for the towns of Bristol and Canandaigua public
25 water systems, reimbursement from the proceeds of notes or bonds issued
26 by the urban development corporation or the dormitory authority for an
27 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006
28 for Belleayre mountain ski center, reimbursement from the proceeds of

1 notes or bonds issued by the urban development corporation or the dormi-
2 tory authority for an appropriation of \$25,000,000 authorized by chapter
3 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric
4 center rehabilitation, reimbursement from the proceeds of notes or bonds
5 issued by the urban development corporation or the dormitory authority
6 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws
7 of 2006 for a state of New York umbilical cord bank, reimbursement from
8 the proceeds of notes or bonds issued by the urban development corpo-
9 ration or the dormitory authority for an appropriation of \$5,500,000
10 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain
11 ski bowl connection, reimbursement from the proceeds of notes or bonds
12 issued by the urban development corporation or the dormitory authority
13 for an appropriation of \$2,000,000 authorized by chapter 53 of the laws
14 of 2006 for a Cornell equine drug testing laboratory, reimbursement from
15 the proceeds of notes or bonds issued by the urban development corpo-
16 ration or the dormitory authority for an appropriation of \$2,000,000
17 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard
18 laboratory, reimbursement from the proceeds of notes or bonds issued by
19 the dormitory authority or the urban development corporation for an
20 appropriation of \$40,000,000 authorized by chapter 108 of the laws of
21 2006 for a food testing laboratory, reimbursement from the proceeds of
22 notes or bonds issued by the New York state thruway authority for an
23 appropriation of \$22,000,000 authorized by chapter 108 of the laws of
24 2006 to the department of transportation for high speed rail, reimburse-
25 ment from the proceeds of notes or bonds issued by the urban development
26 corporation for capital disbursements of up to \$500,000,000 from an
27 appropriation authorized by chapter 108 of the laws of 2006 to the urban
28 development corporation for development of a semiconductor manufacturing

1 facility, reimbursement from the proceeds of notes or bonds issued by
2 the urban development corporation of up to \$150,000,000 from an appro-
3 priation authorized by chapter 108 of the laws of 2006 to the urban
4 development corporation for research and development activities of a
5 semiconductor manufacturer, and reimbursement from the proceeds of notes
6 or bonds issued by the urban development corporation for capital
7 disbursements of up to \$292,385,000 from an appropriation to the urban
8 development corporation authorized by chapter 108 of the laws of 2006
9 for community revitalization projects.

10 § 31. Notwithstanding any other law, rule, or regulation to the
11 contrary, the comptroller is hereby authorized and directed to deposit
12 to the credit of the capital projects fund, reimbursement from the
13 proceeds of notes or bonds issued by the environmental facilities corpo-
14 ration for a capital appropriation of \$29,600,000 authorized by chapter
15 55 of the laws of 2007 to the department of environmental conservation
16 for payment of a portion of the state's match for federal capitalization
17 grants for the water pollution control revolving loan fund, reimburse-
18 ment from the proceeds of notes or bonds issued by the urban development
19 corporation for disbursements of up to \$20,000,000 from any capital
20 appropriation or reappropriation authorized by chapter 50 of the laws of
21 2007 to the office of general services for various purposes, reimburse-
22 ment from the proceeds of notes or bonds issued by the environmental
23 facilities corporation for a capital appropriation of \$13,500,000
24 authorized by chapter 55 of the laws of 2007 to the energy research and
25 development authority for the Western New York Nuclear Service Center at
26 West Valley, reimbursement from the proceeds of notes or bonds issued by
27 the environmental facilities corporation for a capital appropriation of
28 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-

1 ment of environmental conservation for Onondaga lake, reimbursement from
2 the proceeds of notes or bonds issued by the environmental facilities
3 corporation for disbursements of up to \$12,000,000 from any capital
4 appropriations or reappropriations authorized by chapter 55 of the laws
5 of 2007 to the department of environmental conservation for environ-
6 mental purposes, reimbursement from the proceeds of notes or bonds
7 issued by the urban development corporation for capital disbursements of
8 up to \$3,000,000 from any capital appropriation or reappropriation
9 authorized by chapter 50 of the laws of 2007 to the division of military
10 and naval affairs for various purposes, reimbursement from the proceeds
11 of notes or bonds issued by the urban development corporation for
12 disbursements from a capital appropriation of \$50,000,000 authorized by
13 chapter 50 of the laws of 2007 to the division of state police for
14 construction of a Troop G facility, reimbursement from the proceeds of
15 notes or bonds issued by the urban development corporation for disburse-
16 ments from a capital appropriation of \$6,000,000 authorized by chapter
17 50 of the laws of 2007 to the division of state police for construction
18 of evidence storage facilities, reimbursement from the proceeds of notes
19 or bonds issued by the dormitory authority or the urban development
20 corporation for capital appropriations totaling \$77,900,000 authorized
21 by chapter 51 of the laws of 2007 to the judiciary for court training
22 facilities and courthouse improvement projects, reimbursement from the
23 proceeds of notes or bonds issued by the urban development corporation
24 for a capital appropriation of \$20,000,000 authorized by chapter 50 of
25 the laws of 2007 to all state departments and agencies for the purchase
26 of equipment, reimbursement from the proceeds of notes or bonds issued
27 by the dormitory authority for capital disbursements of up to
28 \$14,000,000 from any capital appropriation or reappropriation authorized

1 by chapter 53 of the laws of 2007 for library construction, reimburse-
2 ment from the proceeds of notes or bonds issued by the dormitory author-
3 ity for capital disbursements of up to \$60,000,000 from any capital
4 appropriation or reappropriation authorized by chapter 53 of the laws of
5 2007 for cultural education storage facilities, reimbursement from the
6 proceeds of notes or bonds issued by the urban development corporation
7 for capital disbursements of up to \$15,000,000 from any capital appro-
8 priation or reappropriation authorized by chapter 55 of the laws of 2007
9 for Roosevelt Island Operating Corporation aerial tramway, reimbursement
10 from the proceeds of notes or bonds issued by the urban development
11 corporation for capital disbursements of up to \$20,000,000 from any
12 capital appropriation or reappropriation authorized by chapter 55 of the
13 laws of 2007 for Governor's Island, reimbursement from the proceeds of
14 notes or bonds issued by the urban development corporation for capital
15 disbursements of up to \$7,500,000 from any capital appropriation or
16 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-
17 man research and technology park, reimbursement from the proceeds of
18 notes or bonds issued by the urban development corporation for capital
19 disbursements of up to \$7,950,000 from any capital appropriation or
20 reappropriation authorized by chapter 55 of the laws of 2007 for USA
21 Niagara, and reimbursement from the proceeds of notes or bonds issued by
22 the urban development corporation for capital disbursements of up to
23 \$1,300,000 from appropriations authorized by chapter 50 of the laws of
24 2007 made to the office of general services for legislative office
25 building hearing rooms.

26 § 32. Notwithstanding any other law, rule, or regulation to the
27 contrary, the comptroller is hereby authorized and directed to deposit
28 to the credit of the capital projects fund, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-
2 ration for a capital appropriation of \$29,600,000 authorized by chapter
3 55 of the laws of 2008 to the department of environmental conservation
4 for payment of a portion of the state's match for federal capitalization
5 grants for the water pollution control revolving loan fund, reimburse-
6 ment from the proceeds of notes or bonds issued by the urban development
7 corporation for a capital appropriation of \$141,000,000 authorized by
8 chapter 50 of the laws of 2008 to all state departments and agencies for
9 the purchase of equipment or systems development, reimbursement from the
10 proceeds of notes or bonds issued by the urban development corporation
11 for disbursements of up to \$45,500,000 from any capital appropriation or
12 reappropriation authorized by chapter 50 of the laws of 2008 to the
13 office of general services for various purposes, reimbursement from the
14 proceeds of notes or bonds issued by the environmental facilities corpo-
15 ration for a capital appropriation of \$13,500,000 authorized by chapter
16 55 of the laws of 2008 to the energy research and development authority
17 for the Western New York Nuclear Service Center at West Valley,
18 reimbursement from the proceeds of notes or bonds issued by the environ-
19 mental facilities corporation for a capital appropriation of \$10,000,000
20 authorized by chapter 55 of the laws of 2008 to the department of envi-
21 ronmental conservation for Onondaga lake, reimbursement from the
22 proceeds of notes or bonds issued by the environmental facilities corpo-
23 ration for disbursements of up to \$12,000,000 from any capital appropri-
24 ations or reappropriations authorized by chapter 55 of the laws of 2008
25 to the department of environmental conservation for environmental
26 purposes, reimbursement from the proceeds of notes or bonds issued by
27 the urban development corporation for capital disbursements of up to
28 \$3,000,000 from any capital appropriation or reappropriation authorized

1 by chapter 50 of the laws of 2008 to the division of military and naval
2 affairs for various purposes, reimbursement from the proceeds of notes
3 or bonds issued by the urban development corporation for a capital
4 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008
5 to the office for technology for activities related to broadband
6 service, reimbursement from the proceeds of notes or bonds issued by the
7 urban development corporation for a capital appropriation of \$6,000,000
8 authorized by chapter 50 of the laws of 2008 to the division of state
9 police for rehabilitation of facilities, reimbursement from the proceeds
10 of notes or bonds issued by the dormitory authority of the state of New
11 York or other financing source for a capital appropriation authorized by
12 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
13 ment for library construction, reimbursement from the proceeds of notes
14 or bonds issued by the dormitory authority of the state of New York or
15 other financing source for a capital appropriation authorized by chapter
16 53 of the laws of 2008 of \$15,000,000 to the education department for
17 museum renewal projects, reimbursement from the proceeds of notes or
18 bonds issued by the urban development corporation for capital appropri-
19 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
20 urban development corporation for services and expenses related to the
21 investment opportunity fund, reimbursement from the proceeds of notes or
22 bonds issued by the urban development corporation for capital appropri-
23 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the
24 urban development corporation for services and expenses related to arts
25 and cultural projects, reimbursement from the proceeds of bonds or notes
26 issued by the urban development corporation for a capital appropriation
27 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic
28 and community development projects, reimbursement from the proceeds of

1 bonds or notes issued by the urban development corporation for a capital
2 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
3 2008 for New York city waterfront development projects, reimbursement
4 from the proceeds of bonds or notes issued by the urban development
5 corporation for a capital appropriation of \$45,000,000 authorized by
6 chapter 53 of the laws of 2008 for Luther Forest infrastructure
7 projects, reimbursement from the proceeds of notes or bonds issued by
8 the urban development corporation for capital appropriation of
9 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
10 development corporation for services and expenses related to downstate
11 regional projects, reimbursement from the proceeds of notes or bonds
12 issued by the urban development corporation for capital appropriation of
13 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban
14 development corporation for services and expenses related to upstate
15 city-by-city projects, reimbursement from the proceeds of notes or bonds
16 issued by the urban development corporation for capital appropriation of
17 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
18 development corporation for services and expenses related to the down-
19 state revitalization projects, reimbursement from the proceeds of notes
20 or bonds issued by the urban development corporation for capital appro-
21 priation of \$117,265,000 authorized by chapter 53 of the laws of 2008 to
22 the urban development corporation for services and expenses related to
23 the upstate regional blueprint fund, reimbursement from the proceeds of
24 notes or bonds issued by the urban development corporation for capital
25 appropriation of \$25,000,000 authorized by chapter 53 of the laws of
26 2008 to the urban development corporation for services and expenses
27 related to the upstate agricultural economic development fund,
28 reimbursement from the proceeds of notes or bonds issued by the urban

1 development corporation for capital appropriation of \$350,000,000
2 authorized by chapter 53 of the laws of 2008 to the urban development
3 corporation for services and expenses related to the New York state
4 capital assistance program, reimbursement from the proceeds of notes or
5 bonds issued by the urban development corporation for capital appropri-
6 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
7 the urban development corporation for services and expenses related to
8 the New York state economic development assistance program, and
9 reimbursement from the proceeds of notes or bonds issued by the urban
10 development corporation for capital appropriation of \$20,000,000 author-
11 ized by chapter 55 of the laws of 2008 to the urban development corpo-
12 ration for services and expenses related to the empire state economic
13 development fund.

14 § 33. Notwithstanding any other law, rule, or regulation to the
15 contrary, the comptroller is hereby authorized and directed to deposit
16 to the credit of the capital projects fund, reimbursement from the
17 proceeds of notes or bonds issued by the environmental facilities corpo-
18 ration for a capital appropriation of \$29,600,000 authorized by chapter
19 55 of the laws of 2009 to the department of environmental conservation
20 for payment of a portion of the state's match for federal capitalization
21 grants for the water pollution control revolving loan fund, reimburse-
22 ment from the proceeds of notes or bonds issued by the urban development
23 corporation for a capital appropriation of \$129,800,000 authorized by
24 chapter 50 of the laws of 2009 to all state departments and agencies for
25 the purchase of equipment or systems development, reimbursement from the
26 proceeds of notes or bonds issued by the urban development corporation
27 for disbursements of up to \$24,000,000 from any capital appropriation or
28 reappropriation authorized by chapter 50 of the laws of 2009 to the

1 office of general services for various purposes, reimbursement from the
2 proceeds of notes or bonds issued by the environmental facilities corpo-
3 ration for a capital appropriation of \$13,500,000 authorized by chapter
4 55 of the laws of 2009 to the energy research and development authority
5 for the Western New York Nuclear Service Center at West Valley,
6 reimbursement from the proceeds of notes or bonds issued by the environ-
7 mental facilities corporation for a capital appropriation of \$10,000,000
8 authorized by chapter 55 of the laws of 2009 to the department of envi-
9 ronmental conservation for Onondaga lake, reimbursement from the
10 proceeds of notes or bonds issued by the environmental facilities corpo-
11 ration for disbursements of up to \$12,000,000 from any capital appropri-
12 ations or reappropriations authorized by chapter 55 of the laws of 2009
13 to the department of environmental conservation for environmental
14 purposes, reimbursement from the proceeds of notes or bonds issued by
15 the urban development corporation for capital disbursements of up to
16 \$3,000,000 from any capital appropriation or reappropriation authorized
17 by chapter 50 of the laws of 2009 to the division of military and naval
18 affairs for various purposes, reimbursement from the proceeds of notes
19 or bonds issued by the urban development corporation for a capital
20 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
21 to the division of state police for rehabilitation of facilities,
22 reimbursement from the proceeds of notes or bonds issued by the dormito-
23 ry authority of the state of New York or other financing source for a
24 capital appropriation authorized by chapter 53 of the laws of 2009 of
25 \$14,000,000 to the state education department for library construction,
26 reimbursement from the proceeds of notes or bonds issued by the dormito-
27 ry authority of the state of New York or other financing source for a
28 capital appropriation of \$4,000,000 to the state education department

1 for rehabilitation associated with the St. Regis Mohawk elementary
2 school authorized by chapter 53 of the laws of 2009 and reimbursement
3 from the proceeds of notes or bonds issued by the urban development
4 corporation for capital appropriation of \$25,000,000 authorized by chap-
5 ter 55 of the laws of 2009 to the urban development corporation for
6 services and expenses related to the empire state economic development
7 fund.

8 § 34. Notwithstanding any other law, rule, or regulation to the
9 contrary, the comptroller is hereby authorized and directed to deposit
10 to the credit of the capital projects fund, reimbursement from the
11 proceeds of notes or bonds issued by the environmental facilities corpo-
12 ration for a capital appropriation of \$29,600,000 authorized by chapter
13 55 of the laws of 2010 to the department of environmental conservation
14 for payment of a portion of the state's match for federal capitalization
15 grants for the water pollution control revolving loan fund, reimburse-
16 ment from the proceeds of notes or bonds issued by the urban development
17 corporation for a capital appropriation of \$187,285,000 authorized by
18 chapter 50 of the laws of 2010 to all state departments and agencies for
19 the purchase of equipment or systems development, reimbursement from the
20 proceeds of notes or bonds issued by the urban development corporation
21 for disbursements of up to \$26,950,000 from any capital appropriation or
22 reappropriation authorized by chapter 50 of the laws of 2010 to the
23 office of general services for various purposes, reimbursement from the
24 proceeds of notes or bonds issued by the environmental facilities corpo-
25 ration for a capital appropriation of \$5,000,000 authorized by chapter
26 55 of the laws of 2010 to the department of environmental conservation
27 for Onondaga lake, reimbursement from the proceeds of notes or bonds
28 issued by the environmental facilities corporation for disbursements of

1 up to \$12,000,000 from any capital appropriations or reappropriations
2 authorized by chapter 55 of the laws of 2010 to the department of envi-
3 ronmental conservation for environmental purposes, reimbursement from
4 the proceeds of notes or bonds issued by the urban development corpo-
5 ration for capital disbursements of up to \$3,000,000 from any capital
6 appropriation or reappropriation authorized by chapter 50 of the laws of
7 2010 to the division of military and naval affairs for various purposes,
8 reimbursement from the proceeds of notes or bonds issued by the urban
9 development corporation for a capital appropriation of \$6,000,000
10 authorized by chapter 50 of the laws of 2010 to the division of state
11 police for rehabilitation of facilities, reimbursement from the proceeds
12 of notes or bonds issued by the dormitory authority of the state of New
13 York or other financing source for a capital appropriation of
14 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state
15 education department for library construction, reimbursements from the
16 proceeds of notes or bonds issued by the dormitory authority of the
17 state of New York or other financing source for a capital appropriation
18 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the
19 state education department for the longitudinal data system and
20 reimbursement from the proceeds of notes or bonds issued by the dormito-
21 ry authority of the state of New York or other financing source for a
22 capital appropriation of \$42,000,000 for the state preparedness and
23 training center.

24 § 35. Notwithstanding any other law, rule, or regulation to the
25 contrary, the comptroller is hereby authorized and directed to deposit
26 to the credit of the capital projects fund, reimbursement from the
27 proceeds of notes or bonds issued by the environmental facilities corpo-
28 ration for a capital appropriation of \$35,000,000 authorized by a chap-

1 ter of the laws of 2011 to the department of environmental conservation
2 for payment of a portion of the state's match for federal capitalization
3 grants for the water pollution control revolving loan fund, reimburse-
4 ment from the proceeds of notes or bonds issued by the urban development
5 corporation for a capital appropriation of \$92,751,000 authorized by a
6 chapter of the laws of 2011 to all state departments and agencies for
7 the purchase of equipment or systems development, reimbursement from the
8 proceeds of notes or bonds issued by the urban development corporation
9 for disbursements of up to \$40,000,000 from any capital appropriation or
10 reappropriation authorized by a chapter of the laws of 2011 to the
11 office of general services for various purposes, reimbursement from the
12 proceeds of notes or bonds issued by the environmental facilities corpo-
13 ration for disbursements of up to \$12,000,000 from any capital appropri-
14 ations or reappropriations authorized by a chapter of the laws of 2011
15 to the department of environmental conservation for environmental
16 purposes, reimbursement from the proceeds of notes or bonds issued by
17 the urban development corporation for capital disbursements of up to
18 \$3,000,000 from any capital appropriation or reappropriation authorized
19 by a chapter of the laws of 2011 to the division of military and naval
20 affairs for various purposes, reimbursement from the proceeds of notes
21 or bonds issued by the urban development corporation for a capital
22 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011
23 to the division of state police for rehabilitation of facilities,
24 reimbursement from the proceeds of notes or bonds issued by the dormito-
25 ry authority of the state of New York or other financing source for a
26 capital appropriation of \$14,000,000 authorized by a chapter of the laws
27 of 2011 to the state education department for library construction,
28 reimbursement from the proceeds of notes or bonds issued by the urban

1 development corporation for capital appropriation of \$130,550,000
2 authorized by a chapter of the laws of 2011 to the urban development
3 corporation for services and expenses related to the regional economic
4 development council initiative, reimbursement from the proceeds of notes
5 or bonds issued by the urban development corporation for capital appro-
6 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to
7 the urban development corporation for services and expenses related to
8 the economic transformation program. Reimbursements from the proceeds
9 of notes or bonds issued by the urban development corporation for
10 disbursements of up to \$40,000,000 from any capital appropriation or
11 reappropriation authorized by a chapter of the laws of 2011 to the
12 office of general services for various purposes.

13 § 36. Notwithstanding any other law, rule, or regulation to the
14 contrary, the comptroller is hereby authorized and directed to deposit
15 to the credit of the capital projects fund, reimbursement from the
16 proceeds of notes or bonds issued by the environmental facilities corpo-
17 ration for a capital appropriation of \$35,000,000 authorized by a chap-
18 ter of the laws of 2012 to the department of environmental conservation
19 for payment of a portion of the state's match for federal capitalization
20 grants for the water pollution control revolving loan fund, reimburse-
21 ment from the proceeds of notes or bonds issued by the environmental
22 facilities corporation for disbursements of up to \$12,000,000 from any
23 capital appropriations or reappropriations authorized by a chapter of
24 the laws of 2012 to the department of environmental conservation for
25 environmental purposes, reimbursement from the proceeds of notes or
26 bonds issued by the urban development corporation for capital disburse-
27 ments of up to \$3,000,000 from any capital appropriation or reappropri-
28 ation authorized by a chapter of the laws of 2012 to the division of

1 military and naval affairs for various purposes, reimbursement from the
2 proceeds of notes or bonds issued by the urban development corporation
3 for a capital appropriation of \$6,000,000 authorized by a chapter of the
4 laws of 2012 to the division of state police for rehabilitation of
5 facilities, reimbursement from the proceeds of notes or bonds issued by
6 the dormitory authority of the state of New York or other financing
7 source for a capital appropriation of \$14,000,000 authorized by a chap-
8 ter of the laws of 2012 to the state education department for library
9 construction, reimbursement from the proceeds of notes or bonds issued
10 by the thruway authority, the dormitory authority and the urban develop-
11 ment corporation for a capital appropriation of \$770,000,000 authorized
12 by chapter 54 of the laws of 2012 to the metropolitan transportation
13 authority for various purposes, reimbursement from the proceeds of notes
14 or bonds issued by the thruway authority for a capital appropriation of
15 \$15,000,000 authorized by chapter 54 of the laws of 2012 to the depart-
16 ment of transportation for improvement of the peace bridge plaza,
17 reimbursement from the proceeds of notes or bonds issued by the urban
18 development corporation for a capital appropriation of \$130,000,000
19 authorized by a chapter of the laws of 2012 to the urban development
20 corporation for services and expenses related to the regional economic
21 development council initiative, reimbursement from the proceeds of notes
22 or bonds issued by the urban development corporation for a capital
23 appropriation of \$75,000,000 authorized by a chapter of the laws of 2012
24 to the urban development corporation for services and expenses related
25 to the New York works economic development fund, reimbursement from the
26 proceeds of notes or bonds issued by the urban development corporation
27 for a capital appropriation of \$75,000,000 authorized by a chapter of
28 the laws of 2012 to the urban development corporation for services and

1 expenses related to the buffalo regional innovation cluster, reimburse-
2 ment from the proceeds of notes or bonds issued by the urban development
3 corporation for a capital appropriation of \$250,000,000 authorized by a
4 chapter of the laws of 2012 to the urban development corporation for
5 services and expenses related to the state university of New York
6 college for nanoscale and science engineering project, reimbursements
7 from the proceeds of notes or bonds issued by the urban development
8 corporation for disbursements of up to \$26,000,000 from any capital
9 appropriation or reappropriation authorized by a chapter of the laws of
10 2012 to the office of general services for various purposes.

11 § 37. Notwithstanding any other law, rule, or regulation to the
12 contrary, the comptroller is hereby authorized and directed to deposit
13 to the credit of the capital projects fund, reimbursement from the
14 proceeds of notes or bonds issued by the environmental facilities corpo-
15 ration for a capital appropriation of \$35,000,000 authorized by a chap-
16 ter of the laws of 2013 to the department of environmental conservation
17 for payment of a portion of the state's match for federal capitalization
18 grants for the water pollution control revolving loan fund, reimburse-
19 ment from the proceeds of notes or bonds issued by the environmental
20 facilities corporation for disbursements of up to \$12,000,000 from any
21 capital appropriations or reappropriations authorized by a chapter of
22 the laws of 2013 to the department of environmental conservation for
23 environmental purposes, reimbursement from the proceeds of notes or
24 bonds issued by the urban development corporation for capital disburse-
25 ments of up to \$3,000,000 from any capital appropriation or reappropri-
26 ation authorized by a chapter of the laws of 2013 to the division of
27 military and naval affairs for various purposes, reimbursement from the
28 proceeds of notes or bonds issued by the urban development corporation

1 for a capital appropriation of \$7,000,000 authorized by a chapter of the
2 laws of 2013 to the division of state police for rehabilitation of
3 facilities, reimbursement from the proceeds of notes or bonds issued by
4 the urban development corporation for a capital appropriation of
5 \$12,500,000 authorized by a chapter of the laws of 2013 to the division
6 of state police for aviation equipment, reimbursement from the proceeds
7 of notes or bonds issued by the urban development corporation for a
8 capital appropriation of \$32,740,000 authorized by a chapter of the laws
9 of 2013 to the division of state police for a pistol permit database,
10 reimbursement from the proceeds of notes or bonds issued by the dormito-
11 ry authority of the state of New York or other financing source for a
12 capital appropriation of \$14,000,000 authorized by a chapter of the laws
13 of 2013 to the state education department for library construction,
14 reimbursement from the proceeds of notes or bonds issued by the urban
15 development corporation for a capital appropriation of \$150,000,000
16 authorized by a chapter of the laws of 2013 to the urban development
17 corporation for services and expenses related to the regional economic
18 development council initiative, reimbursement from the proceeds of notes
19 or bonds issued by the urban development corporation for a capital
20 appropriation of \$75,000,000 authorized by a chapter of the laws of 2013
21 to the urban development corporation for services and expenses related
22 to the buffalo regional innovation cluster, reimbursement from the
23 proceeds of notes or bonds issued by the urban development corporation
24 for a capital appropriation of \$2,166,000 authorized by a chapter of the
25 laws of 2013 to the urban development corporation for services and
26 expenses related to the retention of professional football in Western
27 New York, reimbursements from the proceeds of notes or bonds issued by
28 the urban development corporation for disbursements of up to \$26,000,000

1 from any capital appropriation or reappropriation authorized by a chap-
2 ter of the laws of 2013 to the office of general services for various
3 purposes, reimbursement from the proceeds of notes or bonds issued by
4 the urban development corporation for a capital appropriation of
5 \$53,891,000 authorized by a chapter of the laws of 2013 to the urban
6 development corporation for services and expenses related to capital
7 improvements at Ralph Wilson Stadium, reimbursement from the proceeds of
8 notes or bonds issued by the urban development corporation for a capital
9 appropriation of \$165,000,000 authorized by a chapter of the laws of
10 2013 to the urban development corporation for services and expenses
11 related to the New York works economic development fund, reimbursement
12 from the proceeds of notes or bonds issued by the thruway authority for
13 a capital appropriation of \$100,000,000 authorized by a chapter of the
14 laws of 2013 to the department of transportation for transportation
15 infrastructure projects, reimbursement from the proceeds of notes or
16 bonds issued by the thruway authority for a capital appropriation of
17 \$200,000,000 authorized by a chapter of the laws of 2013 to the depart-
18 ment of transportation for various purposes.

19 § 38. For purposes of sections twenty-six through thirty-seven of this
20 act, the comptroller is also hereby authorized and directed to deposit
21 to the credit of any capital projects fund, reimbursement from the
22 proceeds of bonds and notes issued by any authorized issuer, as defined
23 by sections 68-a and 69-m of the state finance law, in the amounts and
24 for the purposes listed in such sections.

25 § 39. Notwithstanding any other law, rule, or regulation to the
26 contrary, the comptroller is hereby authorized and directed to deposit
27 to the credit of the state university residence hall rehabilitation
28 fund, reimbursement from the proceeds of notes or bonds issued by the

1 dormitory authority of the state of New York for capital disbursements
2 of up to \$331,000,000 from any appropriation or reappropriation author-
3 ized by a chapter of the laws of 2013.

4 § 40. Notwithstanding any other law, rule, or regulation to the
5 contrary, the comptroller is hereby authorized and directed to deposit
6 to the credit of the city university special revenue fund, reimbursement
7 from the proceeds of notes or bonds issued by the Dormitory Authority of
8 the State of New York for capital disbursements of up to \$20,000,000
9 from any appropriation or reappropriation authorized by chapter 53 of
10 the laws of 2009 to the city university of New York for various
11 purposes.

12 § 41. Notwithstanding any other law, rule, or regulation to the
13 contrary, the state comptroller is hereby authorized and directed to use
14 any balance remaining in the mental health services fund debt service
15 appropriation, after payment by the state comptroller of all obligations
16 required pursuant to any lease, sublease, or other financing arrangement
17 between the dormitory authority of the state of New York as successor to
18 the New York state medical care facilities finance agency, and the
19 facilities development corporation pursuant to chapter 83 of the laws of
20 1995 and the department of mental hygiene for the purpose of making
21 payments to the dormitory authority of the state of New York for the
22 amount of the earnings for the investment of monies deposited in the
23 mental health services fund that such agency determines will or may have
24 to be rebated to the federal government pursuant to the provisions of
25 the internal revenue code of 1986, as amended, in order to enable such
26 agency to maintain the exemption from federal income taxation on the
27 interest paid to the holders of such agency's mental services facilities
28 improvement revenue bonds. On or before June 30, 2013, such agency shall

1 certify to the state comptroller its determination of the amounts
2 received in the mental health services fund as a result of the invest-
3 ment of monies deposited therein that will or may have to be rebated to
4 the federal government pursuant to the provisions of the internal reven-
5 ue code of 1986, as amended.

6 § 42. (1) Notwithstanding any other law, rule, or regulation to the
7 contrary, the state comptroller shall at the commencement of each month
8 certify to the director of the budget, the commissioner of environmental
9 conservation, the chair of the senate finance committee, and the chair
10 of the assembly ways and means committee the amounts disbursed from all
11 appropriations for hazardous waste site remediation disbursements for
12 the month preceding such certification.

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

24 (3) The comptroller is hereby authorized and directed to transfer any
25 balance above the amounts certified by the commissioner of environmental
26 conservation to reimburse disbursements pursuant to all appropriations
27 from such site investigation and construction account; provided, howev-
28 er, that if such transfers are determined by the comptroller to be

1 insufficient to assure that interest paid to holders of state obli-
2 gations issued for hazardous waste purposes pursuant to the environ-
3 mental quality bond act of nineteen hundred eighty-six, as enacted by
4 chapter 511 of the laws of 1986, is exempt from federal income taxation,
5 the comptroller is hereby authorized and directed to transfer, from such
6 site investigation and construction account to the general fund, the
7 amount necessary to redeem bonds in an amount necessary to assure the
8 continuation of such tax exempt status. Prior to the making of any such
9 transfers, the comptroller shall notify the director of the budget of
10 the amount of such transfers.

11 § 43. Subdivision 2 of section 68-a of the state finance law, as
12 amended by section 36 of part U of chapter 59 of the laws of 2012, is
13 amended to read as follows:

14 2. "Authorized purpose" for purposes of this article and section nine-
15 ty-two-z of this chapter shall mean any purposes for which state-sup-
16 ported debt, as defined by section sixty-seven-a of this chapter, may or
17 has been issued except debt for which the state is constitutionally
18 obligated thereunder to pay debt service and related expenses[, and
19 except (a) as authorized in paragraph (b) of subdivision one of section
20 three hundred eighty-five of the public authorities law, (b) as author-
21 ized for the department of health of the state of New York facilities as
22 specified in paragraph a of subdivision two of section sixteen hundred
23 eighty of the public authorities law, (c) state university of New York
24 dormitory facilities as specified in subdivision eight of section
25 sixteen hundred seventy-eight of the public authorities law, and (d) as
26 authorized for mental health services facilities by section nine-a of
27 section one of chapter three hundred ninety-two of the laws of nineteen
28 hundred seventy-three constituting the New York state medical care

1 facilities financing act. Notwithstanding the provisions of clause (d)
2 of this subdivision, for the period April first, two thousand nine
3 through March thirty-first, two thousand thirteen, mental health
4 services facilities, as authorized by section nine-a of section one of
5 chapter three hundred ninety-two of the laws of nineteen hundred seven-
6 ty-three constituting the New York state medical care facilities financ-
7 ing act, shall constitute an authorized purpose].

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

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

26 § 45. Subdivision 5 of section 3234 of the public authorities law, as
27 amended by section 54 of part K of chapter 81 of the laws of 2002, is
28 amended to read as follows:

1 5. A majority of the whole number of directors then in office shall
2 constitute a quorum for the transaction of any business or the exercise
3 of any power of the corporation. Except as otherwise specified in this
4 title, for the transaction of any business or the exercise of any power
5 of the corporation, the corporation shall have power to act by a majori-
6 ty of the directors present at any meeting at which a quorum is in
7 attendance; provided that one or more directors may participate in a
8 meeting by means of conference telephone or similar communications
9 equipment allowing all directors participating in the meeting to hear
10 each other at the same time and participation by such means shall
11 constitute presence in person at a meeting. A unanimous vote of all
12 directors then in office shall be required for approval of a resolution
13 authorizing the issuance of bonds or notes or any supplemental or amen-
14 datory resolution. The corporation may delegate to one or more of its
15 directors, or officers, agents and employees, such powers and duties as
16 the directors may deem proper. Five days notice shall be given to each
17 director and nonvoting representative prior to any meeting of the corpo-
18 ration.

19 § 46. Section 1 of chapter 174 of the laws of 1968, constituting the
20 New York state urban development corporation act, is amended by adding a
21 new section 46 to read as follows:

22 § 46. 1. Notwithstanding the provisions of any other law to the
23 contrary, the dormitory authority and the corporation are hereby author-
24 ized to issue bonds or notes in one or more series for the purpose of
25 funding project costs for the New York state transformative capital fund
26 and other state costs associated with such capital projects. The aggre-
27 gate principal amount of bonds authorized to be issued pursuant to this
28 section shall not exceed one billion one hundred seventy million

1 dollars, excluding bonds issued to fund one or more debt service reserve
2 funds, to pay costs of issuance of such bonds, and bonds or notes issued
3 to refund or otherwise repay such bonds or notes previously issued. Such
4 bonds and notes of the dormitory authority and the corporation shall not
5 be a debt of the state, and the state shall not be liable thereon, nor
6 shall they be payable out of any funds other than those appropriated by
7 the state to the dormitory authority and the corporation for principal,
8 interest, and related expenses pursuant to a service contract and such
9 bonds and notes shall contain on the face thereof a statement to such
10 effect. Except for purposes of complying with the internal revenue code,
11 any interest income earned on bond proceeds shall only be used to pay
12 debt service on such bonds.

13 2. Notwithstanding any other provision of law to the contrary, in
14 order to assist the dormitory authority and the corporation in undertak-
15 ing the financing for project costs for the New York state transform-
16 ative capital fund and other state costs associated with such capital
17 projects, the director of the budget is hereby authorized to enter into
18 one or more service contracts with the dormitory authority and the
19 corporation, none of which shall exceed thirty years in duration, upon
20 such terms and conditions as the director of the budget and the dormito-
21 ry authority and the corporation agree, so as to annually provide to the
22 dormitory authority and the corporation, in the aggregate, a sum not to
23 exceed the principal, interest, and related expenses required for such
24 bonds and notes. Any service contract entered into pursuant to this
25 section shall provide that the obligation of the state to pay the amount
26 therein provided shall not constitute a debt of the state within the
27 meaning of any constitutional or statutory provision and shall be deemed
28 executory only to the extent of monies available and that no liability

1 shall be incurred by the state beyond the monies available for such
2 purpose, subject to annual appropriation by the legislature. Any such
3 contract or any payments made or to be made thereunder may be assigned
4 and pledged by the dormitory authority and the corporation as security
5 for its bonds and notes, as authorized by this section.

6 3. The comptroller is hereby authorized to receive from the dormitory
7 authority and the corporation any portion of bond proceeds paid to
8 provide funds for or reimburse the state for its costs associated with
9 such capital project costs and to credit such amounts to the capital
10 projects fund or any other appropriate fund.

11 § 47. Section 1 of chapter 174 of the laws of 1968, constituting the
12 New York state urban development corporation act, is amended by adding a
13 new section 47 to read as follows:

14 § 47. 1. Notwithstanding the provisions of any other law to the
15 contrary, the dormitory authority and the corporation are hereby author-
16 ized to issue bonds or notes in one or more series for the purpose of
17 funding project costs for the office of information technology services
18 and other state costs associated with such capital projects. The aggre-
19 gate principal amount of bonds authorized to be issued pursuant to this
20 section shall not exceed sixty million dollars, excluding bonds issued
21 to fund one or more debt service reserve funds, to pay costs of issuance
22 of such bonds, and bonds or notes issued to refund or otherwise repay
23 such bonds or notes previously issued. Such bonds and notes of the
24 dormitory authority and the corporation shall not be a debt of the
25 state, and the state shall not be liable thereon, nor shall they be
26 payable out of any funds other than those appropriated by the state to
27 the dormitory authority and the corporation for principal, interest, and
28 related expenses pursuant to a service contract and such bonds and notes

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

5 2. Notwithstanding any other provision of law to the contrary, in
6 order to assist the dormitory authority and the corporation in undertak-
7 ing the financing for project costs for the office of information tech-
8 nology services and other state costs associated with such capital
9 projects, the director of the budget is hereby authorized to enter into
10 one or more service contracts with the dormitory authority and the
11 corporation, none of which shall exceed thirty years in duration, upon
12 such terms and conditions as the director of the budget and the dormito-
13 ry authority and the corporation agree, so as to annually provide to the
14 dormitory authority and the corporation, in the aggregate, a sum not to
15 exceed the principal, interest, and related expenses required for such
16 bonds and notes. Any service contract entered into pursuant to this
17 section shall provide that the obligation of the state to pay the amount
18 therein provided shall not constitute a debt of the state within the
19 meaning of any constitutional or statutory provision and shall be deemed
20 executory only to the extent of monies available and that no liability
21 shall be incurred by the state beyond the monies available for such
22 purpose, subject to annual appropriation by the legislature. Any such
23 contract or any payments made or to be made thereunder may be assigned
24 and pledged by the dormitory authority and the corporation as security
25 for its bonds and notes, as authorized by this section.

26 3. The comptroller is hereby authorized to receive from the dormitory
27 authority and the corporation any portion of bond proceeds paid to
28 provide funds for or reimburse the state for its costs associated with

1 such capital project costs and to credit such amounts to the capital
2 projects fund or any other appropriate fund.

3 § 48. Subdivision (a) of section 28 of part Y of chapter 61 of the
4 laws of 2005, relating to providing for the administration of certain
5 funds and accounts related to the 2005-2006 budget, as amended by
6 section 39 of part U of chapter 59 of the laws of 2012, is amended to
7 read as follows:

8 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
9 notwithstanding any provisions of law to the contrary, one or more
10 authorized issuers as defined by section 68-a of the state finance law
11 are hereby authorized to issue bonds or notes in one or more series in
12 an aggregate principal amount not to exceed [~~\$24,000,000~~] \$27,000,000,
13 excluding bonds issued to finance one or more debt service reserve
14 funds, to pay costs of issuance of such bonds, and bonds or notes issued
15 to refund or otherwise repay such bonds or notes previously issued, for
16 the purpose of financing capital projects for public protection facili-
17 ties in the Division of Military and Naval Affairs, debt service and
18 leases; and to reimburse the state general fund for disbursements made
19 therefor. Such bonds and notes of such authorized issuer shall not be a
20 debt of the state, and the state shall not be liable thereon, nor shall
21 they be payable out of any funds other than those appropriated by the
22 state to such authorized issuer for debt service and related expenses
23 pursuant to any service contract executed pursuant to subdivision (b) of
24 this section and such bonds and notes shall contain on the face thereof
25 a statement to such effect. Except for purposes of complying with the
26 internal revenue code, any interest income earned on bond proceeds shall
27 only be used to pay debt service on such bonds.

1 § 49. Subdivision 1 of section 16 of part D of chapter 389 of the laws
2 of 1997, relating to the financing of the correctional facilities
3 improvement fund and the youth facility improvement fund, as amended by
4 section 40 of part U of chapter 59 of the laws of 2012, is amended to
5 read as follows:

6 1. Subject to the provisions of chapter 59 of the laws of 2000, but
7 notwithstanding the provisions of section 18 of section 1 of chapter 174
8 of the laws of 1968, the New York state urban development corporation is
9 hereby authorized to issue bonds, notes and other obligations in an
10 aggregate principal amount not to exceed [six] seven billion [eight] one
11 hundred [sixteen] thirty-three million [eight hundred] sixty-nine thou-
12 sand dollars [\$6,816,869,000] \$7,133,069,000, and shall include all
13 bonds, notes and other obligations issued pursuant to chapter 56 of the
14 laws of 1983, as amended or supplemented. The proceeds of such bonds,
15 notes or other obligations shall be paid to the state, for deposit in
16 the correctional facilities capital improvement fund to pay for all or
17 any portion of the amount or amounts paid by the state from appropri-
18 ations or reappropriations made to the department of corrections and
19 community supervision from the correctional facilities capital improve-
20 ment fund for capital projects. The aggregate amount of bonds, notes or
21 other obligations authorized to be issued pursuant to this section shall
22 exclude bonds, notes or other obligations issued to refund or otherwise
23 repay bonds, notes or other obligations theretofore issued, the proceeds
24 of which were paid to the state for all or a portion of the amounts
25 expended by the state from appropriations or reappropriations made to
26 the department of corrections and community supervision; provided,
27 however, that upon any such refunding or repayment the total aggregate
28 principal amount of outstanding bonds, notes or other obligations may be

1 greater than [six] seven billion [eight] one hundred [sixteen] thirty-
2 three million [eight hundred] sixty-nine thousand dollars
3 [\$6,816,869,000] \$7,133,069,000, only if the present value of the aggre-
4 gate debt service of the refunding or repayment bonds, notes or other
5 obligations to be issued shall not exceed the present value of the
6 aggregate debt service of the bonds, notes or other obligations so to be
7 refunded or repaid. For the purposes hereof, the present value of the
8 aggregate debt service of the refunding or repayment bonds, notes or
9 other obligations and of the aggregate debt service of the bonds, notes
10 or other obligations so refunded or repaid, shall be calculated by
11 utilizing the effective interest rate of the refunding or repayment
12 bonds, notes or other obligations, which shall be that rate arrived at
13 by doubling the semi-annual interest rate (compounded semi-annually)
14 necessary to discount the debt service payments on the refunding or
15 repayment bonds, notes or other obligations from the payment dates ther-
16 eof to the date of issue of the refunding or repayment bonds, notes or
17 other obligations and to the price bid including estimated accrued
18 interest or proceeds received by the corporation including estimated
19 accrued interest from the sale thereof.

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

23 (a) Subject to the provisions of chapter fifty-nine of the laws of two
24 thousand, in order to enhance and encourage the promotion of housing
25 programs and thereby achieve the stated purposes and objectives of such
26 housing programs, the agency shall have the power and is hereby author-
27 ized from time to time to issue negotiable housing program bonds and
28 notes in such principal amount as shall be necessary to provide suffi-

1 cient funds for the repayment of amounts disbursed (and not previously
2 reimbursed) pursuant to law or any prior year making capital appropri-
3 ations or reappropriations for the purposes of the housing program;
4 provided, however, that the agency may issue such bonds and notes in an
5 aggregate principal amount not exceeding two billion [seven] eight
6 hundred [forty] forty-four million [six] eight hundred ninety-nine thou-
7 sand dollars, plus a principal amount of bonds issued to fund the debt
8 service reserve fund in accordance with the debt service reserve fund
9 requirement established by the agency and to fund any other reserves
10 that the agency reasonably deems necessary for the security or marketa-
11 bility of such bonds and to provide for the payment of fees and other
12 charges and expenses, including underwriters' discount, trustee and
13 rating agency fees, bond insurance, credit enhancement and liquidity
14 enhancement related to the issuance of such bonds and notes. No reserve
15 fund securing the housing program bonds shall be entitled or eligible to
16 receive state funds apportioned or appropriated to maintain or restore
17 such reserve fund at or to a particular level, except to the extent of
18 any deficiency resulting directly or indirectly from a failure of the
19 state to appropriate or pay the agreed amount under any of the contracts
20 provided for in subdivision four of this section.

21 § 51. Subdivision (b) of section 11 of chapter 329 of the laws of
22 1991, amending the state finance law and other laws relating to the
23 establishment of the dedicated highway and bridge trust fund, as amended
24 by section 42 of part U of chapter 59 of the laws of 2012, is amended to
25 read as follows:

26 (b) Any service contract or contracts for projects authorized pursuant
27 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
28 14-k of the transportation law, and entered into pursuant to subdivision

1 (a) of this section, shall provide for state commitments to provide
2 annually to the thruway authority a sum or sums, upon such terms and
3 conditions as shall be deemed appropriate by the director of the budget,
4 to fund, or fund the debt service requirements of any bonds or any obli-
5 gations of the thruway authority issued to fund such projects having a
6 cost not in excess of [\$7,106,022,000] \$7,516,875,000 cumulatively by
7 the end of fiscal year [2012-13] 2013-14 .

8 § 52. Subdivision 1 of section 1689-i of the public authorities law,
9 as amended by section 50 of part U of chapter 59 of the laws of 2012, is
10 amended to read as follows:

11 1. The dormitory authority is authorized to issue bonds, at the
12 request of the commissioner of education, to finance eligible library
13 construction projects pursuant to section two hundred seventy-three-a of
14 the education law, in amounts certified by such commissioner not to
15 exceed a total principal amount of [ninety-eight] one hundred twelve
16 million dollars.

17 § 53. Subdivision (a) of section 27 of part Y of chapter 61 of the
18 laws of 2005, providing for the administration of certain funds and
19 accounts related to the 2005-2006 budget, as amended by section 43 of
20 part PP of chapter 56 of the laws of 2009, is amended to read as
21 follows:

22 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
23 notwithstanding any provisions of law to the contrary, the urban devel-
24 opment corporation is hereby authorized to issue bonds or notes in one
25 or more series in an aggregate principal amount not to exceed
26 [\$114,100,000] \$166,340,000 , excluding bonds issued to finance one or
27 more debt service reserve funds, to pay costs of issuance of such bonds,
28 and bonds or notes issued to refund or otherwise repay such bonds or

1 notes previously issued, for the purpose of financing capital projects
2 for the division of state police [facilities], debt service and leases;
3 and to reimburse the state general fund for disbursements made therefor.
4 Such bonds and notes of such authorized issuer shall not be a debt of
5 the state, and the state shall not be liable thereon, nor shall they be
6 payable out of any funds other than those appropriated by the state to
7 such authorized issuer for debt service and related expenses pursuant to
8 any service contract executed pursuant to subdivision (b) of this
9 section and such bonds and notes shall contain on the face thereof a
10 statement to such effect. Except for purposes of complying with the
11 internal revenue code, any interest income earned on bond proceeds shall
12 only be used to pay debt service on such bonds.

13 § 54. Section 44 of section 1 of chapter 174 of the laws of 1968,
14 constituting the New York state urban development corporation act, as
15 amended by section 43 of part U of chapter 59 of the laws of 2012, is
16 amended to read as follows:

17 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
18 provisions of any other law to the contrary, the dormitory authority and
19 the corporation are hereby authorized to issue bonds or notes in one or
20 more series for the purpose of funding project costs for the regional
21 economic development council initiative, the economic transformation
22 program, state university of New York college for nanoscale and science
23 engineering, projects within the city of Buffalo or surrounding envi-
24 rons, [and] the New York works economic development fund, projects for
25 the retention of professional football in western New York, and other
26 state costs associated with such projects. The aggregate principal
27 amount of bonds authorized to be issued pursuant to this section shall
28 not exceed [seven hundred ten million five hundred fifty] one billion

1 one hundred fifty-six million six hundred seven thousand dollars,
2 excluding bonds issued to fund one or more debt service reserve funds,
3 to pay costs of issuance of such bonds, and bonds or notes issued to
4 refund or otherwise repay such bonds or notes previously issued. Such
5 bonds and notes of the dormitory authority and the corporation shall not
6 be 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 dormitory authority and the corporation for principal,
9 interest, and related expenses pursuant to a service contract and such
10 bonds and notes shall contain on the face thereof a statement to such
11 effect. Except for purposes of complying with the internal revenue code,
12 any interest income earned on bond proceeds shall only be used to pay
13 debt service on such bonds.

14 2. Notwithstanding any other provision of law to the contrary, in
15 order to assist the dormitory authority and the corporation in undertak-
16 ing the financing for project costs for the regional economic develop-
17 ment council initiative, the economic transformation program, state
18 university of New York college for nanoscale and science engineering,
19 projects within the city of Buffalo or surrounding environs [and], the
20 New York works economic development fund, projects for the retention of
21 professional football in western New York, and other state costs associ-
22 ated with such projects, the director of the budget is hereby authorized
23 to enter into one or more service contracts with the dormitory authority
24 and the corporation, none of which shall exceed thirty years in dura-
25 tion, upon such terms and conditions as the director of the budget and
26 the dormitory authority and the corporation agree, so as to annually
27 provide to the dormitory authority and the corporation, in the aggre-
28 gate, a sum not to exceed the principal, interest, and related expenses

1 required for such bonds and notes. Any service contract entered into
2 pursuant to this section shall provide that the obligation of the state
3 to pay the amount therein provided shall not constitute a debt of the
4 state within the meaning of any constitutional or statutory provision
5 and shall be deemed executory only to the extent of monies available and
6 that no liability shall be incurred by the state beyond the monies
7 available for such purpose, subject to annual appropriation by the
8 legislature. Any such contract or any payments made or to be made there-
9 under may be assigned and pledged by the dormitory authority and the
10 corporation as security for its bonds and notes, as authorized by this
11 section.

12 § 55. Subdivisions 1 and 3 of section 1285-p of the public authorities
13 law, subdivision 1 as amended by section 21 of part II of chapter 59 of
14 the laws of 2004 and subdivision 3 as amended by section 38 of part U of
15 chapter 59 of the laws of 2012, are amended to read as follows:

16 1. Subject to chapter fifty-nine of the laws of two thousand, but
17 notwithstanding any other provisions of law to the contrary, in order to
18 assist the corporation in undertaking the administration and the financ-
19 ing of the design, acquisition, construction, improvement, installation,
20 and related work for all or any portion of any of the following environ-
21 mental infrastructure projects and for the provision of funds to the
22 state for any amounts disbursed therefor: (a) projects authorized under
23 the environmental protection fund, or for which appropriations are made
24 to the environmental protection fund including, but not limited to
25 municipal parks and historic preservation, stewardship, farmland
26 protection, non-point source, pollution control, Hudson River Park, land
27 acquisition, and waterfront revitalization; (b) department of environ-
28 mental conservation capital appropriations for Onondaga Lake for certain

1 water quality improvement projects in the same manner as set forth in
2 paragraph (d) of subdivision one of section 56-0303 of the environmental
3 conservation law; (c) for the purpose of the administration, management,
4 maintenance, and use of the real property at the western New York nucle-
5 ar service center; and (d) department of environmental conservation
6 capital appropriations for the administration, design, acquisition,
7 construction, improvement, installation, and related work on department
8 of environmental conservation environmental infrastructure projects; and
9 (e) office of parks, recreation and historic preservation appropriations
10 or reappropriations from the state parks infrastructure fund[,]; and (f)
11 capital grants for the cleaner, greener communities program the director
12 of the division of budget and the corporation are each authorized to
13 enter into one or more service contracts, none of which shall exceed
14 twenty years in duration, upon such terms and conditions as the director
15 and the corporation may agree, so as to annually provide to the corpo-
16 ration in the aggregate, a sum not to exceed the annual debt service
17 payments and related expenses required for any bonds and notes author-
18 ized pursuant to section twelve hundred ninety of this title. Any
19 service contract entered into pursuant to this section shall provide
20 that the obligation of the state to fund or to pay the amounts therein
21 provided for shall not constitute a debt of the state within the meaning
22 of any constitutional or statutory provision and shall be deemed execu-
23 tory only to the extent of moneys available for such purposes, subject
24 to annual appropriation by the legislature. Any such service contract or
25 any payments made or to be made thereunder may be assigned and pledged
26 by the corporation as security for its bonds and notes, as authorized
27 pursuant to section twelve hundred ninety of this title.

1 3. The maximum amount of bonds that may be issued for the purpose of
2 financing environmental infrastructure projects authorized by this
3 section shall be one billion [one hundred eighteen] two hundred sixty-
4 five million seven hundred sixty thousand dollars, exclusive of bonds
5 issued to fund any debt service reserve funds, pay costs of issuance of
6 such bonds, and bonds or notes issued to refund or otherwise repay bonds
7 or notes previously issued. Such bonds and notes of the corporation
8 shall not be a debt of the state, and the state shall not be liable
9 thereon, nor shall they be payable out of any funds other than those
10 appropriated by the state to the corporation for debt service and
11 related expenses pursuant to any service contracts executed pursuant to
12 subdivision one of this section, and such bonds and notes shall contain
13 on the face thereof a statement to such effect.

14 § 56. The state finance law is amended by adding a new section 92-h to
15 read as follows:

16 § 92-h. Sales tax revenue bond tax fund. 1. There is hereby estab-
17 lished in the joint custody of the state comptroller and the commission-
18 er of taxation and finance a fund within the general debt service fund
19 to be known as the "sales tax revenue bond tax fund".

20 2. Such fund shall consist of the amount of revenue collected within
21 the state from the imposition of the sales and compensating use taxes
22 (including interest and penalties) pursuant to section eleven hundred
23 five and section eleven hundred ten of the tax law equal to the amount
24 attributable to a one percent rate of taxation, less such amounts as the
25 commissioner of taxation and finance may determine to be necessary for
26 refunds. Such sales and compensating use tax revenues shall be separate
27 and distinct from the sales and compensating use tax revenues deposited
28 from time to time in the local government assistance tax fund, pursuant

1 to section ninety-two-r of this article. On and after the date that all
2 of the obligations and liabilities of the New York local government
3 assistance corporation shall have been met or otherwise discharged, it
4 shall equal the amount attributable to a two percent rate of taxation,
5 less such amounts as the commissioner of taxation and finance may deter-
6 mine to be necessary for refunds.

7 3. On or before the twelfth day of each month, the commissioner of
8 taxation and finance shall certify to the state comptroller the amounts
9 specified in subdivision two of this section relating to the preceding
10 month and, in addition, no later than March thirty-first of each fiscal
11 year the commissioner of taxation and finance shall certify such amounts
12 relating to the last month of such fiscal year. The amounts so certified
13 shall be deposited by the state comptroller in the sales tax revenue
14 bond tax fund.

15 4. Moneys in the sales tax revenue bond tax fund shall be kept sepa-
16 rate and shall not be commingled with any other moneys in the custody of
17 the state comptroller and the commissioner of taxation and finance. All
18 deposits of such revenues shall, if required by the state comptroller,
19 be secured by obligations of the United States or of the state having a
20 market value equal at all times to the amount of such deposits and all
21 banks and trust companies are authorized to give security for such
22 deposits. Any such moneys in such fund may, in the discretion of the
23 state comptroller, be invested in obligations in which the state comp-
24 troller is authorized to invest pursuant to section ninety-eight-a of
25 this article.

26 5. (a) The state comptroller shall from time to time, but in no event
27 later than the fifteenth day of each month (other than the last month
28 of the fiscal year) and no later than the thirty-first day of the last

1 month of each fiscal year, pay over and distribute to the credit of the
2 general fund of the state treasury all moneys in the sales tax revenue
3 bond tax fund, if any, in excess of the aggregate amount required to be
4 set aside for the payment of cash requirements pursuant to paragraph (b)
5 of this subdivision, provided that an appropriation has been made to pay
6 all amounts specified in any certificate or certificates delivered by
7 the director of the budget pursuant to paragraph (b) of this subdivision
8 as being required by any authorized issuer as such term is defined in
9 section sixty-nine-m of this chapter for the payment of cash require-
10 ments of such authorized issuers for such fiscal year. Subject to the
11 rights of holders of debt of the state, in no event shall the state
12 comptroller pay over and distribute any moneys on deposit in the sales
13 tax revenue bond tax fund to any person other than an authorized issuer
14 pursuant to such certificate or certificates (i) unless and until the
15 aggregate of all cash requirements certified to the state comptroller as
16 required by such authorized issuers to be set aside pursuant to para-
17 graph (b) of this subdivision for such fiscal year shall have been
18 appropriated to such authorized issuers in accordance with the schedule
19 specified in the certificate or certificates filed by the director of
20 the budget or (ii) if, after having been so certified and appropriated,
21 any payment required to be made pursuant to paragraph (b) of this subdi-
22 vision has not been made to the authorized issuers pursuant to such
23 certificate or certificates; provided, however, that no person, includ-
24 ing such authorized issuers or the holders of revenue bonds, shall have
25 any lien on moneys on deposit in the sales tax revenue bond tax fund.
26 Any agreement entered into pursuant to section sixty-nine-o of this
27 chapter related to any payment authorized by this section shall be
28 executory only to the extent of such revenues available to the state in

1 such fund. Notwithstanding subdivisions two and three of this section,
2 in the event the aggregate of all cash requirements certified to the
3 state comptroller as required by such authorized issuers to be set aside
4 pursuant to paragraph (b) of this subdivision for the fiscal year begin-
5 ning on April first shall not have been appropriated to such authorized
6 issuers in accordance with the schedule specified in the certificate or
7 certificates filed by the director of the budget or, if, having been so
8 certified and appropriated, any payment required to be made pursuant to
9 paragraph (b) of this subdivision has not been made pursuant to such
10 certificate or certificates, all receipts collected and deposited in the
11 sales tax revenue bond tax fund shall remain in such fund. Notwithstand-
12 ing any other provision of law, if the state has appropriated and paid
13 to the authorized issuers all amounts necessary for the authorized
14 issuers to meet their cash requirements for the current fiscal year
15 pursuant to the certificate or certificates submitted by the director of
16 the budget pursuant to paragraph (b) of this section, the state comp-
17 troller shall, on the last day of each fiscal year, pay to the general
18 fund of the state all sums remaining in the sales tax revenue bond tax
19 fund on such date except such amounts as the director of the budget may
20 certify are needed to meet the cash requirements of authorized issuers
21 during the subsequent fiscal year.

22 (b) No later than thirty days after the submission of the executive
23 budget in accordance with article seven of the constitution, the direc-
24 tor of the budget shall prepare a certificate of the amount of monthly
25 receipts anticipated to be deposited pursuant to subdivision two of this
26 section during the fiscal year beginning April first of that year
27 together with the monthly amounts necessary to be set aside from the
28 receipts of such fund, as shall be sufficient to meet the total cash

1 requirements of authorized issuers, as defined by section sixty-nine-m
2 of this chapter during such fiscal year, based on information that shall
3 be provided by such authorized issuers, consistent with the terms of any
4 contract with outstanding bondholders. Except for the purpose of meeting
5 cash requirements of an authorized issuer that are due on a monthly or
6 more frequent basis, prior to transferring any moneys from the account
7 pursuant to paragraph (a) of this subdivision, the comptroller shall set
8 aside on a monthly basis all revenues deposited pursuant to this subdivi-
9 vision as received until the amount set aside is equal to one-fifth of
10 the interest due on such obligations on the next succeeding interest
11 payment date multiplied by the number of months from the last such
12 payment and one-eleventh of the next principal installment due on such
13 obligations multiplied by the number of months from the last such prin-
14 cipal installment where principal is due on an annual basis or one-fifth
15 of the next principal installment due on such obligations multiplied by
16 the number of months from the last such principal installment where
17 principal is due on a semiannual basis. For the purpose of meeting cash
18 requirements of an authorized issuer that are due on a monthly basis or
19 more frequently, the comptroller shall set aside all revenues deposited
20 pursuant to subdivision two of this section as received until the amount
21 so set aside is, in the reasonable judgment of the director of the budg-
22 et as set forth in such certificate, sufficient to make the required
23 payment on or before such payment date. Notwithstanding subdivision
24 three of, section seventy-two of this article or any other provision of
25 law, all moneys set aside in the sales tax revenue bond tax fund to meet
26 the annual cash requirements of authorized issuers pursuant to a certif-
27 icate or certificates as required in this paragraph shall remain in the
28 sales tax revenue bond tax fund until needed for payment to authorized

1 issuers, as provided in this section. In the event that the amount set
2 aside by the state comptroller pursuant to this paragraph is not suffi-
3 cient to meet the cash requirements required pursuant to a certificate
4 or certificates submitted by the director of the budget, the state comp-
5 troller shall immediately transfer from the general fund to the sales
6 tax revenue bond tax fund an amount which, when combined with the amount
7 set aside pursuant to this paragraph, shall be sufficient to meet the
8 payment required pursuant to such certificate or certificates. The
9 director of the budget may revise such certification at such times as
10 shall be necessary, provided, however, that the director of the budget
11 shall, as necessary, revise such certification not later than thirty
12 days after the issuance of any revenue bonds, including refunding bonds,
13 and after the adoption of any interest rate exchange or other financial
14 arrangement affecting the cash requirements of the authorized issuers.
15 In no event shall the state comptroller be held liable for the failure
16 to set aside an amount sufficient to pay any required payment of an
17 authorized issuer.

18 6. All payments of moneys from the revenue bond tax fund shall be made
19 on the audit and warrant of the state comptroller.

20 § 57. Section 1148 of the tax law, as amended by chapter 3 of the laws
21 of 2004, is amended to read as follows:

22 § 1148. Deposit and disposition of revenue. All taxes, interest and
23 penalties collected or received by the commissioner under this article
24 shall be deposited and disposed of pursuant to the provisions of section
25 one hundred seventy-one-a of this chapter; provided however, the comp-
26 troller shall on or before the twelfth day of each month, pay all such
27 taxes, interest and penalties collected under this article and remaining
28 to the comptroller's credit in such banks, banking houses or trust

1 companies at the close of business on the last day of the preceding
2 month, into the general fund of the state treasury, except as otherwise
3 provided in sections ninety-two-d, ninety-two-h, and ninety-two-r of the
4 state finance law and sections eleven hundred two, eleven hundred four
5 and eleven hundred nine of this article.

6 § 58. The state finance law is amended by adding a new article 5-F to
7 read as follows:

8 ARTICLE 5-F

9 SALES TAX REVENUE BOND FINANCING PROGRAM

10 Section 69-m. Definitions.

11 69-n. Issuance of bonds and notes.

12 69-o. Payments to authorized issuers.

13 § 69-m. Definitions. 1. "Authorized issuer" shall mean the dormitory
14 authority of the state of New York, the New York state urban development
15 corporation, the New York state thruway authority, and any successors
16 thereto.

17 2. "Authorized purpose" for purposes of this article and section nine-
18 ty-two-h of this chapter shall mean any purposes for which state-sup-
19 ported debt, as defined by section sixty-seven-a of this chapter, may or
20 has been issued, except debt for which the state is constitutionally
21 obligated thereunder to pay debt service and related expenses.

22 3. "Revenue bonds" for the purposes of this article and section nine-
23 ty-two-h of this chapter shall mean any bonds, notes or obligations
24 issued or incurred pursuant to section sixty-nine-n of this article.

25 § 69-n. Issuance of bonds and notes. 1. (a) Authorized issuers shall
26 have the power and are hereby authorized from time to time to issue
27 revenue bonds, in such principal amount or amounts, subject to subdivi-
28 sion eight of this section and as the director of the budget shall

1 determine to be necessary, to provide sufficient funds for authorized
2 purposes, the establishment of reserves to secure such revenue bonds,
3 the payment of amounts required under revenue bonds or agreements relat-
4 ing thereto, and the payment of all costs of issuance of their revenue
5 bonds.

6 (b) The authorized issuers shall have the power and are hereby author-
7 ized from time to time to issue (i) revenue bonds to renew notes, (ii)
8 revenue bonds to pay notes, and (iii) whenever it deems refunding expe-
9 dition, to refund any bonds, notes or other obligations issued for an
10 authorized purpose or purposes, including bonds, notes or other obli-
11 gations that were issued prior to the effective date of this article, by
12 the issuance of new revenue bonds, whether the bonds, notes, or other
13 obligations to be refunded have or have not matured, and to issue reven-
14 ue bonds in part to refund bonds, notes, or other obligations then
15 outstanding and in part for any of its other authorized purposes. The
16 refunding revenue bonds may be exchanged for bonds, notes, or other
17 obligations to be refunded, or sold and the proceeds applied to the
18 purchase, redemption or payment of such bonds, notes, or other obli-
19 gations.

20 (c) Except as may otherwise be expressly provided by an authorized
21 issuer, every issue of revenue bonds of an authorized issuer pursuant to
22 this section shall be special obligations of the authorized issuer paya-
23 ble solely out of any revenues paid over to such authorized issuer from
24 the sales tax revenue bond tax fund, established pursuant to section
25 ninety-two-h of this chapter.

26 (d) All of the provisions of the enabling acts of the authorized
27 issuers relating to bonds and notes, which are not inconsistent with the

1 provisions of this section, may, at the discretion of the authorized
2 issuer, apply to revenue bonds authorized by this section.

3 (e) The revenue bonds of the authorized issuers authorized by this
4 section shall not be a debt of the state and the state shall not be
5 liable thereon, nor shall they be payable out of any funds other than
6 those of the authorized issuers pledged therefor; and such revenue bonds
7 shall contain on the face thereof a statement to such effect. In addi-
8 tion, any agreements entered into by any entity pursuant to sections
9 sixty-nine-o and ninety-two-h of this chapter on behalf of the state to
10 effect the implementation of any of the activities financed in whole or
11 in part with proceeds of the revenue bonds of the authorized issuers,
12 authorized in this section do not constitute or create a debt of the
13 state, nor a contractual obligation in excess of the amounts appropri-
14 ated therefor, and the state has no continuing legal or moral obligation
15 to appropriate money for payments due under any such agreement.

16 (f) (i) Revenue bonds shall be authorized by resolution of the author-
17 ized issuers, be in such denominations, bear such date or dates and
18 mature at such time or times, as such resolution or other agreement may
19 provide.

20 (ii) Revenue bonds shall be subject to such terms of redemption, bear
21 interest at such rate or rates, be payable at such times, be in such
22 form, either coupon, registered or book entry form, carry such registra-
23 tion privileges, be executed in such manner, be payable in such medium
24 of payment at such place or places, and be subject to such terms and
25 conditions as such resolution may provide.

26 (g) Revenue bonds authorized hereunder shall be sold by authorized
27 issuers, at public or private sale, at such price or prices as the
28 authorized issuers may determine. Revenue bonds of the authorized

1 issuers shall not be sold by the authorized issuers at private sales
2 unless such sale and the terms thereof have been approved by the state
3 comptroller.

4 2. Consistent with the provisions of this article, and subject to the
5 approval of the director of the budget, any resolution or other agree-
6 ment authorizing revenue bonds or any issue thereof may contain
7 provisions, which shall be a part of the contract with the holders ther-
8 eof, as to:

9 (a) pledging all or any part of the revenues received by the author-
10 ized issuers pursuant to section sixty-nine-o of this article to secure
11 the payment of the bonds or notes or of any issue thereof, subject to
12 such agreements with holders of revenue bonds as may then exist;

13 (b) pledging all or any part of the assets of the authorized issuers
14 to secure the payment of the revenue bonds or of any issue of revenue
15 bonds subject to such agreements with holders of revenue bonds as may
16 then exist;

17 (c) the setting aside of reserves or sinking funds and the regulation
18 and disposition thereof;

19 (d) limitations on the purposes to which the proceeds of sale of
20 revenue bonds, may be applied and pledging such proceeds to secure the
21 payment of the revenue bonds or of any issue thereof;

22 (e) limitations on the issuance of additional revenue bonds, the terms
23 upon which additional revenue bonds may be issued and secured and the
24 refunding of outstanding or other revenue bonds;

25 (f) the procedure, if any, by which the terms of any contract with
26 holders of revenue bonds may be amended or abrogated, the amount of
27 revenue bonds the holders of which must consent thereto and the manner
28 in which such consent may be given;

1 (g) vesting in a trustee, as described in subdivision six of this
2 section, such property, rights, powers and duties in trust as the
3 authorized issuers may determine, which may include any or all of the
4 rights, powers and duties of the trustee appointed by the holders of
5 revenue bonds of the respective authorized issuers pursuant to this
6 article, and limiting or abrogating the right of such revenue bond hold-
7 ers to appoint a trustee under this title or limiting the rights,
8 powers, and duties of such trustee;

9 (h) the acts or omissions to act which shall constitute a default in
10 the obligations and duties of the authorized issuers to the holders of
11 the revenue bonds and providing for the rights and remedies of the hold-
12 ers of the revenue bonds in event of such default, including the right
13 to appointment of a receiver; provided, however, that such rights and
14 remedies shall not be inconsistent with the other provisions of this
15 article;

16 (i) any other matters, of like or different character, which in any
17 way affect the security or protection of the holders of the revenue
18 bonds; and

19 (j) the application of any of the foregoing provisions to any provider
20 of any applicable bond, note or other financial facility.

21 Notwithstanding the foregoing, the authorized issuers shall not be
22 authorized to make any covenant, pledge, promise, or agreement purport-
23 ing to bind the state except as otherwise specifically authorized by
24 this article.

25 3. Any pledge made by the respective authorized issuers shall be valid
26 and binding from the time when the pledge is made. The revenues or prop-
27 erty so pledged and thereafter received by the respective authorized
28 issuers shall immediately be subject to the lien of such pledge without

1 any physical delivery thereof or further act, and the lien of any such
2 pledge shall be valid and binding as against all parties having claims
3 of any kind in tort, contract or otherwise against the respective
4 authorized issuers, irrespective of whether such parties have notice
5 thereof. Neither the resolution nor any other instrument by which a
6 pledge is created need be recorded or filed to protect such pledge.

7 4. Neither the directors or members of the authorized issuers nor any
8 other person executing the revenue bonds of the authorized issuers shall
9 be liable personally thereon or be subject to any personal liability or
10 accountability solely by reason of the issuance thereof.

11 5. The authorized issuers, subject to such agreements with holders of
12 revenue bonds as may then exist, or with the providers of any applicable
13 bond or note or other financial or agreement facility, shall have power
14 out of any funds available therefor to purchase revenue bonds of the
15 authorized issuers, which may or may not thereupon be canceled, at a
16 price not exceeding:

17 (a) If the revenue bonds are then redeemable, the redemption price
18 then applicable, including any accrued interest;

19 (b) If the revenue bonds are not then redeemable, the redemption price
20 and accrued interest applicable on the first date after such purchase
21 upon which the revenue bonds become subject to redemption.

22 6. In the discretion of authorized issuers, the revenue bonds may be
23 secured by a trust indenture by and between the authorized issuers and a
24 corporate trustee, or a corporate trustee may be appointed under the
25 resolution as provided in subdivision two of this section.

26 7. Whether or not the revenue bonds are of such form and character as
27 to be negotiable instruments under the terms of the uniform commercial
28 code, the revenue bonds are hereby made negotiable instruments within

1 the meaning of and for all purposes of the uniform commercial code,
2 subject only to the provisions of the revenue bonds for registration or
3 any book-entry-only system.

4 8. Revenue bonds may only be issued for authorized purposes, as
5 defined in section sixty-nine-m of this article. Notwithstanding the
6 foregoing, any authorized issuer may issue revenue bonds for any author-
7 ized purpose. The authorized issuers shall not issue any revenue bonds
8 in an amount in excess of statutory authorizations for such authorized
9 purposes. Authorizations for such authorized purposes shall be reduced
10 in an amount equal to the amount of revenue bonds issued for such
11 authorized purposes under this article. Such reduction shall not be made
12 in relation to revenue bonds issued to fund reserve funds, if any, and
13 costs of issuance, if these items are not counted under existing author-
14 izations, nor shall revenue bonds issued to refund bonds issued under
15 existing authorizations reduce the amount of such authorizations.

16 9. Except upon the amendment of the New York state constitution allow-
17 ing the issuance or assumption of bonds, notes or other obligations
18 secured by revenues, which may include the revenues securing revenue
19 bonds of authorized issuers, and the affirmative assumption of such
20 bonds, notes or other obligations by the state, the revenue bonds of the
21 authorized issuers authorized by this section shall not be a debt of the
22 state and the state shall not be liable thereon, nor shall they be paya-
23 ble out of any funds other than those of the authorized issuers pledged
24 therefor; and such revenue bonds shall contain on the face thereof a
25 statement to such effect. In addition, any agreements entered into by
26 any entity pursuant to sections sixty-nine-o and ninety-two-h of this
27 chapter on behalf of the state to effect the implementation of any of
28 the activities financed in whole or in part with proceeds of the obli-

1 gations of the authorized issuers authorized in this section do not
2 constitute or create a debt of the state, nor a contractual obligation
3 in excess of the amounts appropriated therefor and the state has no
4 continuing legal or moral obligation to appropriate money for payments
5 due under any such agreement.

6 10. Nothing in this article shall affect the authority of each of the
7 authorized issuers to issue or incur indebtedness for any purposes
8 otherwise authorized by law and nothing in this article shall be deemed
9 to alter or affect the rights of outstanding bondholders or noteholders
10 of any authorized issuer.

11 11. The authorization, sale and issuance of revenue bonds pursuant to
12 this section shall not be deemed an action as such term is defined in
13 article eight of the environmental conservation law for the purposes of
14 such article. Such exemption shall be strictly limited in its applica-
15 tion to such financing activities of the authorized issuers hereunder
16 and does not exempt any other entity from compliance with such article.

17 § 69-o. Payments to authorized issuers. 1. The state, acting through
18 the director of the budget, and authorized issuers may enter into,
19 amend, modify or rescind one or more financing agreements providing for
20 the specific manner, timing, and amount of payments to be made under
21 this section, but only in conformity with this section.

22 2. No later than October first of each year, the authority issuers
23 shall certify to the director of the budget the anticipated cash
24 requirements related to revenue bonds during the subsequent state fiscal
25 year in such detail as the director may require.

26 3. Upon receipt of a voucher from any authorized issuer requesting
27 payment for such amount or amounts certified by the director of the
28 budget pursuant to paragraph (a) of subdivision five of section ninety-

1 two-h of this chapter, the state comptroller shall pay such amount or
2 amounts to be authorized issuer from appropriations for such purpose.

3 4. The agreement of the state contained in this section shall be
4 deemed executory only to the extent of appropriations available for
5 payments under this section, and no liability on account of any such
6 payment shall be incurred by the state beyond such appropriations.

7 5. Nothing contained in this article shall be deemed to restrict the
8 right of the state to amend, repeal, modify or otherwise alter statutes
9 imposing or relating to the taxes imposed pursuant to section eleven
10 hundred five and section eleven hundred ten of the tax law. The author-
11 ized issuers shall not include within any resolution, contract or agree-
12 ment with holders of the revenue bonds issued under this article any
13 provision which provides that a default occurs as a result of the state
14 exercising its right to amend, repeal, modify or otherwise alter the
15 taxes imposed pursuant to section eleven hundred five and section eleven
16 hundred ten of the tax law.

17 6. Any resolution or other agreement authorizing revenue bonds under
18 this article shall reserve the right of the state, upon amendment of the
19 New York state constitution allowing the issuance or assumption of
20 bonds, notes or other obligations secured by revenues, which may include
21 the revenues securing revenue bonds of authorized issuers (a) to assume,
22 in whole or in part, revenue bonds of the authorized issuers, (b) to
23 extinguish the existing lien of such resolution, or other agreement and
24 (c) to substitute security for the revenue bonds of the authorized
25 issuers, in each case only so long as such assumption, extinguishment or
26 substitution is done in accordance with such resolution or other agree-
27 ment.

1 § 59. Subdivision 8 of section 97-f of the state finance law, as added
2 by section 56-b of part PP of chapter 56 of the laws of 2009, is amended
3 to read as follows:

4 8. In addition to the amounts required to be maintained on deposit in
5 the mental health services fund pursuant to subdivision five of this
6 section, the fund shall maintain on deposit an amount equal to the debt
7 service and other cash requirements on mental health services facilities
8 bonds issued by [the dormitory authority] authorized issuers pursuant to
9 [section] sections sixty-eight-b and sixty-nine-n of this chapter. The
10 amount required to be maintained in such fund shall be (i) twenty
11 percent of the amount of the next payment coming due relating to mental
12 health services facilities bonds issued by an authorized issuer multi-
13 plied by the number of months from the date of the last such payment
14 with respect to payments required to be made semi-annually, plus (ii)
15 those amounts specified in any financing agreement between the issuer
16 and the state, acting through the director of the budget, with respect
17 to payments required to be made other than semi-annually, including for
18 variable rate bonds, interest rate exchange or similar agreements or
19 other financing arrangements permitted by law. Prior to making any such
20 payment, the comptroller shall make and deliver to the director of the
21 budget and the chairmen of the facilities development corporation and
22 the New York state medical care facilities finance agency, a certificate
23 stating the aggregate amount to be maintained on deposit in the mental
24 health services fund to comply in full with the provisions of this
25 subdivision.

26 No later than five days prior to the payment to be made by the state
27 comptroller on such mental health services facilities bonds pursuant to
28 [section] sections ninety-two-z and ninety-two-h of this article, the

1 amount of such payment shall be transferred by the state comptroller
2 from the mental health services fund to the revenue bond tax fund estab-
3 lished by section ninety-two-z of this article. The accumulation of
4 moneys pursuant to this subdivision and subsequent transfer to the
5 revenue bond tax fund shall be subordinate in all respects to payments
6 to be made to the New York state medical care facilities finance agency
7 and to any pledge or assignment pursuant to subdivision six of this
8 section.

9 § 60. Paragraph a of subdivision 5 of section 89-b of the state
10 finance law, as amended by section 1 of part B of chapter 84 of the laws
11 of 2002, is amended to read as follows:

12 a. Moneys in the dedicated highway and bridge trust fund shall,
13 following appropriation by the legislature, be utilized for: recon-
14 struction, replacement, reconditioning, restoration, rehabilitation and
15 preservation of state, county, town, city and village roads, highways,
16 parkways, and bridges thereon, to restore such facilities to their
17 intended functions; construction, reconstruction, enhancement and
18 improvement of state, county, town, city, and village roads, highways,
19 parkways, and bridges thereon, to address current and projected capacity
20 problems including costs for traffic mitigation activities; aviation
21 projects authorized pursuant to section fourteen-j of the transportation
22 law and for payments to the general debt service fund of amounts equal
23 to amounts required for service contract payments related to aviation
24 projects as provided and authorized by section three hundred eighty-six
25 of the public authorities law; programs to assist small and minority and
26 women-owned firms engaged in transportation construction and recon-
27 struction projects, including a revolving fund for working capital
28 loans, and a bonding guarantee assistance program in accordance with

1 provisions of this chapter; matching federal grants or apportionments to
2 the state for highway, parkway and bridge capital projects; the acquisi-
3 tion of real property and interests therein required or expected to be
4 required in connection with such projects; preventive maintenance activ-
5 ities necessary to ensure that highways, parkways and bridges meet or
6 exceed their optimum useful life; expenses of control of snow and ice on
7 state highways by the department of transportation including but not
8 limited to personal services, nonpersonal services and fringe benefits,
9 payment of emergency aid for control of snow and ice in municipalities
10 pursuant to section fifty-five of the highway law, expenses of control
11 of snow and ice on state highways by municipalities pursuant to section
12 twelve of the highway law, and for expenses of arterial maintenance
13 agreements with cities pursuant to section three hundred forty-nine of
14 the highway law; personal services and fringe benefit costs of the
15 department of transportation for bus safety inspection activities; costs
16 of the department of motor vehicles, including but not limited to
17 personal and nonpersonal services; costs of engineering and administra-
18 tive services of the department of transportation, including but not
19 limited to fringe benefits; the contract services provided by private
20 firms in accordance with section fourteen of the transportation law;
21 personal services and nonpersonal services, for activities including but
22 not limited to the preparation of designs, plans, specifications and
23 estimates; construction management and supervision activities; costs of
24 appraisals, surveys, testing and environmental impact statements for
25 transportation projects; expenses in connection with buildings, equip-
26 ment, materials and facilities used or useful in connection with the
27 maintenance, operation, and repair of highways, parkways and bridges
28 thereon; and project costs for: construction, reconstruction, improve-

1 ment, reconditioning and preservation of rail freight facilities and
2 intercity rail passenger facilities and equipment; construction, recon-
3 struction, improvement, reconditioning and preservation of state, munic-
4 ipal and privately owned ports; construction, reconstruction, improve-
5 ment, reconditioning and preservation of municipal airports; privately
6 owned airports and aviation capital facilities, excluding airports oper-
7 ated by the state or operated by a bi-state municipal corporate instru-
8 mentality for which federal funding is not available provided the
9 project is consistent with an approved airport layout plan; and
10 construction, reconstruction, enhancement, improvement, replacement,
11 reconditioning, restoration, rehabilitation and preservation of state,
12 county, town, city and village roads, highways, parkways and bridges;
13 and construction, reconstruction, improvement, reconditioning and pres-
14 ervation of fixed ferry facilities of municipal and privately owned
15 ferry lines for transportation purposes, and the payment of debt service
16 required on any bonds, notes or other obligations and related expenses
17 for highway, parkway, bridge and project costs for: construction, recon-
18 struction, improvement, reconditioning and preservation of rail freight
19 facilities and intercity rail passenger facilities and equipment;
20 construction, reconstruction, improvement, reconditioning and preserva-
21 tion of state, municipal and privately owned ports; construction, recon-
22 struction, improvement, reconditioning and preservation of municipal
23 airports; privately owned airports and aviation capital facilities,
24 excluding airports operated by the state or operated by a bi-state
25 municipal corporate instrumentality for which federal funding is not
26 available provided the project is consistent with an approved airport
27 layout plan; construction, reconstruction, enhancement, improvement,
28 replacement, reconditioning, restoration, rehabilitation and preserva-

1 tion of state, county, town, city and village roads, highways, parkways
2 and bridges; and construction, reconstruction, improvement, recondition-
3 ing and preservation of fixed ferry facilities of municipal and private-
4 ly owned ferry lines for transportation purposes, purposes authorized on
5 or after the effective date of this section. Beginning with disburse-
6 ments made on and after the first day of April, nineteen hundred nine-
7 ty-three, moneys in such fund shall be available to pay such costs or
8 expenses made pursuant to appropriations or reappropriations made during
9 the state fiscal year which began on the first of April, nineteen
10 hundred ninety-two. Beginning the first day of April, nineteen hundred
11 ninety-three, moneys in such fund shall also be used for [payments]
12 transfers to the general debt service fund and the revenue bond tax fund
13 of amounts equal to [amounts] that respectively required for service
14 contract and financing agreement payments as provided and authorized by
15 section three hundred eighty of the public authorities law [and by],
16 section eleven of chapter three hundred twenty-nine of the laws of nine-
17 teen hundred ninety-one, as amended, and sections sixty-eight-c and
18 sixty-nine-o of this chapter.

19 § 60-a. Paragraph a of subdivision 5 of section 89-b of the state
20 finance law, as amended by section 1 of part D of chapter 151 of the
21 laws of 2001, is amended to read as follows:

22 a. Moneys in the dedicated highway and bridge trust fund shall,
23 following appropriation by the legislature, be utilized for: recon-
24 struction, replacement, reconditioning, restoration, rehabilitation and
25 preservation of state, county, town, city and village roads, highways,
26 parkways, and bridges thereon, to restore such facilities to their
27 intended functions; construction, reconstruction, enhancement and
28 improvement of state, county, town, city, and village roads, highways,

1 parkways, and bridges thereon, to address current and projected capacity
2 problems including costs for traffic mitigation activities; aviation
3 projects authorized pursuant to section fourteen-j of the transportation
4 law and for payments to the general debt service fund of amounts equal
5 to amounts required for service contract payments related to aviation
6 projects as provided and authorized by section three hundred eighty-six
7 of the public authorities law; programs to assist small and minority and
8 women-owned firms engaged in transportation construction and recon-
9 struction projects, including a revolving fund for working capital
10 loans, and a bonding guarantee assistance program in accordance with
11 provisions of this chapter; matching federal grants or apportionments to
12 the state for highway, parkway and bridge capital projects; the acquisi-
13 tion of real property and interests therein required or expected to be
14 required in connection with such projects; preventive maintenance activ-
15 ities necessary to ensure that highways, parkways and bridges meet or
16 exceed their optimum useful life; expenses of control of snow and ice on
17 state highways by the department of transportation including but not
18 limited to personal services, nonpersonal services and fringe benefits,
19 payment of emergency aid for control of snow and ice in municipalities
20 pursuant to section fifty-five of the highway law, expenses of control
21 of snow and ice on state highways by municipalities pursuant to section
22 twelve of the highway law, and for expenses of arterial maintenance
23 agreements with cities pursuant to section three hundred forty-nine of
24 the highway law; personal services and fringe benefit costs of the
25 department of transportation for bus safety inspection activities; costs
26 of engineering and administrative services of the department of trans-
27 portation, including but not limited to fringe benefits; the contract
28 services provided by private firms in accordance with section fourteen

1 of the transportation law; personal services and nonpersonal services,
2 for activities including but not limited to the preparation of designs,
3 plans, specifications and estimates; construction management and super-
4 vision activities; costs of appraisals, surveys, testing and environ-
5 mental impact statements for transportation projects; expenses in
6 connection with buildings, equipment, materials and facilities used or
7 useful in connection with the maintenance, operation, and repair of
8 highways, parkways and bridges thereon; and project costs for:
9 construction, reconstruction, improvement, reconditioning and preserva-
10 tion of rail freight facilities and intercity rail passenger facilities
11 and equipment; construction, reconstruction, improvement, reconditioning
12 and preservation of state, municipal and privately owned ports;
13 construction, reconstruction, improvement, reconditioning and preserva-
14 tion of municipal airports; privately owned airports and aviation capi-
15 tal facilities, excluding airports operated by the state or operated by
16 a bi-state municipal corporate instrumentality for which federal funding
17 is not available provided the project is consistent with an approved
18 airport layout plan; and construction, reconstruction, enhancement,
19 improvement, replacement, reconditioning, restoration, rehabilitation
20 and preservation of state, county, town, city and village roads, high-
21 ways, parkways and bridges; and construction, reconstruction, improve-
22 ment, reconditioning and preservation of fixed ferry facilities of
23 municipal and privately owned ferry lines for transportation purposes,
24 and the payment of debt service required on any bonds, notes or other
25 obligations and related expenses for highway, parkway, bridge and
26 project costs for: construction, reconstruction, improvement, recondi-
27 tioning and preservation of rail freight facilities and intercity rail
28 passenger facilities and equipment; construction, reconstruction,

1 improvement, reconditioning and preservation of state, municipal and
2 privately owned ports; construction, reconstruction, improvement, recon-
3 ditioning and preservation of municipal airports; privately owned
4 airports and aviation capital facilities, excluding airports operated by
5 the state or operated by a bi-state municipal corporate instrumentality
6 for which federal funding is not available provided the project is
7 consistent with an approved airport layout plan; construction, recon-
8 struction, enhancement, improvement, replacement, reconditioning, resto-
9 ration, rehabilitation and preservation of state, county, town, city and
10 village roads, highways, parkways and bridges; and construction, recon-
11 struction, improvement, reconditioning and preservation of fixed ferry
12 facilities of municipal and privately owned ferry lines for transporta-
13 tion purposes, purposes authorized on or after the effective date of
14 this section. Beginning with disbursements made on and after the first
15 day of April, nineteen hundred ninety-three, moneys in such fund shall
16 be available to pay such costs or expenses made pursuant to appropri-
17 ations or reappropriations made during the state fiscal year which began
18 on the first of April, nineteen hundred ninety-two. Beginning the first
19 day of April, nineteen hundred ninety-three, moneys in such fund shall
20 also be used for [payments] transfers to the general debt service fund
21 and the revenue bond tax fund of amounts equal to [amounts] that respec-
22 tively required for service contract and financing agreement payments as
23 provided and authorized by section three hundred eighty of the public
24 authorities law [and by], section eleven of chapter three hundred twen-
25 ty-nine of the laws of nineteen hundred ninety-one, as amended, and
26 sections sixty-eight-c and sixty-nine-o of this chapter.

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

1 c. In addition to the purposes for which moneys in the dedicated high-
2 way and bridge trust fund can be used as described in this subsection,
3 subject to appropriation, after meeting the requirements of subdivision
4 three of this section, such moneys shall be used for transfer to the
5 revenue bond tax fund, as established by section ninety-two-z of this
6 article, in an amount equal to that required for financing agreement
7 payments paid on bonds authorized pursuant to section three hundred
8 eighty-five of the public authorities law, and issued pursuant to
9 sections sixty-eight-b and sixty-nine-n of this chapter.

10 § 62. Subdivision 3 of section 97-g of the state finance law, as
11 amended by section 1 of subpart A of part C of chapter 97 of the laws of
12 2011, is amended to read as follows:

13 3. Moneys of the fund shall be available to the commissioner of gener-
14 al services for the purchase of food, supplies and equipment for state
15 agencies, and for the purpose of furnishing or providing centralized
16 services to or for state agencies; provided further that such moneys
17 shall be available to the commissioner of general services for purposes
18 pursuant to items (d) and (f) of subdivision four of this section to or
19 for political subdivisions. Beginning the first day of April, two thou-
20 sand two, moneys in such fund shall also be transferred by the state
21 comptroller to the revenue bond tax fund account of the general debt
22 service fund in amounts equal to those required for payments to author-
23 ized issuers for revenue bonds issued pursuant to article five-C and
24 article five-F of this chapter for the purpose of lease purchases and
25 installment purchases by or for state agencies and institutions for
26 personal or real property purposes.

1 § 63. Subdivision (j) of section 92-dd of the state finance law, as
2 added by section 56 of part PP of chapter 56 of the laws of 2009, is
3 amended to read as follows:

4 (j) The state comptroller shall transfer from the HCRA resources fund
5 to the general debt service fund, revenue bond tax fund (311.02) amounts
6 equal to the debt service paid for bonds, notes, or other obligations
7 issued pursuant to article five-C and article five-F of this chapter to
8 finance the HEAL NY capital grant program authorized pursuant to section
9 sixteen hundred eighty-j of the public authorities law.

10 § 64. The state finance law is amended by adding a new section 93-a to
11 read as follows:

12 § 93-a. New York state transformative capital fund. 1. New York state
13 transformative capital fund. (a) There is hereby established in the
14 joint custody of the comptroller and the commissioner of taxation and
15 finance a special fund to be known as the "New York state transformative
16 capital fund".

17 (b) Accounts. The New York state transformative capital fund shall
18 consist of two separate and distinct accounts: (1) the "storm recovery
19 account" and the (2) "transformative capital account".

20 (c) Sources of funds. The sources of funds shall consist of all moneys
21 collected therefor, or moneys credited, appropriated or transferred
22 thereto from any other fund or source pursuant to law, or any other
23 moneys made available for the purposes of the fund. Any interest
24 received by the comptroller on moneys on deposit shall be retained in
25 and become a part of the fund, unless otherwise directed by law.

26 2. Uses of funds. (a) Storm recovery account. Following appropriation
27 by the legislature, moneys in the storm recovery account shall be avail-
28 able to finance the repair, rehabilitation, or replacement of capital

1 works or purposes damaged by Hurricane Sandy or any future natural
2 disaster expected to be eligible for reimbursement by the Federal Emer-
3 gency Management Agency (FEMA), the Federal Transit Administration
4 (FTA), the Federal Highway Administration (FHWA) and any other Federal
5 reimbursement source. No money in this account may be expended for any
6 project until the director of the budget has determined that there is a
7 substantial likelihood that the costs of such project shall be reim-
8 bursed by Federal sources. The director shall issue formal rules that
9 set forth the process by which he or she will determine whether there is
10 a substantial likelihood of reimbursement by Federal sources.

11 (b) Transformative capital account. Following appropriation by the
12 legislature, moneys in the transformative capital account shall be
13 available to finance projects or activities necessary to promote trans-
14 formative economic development and infrastructure initiatives. Nothing
15 contained in this section shall be construed to limit in any way the
16 projects, works, activities or purposes that can be financed from this
17 fund.

18 3. Transfers. Notwithstanding any other provision of law to the
19 contrary, for the state fiscal year commencing on April first, two thou-
20 sand thirteen, the comptroller is hereby authorized to transfer any
21 moneys into or from the New York state transformative capital fund
22 accounts into or from the general fund in an amount determined by the
23 director of the budget, to the extent moneys are available in the fund
24 accounts.

25 § 65. Subdivision 1 of section 45 of section 1 of chapter 174 of the
26 laws of 1968, constituting the New York state urban development corpo-
27 ration act, as amended by section 49 of part U of chapter 59 of the laws
28 of 2012, is amended to read as follows:

1 1. Notwithstanding the provisions of any other law to the contrary,
2 the urban development corporation of the state of New York is hereby
3 authorized to issue bonds or notes in one or more series for the purpose
4 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
5 2020 challenge grant program subject to the approval of a NY-SUNY and
6 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
7 the state university of New York or the chancellor of the city universi-
8 ty of New York, as applicable. The aggregate principal amount of bonds
9 authorized to be issued pursuant to this section shall not exceed
10 [\$110,000,000] \$220,000,000, excluding bonds issued to fund one or more
11 debt service reserve funds, to pay costs of issuance of such bonds, and
12 bonds or notes issued to refund or otherwise repay such bonds or notes
13 previously issued. Such bonds and notes of the corporation shall not be
14 a debt of the state, and the state shall not be liable thereon, nor
15 shall they be payable out of any funds other than those appropriated by
16 the state to the corporation for principal, interest, and related
17 expenses pursuant to a service contract and such bonds and notes shall
18 contain on the face thereof a statement to such effect. Except for
19 purposes of complying with the internal revenue code, any interest
20 income earned on bond proceeds shall only be used to pay debt service on
21 such bonds.

22 § 65-a. Section 16 of chapter 260 of the laws of 2011 amending the
23 education law and the New York state urban development corporation act,
24 relating to establishing components of the NY-SUNY 2020 challenge grant
25 program, is amended to read as follows:

26 § 16. This act shall take effect July 1, 2011 [and]; provided that
27 sections one, two, three, four, five, six, eight, nine, ten, eleven,
28 twelve, thirteen, fourteen and fifteen of this act shall expire 5 years

1 after such effective date when upon such date the provisions of this act
2 shall be deemed repealed.

3 § 66. Subdivision 10-a of section 1680 of the public authorities law,
4 as amended by section 51 of part U of chapter 59 of the laws of 2012, is
5 amended to read as follows:

6 10-a. Subject to the provisions of chapter fifty-nine of the laws of
7 two thousand, but notwithstanding any other provision of the law to the
8 contrary, the maximum amount of bonds and notes to be issued after March
9 thirty-first, two thousand two, on behalf of the state, in relation to
10 any locally sponsored community college, shall be six hundred [twenty-
11 three] sixty-three million dollars. Such amount shall be exclusive of
12 bonds and notes issued to fund any reserve fund or funds, costs of issu-
13 ance and to refund any outstanding bonds and notes, issued on behalf of
14 the state, relating to a locally sponsored community college.

15 § 67. Paragraph (c) of subdivision 14 of section 1680 of the public
16 authorities law, as amended by section 39 of part PP of chapter 56 of
17 the laws of 2009, is amended to read as follows:

18 (c) Subject to the provisions of chapter fifty-nine of the laws of two
19 thousand, (i) the dormitory authority shall not deliver a series of
20 bonds for city university community college facilities, except to refund
21 or to be substituted for or in lieu of other bonds in relation to city
22 university community college facilities pursuant to a resolution of the
23 dormitory authority adopted before July first, nineteen hundred eighty-
24 five or any resolution supplemental thereto, if the principal amount of
25 bonds so to be issued when added to all principal amounts of bonds
26 previously issued by the dormitory authority for city university commu-
27 nity college facilities, except to refund or to be substituted in lieu
28 of other bonds in relation to city university community college facili-

1 ties will exceed the sum of four hundred twenty-five million dollars and
2 (ii) the dormitory authority shall not deliver a series of bonds issued
3 for city university facilities, including community college facilities,
4 pursuant to a resolution of the dormitory authority adopted on or after
5 July first, nineteen hundred eighty-five, except to refund or to be
6 substituted for or in lieu of other bonds in relation to city university
7 facilities and except for bonds issued pursuant to a resolution supple-
8 mental to a resolution of the dormitory authority adopted prior to July
9 first, nineteen hundred eighty-five, if the principal amount of bonds so
10 to be issued when added to the principal amount of bonds previously
11 issued pursuant to any such resolution, except bonds issued to refund or
12 to be substituted for or in lieu of other bonds in relation to city
13 university facilities, will exceed six billion eight hundred [forty-
14 three] fifty-three million two hundred thousand dollars. The legisla-
15 ture reserves the right to amend or repeal such limit, and the state of
16 New York, the dormitory authority, the city university, and the fund are
17 prohibited from covenanting or making any other agreements with or for
18 the benefit of bondholders which might in any way affect such right.

19 § 68. Subdivision (a) of section 48 of part K of chapter 81 of the
20 laws of 2002, providing for the administration of certain funds and
21 accounts related to the 2002-2003 budget, as amended by section 40 of
22 part BB of chapter 58 of the laws of 2011, is amended to read as
23 follows:

24 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
25 notwithstanding the provisions of section 18 of the urban development
26 corporation act, the corporation is hereby authorized to issue bonds or
27 notes in one or more series in an aggregate principal amount not to
28 exceed \$67,000,000 excluding bonds issued to fund one or more debt

1 service reserve funds, to pay costs of issuance of such bonds, and bonds
2 or notes issued to refund or otherwise repay such bonds or notes previ-
3 ously issued, for the purpose of financing capital costs related to
4 homeland security and training facilities for the division of state
5 police, the division of military and naval affairs, and any other state
6 agency, including the reimbursement of any disbursements made from the
7 state capital projects fund, and is hereby authorized to issue bonds or
8 notes in one or more series in an aggregate principal amount not to
9 exceed [~~\$205,800,000~~] \$220,800,000, excluding bonds issued to fund one
10 or more debt service reserve funds, to pay costs of issuance of such
11 bonds, and bonds or notes issued to refund or otherwise repay such bonds
12 or notes previously issued, for the purpose of financing improvements to
13 State office buildings and other facilities located statewide, including
14 the reimbursement of any disbursements made from the state capital
15 projects fund. Such bonds and notes of the corporation shall not be a
16 debt of the state, and the state shall not be liable thereon, nor shall
17 they be payable out of any funds other than those appropriated by the
18 state to the corporation for debt service and related expenses pursuant
19 to any service contracts executed pursuant to subdivision (b) of this
20 section, and such bonds and notes shall contain on the face thereof a
21 statement to such effect.

22 § 69. The section heading and subdivision 1 of section 386-b of the
23 public authorities law, as added by section 48 of part U of chapter 59
24 of the laws of 2012, is amended to read as follows:

25 Financing of peace bridge and transportation capital projects. 1.
26 Notwithstanding any other provision of law to the contrary, the authori-
27 ty, the dormitory authority and the urban development corporation are
28 hereby authorized to issue bonds or notes in one or more series for the

1 purpose of financing peace bridge projects and capital costs of state
2 and local highways, parkways, bridges, the New York state thruway, Indi-
3 an reservation roads, and facilities, and transportation infrastructure
4 projects, including work appurtenant and ancillary thereto. The aggre-
5 gate principal amount of bonds authorized to be issued pursuant to this
6 section shall not exceed three hundred fifteen million dollars
7 [(\$15,000,000)] (\$315,000,000), excluding bonds issued to fund one or
8 more debt service reserve funds, to pay costs of issuance of such bonds,
9 and to refund or otherwise repay such bonds or notes previously issued.
10 Such bonds and notes of the authority, the dormitory authority and the
11 urban development corporation shall not be a debt of the state, and the
12 state shall not be liable thereon, nor shall they be payable out of any
13 funds other than those appropriated by the state to the authority, the
14 dormitory authority and the urban development corporation for principal,
15 interest, and related expenses pursuant to a service contract and such
16 bonds and notes shall contain on the face thereof a statement to such
17 effect. Except for purposes of complying with the internal revenue code,
18 any interest income earned on bond proceeds shall only be used to pay
19 debt service on such bonds.

20 § 69-a. Paragraph (c) of subdivision 19 of section 1680 of the public
21 authorities law, as amended by section 52 of part U of chapter 59 of the
22 laws of 2012, is amended to read as follows:

23 (c) Subject to the provisions of chapter fifty-nine of the laws of two
24 thousand, the dormitory authority shall not issue any bonds for state
25 university educational facilities purposes if the principal amount of
26 bonds to be issued when added to the aggregate principal amount of bonds
27 issued by the dormitory authority on and after July first, nineteen
28 hundred eighty-eight for state university educational facilities will

1 exceed ten billion [three] four hundred [four] twenty-two million
2 dollars; provided, however, that bonds issued or to be issued shall be
3 excluded from such limitation if: (1) such bonds are issued to refund
4 state university construction bonds and state university construction
5 notes previously issued by the housing finance agency; or (2) such bonds
6 are issued to refund bonds of the authority or other obligations issued
7 for state university educational facilities purposes and the present
8 value of the aggregate debt service on the refunding bonds does not
9 exceed the present value of the aggregate debt service on the bonds
10 refunded thereby; provided, further that upon certification by the
11 director of the budget that the issuance of refunding bonds or other
12 obligations issued between April first, nineteen hundred ninety-two and
13 March thirty-first, nineteen hundred ninety-three will generate long
14 term economic benefits to the state, as assessed on a present value
15 basis, such issuance will be deemed to have met the present value test
16 noted above. For purposes of this subdivision, the present value of the
17 aggregate debt service of the refunding bonds and the aggregate debt
18 service of the bonds refunded, shall be calculated by utilizing the true
19 interest cost of the refunding bonds, which shall be that rate arrived
20 at by doubling the semi-annual interest rate (compounded semi-annually)
21 necessary to discount the debt service payments on the refunding bonds
22 from the payment dates thereof to the date of issue of the refunding
23 bonds to the purchase price of the refunding bonds, including interest
24 accrued thereon prior to the issuance thereof. The maturity of such
25 bonds, other than bonds issued to refund outstanding bonds, shall not
26 exceed the weighted average economic life, as certified by the state
27 university construction fund, of the facilities in connection with which
28 the bonds are issued, and in any case not later than the earlier of

1 thirty years or the expiration of the term of any lease, sublease or
2 other agreement relating thereto; provided that no note, including
3 renewals thereof, shall mature later than five years after the date of
4 issuance of such note. The legislature reserves the right to amend or
5 repeal such limit, and the state of New York, the dormitory authority,
6 the state university of New York, and the state university construction
7 fund are prohibited from covenanting or making any other agreements with
8 or for the benefit of bondholders which might in any way affect such
9 right.

10 § 70. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2013; provided
12 that:

13 (a) sections one through nine, and sections thirteen through eighteen
14 of this act shall expire March 31, 2014, when upon such date, the
15 provisions of such sections shall be deemed repealed;

16 (b) the amendments to subdivision 3 of section 99-h of the state
17 finance law made by section twenty-three of this act shall not affect
18 the expiration of such subdivision and section respectively and shall be
19 deemed to expire therewith;

20 (c) the amendments to subdivision 5 of section 3234 of the public
21 authorities law made by section forty-five of this act shall take effect
22 on the same date and in the same manner as section 54 of part K of chap-
23 ter 81 of the laws of 2002 takes effect;

24 (d) the amendments to paragraph a of subdivision 5 of section 89-b of
25 the state finance law made by section sixty of this act shall be subject
26 to the expiration and reversion of such paragraph pursuant to section 2
27 of part B of chapter 84 of the laws of 2002, as amended, when upon such

1 date the provisions of section sixty-a of this act shall take effect;
2 and
3 (e) the amendments to subdivision 3 of section 97-g of the state
4 finance law made by section sixty-two of this act shall not affect the
5 expiration and reversion of such subdivision and shall be deemed to
6 expire therewith.

7 PART N

8 Section 1. Subdivisions 1, 3, 4, 5 and 6 of section 709 of the execu-
9 tive law, subdivision 1 as amended and subdivisions 3, 4, 5 and 6 as
10 added by section 14 of part B of chapter 56 of the laws of 2010, are
11 amended to read as follows:

12 1. There is hereby created within the executive department the divi-
13 sion of homeland security and emergency services, which shall have and
14 exercise the powers and duties set forth in this article. Any reference
15 to the 'office of public security', the 'office of homeland security',
16 the 'state emergency management office'[, the 'office of cyber securi-
17 ty'] or the 'office of fire prevention and control' in the laws of New
18 York state, executive orders, or contracts entered into on behalf of the
19 state shall be deemed to refer to the division of homeland security and
20 emergency services.

21 3. The division of homeland security and emergency services shall
22 consist of several offices including, but not limited to, the office of
23 counterterrorism, which shall have the powers, and be responsible for
24 carrying out the duties, including but not limited to those set forth in
25 section seven hundred nine-a of this article; the office of emergency
26 management, which shall have the powers, and be responsible for carrying

1 out the duties, including but not limited to those set forth in article
2 two-B of this chapter; the office of fire prevention and control, which
3 shall have the powers, and be responsible for carrying out the duties,
4 including but not limited to those set forth in article six-C of this
5 chapter[; the office of cyber security, which shall have the powers, and
6 be responsible for carrying out the duties, including but not limited to
7 those set forth in section seven hundred fifteen of this article;] and
8 the office of interoperable and emergency communications, which shall
9 have the powers, and be responsible for carrying out the duties, includ-
10 ing but not limited to those set forth in section seven hundred seven-
11 teen of this article.

12 4. As set forth in section seven hundred ten of this article, the
13 commissioner of the division of homeland security and emergency services
14 shall be appointed by the governor, with the advice and consent of the
15 senate, and hold office at the pleasure of the governor. The directors
16 of the offices of counterterrorism, emergency management, fire
17 prevention and control, [cyber security,] and interoperable and emergen-
18 cy communications, and such other offices as may be established, shall
19 be appointed by, and hold office at the pleasure of, the governor and
20 they shall report to the commissioner of the division of homeland secu-
21 rity and emergency services.

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

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

6 § 2. Section 715 of the executive law is REPEALED.

7 § 3. Subdivision 10 of section 103 of the state technology law, as
8 added by chapter 430 of the laws of 1997, and such section as renumbered
9 by chapter 437 of the laws of 2004, is amended to read as follows:

10 10. To establish statewide technology policies, including but not
11 limited to preferred technology standards and security, including state-
12 wide policies, standards, programs, and services relating to the securi-
13 ty of state government networks and geographic information systems,
14 including the statewide coordination of geographically referenced crit-
15 ical infrastructure information;

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

18 18. To provide for the protection of the state government's cyber
19 security infrastructure, including, but not limited to, the identifica-
20 tion and mitigation of vulnerabilities, deterring and responding to
21 cyber events, and promoting cyber security awareness within the state.

22 19. To maintain, in electronic or paper formats, maps, geographic
23 images, geographic data and metadata.

24 20. Notwithstanding the provisions of subparagraphs (i) and (ii) of
25 paragraph (a) of subdivision eight of section seventy-three of the
26 public officers law, former officers or employees of the office of cyber
27 security employed by the not-for-profit corporation that operates the
28 multi-state information sharing and analysis center may appear before

1 and render services to any federal, state, local, territorial or tribal
2 government relating to cyber security.

3 21. Notwithstanding the provisions of section one hundred sixty-three
4 of the state finance law, section one hundred three of the general
5 municipal law, article four-C of the economic development law, or any
6 other provision of law relating to the award of public contracts, any
7 officer, body, or agency of New York state, public corporation, or other
8 public entity subject to such provisions of law shall be authorized to
9 enter individually or collectively into contracts with the not-for-pro-
10 fit corporation that operates the multi-state information sharing and
11 analysis center for the provision of services through September thirti-
12 eth, two thousand fourteen related to cyber security including, but not
13 limited to, monitoring, detecting, and responding to cyber incidents,
14 and such contracts may be awarded without compliance with the procedures
15 relating to the procurement of services set forth in such provisions of
16 law. Such contracts shall, however, be subject to the comptroller's
17 existing authority to approve contracts where such approval is required
18 by section one hundred twelve of the state finance law or otherwise.
19 Such officers, bodies, or agencies may pay the fees or other amounts
20 specified in such contracts in consideration of the cyber security
21 services to be rendered pursuant to such contracts.

22 § 5. Subdivision 2 and paragraph (a) of subdivision 7 of section 208
23 of the state technology law, subdivision 2 as amended by chapter 491 of
24 the laws of 2005 and paragraph (a) of subdivision 7 as amended by
25 section 27 of part A of chapter 62 of the laws of 2011, are amended to
26 read as follows:

27 2. Any state entity that owns or licenses computerized data that
28 includes private information shall disclose any breach of the security

1 of the system following discovery or notification of the breach in the
2 security of the system to any resident of New York state whose private
3 information was, or is reasonably believed to have been, acquired by a
4 person without valid authorization. The disclosure shall be made in the
5 most expedient time possible and without unreasonable delay, consistent
6 with the legitimate needs of law enforcement, as provided in subdivision
7 four of this section, or any measures necessary to determine the scope
8 of the breach and restore the reasonable integrity of the data system.
9 The state entity shall consult with the state [office of cyber security
10 and critical infrastructure coordination] office of information technol-
11 ogy services to determine the scope of the breach and restoration meas-
12 ures.

13 (a) In the event that any New York residents are to be notified, the
14 state entity shall notify the state attorney general, the department of
15 state and the state [office of cyber security and critical infrastruc-
16 ture coordination] office of information technology services as to the
17 timing, content and distribution of the notices and approximate number
18 of affected persons. Such notice shall be made without delaying notice
19 to affected New York residents.

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

23 (a) In the event that any New York residents are to be notified, the
24 person or business shall notify the state attorney general, the depart-
25 ment of state and the division of state [office of cyber security and
26 critical infrastructure coordination] police as to the timing, content
27 and distribution of the notices and approximate number of affected

1 persons. Such notice shall be made without delaying notice to affected
2 New York residents.

3 § 7. Any reference to the office of cyber security or to the office of
4 cyber security and critical infrastructure coordination in the laws of
5 New York state, executive orders or contracts entered into on behalf of
6 the state shall be deemed to refer to the office of information technol-
7 ogy services.

8 § 8. (a) Notwithstanding any provision of law to the contrary, any
9 person employed by the office of the Medicaid inspector general, the
10 office of mental health, the office for people with developmental disa-
11 bilities, the department of health and the division of state police and
12 any person employed in the exempt class positions of employee program
13 associate or employee relations associate by the governor's office of
14 employee relations immediately prior to being transferred to the office
15 of information technology services pursuant to subdivision 2 of section
16 70 of the civil service law effective November 22, 2012 and November 29,
17 2012, and who, immediately prior thereto was performing information
18 technology functions similar to persons employed in appropriate compet-
19 itive class positions, shall be given permanent competitive class rights
20 and status and shall continue to hold such position in the office of
21 information technology services without further examination. No such
22 employee transferred to the office of information technology services
23 shall be subject to a new probationary term, provided, however, that any
24 employee in probationary status at the time of the transfer shall be
25 required to complete that probationary term at the office of information
26 technology services under the same terms and conditions as were applica-
27 ble to them while employed at the office of the Medicaid inspector
28 general, the office of mental health, the office for people with devel-

1 opmental disabilities, the department of health, the division of state
2 police and the governor's office of employee relations.

3 (b) Any employees whose positions are re-classified pursuant to this
4 section or section nine or ten of this act shall have seniority rights
5 on the basis of continuous service from the date of their original
6 permanent appointment to the classified service or the date of permanent
7 employment with the office of the Medicaid inspector general, the office
8 of mental health, the office for people with developmental disabilities,
9 the department of health or the division of state police. Any such
10 employees employed by the division of state police in an appropriate
11 non-competitive title on a permanent basis, shall also be deemed to have
12 that period of employment count as permanent competitive service in that
13 title for purposes of qualifying for promotional examinations or trans-
14 fers pursuant to subdivision 6 of section 52 of the civil service law
15 and subdivision 1 of section 70 of the civil service law.

16 (c) No employee whose position is re-classified pursuant to this
17 section or section nine or ten of this act shall suffer a reduction in
18 basic salary as a result of the re-classification and shall continue to
19 receive, at a minimum, the salary that such employee received while
20 employed by the office of the Medicaid inspector general, the office of
21 mental health, the office for people with developmental disabilities,
22 the department of health, the division of state police and the gover-
23 nor's office of employee relations. The director of the office of
24 information technology services shall also allow employees of the divi-
25 sion of state police whose positions are re-classified pursuant to this
26 section or section nine of this act credit for all of the annual leave,
27 sick leave, or personal leave standing to their credit at the time of

1 the transfer, but not in excess of the maximum accumulation permitted in
2 the office of information technology services.

3 § 9. Notwithstanding any provision of law to the contrary, the civil
4 service department may re-classify any person employed in a permanent,
5 classified, competitive position immediately prior to being transferred
6 to the office of information technology services effective November 22,
7 2012 and November 29, 2012, pursuant to subdivision 2 of section 70 of
8 the civil service law to align with the duties and responsibilities of
9 their positions upon transfer. Permanent employees whose positions are
10 subsequently re-classified to align with the duties and responsibilities
11 of their positions upon being transferred to the office of information
12 technology services effective November 22, 2012 and November 29, 2012,
13 pursuant to subdivision 2 of section 70 of the civil service law shall
14 hold such positions without further examination or qualification.
15 Notwithstanding any other provision of this act, the names of those
16 competitive permanent employees on promotion eligible lists in their
17 former agency or department shall be added and interfiled on a promotion
18 eligible list in the new department, as the state civil service depart-
19 ment deems appropriate.

20 § 10. Notwithstanding any provision of law to the contrary, the civil
21 service department may re-classify any person employed in the exempt
22 class positions of employee program associate or employee relations
23 associate by the governor's office of employee relations immediately
24 prior to being transferred to the office of information technology
25 services effective November 22, 2012, and November 29, 2012, pursuant to
26 subdivision 2 of section 70 of the civil service law to align with the
27 duties and responsibilities of their positions upon transfer. Permanent
28 employees whose positions are subsequently re-classified to align with

1 the duties and responsibilities of their positions upon being trans-
2 ferred to the office of information technology services effective Novem-
3 ber 22, 2012, and November 29, 2012, pursuant to subdivision 2 of
4 section 70 of the civil service law shall hold such positions without
5 further examination or qualification.

6 § 11. This act shall take effect immediately.

7 PART O

8 Section 1. Subdivision 18 of section 2 of the workers' compensation
9 law is REPEALED.

10 § 2. Subdivision 9 of section 13-1 of the workers' compensation law,
11 as added by chapter 940 of the laws of 1973, is amended to read as
12 follows:

13 9. The [chairman] chair shall appoint for and with jurisdiction in the
14 entire state of New York a single chiropractic practice committee
15 composed of [one duly licensed physician and two] three duly registered
16 and licensed chiropractors of the state of New York. Each member of said
17 committee shall receive compensation either on an annual basis or on a
18 per diem basis to be fixed by the [chairman] chair within amounts appro-
19 priated therefor. One of said chiropractic members shall be designated
20 by the [chairman] chair as a [chairman] chair of said chiropractic prac-
21 tice committee. No member of said committee shall render chiropractic
22 treatment under this section nor be employed or accept or participate in
23 any fee from any insurance company authorized to write [workmen's] work-
24 ers' compensation insurance in this state or from any self-insurer,
25 whether such employment or fee relates to a [workmen's] workers' compen-

1 sation claim or otherwise. The [attorney-general] attorney general, upon
2 request, shall advise and assist such committee.

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

6 10. The [chairman] chair shall appoint for and with jurisdiction in
7 the entire state of New York a single psychology practice committee
8 composed of [two] three duly registered and licensed psychologists, at
9 least one of whom shall be a member in good standing of the New York
10 state psychological association recommended by the president of such
11 organization[, and one duly licensed physician of the state of New
12 York]. Each member of said committee shall receive compensation either
13 on an annual basis or on a per diem basis to be fixed by the [chairman]
14 chair within amounts appropriated therefor. One of said psychologists
15 shall be designated by the [chairman] chair as a [chairman] chair of
16 said psychology practice committee. No member of said committee shall
17 render psychological treatment under this section nor be an employer or
18 accept or participate in any fee from any insurance company authorized
19 to write workers' compensation insurance in this state or from any self-
20 insurer, whether such employment or fee relates to a workers' compen-
21 sation claim or otherwise. The attorney general, upon request, shall
22 advise and assist such committee.

23 § 4. Subdivisions 2, 3 and 4 of section 13-g of the workers' compen-
24 sation law, subdivision 2 as amended by chapter 649 of the laws of 1985,
25 subdivision 3 as amended by chapter 674 of the laws of 1994, and subdi-
26 vision 4 as amended by chapter 639 of the laws of 1996, are amended to
27 read as follows:

1 (2) (a) If the parties fail to agree to the value of medical aid
2 rendered under this chapter and the amount of the disputed bill is one
3 thousand dollars or less, or if the amount of the disputed medical bill
4 exceeds one thousand dollars and the health care provider expressly so
5 requests, such value shall be decided by a single arbitrator process,
6 pursuant to rules promulgated by the chair. The chair shall appoint a
7 physician who is a member in good standing of the medical society of the
8 state of New York to determine the value of such disputed medical bill.
9 Where the physician whose charges are being arbitrated is a member in
10 good standing of the New York osteopathic society, the value of such
11 disputed bill shall be determined by a member in good standing of the
12 New York osteopathic society appointed by the chair. Where the physician
13 whose charges are being arbitrated is a member in good standing of the
14 New York homeopathic society, the value of such disputed bill shall be
15 determined by a member in good standing of the New York homeopathic
16 society appointed by the chair. Where the value of physical therapy
17 services or occupational therapy services is at issue, such value shall
18 be determined by a member in good standing of a recognized professional
19 association representing its respective profession in the state of New
20 York appointed by the chair. Decisions rendered under the single arbi-
21 trator process shall be conclusive upon the parties as to the value of
22 the services in dispute.

23 (b) If the parties fail to agree as to the value of medical aid
24 rendered under this chapter and the amount of the disputed bill exceeds
25 one thousand dollars, such value shall be decided by an arbitration
26 committee [consisting] unless the health care provider expressly
27 requests a single arbitrator process in accordance with paragraph (a) of
28 this subdivision. The arbitration committee shall consist of one physi-

1 cian designated by the president of the medical society of the county in
2 which the medical services were rendered, one physician who is a member
3 of the medical society of the state of New York, appointed by the
4 employer or carrier, and one physician, also a member of the medical
5 society of the state of New York, appointed by the [chairman] chair of
6 the workers' compensation board. [The majority decision of any such
7 committee shall be conclusive upon the parties as to the value of the
8 services rendered.] If the physician whose charges are being arbitrated
9 is a member in good standing of the New York osteopathic society or the
10 New York homeopathic society, the members of such arbitration committee
11 shall be physicians of such organization, one to be appointed by the
12 president of that organization, one by the employer or carrier and the
13 third by the [chairman] chair of the workers' compensation board. Where
14 the value of physical therapy services is at issue and the amount of the
15 disputed bill exceeds one thousand dollars, the arbitration committee
16 shall consist of a member in good standing of a recognized professional
17 association representing physical therapists in the state of New York
18 appointed by the president of such organization, a physician designated
19 by the employer or carrier and a physician designated by the [chairman]
20 chair of the workers' compensation board provided however, that the
21 [chairman] chair finds that there are a sufficient number of physical
22 therapy arbitrations in a geographical area comprised of one or more
23 counties to warrant a committee so comprised. In all other cases where
24 the value of physical therapy services is at issue and the amount of the
25 disputed bill exceeds one thousand dollars, the arbitration committee
26 shall be similarly selected and identical in composition, provided that
27 the physical therapist member shall serve without remuneration, and
28 provided further that in the event a physical therapist is not avail-

1 able, the committee shall be comprised of three physicians designated in
2 the same manner as in cases where the value of medical aid is at issue.

3 (c) Where the value of occupational therapy services is at issue the
4 arbitration committee shall consist of a member in good standing of a
5 recognized professional association representing occupational therapists
6 in the state of New York appointed by the president of such organiza-
7 tion; a physician designated by the employer or carrier and a physician
8 designated by the [chairman] chair of the workers' compensation board
9 provided, however, that the [chairman] chair finds that there are a
10 sufficient number of occupational therapy arbitrations in a geographical
11 area comprised of one or more counties to warrant a committee so
12 comprised. In all other cases where the value of occupational therapy
13 services is at issue and the amount of the disputed bill exceeds one
14 thousand dollars, the arbitration committee shall be similarly selected
15 and identical in composition, provided that the occupational therapist
16 member shall serve without remuneration, and provided further that in
17 the event an occupational therapist is not available, the committee
18 shall be comprised of three physicians designated in the same manner as
19 in cases where the value of medical aid is at issue. The majority deci-
20 sion of any such arbitration committee shall be conclusive upon the
21 parties as to the value of the services in dispute.

22 (3) (a) If an employer shall have notified the hospital in writing, as
23 provided in subdivision one of this section, why the bill has not been
24 paid, in part or in full, and the amount of the disputed bill is one
25 thousand dollars or less, or where the amount of the disputed medical
26 bill exceeds one thousand dollars and the hospital expressly so
27 requests, such value shall be decided by a single arbitrator process,
28 pursuant to rules promulgated by the chair. The chair shall appoint a

1 physician in good standing licensed to practice in New York state to
2 determine the value of such disputed bill. Decisions rendered under the
3 administrative resolution procedure shall be conclusive upon the parties
4 as to the value of the services in dispute.

5 (b) If an employer shall have notified the hospital in writing, as
6 provided in subdivision one of this section, why the bill has not been
7 paid, in part or in full, and the amount of the disputed bill exceeds
8 one thousand dollars, the value of such bill shall be determined by an
9 arbitration committee appointed by the chair for that purpose, which
10 committee shall consider all of the charges of the hospital, unless the
11 hospital expressly requests a single arbitrator process pursuant to
12 paragraph (a) of this subdivision. The committee shall consist of three
13 physicians. One member of the committee may be nominated [to] by the
14 chair [by] upon recommendation of the president of the hospital associ-
15 ation of New York state and one member may be nominated by the employer
16 or insurance carrier. The majority decision of any such committee shall
17 be conclusive upon the parties as to the value of the services rendered.
18 The chair may make reasonable rules and regulations consistent with the
19 provisions of this section.

20 (4) A provider initiating an arbitration, including a single arbitra-
21 tor process, pursuant to this section shall pay a fee as determined by
22 regulations promulgated by the chair, to be used to cover the costs
23 related to the conduct of such arbitration. Upon resolution in favor of
24 such party, the amount due, based upon the bill in dispute, shall be
25 increased by the amount of the fee paid by such party. Where a partial
26 award is made, the amount due, based upon the bill in dispute, shall be
27 increased by a part of such fee. Each member of an arbitration commit-
28 tee for medical bills, and each member of an arbitration committee for

1 hospital bills shall be entitled to receive and shall be paid a fee for
2 each day's attendance at an arbitration session in any one count in an
3 amount fixed by the chair of the workers' compensation board.

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

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

13 (b) If the parties fail to agree as to the value of podiatry care
14 rendered under this chapter to a claimant, and the amount of the
15 disputed bill is one thousand dollars or less, or where the amount of
16 the disputed bill exceeds one thousand dollars and the podiatrist
17 expressly so requests, such value shall be decided by a single arbitra-
18 tor process, pursuant to rules promulgated by the chair. The chair shall
19 appoint a member in good standing of a recognized professional associ-
20 ation representing podiatrists in the state of New York to determine the
21 value of such disputed bill. Decisions rendered under the single arbi-
22 trator process shall be conclusive upon the parties as to the value of
23 the services in dispute.

24 (c) If the parties fail to agree as to the value of podiatry care
25 rendered under this chapter to a claimant and the amount of the disputed
26 bill exceeds one thousand dollars and the podiatrist does not expressly
27 request a single arbitrator process in accordance with paragraph (b) of
28 this subdivision, such value shall be decided by an arbitration commit-

1 tee consisting of three duly registered and licensed podiatrists who are
2 members of a recognized professional association representing podia-
3 trists in the state of New York, one to be appointed by the president of
4 such an association, one to be appointed by the employer or carrier and
5 one to be appointed by the chair of the workers' compensation board and
6 the majority decision of such committee shall be conclusive upon the
7 parties as to the value of the services rendered.

8 (d) The board or the chair may make an award not in excess of the
9 established fee schedules for any such bill or part thereof which
10 remains unpaid in the same manner as an award for bills rendered under
11 subdivisions one and three of section thirteen-g of this article, and
12 such award may be collected in like manner as an [aware] award of
13 compensation. Where a podiatrist's bill has been determined to be due
14 and owing in accordance with the provisions of this section the board
15 shall include in the amount of the award interest of not more than one
16 and one-half percent (1 1/2%) per month payable to the podiatrist in
17 accordance with the rules and regulations promulgated by the board. The
18 chair shall assess the sum of fifty dollars against the employer for
19 each such award made by the board, which sum shall be paid into the
20 state treasury.

21 (e) A provider initiating an arbitration, including a single arbi-
22 tration process, pursuant to this section shall pay a fee, as determined
23 by regulations promulgated by the chair, to be used to cover the costs
24 related to the conduct of such arbitration. Upon resolution in favor of
25 such party, the amount due, based upon the bill in dispute, shall be
26 increased by the amount of the fee paid by such party. Where a partial
27 award is made, the amount due, based upon the bill in dispute shall be
28 increased by a part of such fee. Each member of the arbitration commit-

1 tee shall be entitled to receive and shall be paid a fee for each day's
2 attendance at an arbitration session in an amount fixed by the chair of
3 the workers' compensation board.

4 § 6. Subdivision 6 of section 13-1 of the workers' compensation law,
5 as amended by chapter 639 of the laws of 1996, is amended to read as
6 follows:

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

13 (b) If the parties fail to agree as to the chiropractic care rendered
14 under this chapter to a claimant, and the amount of the disputed bill is
15 one thousand dollars or less, or where the amount of the disputed bill
16 exceeds one thousand dollars and the chiropractor expressly so requests,
17 such value shall be decided by a single arbitrator process, pursuant to
18 rules promulgated by the chair. The chair shall appoint a member in good
19 standing of a recognized professional association representing chiro-
20 practores in the state of New York to determine the value of such
21 disputed bill. Decisions rendered under the single arbitrator process
22 shall be conclusive upon the parties as to the value of the services in
23 dispute.

24 (c) If the parties fail to agree as to the chiropractic care rendered
25 under this chapter to a claimant, and the amount of the disputed bill
26 exceeds one thousand dollars and the chiropractor does not expressly
27 request a single arbitrator process in accordance with paragraph (b) of
28 this subdivision, such value shall be decided by the chiropractic prac-

1 tice committee and the majority decision of such committee shall be
2 conclusive upon the parties as to the value of the services rendered.

3 (d) The board or the chair may make an award not in excess of the
4 established fee schedules for any such bill or part thereof which
5 remains unpaid in the same manner as an award for bills rendered under
6 subdivisions one and three of section thirteen-g of this article, and
7 such award may be collected in like manner as an award of compensation.
8 Where a chiropractor's bill has been determined to be due and owing in
9 accordance with the provisions of this section the board shall include
10 in the amount of the award interest of not more than one and one-half
11 percent (1 1/2%) per month payable to the chiropractor in accordance
12 with the rules and regulations promulgated by the board. The chair shall
13 assess the sum of fifty dollars against the employer for each such award
14 made by the board, which sum shall be paid into the state treasury.

15 (e) A provider initiating an arbitration, including a single arbitra-
16 tor process, pursuant to this section shall pay a fee, as determined by
17 regulations promulgated by the chair, to be used to cover the costs
18 related to the conduct of such arbitration. Upon resolution in favor of
19 such party, the amount due, based upon the bill in dispute, shall be
20 increased by the amount of the fee paid by such party. Where a partial
21 award is made, the amount due, based upon the bill in dispute, shall be
22 increased by a part of such fee.

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

26 7. (a) The provisions of subdivisions one and three of section thir-
27 teen-g of this article with respect to the conditions under which a
28 hospital, physician or self-employed physical or occupational therapist

1 may request payment or arbitration of a bill, or under which an award
2 may be made for payment of such bill, shall be applicable to bills
3 rendered by a psychologist for services rendered to an injured employee.

4 (b) If the parties fail to agree as to the psychological care rendered
5 under this chapter to a claimant, and the amount of the disputed bill is
6 one thousand dollars or less, or where the amount of the disputed bill
7 exceeds one thousand dollars and the psychologist expressly so requests,
8 such value shall be decided by a single arbitrator process, pursuant to
9 rules promulgated by the chair. The chair shall appoint a member in good
10 standing of a recognized professional association representing psychol-
11 ogists in the state of New York to determine the value of such disputed
12 bill. Decisions rendered under the single arbitrator process shall be
13 conclusive upon the parties as to the value of the services in dispute.

14 (c) If the parties fail to agree as to the psychological care rendered
15 under this chapter to a claimant, and the amount of the disputed bill
16 exceeds one thousand dollars and the psychologist does not expressly
17 request a single arbitrator process in accordance with paragraph (b) of
18 this subdivision, such value shall be decided by the psychology practice
19 committee and the majority decision of such committee shall be conclu-
20 sive upon the parties as to the value of the services rendered.

21 (d) The board or the chair may make an award not in excess of the
22 established fee schedules for any such bill or part thereof which
23 remains unpaid in the same manner as an award for bills rendered under
24 subdivisions one and three of section thirteen-g of this article, and
25 such award may be collected in like manner as an award of compensation.
26 The chair shall assess the sum of fifty dollars against the employer for
27 each such award made by the board, which sum shall be paid into the
28 state treasury. [(b)] Where a psychologist's bill has been determined

1 to be due and owing in accordance with the provisions of this section
2 the board shall include in the amount of the award interest of not more
3 than one and one-half percent per month payable to the psychologist in
4 accordance with the rules and regulations promulgated by the board.

5 [(c)] (e) A provider initiating an arbitration, including a single
6 arbitrator process, pursuant to this section shall pay a fee, as deter-
7 mined by regulations promulgated by the chair, to be used to cover the
8 costs related to the conduct of such arbitration. Upon resolution in
9 favor of such party, the amount due, based upon the bill in dispute,
10 shall be increased by the amount of the fee paid by such party. Where a
11 partial award is made, the amount due, based upon the bill in dispute,
12 shall be increased by a part of such fee.

13 § 7-a. Paragraph (a) of subdivision 6 of section 15 of the workers'
14 compensation law, as amended by chapter 689 of the laws of 2007, is
15 amended to read as follows:

16 (a) Compensation for permanent or temporary total disability due to an
17 accident or disablement resulting from an occupational disease that
18 occurs, (1) on or after January first, nineteen hundred seventy-eight,
19 shall not exceed one hundred twenty-five dollars per week, that occurs
20 (2) on or after July first, nineteen hundred seventy-eight, shall not
21 exceed one hundred eighty dollars per week, that occurs (3) on or after
22 January first, nineteen hundred seventy-nine, shall not exceed two
23 hundred fifteen dollars per week, that occurs (4) on or after July
24 first, nineteen hundred eighty-three, shall not exceed two hundred
25 fifty-five dollars per week, that occurs (5) on or after July first,
26 nineteen hundred eighty-four, shall not exceed two hundred seventy-five
27 dollars per week, that occurs (6) on or after July first, nineteen
28 hundred eighty-five, shall not exceed three hundred dollars per week,

1 that occurs (7) on or after July first, nineteen hundred ninety, shall
2 not exceed three hundred forty dollars per week; and in the case of
3 temporary total disability shall not be less than thirty dollars per
4 week and in the case of permanent total disability shall not be less
5 than twenty dollars per week except that if the employee's wages at the
6 time of injury are less than thirty or twenty dollars per week respec-
7 tively, he or she shall receive his or her full weekly wages. Compen-
8 sation for permanent or temporary partial disability due to an accident
9 or disablement resulting from an occupational disease that occurs (1) on
10 or after January first, nineteen hundred seventy-eight, shall not exceed
11 one hundred five dollars per week, that occurs (2) on or after July
12 first, nineteen hundred eighty-three, shall not exceed one hundred twen-
13 ty-five dollars per week, that occurs (3) on or after July first, nine-
14 teen hundred eighty-four, shall not exceed one hundred thirty-five
15 dollars per week, that occurs (4) on or after July first, nineteen
16 hundred eighty-five, shall not exceed one hundred fifty dollars per
17 week, that occurs (5) on or after July first, nineteen hundred ninety,
18 shall not exceed two hundred eighty dollars per week; nor be less than
19 twenty dollars per week; except that if the employee's wages at the time
20 of injury are less than twenty dollars per week, he or she shall receive
21 his or her full weekly wages. In no event shall compensation when
22 combined with decreased earnings or earning capacity exceed the amount
23 of wages which the employee was receiving at the time the injury
24 occurred. Compensation for permanent or temporary partial disability, or
25 for permanent or temporary total disability due to an accident or disa-
26 blement resulting from an occupational disease that occurs (1) on or
27 after July first, nineteen hundred ninety-one and prior to July first,
28 nineteen hundred ninety-two, shall not exceed three hundred fifty

1 dollars per week; (2) on or after July first, nineteen hundred ninety-
2 two, shall not exceed four hundred dollars per week; nor be less than
3 forty dollars per week except that if the employee's wages at the time
4 of injury are less than forty dollars per week, the employee shall
5 receive his or her full wages. Compensation for permanent or temporary
6 partial disability, or for permanent or temporary total disability due
7 to an accident or disablement resulting from an occupational disease
8 that occurs (1) on or after July first, two thousand seven shall not
9 exceed five hundred dollars per week, (2) on or after July first, two
10 thousand eight shall not exceed five hundred fifty dollars per week, (3)
11 on or after July first, two thousand nine shall not exceed six hundred
12 dollars per week, and (4) on or after July first, two thousand ten, and
13 on or after July first of each succeeding year, shall not exceed two-
14 thirds of the New York state average weekly wage for the year in which
15 it is reported. Compensation for permanent or temporary partial disabil-
16 ity, or for permanent or temporary total disability due to an accident
17 or disablement resulting from an occupational disease that occurs on or
18 after July first, two thousand seven shall not be less than one hundred
19 dollars per week except that if the employee's wages at the time of
20 injury are less than one hundred dollars per week, the employee shall
21 receive his or her full wages. Compensation for permanent or temporary
22 partial disability, or for permanent or temporary total disability due
23 to an accident or disablement resulting from an occupational disease
24 that occurs on or after May first, two thousand thirteen shall not be
25 less than one hundred fifty dollars per week except that if the employ-
26 ee's wages at the time of injury are less than one hundred fifty dollars
27 per week, the employee shall receive his or her full wages. In no event
28 shall compensation when combined with decreased earnings or earning

1 capacity exceed the amount of wages the employee was receiving at the
2 time the injury occurred. Compensation for permanent or temporary
3 partial disability, or for permanent or temporary total disability due
4 to an accident or disablement resulting from an occupational disease or
5 injury that occurred as a result of World Trade Center rescue activity
6 by an employee of a private voluntary hospital, who passed a physical
7 examination upon employment as a rescue worker that failed to reveal
8 evidence of a condition that was the proximate cause of disablement or
9 occupational disease or injury, shall not exceed three-quarters of a
10 claimant's wage on September eleventh, two thousand one. In no event
11 shall compensation when combined with decreased earnings or earning
12 capacity exceed the amount of wages the employee was receiving on
13 September eleventh, two thousand one.

14 § 8. Paragraph (h) of subdivision 8 of section 15 of the workers'
15 compensation law, as amended by chapter 6 of the laws of 2007, subpara-
16 graph 4 as amended by section 1 of part QQ of chapter 56 of the laws of
17 2009, the opening paragraph and clauses (A) and (B) of subparagraph 4 as
18 amended by section 1 of part G of chapter 57 of the laws of 2011, and
19 clause (B) of subparagraph 4 as further amended by section 104 of part A
20 of chapter 62 of the laws of 2011, is amended to read as follows:

21 (h) Special disability fund. (1) The fund heretofore maintained and
22 provided for by and pursuant to former subdivision eight of this
23 section, is hereby continued and shall retain the liabilities heretofore
24 charged or chargeable thereto under the provisions of such former subdi-
25 vision eight of this section as it existed immediately prior to the time
26 this subdivision, as hereby added, takes effect, and the liabilities
27 chargeable thereto under the provisions of former subdivision eight-a of
28 this section as added by chapter seven hundred forty-nine of the laws of

1 nineteen hundred forty-four and repealed at the same time this subdivi-
2 sion, as heretofore added, takes effect, and payments therefrom on
3 account of such liabilities shall continue to be made as provided here-
4 in. The said fund shall be known as the special disability fund and
5 shall be available only for the purposes stated in this subdivision, and
6 the assets thereof shall not at any time be appropriated or diverted to
7 any other use or purpose.

8 (2) (A) No carrier or employer, or the state insurance fund, may file
9 a claim for reimbursement from the special disability fund, for an inju-
10 ry or illness with a date of accident or date of disablement on or after
11 July first, two thousand seven. No carrier or employer, or the state
12 insurance fund, may file a claim for reimbursement from the special
13 disability fund after July first, two thousand ten, and no written
14 submissions or evidence in support of such a claim may be submitted
15 after that date.

16 (B) All requests for reimbursement from the special disability fund
17 with a date of injury or date of disablement prior to July first, two
18 thousand seven as to which the board has determined that the special
19 disability fund is liable must be submitted to the special disability
20 fund by the later of (i) one year after the expense has been paid, or
21 (ii) one year from the effective date of this paragraph.

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

27 (3) [The chair of the board shall, as soon as practicable after April
28 first, nineteen hundred forty-five, assess upon and collect from each

1 insurance carrier, including the state insurance fund and any county,
2 city, town, village or other political subdivision failing to secure
3 compensation pursuant to subdivision one or two of section fifty of this
4 chapter, a sum equal to one per centum of the total compensation paid by
5 such carrier in the year ending March thirty-first next preceding the
6 date of such assessment.

7 (4) As soon as practicable after May first in the year nineteen
8 hundred fifty-eight, and annually thereafter as soon as practicable
9 after January first in each succeeding year,] Effective the first day of
10 January, two thousand fourteen, and annually thereafter, the chair of
11 the board shall [assess upon and] collect from all [self-insurers, the
12 state insurance fund, and all insurance carriers] affected employers (A)
13 a sum equal to one hundred fifty per centum of the total expected
14 disbursements made from the special disability fund during the [preced-
15 ing calendar] year (not including any disbursements made on account of
16 anticipated liabilities or waiver agreements funded by bond proceeds and
17 related earnings), less the estimated amount of the net assets in such
18 fund expected as of December thirty-first [of said preceding calendar
19 year,] and (B) a sum sufficient to cover debt service, and associated
20 costs (the "debt service assessment") to be paid during the calendar
21 year by the dormitory authority, as calculated in accordance with
22 subparagraph [five] four of this paragraph. Such assessments shall be
23 [allocated to (i) self-insurers and the state insurance fund based upon
24 the proportion that the total compensation payments made by all self-in-
25 surers and the state insurance fund bore to the total compensation
26 payments made by all self-insurers, the state insurance fund, and all
27 insurance carriers, and (ii) insurance carriers based upon the propor-
28 tion that the total compensation payments made by all insurance carriers

1 bore to the total compensation payments by all self-insurers, the state
2 insurance fund and all insurance carriers during the fiscal year which
3 ended within said preceding calendar year. Insurance carriers and self-
4 insurers shall be liable for all such assessments regardless of the date
5 on which they came into existence, or whether they have made any claim
6 for reimbursement from the special disability fund. The portion of such
7 sum allocated to self-insurers and the state insurance fund that shall
8 be collected from each self-insurer and the state insurance fund shall
9 be a sum equal to the proportion of the amount which the total compen-
10 sation payments of each such self-insurer or the state insurance fund
11 bore to the total compensation payments made by all self-insurers and
12 the state insurance fund during the fiscal year which ended within said
13 preceding calendar year. The portion of such sum allocated to insurance
14 carriers that shall be collected from each insurance carrier shall be a
15 sum equal to that proportion of the amount which the total standard
16 premium by each such insurance carrier bore to the total standard premi-
17 um reported by all insurance carriers during the calendar year which
18 ended within said preceding fiscal year. The payments from the debt
19 service assessment, unless otherwise set forth in the special disability
20 fund financing agreement, are hereby pledged therefor and shall be
21 deemed the first monies received on account of assessments in each year.
22 For the purposes of this paragraph, "standard premium" shall mean the
23 premium as defined for the purposes of this assessment by the super-
24 intendent of financial services, in consultation with the chair of the
25 board and the workers' compensation rating board. An employer who has
26 ceased to be a self-insurer shall continue to be liable for any assess-
27 ments into said fund on account of any compensation payments made by him
28 or her on his or her account during such fiscal year, and the security

1 fund, created under the provisions of section one hundred seven of this
2 chapter, shall, in the event of the insolvency of any insurance company,
3 be liable for any assessments that would have been made against such
4 company except for its insolvency. No assessment shall be payable from
5 the aggregate trust fund, created under the provisions of section twen-
6 ty-seven of this article, but such fund shall continue to be liable for
7 all compensation that shall be payable under any award or order of the
8 board, the commuted value of which has been paid into such fund. Such
9 assessments when collected shall be deposited with the commissioner of
10 taxation and finance for the benefit of such fund. Unless otherwise
11 provided, such assessments, shall not constitute an element of loss for
12 the purpose of establishing rates for compensation insurance but shall
13 for the purpose of collection be treated as separate costs by carriers.
14 All insurance carriers and the state insurance fund, shall collect such
15 assessments, from their policyholders through a surcharge based on
16 premiums in accordance with rules set forth by the superintendent of
17 financial services in consultation with the New York workers' compen-
18 sation rating board and the chair of the board. Such surcharge shall be
19 considered as part of premium for purposes prescribed by law including,
20 but not limited to, computing premium tax, reporting to the superinten-
21 dent of financial services pursuant to section ninety-nine of this chap-
22 ter and section three hundred seven of the insurance law, determining
23 the limitation of expenditures for the administration of the state
24 insurance fund pursuant to section eighty-eight of this chapter and the
25 cancellation by an insurance carrier, including the state insurance
26 fund, of a policy for non-payment of premium. The provisions of this
27 paragraph shall not apply with respect to policies containing coverage
28 pursuant to subsection (j) of section three thousand four hundred twenty

1 of the insurance law relating to every policy providing comprehensive
2 personal liability insurance on a one, two, three or four family owner-
3 occupied dwelling. The state insurance fund shall notify its insureds
4 that such assessments, shall be, for the purpose of recoupment, treated
5 as separate costs, for the purpose of premiums billed on or after Octo-
6 ber first, nineteen hundred ninety-four. For the purposes of this
7 section, a "self-insurer" shall be: (i) an employer authorized to self-
8 insure under subdivision three of section fifty of this chapter, active
9 groups authorized pursuant to subdivision three-a of section fifty of
10 this chapter or a group of employers authorized to self-insure under
11 paragraph ten of subdivision three-a of section fifty of this chapter;
12 or (ii) a public employer authorized as set forth in paragraph a of
13 subdivision four of section fifty of this chapter to self-insure under
14 subdivision three, three-a or four of such section or article five of
15 this chapter, whether individually or as a group.

16 For the purposes of this paragraph, except as otherwise provided: the
17 term "insurance carrier" shall include only stock corporations, mutual
18 corporations and reciprocal insurers authorized to transact the business
19 of workers' compensation insurance in this state; the term "self-insur-
20 er" shall include any employer or group of employers permitted to pay
21 compensation directly under the provisions of subdivision three, three-a
22 or four of section fifty of this chapter.

23 The board is hereby authorized to issue credits or refunds as neces-
24 sary, in the case of overpayments made to the fund. An insurance carrier
25 that knowingly underreports premiums for the purposes of this section
26 shall be guilty of a class E felony.] included in the assessment rate
27 established pursuant to subdivision two of section one hundred fifty-one
28 of this chapter. Such assessments shall be deposited with the commis-

1 sioner of taxation and finance and transferred to the benefit of such
2 fund following payment of debt service and associated costs, if any,
3 pursuant to section one hundred fifty-one of this chapter.

4 [(5)] (4) (A) The chair and the commissioner of taxation and finance
5 are authorized and directed to enter into a financing agreement with the
6 dormitory authority, to be known as the "special disability fund financ-
7 ing agreement." Such agreement shall set forth the process for calculat-
8 ing the annual debt service of the bonds issued by the dormitory author-
9 ity and any other associated costs. For purposes of this section,
10 "associated costs" may include a coverage factor, reserve fund require-
11 ments, all costs of any nature incurred by the dormitory authority in
12 connection with the special disability fund financing agreement or
13 pursuant thereto, the operating costs of the waiver agreement management
14 office, the costs of any independent audits undertaken under this
15 section, and any other costs for the implementation of this subparagraph
16 and the issuance of bonds by the dormitory authority, including interest
17 rate exchange payments, rebate payments, liquidity fees, credit provider
18 fees, fiduciary fees, remarketing, dealer, auction agent and related
19 fees and other similar bond-related expenses, unless otherwise funded.
20 By January first of each year, the dormitory authority shall provide to
21 the chair the calculation of the amount expected to be paid by the
22 dormitory authority in debt service and associated costs for purposes of
23 calculating the debt service assessment as set forth in subparagraph
24 [four] three of this paragraph. All monies received on account of any
25 assessment under subparagraph [four] three of this paragraph and this
26 subparagraph shall be applied in accordance with this subparagraph and
27 in accordance with the financing agreement until the financial obli-
28 gations of the dormitory authority in respect to its contract with its

1 bondholders are met and all associated costs payable to the dormitory
2 authority have been paid, notwithstanding any other provision of law
3 respecting secured transactions. This provision may be included by the
4 dormitory authority in any contract of the dormitory authority with its
5 bondholders.

6 The special disability fund financing agreement may restrict disburse-
7 ments, investments, or rebates, and may prescribe a system of accounts
8 applicable to the special disability fund, including custody of an
9 account with a trust indenture trustee that may be prescribed by the
10 dormitory authority as part of its contract with the bondholders. For
11 purposes of this paragraph, the term "bonds" shall include notes issued
12 in anticipation of the issuance of bonds, or notes issued pursuant to a
13 commercial paper program.

14 (B) The chair may conduct periodic audits of any employer, self-insur-
15 er, insurance carrier and the state insurance fund concerning any infor-
16 mation or payment required under this [paragraph] chapter, including any
17 information relevant to the payment or calculation of any assessments.
18 The employer, self-insurer, insurance carrier and the state insurance
19 fund shall provide all necessary documents and information in relation
20 to an audit in a manner prescribed by the chair. Upon the determination
21 of the chair that [a] an employer, self-insurer, insurance carrier or
22 the state insurance fund has underpaid an assessment as a result of its
23 inaccurate reporting, the employer, self-insurer, insurance carrier or
24 the state insurance fund upon notice from the chair, shall pay the full
25 amount of the underpaid assessment, along with interest at the rate of
26 nine per cent per annum on the unpaid assessment due not later than
27 thirty days after such notice. An insurance carrier or employer that

1 knowingly misrepresents information for the purpose of this section
2 shall be guilty of a class E felony.

3 [(6)] (5) The commissioner of taxation and finance is hereby author-
4 ized to receive and credit to such special disability fund any sum or
5 sums that may at any time be contributed to the state by the United
6 States of America under any act of congress, or otherwise, to which the
7 state may be or become entitled by reason of any payments made out of
8 such fund.

9 [(7)] (6) The commissioner of taxation and finance shall be the custo-
10 dian of said fund and, unless otherwise provided for in the special
11 disability fund financing agreement, shall invest any surplus or reserve
12 moneys thereof in securities which constitute legal investments for
13 savings banks under the laws of this state and in interest bearing
14 certificates of deposit of a bank or trust company located and author-
15 ized to do business in this state or of a national bank located in this
16 state secured by a pledge of direct obligations of the United States or
17 of the state of New York in an amount equal to the amount of such
18 certificates of deposit, and may sell any of the securities or certif-
19 icates of deposit in which such fund is invested if necessary for the
20 proper administration or in the best interest of such fund. Disburse-
21 ments from such fund as provided by this subdivision shall be made by
22 the commissioner of taxation and finance upon vouchers signed by the
23 chair of the board unless the financing agreement provides for some
24 other means of authorizing such disbursements that is no less protective
25 of the fund.

26 The commissioner of taxation and finance, as custodian of such fund,
27 annually as soon as practicable after January first, shall furnish to
28 the chair of the workers' compensation board a statement of the fund,

1 setting forth the balance of moneys in the said fund as of the beginning
2 of the calendar year, the income of the fund, the summary of payments
3 out of the fund on account of reimbursements and other charges ordered
4 to be paid by the board, and all other charges against the fund, and
5 setting forth the balance of the fund remaining to its credit on Decem-
6 ber thirty-first. Such statement shall be open to public inspection in
7 the office of the secretary of the board. The chair, not less than nine-
8 ty days after the issuance of the dormitory authority's annual audit,
9 shall furnish to the temporary president of the senate and the speaker
10 of the assembly the following reports on the special disability fund: a
11 revenue and operating expense statement; a financing plan; a report
12 concerning the assets and liabilities; the number of waiver agreements
13 entered into by the waiver agreement management office; the number of
14 claimants remaining in the fund; the estimated current unfunded liabil-
15 ity of the fund with respect to such claims; and a debt issuance report
16 including but not limited to (i) pledged assessment revenue and securi-
17 tization coverage, (ii) debt service maturities, (iii) interest rate
18 exchange or similar agreements, and (iv) financing and issuance costs.

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

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

1 (i) When an application for apportionment of compensation is made
2 under this subdivision, the chair of the workers' compensation board
3 shall appoint [a representative of] an attorney to represent and defend
4 such fund in such proceedings[, but whenever it shall appear that,
5 through any committee, board or organization representative of the
6 interest of employers or insurance carriers, an attorney has been
7 appointed to act for and on behalf of such employers and insurance
8 carriers generally to represent such fund in any proceedings brought
9 hereunder, the chair of the board may designate such attorney as the
10 representative of such special disability fund in proceedings involving
11 claims against such fund]. Such [representative] attorney shall there-
12 after be given notice of all proceedings involving the rights or obli-
13 gations of such fund. Such [representative] attorney may apply to the
14 chair of the board for authority to hire such medical and other experts
15 and to defray the expense thereof and of such witnesses as may be neces-
16 sary to a proper defense of any claim, within an amount in the
17 discretion of the chair and, if authorized, such amount shall be a
18 charge against such special disability fund.

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

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

26 § 23. Appeals. An award or decision of the board shall be final and
27 conclusive upon all questions within its jurisdiction, as against the
28 state fund or between the parties, unless reversed or modified on appeal

1 therefrom as hereinafter provided. Any party may within thirty days
2 after notice of the filing of an award or decision of a referee, file
3 with the board an application in writing for a modification or rescis-
4 sion or review of such award or decision, as provided in this chapter.
5 The board shall render its decision upon such application in writing and
6 shall include in such decision a statement of the facts which formed the
7 basis of its action on the issues raised before it on such application.
8 Within thirty days after notice of the decision of the board upon such
9 application has been served upon the parties, or within thirty days
10 after notice of an administrative redetermination review decision by the
11 chair pursuant to subdivision five of section fifty-two, section one
12 hundred thirty-one or section one hundred forty-one-a of this chapter
13 has been served upon any party in interest, an appeal may be taken ther-
14 efrom to the appellate division of the supreme court, third department,
15 by any party in interest, including an employer insured in the state
16 fund; provided, however, that [if the decision or determination was that
17 of a panel of the board and there was a dissent from such decision or
18 determination other than a dissent the sole basis of which is to refer
19 the case to an impartial specialist,] any party in interest may within
20 thirty days after notice of the filing of the board panel's decision
21 with the secretary of the board, make application in writing for review
22 thereof by the full board, [and] raising arguments relative to the
23 alleged deficiencies of the board panel decision. If the decision or
24 determination was that of a panel of the board and there was a dissent
25 from such decision or determination other than a dissent the sole basis
26 of which is to refer the case to an impartial specialist, the full board
27 shall review and affirm, modify or rescind such decision or determi-
28 nation in the same manner as herein above provided for an award or deci-

1 sion of a referee. If the decision or determination was that of a unan-
2 imous panel of the board, or there was a dissent from such decision or
3 determination the sole basis of which is to refer the case to an impar-
4 tial specialist, the chair and or the full board may in its sole
5 discretion review and affirm, modify or rescind such decision or deter-
6 mination in the same manner as herein above provided for an award or
7 decision of a referee. Failure to apply for review by the full board
8 shall not bar any party in interest from taking an appeal directly to
9 the court as above provided. The board may also, in its discretion
10 certify to such appellate division of the supreme court, questions of
11 law involved in its decision. Such appeals and the question so certified
12 shall be heard in a summary manner and shall have precedence over all
13 other civil cases in such court. The board shall be deemed a party to
14 every such appeal from its decision upon such application, and the chair
15 shall be deemed a party to every such appeal from an administrative
16 redetermination review decision pursuant to subdivision five of section
17 fifty-two of this chapter. The attorney general shall represent the
18 board and the chair thereon. An appeal may also be taken to the court of
19 appeals in the same manner and subject to the same limitations not
20 inconsistent herewith as is now provided in the civil practice law and
21 rules. It shall not be necessary to file exceptions to the rulings of
22 the board. An appeal to the appellate division of the supreme court,
23 third department, or to the court of appeals, shall not operate as a
24 stay of the payment of compensation required by the terms of the award
25 or of the payment of the cost of such medical, dental, surgical, optome-
26 tric or other attendance, treatment, devices, apparatus or other neces-
27 sary items the employer is required to provide pursuant to section thir-
28 teen of this article which are found to be fair and reasonable. Where

1 such award is modified or rescinded upon appeal, the appellant shall be
2 entitled to reimbursement in a sum equal to the compensation in dispute
3 paid to the respondent in addition to a sum equal to the cost of such
4 medical, dental, surgical, optometric or other attendance, treatment,
5 devices, apparatus or other necessary items the employer is required to
6 provide pursuant to section thirteen of this article paid by the appel-
7 lant pending adjudication of the appeal. Such reimbursement shall be
8 paid from administration expenses as provided in section one hundred
9 fifty-one of this chapter upon audit and warrant of the comptroller upon
10 vouchers approved by the chair. Where such award is subject to the
11 provisions of section twenty-seven of this article, the appellant shall
12 pay directly to the claimant all compensation as it becomes due during
13 the pendency of the appeal, and upon affirmance shall be entitled to
14 credit for such payments. Neither the chair, the board, the commission-
15 ers of the state insurance fund nor the claimant shall be required to
16 file a bond upon an appeal to the court of appeals. Upon final determi-
17 nation of such an appeal, the board or chair, as the case may be, shall
18 enter an order in accordance therewith. Whenever a notice of appeal is
19 served or an application made to the board by the employer or insurance
20 carrier for a modification or rescission or review of an award or deci-
21 sion, and the board shall find that such notice of appeal was served or
22 such application was made for the purpose of delay or upon frivolous
23 grounds, the board shall impose a penalty in the amount of five hundred
24 dollars upon the employer or insurance carrier, which penalty shall be
25 added to the compensation and paid to the claimant. The penalties
26 provided herein shall be collected in like manner as compensation. A
27 party against whom an award of compensation shall be made may appeal
28 from a part of such award. In such a case the payment of such part of

1 the award as is not appealed from shall not prejudice any rights of such
2 party on appeal, nor be taken as an admission against such party. Any
3 appeal by an employer from an administrative redetermination review
4 decision pursuant to subdivision five of section fifty-two of this chap-
5 ter shall in no way serve to relieve the employer from the obligation to
6 timely pay compensation and benefits otherwise payable in accordance
7 with the provisions of this chapter.

8 Nothing [herein] contained in this section shall be construed to
9 inhibit the continuing jurisdiction of the board as provided in section
10 one hundred twenty-three of this chapter.

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

14 (d) The determination of an arbitrator or mediator pursuant to an
15 alternative dispute resolution procedure pertaining to the resolution of
16 claims arising under this chapter shall not be reviewable by the work-
17 ers' compensation board, and the venue for any appeal shall be to a
18 court of competent jurisdiction in accordance with section twenty-three
19 of this chapter and the standard of review shall be the same as for any
20 other workers' compensation case on appeal.

21 § 12. The opening paragraph of subdivision 2 of section 142 of the
22 workers' compensation law, as amended by chapter 608 of the laws of
23 1989, is amended to read as follows:

24 Any review, hearing, rehearing, inquiry or investigation required or
25 authorized to be conducted or made by the workers' compensation board
26 may be conducted or made by any panel of the board consisting of not
27 less than three members thereof, and the order, decision or determi-
28 nation of a majority of the members of a panel shall be deemed the

1 order, decision or determination of the board from the date of filing
2 thereof with the secretary of the board, unless the board on its own
3 motion, or on application by a party in interest for a full board review
4 made in accordance with section twenty-three of this chapter, shall
5 modify or rescind such order, decision or determination. Four panels
6 shall be constituted at all times, and the chair shall assign the
7 members to the panels upon which they shall serve. At least one member
8 on each panel shall be an attorney and counsellor-at-law, but the
9 absence of an attorney on any panel shall not invalidate the order,
10 decision or determination of a majority of the members of the panel if
11 at least two affirmative votes are cast in favor of such action. The
12 panels shall be constituted so that the members of the board shall
13 alternate in their periods of service together thereon. Whenever a
14 number of proceedings remains pending before the board for a period in
15 excess of thirty days, members of the board shall hold hearings and
16 otherwise act in the discharge of their duties evenings and at other
17 convenient times on all days of the week except Sundays, in addition to
18 the times when they would perform such duties in the ordinary conduct of
19 the business of the board, in order to expedite the disposal thereof.
20 The chair may and shall, when directed by the governor, prescribe the
21 hours and the times for such additional performance of duty by the
22 members of the board and the period or periods for the continuance ther-
23 eof.

24 § 13. Subdivisions 1, 3 and 5 of section 25-a of the workers' compen-
25 sation law, subdivisions 1 and 5 as amended by chapter 113 of the laws
26 of 1946, subdivision 3 as amended by chapter 6 of the laws of 2007, and
27 the second and third undesignated paragraphs of subdivision 3 as further

1 amended by section 104 of part A of chapter 62 of the laws of 2011, are
2 amended to read as follows:

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

22 1-a. Any award which shall be made against such special fund after the
23 effective date of this act upon such an application for compensation or
24 death benefits shall not be retroactive for a period of disability or
25 for death benefits longer than the two years immediately preceding the
26 date of filing of such application. No application by a self-insured
27 employer or an insurance carrier for transfer of liability of a claim to
28 the fund for reopened cases shall be accepted by the board on or after

1 the first day of January, two thousand fourteen except that the board
2 may make a finding after such date pursuant to section twenty-three of
3 this article upon a timely application for review.

4 3. Any awards so made shall be payable out of the special fund hereto-
5 fore created for such purpose, which fund is hereby continued and shall
6 be known as the fund for reopened cases. The employer, or, if insured,
7 his insurance carrier shall pay into such fund, or, in the case of
8 awards made on or after July first, nineteen hundred sixty-nine, either
9 into such fund or the uninsured employers' fund under section twenty-
10 six-a of this article in accordance with the provisions thereof, for
11 every case of injury causing death for which there are no persons enti-
12 tled to compensation the sum of three hundred dollars where such injury
13 occurred prior to July first, nineteen hundred forty and the sum of one
14 thousand dollars where such injury shall occur on or after said date and
15 prior to April first, nineteen hundred forty-five, and the sum of
16 fifteen hundred dollars where such injury shall occur on or after April
17 first, nineteen hundred forty-five and prior to September first, nine-
18 teen hundred seventy-eight and the sum of three thousand dollars where
19 such injury shall occur on or after September first, nineteen hundred
20 seventy-eight, and in each case of death resulting from injury sustained
21 on or after July first, nineteen hundred forty and prior to September
22 first, nineteen hundred seventy-eight, where there are persons entitled
23 to compensation but the total amount of such compensation is less than
24 two thousand dollars exclusive of funeral benefits, the employer, or, if
25 insured, his insurance carrier, shall pay into such fund, or, in the
26 case of awards made on or after July first, nineteen hundred sixty-nine
27 and prior to September first, nineteen hundred seventy-eight, either
28 into such fund or the uninsured employers' fund under section twenty-

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

1 shall be in addition to any payment of compensation to the injured
2 employee as provided in this chapter.

3 There shall be maintained in the special fund at all times assets at
4 least equal in value to the sum of (1) the value of awards charged
5 against such fund, (2) the value of all claims that have been reopened
6 by the board as a charge against such fund but as to which awards have
7 not yet been made, (3) effective January first, nineteen hundred seven-
8 ty-one, the value of total supplemental benefits to be paid from such
9 fund as reimbursement pursuant to subdivision nine of this section
10 [during the calendar year immediately preceding], and (4) a reserve
11 equal to ten per cent of the sum of items (1) [and], (2) and (3) of this
12 paragraph. [For the purpose of accumulating funds for the payment of
13 supplemental benefits pursuant to subdivision nine of this section, the
14 chairman shall impose against all carriers an assessment in the sum of
15 five million dollars to be collected in the respective proportions
16 established in the fiscal year commencing April first, nineteen hundred
17 sixty-eight, under the provisions of section one hundred fifty-one of
18 this chapter for each carrier.] Annually, as soon as practicable after
19 January first in each year, the [chairman] chair shall ascertain the
20 condition of the fund and whenever the assets shall fall below the
21 prescribed minimum as herein provided the [chairman] chair shall [assess
22 and] collect [from all insurance carriers, in the respective proportions
23 established in the prior fiscal year under the provisions of section one
24 hundred fifty-one of this chapter for each carrier,] an amount suffi-
25 cient to restore the fund to the prescribed minimum. [The chairman
26 before making an assessment as provided in this section shall give thir-
27 ty days' notice to the representative of the fund, designated pursuant
28 to subdivision five of this section, that an itemized statement of the

1 condition of the fund is open for his inspection. The superintendent of
2 financial services may examine into the condition of the fund at any
3 time on his own initiative or on request of the chairman or represen-
4 tative of the fund.

5 Such assessment and the payments made into said fund shall not consti-
6 tute an element of loss for the purpose of establishing rates for work-
7 ers' compensation insurance as provided in the insurance law but shall
8 for the purpose of recoupment be treated as separate costs by carriers.
9 Carriers shall assess such costs on their policyholders in accordance
10 with rules set forth by the New York workers' compensation rating board,
11 as approved by the superintendent of financial services.] Commencing on
12 the first of January, two thousand fourteen, the amount collected from
13 all employers required to obtain workers' compensation coverage to main-
14 tain the financial integrity of the fund may be paid over a period of
15 time at the discretion of the chair based upon an analysis of the finan-
16 cial condition of the fund. Such payment as determined by the chair
17 shall be included in the assessment rate established pursuant to subdi-
18 vision two of section one hundred fifty-one of this chapter. The chair
19 shall promulgate regulations to administer claims whose liability has
20 been transferred to the fund for reopened cases. Such regulations may
21 include exercise of the chair's authority to administer existing claims,
22 to procure management for those claims, or to sell such liability. The
23 chair may examine into the condition of the fund at any time on his or
24 her own initiative or on request of the attorney of the fund.

25 The provisions of this subdivision shall not apply with respect to
26 policies containing coverage pursuant to section thirty-four hundred
27 twenty of the insurance law relating to every policy providing compre-

1 hensive personal liability insurance on a one, two, three or four family
2 owner-occupied dwelling.

3 5. [When an application] For applications by self-insured employers or
4 insurance carriers for transfer of liability for compensation [is made]
5 to the fund for reopened cases under this section, received by the board
6 prior to the first day of January, two thousand fourteen, the [chairman]
7 chair shall appoint [a representative of such fund] an attorney in such
8 proceedings [and, insofar as practicable, such representative shall be a
9 person designated by the employer originally liable for the payment of
10 compensation, or his insurance carrier, but whenever it shall appear to
11 the chairman that through any committee, board or organization or repre-
12 sentative of the interest of the insurance carriers an attorney has been
13 appointed to act for and on behalf of such carriers generally to repre-
14 sent such fund in any proceedings brought hereunder, the chairman shall
15 designate such attorney as the representative of the] to represent such
16 fund in proceedings brought to enforce a claim against such fund. Such
17 [representative] attorney may apply to the [chairman] chair for authori-
18 ty to hire such medical or other experts and to defray the expense ther-
19 eof and of such witnesses as are necessary to a proper defense of the
20 application within an amount in the discretion of the [chairman] chair
21 and, if authorized, it shall be a charge against the special fund
22 provided herein.

23 § 14. Subdivision 1 of section 27 of the workers' compensation law, as
24 amended by chapter 192 of the laws of 1949, is amended to read as
25 follows:

26 1. All payments made into the fund pursuant to the provisions of this
27 section shall constitute an indivisible and aggregate trust fund except
28 as hereinafter provided. Notwithstanding any other provisions of this

1 chapter, the board shall not direct a mandatory deposit on or after the
2 effective date of the chapter of the laws of two thousand thirteen which
3 amended this subdivision. The carrier shall make a mandatory deposit
4 into the fund as directed in a board decision filed prior to the effec-
5 tive date of the chapter of the laws of two thousand thirteen which
6 amended this subdivision, in the amount set forth in a supplemental
7 board decision of any date. The carrier is responsible for payments to
8 the claimant as directed until the deposit is made into the fund. If the
9 insurance carrier shall fail to make a timely mandatory deposit into the
10 fund the chair may impose a penalty equal to twenty percent of the
11 unpaid mandatory deposit amount which shall be paid to the injured work-
12 er or his or her dependents, and there shall also be imposed an assess-
13 ment of fifty dollars, which shall be paid into the state treasury.

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

16 7. For the purposes of insuring the solvency of the aggregate trust
17 fund subsequent to the first day of January, two thousand fourteen, the
18 chair may include in its collection of administration expenses pursuant
19 to section one hundred fifty-one of this chapter such additional assess-
20 ment necessary to enable the aggregate trust fund to meet its obli-
21 gations under this section for a period of time not to extend ten years
22 from the effective date of this subdivision. In the event that the
23 aggregate trust fund does not have the assets sufficient to meet its
24 obligations after such ten year period, the financial shortfall shall
25 become the liability of the workers' compensation security fund pursuant
26 to the provisions of section one hundred nine-c of this chapter.

1 § 16. Subdivision (e) of section 32 of the workers' compensation law,
2 as added by chapter 6 of the laws of 2007, is amended to read as
3 follows:

4 (e) The chair shall establish an office under his or her supervision
5 to be known as the "waiver agreement management office," to negotiate
6 and seek board approval for waiver agreements on behalf of the special
7 disability fund. The office shall operate in accordance with guidelines
8 or directives that the chair may issue, as approved by the special disa-
9 bility fund advisory committee, or in the absence of such guidelines or
10 directives, using such discounting factors as the office determines are
11 in the financial interest of the special disability fund. The waiver
12 agreement management office on behalf of the special disability fund may
13 enter into a waiver agreement with a claimant only when the special
14 disability fund has been found liable by the board to reimburse the
15 claimant's employer, insurance carrier or the state insurance fund.
16 Notwithstanding any other provisions of law, no consultation or approval
17 of any employer, insurance carrier, self-insurer[,] or the state insur-
18 ance fund[, or the special funds conservation committee] shall be
19 required before such office may enter into any waiver agreement, or
20 before the board may approve such waiver agreement. The chair may, in
21 his or her discretion, and as approved by the special disability fund
22 advisory committee, terminate the operation of the waiver agreement
23 management office, if he or she believes it no longer serves the inter-
24 est of the special disability fund.

25 § 17. Clause 2 of subparagraph (a) of paragraph 10 of subdivision
26 3-a of section 50 of the workers' compensation law, as added by section
27 4 of part G of chapter 57 of the laws of 2011, is amended to read as
28 follows:

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

25 § 18. Section 50-a of the workers' compensation law, as added by chap-
26 ter 139 of the laws of 2008, subdivision 2 as amended by section 1 of
27 part R of chapter 56 of the laws of 2010 and subdivision 3 as amended by

1 section 1 of part R of chapter 55 of the laws of 2012, is amended to
2 read as follows:

3 § 50-a. [Group self-insurer default] Self-insurer offset fund. 1. The
4 chair shall [create] maintain a fund to be known as the [group] self-in-
5 surer [default] offset fund and such fund shall be held in the sole
6 custody of the chair. The chair may transfer the money in such fund to
7 the administrative account as necessary to effectuate the purpose of
8 this section. The chair shall use the money in the fund to pay unmet
9 claims for [defaulted group] self-insurers[, where sufficient moneys for
10 such payment have not been collected or are not anticipated to be
11 collected from members of a defaulted group self-insurer, or to offset
12 such amount against any assessment it would otherwise impose against
13 private individual and group self-insurers under paragraph (g) of subdi-
14 vision five of section fifty of this article].

15 2. At any time prior to April first, two thousand eleven, the chair
16 may withdraw funds from the uninsured employers fund provided for under
17 section twenty-six-a of this chapter, up to such amount as the chair
18 determines is sufficient to fund any anticipated additional expenses of
19 such fund, taking into account anticipated available revenues, but in no
20 event to exceed seventy-five million dollars in the aggregate. Such
21 funds shall be deposited into the [group] self-insurer offset fund, and
22 used in accordance with subdivision one of this section. As consistent
23 with this section, the chair may set the timing of such withdrawals in
24 its discretion.

25 3. Beginning in two thousand fifteen, and each year thereafter, the
26 chair shall add to the total of each annual assessment made under para-
27 graph g of subdivision five of section fifty of this article the sum of
28 up to three million dollars, to be allocated to private group and indi-

1 vidual self-insurers in accordance with such paragraph. The chair shall
2 assess additional funds under this paragraph as necessary to insure that
3 there are sufficient funds in the fund for uninsured employers to meet
4 its liabilities, or if necessary in accordance with section one hundred
5 fifty-one of this chapter. Such funds as are collected pursuant to this
6 subdivision shall be deposited into the uninsured employer fund until
7 all funds withdrawn therefrom under subdivision one of this section are
8 returned with interest calculated at an annual rate equal to the rate of
9 return on funds in the fund for uninsured employers from the prior year.

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

14 § 19. Subdivision 5 of section 52 of the workers' compensation law, as
15 amended by chapter 139 of the laws of 2008, is amended to read as
16 follows:

17 5. The chair, upon finding that an employer has failed for a period of
18 not less than ten consecutive days to make the provision for payment of
19 compensation required by section fifty of this article, may impose upon
20 such employer, in addition to all other penalties, fines or assessments
21 provided for in this chapter, a penalty of up to two thousand dollars
22 for each ten day period of non-compliance or a sum not in excess of two
23 times the cost of compensation for its payroll for the period of such
24 failure, which sum shall be paid into the uninsured employers' fund
25 created under section twenty-six-a of this chapter. When an employer
26 fails to provide business records sufficient to enable the chair to
27 determine the employer's payroll for the period requested for the calcu-
28 lation of the penalty provided in this section, the imputed weekly

1 payroll for each employee, corporate officer, sole proprietor, or part-
2 ner shall be the New York state average weekly wage, multiplied by 1.5.
3 Where the employer is a corporation, the president, secretary and treas-
4 urer thereof shall be liable for the penalty. If the employer shall
5 within thirty days after notice of the imposition of a penalty by the
6 chair pursuant to this subdivision make an application in affidavit form
7 for a redetermination review of such penalty the [chairman] chair shall
8 make a decision in writing on the issues raised on such application.

9 § 20. Section 87 of the workers' compensation law, as amended by chap-
10 ter 635 of the laws of 1996, subdivision 1 as amended by chapter 6 of
11 the laws of 2007, subdivision 1, paragraph (a) of subdivision 2 and
12 subdivision 3 as further amended by section 104 of part A of chapter 62
13 of the laws of 2011, is amended to read as follows:

14 § 87. Investment of surplus or reserve. 1. Any of the [surplus or]
15 reserve funds belonging to the state insurance fund, by order of the
16 commissioners, approved by the superintendent of financial services, may
17 be invested in the types of securities described in subdivisions one,
18 two, three, four, five, six, eleven, twelve, twelve-a, thirteen, four-
19 teen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four,
20 twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section
21 two hundred thirty-five of the banking law or[, up to fifty percent of
22 such surplus or reserve funds, in the types of securities or investments
23 described] in [paragraphs] paragraph two[, three, eight and ten] of
24 subsection (a) of section one thousand four hundred four of the insur-
25 ance law except that up to [ten] five percent of [the surplus and] such
26 reserve funds [belonging to the state insurance fund that] may be
27 invested in the securities of any solvent American institution [or of an
28 investment company] as described in such [paragraphs may be invested]

1 paragraph irrespective of the rating of such institution's obligations
2 or other similar qualitative standards described [in paragraphs two,
3 three, eight and ten of such subsection, but shall not include any
4 derivative instrument or derivative transaction or any investment found
5 by the superintendent of financial services to be against public policy.
6 Any of the surplus or reserve funds belonging to the state insurance
7 fund, upon like approval of the superintendent of financial services,
8 may be loaned on the pledge of any such securities. The commissioners,
9 upon like approval of the superintendent of financial services, may also
10 sell any of such securities or investments] therein.

11 2. Any of the surplus funds belonging to the state insurance fund, by
12 order of the commissioners, approved by the superintendent of financial
13 services, may be invested in the types of securities described in subdi-
14 visions one, two, three, four, five, six, eleven, twelve, twelve-a,
15 thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,
16 twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five
17 of section two hundred thirty-five of the banking law or, up to fifty
18 percent of surplus funds, in the types of securities or investments
19 described in paragraphs two, three, eight and ten of subsection (a) of
20 section one thousand four hundred four of the insurance law, except that
21 up to ten percent of surplus funds may be invested in the securities of
22 any solvent American institution as described in such paragraphs irre-
23 spective of the rating of such institution's obligations or other simi-
24 lar qualitative standards described therein, and up to fifteen percent
25 of surplus funds in securities or investments which do not otherwise
26 qualify for investment under this section as shall be made with the
27 care, prudence and diligence under the circumstances then prevailing
28 that a prudent person acting in a like capacity and familiar with such

1 matters would use in the conduct of an enterprise of a like character
2 and with like aims as provided for the state insurance fund under this
3 article. Notwithstanding any other provision in this subdivision, the
4 aggregate amount that the state insurance fund may invest in the types
5 of securities or investments described in paragraphs three, eight and
6 ten of subsection (a) of section one thousand four hundred four of the
7 insurance law and as a prudent person acting in a like capacity would
8 invest as provided in this subdivision shall not exceed fifty percent of
9 such surplus funds.

10 3. Any of the surplus or reserve funds belonging to the state insur-
11 ance fund, upon like approval of the superintendent of financial
12 services, may be loaned on the pledge of any such securities. The
13 commissioners, upon like approval of the superintendent of financial
14 services, may also sell any of such securities or investments.

15 [2.] 4. (a) Any securities belonging to the state insurance fund may,
16 by order of the commissioners, approved by the superintendent of finan-
17 cial services, be loaned under a security loan agreement, as defined in
18 paragraph (b) of this subdivision, entered into with a registered brok-
19 er-dealer, or a New York state or national bank or trust company, with
20 the custodial bank of the state insurance fund or another person or
21 entity, approved by the commissioner of taxation and finance, which
22 specializes in security loan transactions acting as the agent in arrang-
23 ing such agreement. The commissioners shall monitor the market value of
24 the loaned securities daily. In no event shall the commissioners allow
25 the value of the collateral posted to fall below the market value of the
26 loaned securities.

27 (b) For purposes of this section, "security loan agreement" shall mean
28 a written contract, the terms of which have been approved by the commis-

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

20 [3.] 5. All such securities or evidences of indebtedness shall be
21 placed in the hands of the commissioner of taxation and finance who
22 shall be the custodian thereof. He or she shall collect the principal
23 and interest thereof, when due, and pay the same into the state insur-
24 ance fund. The commissioner of taxation and finance shall pay all vouch-
25 ers drawn on the state insurance fund for the making of such investments
26 when signed by the chair of the commissioners, the executive director or
27 a deputy executive director of the state insurance fund upon delivery of
28 such securities or evidences of indebtedness to him or her, when there

1 is attached to such vouchers the approval of the state superintendent of
2 financial services.

3 6. For the purposes of this section, the term "reserves" does not
4 include the estimated value of future discretionary payments that may be
5 made by the state insurance fund under section ninety of this article.

6 7. Notwithstanding any provision in this section, the surplus and
7 reserve funds of the state insurance fund shall not be invested in any
8 investment that has been found by the superintendent of financial
9 services to be against public policy or in any investment prohibited by
10 the provisions of paragraph six of subsection (a) of section one thou-
11 sand four hundred four of the insurance law or by the provisions of
12 paragraph one, two, three, four, six, eight, nine or ten of subsection
13 (a) of section one thousand four hundred seven of the insurance law.

14 § 21. Section 88 of the workers' compensation law, as amended by chap-
15 ter 6 of the laws of 2007, is REPEALED.

16 § 22. Section 151 of the workers' compensation law is REPEALED and a
17 new section 151 is added to read as follows:

18 § 151. Assessments and surcharges for annual expenses. 1. The annual
19 expenses necessary for the board to administer the provisions of this
20 chapter, the volunteer ambulance workers' benefits law, the volunteer
21 firefighters' benefits law, the disability benefits law, and the work-
22 men's compensation act for civil defense volunteers shall be borne by
23 affected employers securing compensation for their employees pursuant to
24 section fifty of this chapter. The board shall collect such annual
25 expenses from affected employers through assessments and surcharges as
26 provided by the provisions of this section, including for purposes of
27 this subdivision: (a) the aggregate assessment amount described in
28 subparagraph four of paragraph (h) of subdivision eight of section

1 fifteen of this chapter for the special disability fund in accordance
2 with each financing agreement described in such subparagraph, (b) the
3 aggregate assessment amount described in section fifty-c of this chapter
4 for the self-insurer offset fund in accordance with each financing
5 agreement described in such section, (c) the assessment amount
6 described in subdivision three of section twenty-five-a of this chapter
7 for the fund for reopened cases and (d) the assessment amount described
8 in section two hundred fourteen of this chapter for the special fund for
9 disability benefits; provided, that the foregoing and any other
10 provision of this chapter to the contrary notwithstanding, assessment
11 receipts shall be applied first to fully fund the amount described in
12 subparagraph four of paragraph (h) of subdivision eight of section
13 fifteen of this chapter and then to fully fund the amount described in
14 section fifty-c of this chapter in accordance with each then applicable
15 financing agreement pursuant to such provisions prior to application to
16 any other purpose other than to pay any actual costs of collecting such
17 assessment that are not otherwise funded. For purposes of this section,
18 affected employer means all employers required to obtain workers'
19 compensation coverage pursuant to this chapter.

20 2. On the first day of November, two thousand thirteen, and annually
21 thereafter, the chair shall establish an assessment rate for all
22 affected employers in the state of New York in an amount expected to be
23 sufficient to produce assessment receipts at least sufficient to fund
24 all estimated annual expenses pursuant to subdivision one of this
25 section except those expenses for which an assessment is authorized for
26 self-insurance pursuant to subdivision five of section fifty of this
27 chapter. Such rate shall be assessed effective the first of January of
28 the succeeding year and shall be based upon a single methodology deter-

1 mined by the chair. The chair may also issue a supplemental rate as
2 provided under subdivision seven of section twenty-seven of this chapter
3 when necessary. The chair may also establish an additional assessment
4 rate, not to exceed thirty percent of annual premiums, for those
5 affected employers who are in default in the payment of their compen-
6 sation pursuant to subparagraph (b) of paragraph seven of subdivision
7 three-a of section 50 of this chapter. Such additional assessment shall
8 be collected and remitted to the chair consistent with subdivisions four
9 and five of this section. The chair shall make available for public
10 inspection an itemized statement of the estimated annual expenses in the
11 office of the board for thirty days immediately after the rate is estab-
12 lished.

13 3. The chair and department of audit and control annually as soon as
14 practicable after the first of April of each year shall ascertain the
15 actual total amount of expenses, including in addition to the direct
16 costs of personal service, the cost of maintenance and operation, the
17 cost of retirement contributions made and workers' compensation premiums
18 paid by the state for or on account of personnel, rentals for space
19 occupied in state owned or state leased buildings, such additional sum
20 as may be certified to the chair and the department of audit and control
21 as a reasonable compensation for services rendered by the department of
22 law and expenses incurred by such department, for transfer into the
23 training and educational program on occupational safety and health fund
24 created pursuant to chapter eight hundred eighty-six of the laws of
25 nineteen hundred eighty-five and section ninety-seven-c of the state
26 finance law, for the New York state occupational health clinics network,
27 for the department of labor occupational safety and health program and
28 for transfer into the uninsured employers' fund pursuant to subdivision

1 two of section twenty-six-a of this chapter, and all other direct or
2 indirect costs, incurred by the board in connection with the adminis-
3 tration of this chapter, except those expenses for which an assessment
4 is authorized for self-insurance pursuant to subdivision five of section
5 fifty of this chapter. Assessments pursuant to subparagraph four of
6 paragraph (h) of subdivision eight of section fifteen of this chapter
7 for the special disability fund, pursuant to section fifty-c of this
8 chapter for the self insurer offset fund, pursuant to subdivision three
9 of section twenty-five-a of this chapter for the fund for reopened
10 cases, and pursuant to section two hundred fourteen of this chapter for
11 the special fund for disability benefits shall be included in the total
12 amount of expenses for the purposes of this subdivision. The chair may
13 also include in the total amount of expenses such additional assessment
14 to insure the solvency of the aggregate trust fund pursuant to subdivi-
15 sion seven of section twenty-seven of this chapter. Any overpayment of
16 annual assessments resulting from the requirements of this subdivision
17 shall be applied as a credit against the future assessment rate provided
18 the fund balance shall not be reduced below ten percent of the total
19 amount assessed.

20 4. For those affected employers obtaining coverage:

21 (a) by insuring with the state fund pursuant to subdivision one of
22 section fifty of this chapter; or (b) through a policy pursuant to
23 subdivision two of section fifty of this chapter; or (c) through a coun-
24 ty self-insurance plan under article five of this chapter; or (d)
25 through a group private or public self-insurer pursuant to subdivision
26 three-a of section fifty of this chapter, such assessment amounts shall
27 be collected and remitted to the chair by the carrier or the state
28 insurance fund, or county plan, or group private or public self-insurer,

1 on behalf of the employer(s) until such time as the board establishes a
2 direct employer payment process. Affected private or public employers
3 providing compensation through self insurance pursuant to subdivision
4 three of section fifty of this chapter shall pay assessment amounts
5 directly to the chair.

6 5. Insurance carriers as defined in section two of this chapter
7 including the state insurance fund and self-insurers, shall collect from
8 affected employers and periodically remit to the board such assessments
9 and shall be responsible for ensuring their employers/policyholders are
10 current on their assessments. (a) Failure to ensure policyholders or
11 employers are current on their assessments will result in the insurance
12 carrier; or self-insurer; being liable for such assessments.

13 (b) In the event the employer; insurance carrier; or self-insurer;
14 knew or should have known that the employer misreported any data related
15 to the assessment process, they may be subject to penalties or sanctions
16 provided by this chapter.

17 6. (a) Effective the first day of January, two thousand fourteen, all
18 assessment cycles in progress will be replaced with the assessment rate
19 determined herein. However, such new assessment rate shall not relieve
20 any carrier or self-insurer for outstanding amounts due as of the first
21 day of January two thousand fourteen.

22 (b) All assessment amounts collected by insurance carriers, except the
23 state fund, and not yet remitted to the board prior to the first day of
24 January, two thousand fourteen must be remitted to the chair no later
25 than the first day of February, two thousand fourteen.

26 7. Assessments for the expenses of the board including assessments
27 pursuant to paragraph (h) of subdivision eight of section fifteen of
28 this chapter for the special disability fund and pursuant to subdivision

1 three of section twenty-five-a of this chapter for the fund for reopened
2 cases shall not constitute elements of loss.

3 7-a. Notwithstanding any law to the contrary, when there is a default
4 on the payment of premium, including any amount of a surcharge payable
5 under subdivision seven of this section, any action by the carrier,
6 including the state insurance fund, to collect any unpaid premium shall
7 include an action seeking recovery of such unpaid surcharges on behalf
8 of the board. The carrier shall remit the amount of any such unpaid
9 surcharge collected either pursuant to a judgment or by settlement to
10 the board.

11 8. The foregoing or any other provision of law to the contrary
12 notwithstanding, all moneys received on account of the assessment
13 authorized by this section shall be deposited upon receipt into the
14 administrative assessment clearing account held by the commissioner of
15 taxation and finance and applied in accordance with subdivision one of
16 this section and in accordance with each applicable financing agreement
17 authorized by subdivision eight of section fifteen or by section fifty-c
18 of this chapter until the financial obligations of the dormitory author-
19 ity in respect of its contracts with the holders of its bonds authorized
20 under sections sixteen hundred eighty-1 and sixteen hundred eighty-q of
21 the public authorities law are met and all associated costs payable by
22 or to the dormitory authority have been paid and such moneys as are
23 required to be applied in accordance with subdivision one of this
24 section to fully fund the amount described in subparagraph four of para-
25 graph (h) of subdivision eight of section fifteen of this chapter and to
26 fully fund the amount described in section fifty-c of this chapter, in
27 accordance with each then applicable financing agreement pursuant to
28 such provisions shall not be commingled with any other monies in the

1 commissioner's custody prior to such application and shall not be deemed
2 to be part of the state treasury or of any funds under management of the
3 state. The operation of this section and the application of the
4 receipts of the assessment authorized by this section shall be subject
5 to the provisions of each financing agreement authorized pursuant to
6 subparagraph four of paragraph (h) of subdivision eight of section
7 fifteen or to section fifty-c of this chapter and this section shall not
8 be deemed to authorize any infringement upon the rights of holders of
9 bonds issued or to be issued pursuant to either such provision.

10 9. The provisions of this section shall not apply with respect to
11 policies containing coverage pursuant to paragraph one of subsection (j)
12 of section three thousand four hundred twenty of the insurance law
13 relating to every policy providing comprehensive personal liability
14 insurance on a one, two, three or four family owner-occupied dwelling.

15 10. If the assessments collected pursuant to this section are insuffi-
16 cient to meet the obligations financed by the assessments, the chair,
17 for a period of three years, may borrow any shortfall from the state
18 insurance fund with any borrowing to be added to the assessments under
19 this section and repaid the following year to the state insurance fund
20 with interest at the state insurance fund's then current rate of return.

21 11. Effective immediately, notwithstanding any law to the contrary,
22 pursuant to the provisions of this chapter, the assessment reserves held
23 by the state insurance fund for the payment of future assessments are no
24 longer required and all funds and investments held by the state insur-
25 ance fund related to the assessment reserves shall be transferred to the
26 chair of the workers' compensation board as soon as practicable. The
27 commissioner of taxation and finance shall be custodian of such funds,
28 which shall not be commingled with other funds of the workers' compen-

1 sation board, and may invest such funds in the same manner as surplus
2 funds held by the state insurance fund pursuant to subdivision two of
3 section eighty-seven of this chapter. Disbursements of such funds shall
4 be made by such commissioner upon written warrant of the chair of the
5 workers' compensation board or the chair's designee.

6 At the request of the director of the budget, such moneys transferred
7 to the chair of the workers' compensation board shall be distributed as
8 follows:

9 (a) As soon as practicable after April first, two thousand thirteen,
10 the chair of the workers' compensation board shall transfer two hundred
11 fifty million dollars to the general fund.

12 (b) As soon as practicable after April first, two thousand fourteen,
13 the chair of the workers' compensation board shall transfer five hundred
14 million dollars to the general fund.

15 (c) As soon as practicable after April first, two thousand fifteen,
16 the chair of the workers' compensation board shall transfer two hundred
17 fifty million dollars to the general fund.

18 (d) As soon as practicable after April first, two thousand sixteen,
19 the chair of the workers' compensation board shall transfer two hundred
20 fifty million dollars to the general fund.

21 (e) As soon as practicable after April first, two thousand thirteen
22 and upon request from the director of the budget, the chair shall trans-
23 fer five hundred million dollars to the Transformative Capital Fund.

24 (f) Any and all funds remaining after accounting for the transfers set
25 forth above may, at the discretion of the director of the budget, either
26 remain with the workers' compensation board or be transferred to the
27 general fund or to the state insurance fund. The budget director, acting
28 in consultation with the chair of the workers' compensation board, shall

1 determine whether any money returned to the state insurance fund is a
2 loan or a transfer and the terms and conditions therein. Any funds
3 transferred or loaned to the state insurance fund upon the budget
4 director's request may be invested in a manner consistent with invest-
5 ment guidelines pursuant to subdivision two of section eighty-seven of
6 the workers' compensation law.

7 Annually, the state insurance fund and the workers' compensation board
8 will provide to the director of the budget an accounting of such funds
9 and all associated income received. Such accounting will continue until
10 such time as determined by the director of the budget.

11 12. The chair shall promulgate regulations to carry out the provisions
12 of this section.

13 13. To effectuate an efficient assessment process and the proper
14 management of the workers' compensation system all data in possession of
15 the compensation insurance rating board shall be made available to the
16 board and the department of financial services upon request.

17 § 23. Subdivision 5 of section 54 of the workers' compensation law, as
18 amended by chapter 164 of the laws of 1992 and the closing paragraph as
19 added by chapter 322 of the laws of 2008, is amended to read as follows:

20 5. Cancellation and termination of insurance contracts. No contract of
21 insurance issued by an insurance carrier against liability arising under
22 this chapter shall be cancelled within the time limited in such contract
23 for its expiration unless notice is given as required by this section.
24 When cancellation is due to non-payment of premiums, or non-payment of
25 assessments as required in the contract of insurance, such cancellation
26 shall not be effective until at least ten days after a notice of cancel-
27 lation of such contract, on a date specified in such notice, shall be
28 filed in the office of the chair and also served on the employer. When

1 cancellation is due to any reason other than non-payment of premiums, or
2 non-payment of assessments as required in the contract of insurance,
3 such cancellation shall not be effective until at least thirty days
4 after a notice of cancellation of such contract, on a date specified in
5 such notice, shall be filed in the office of the chair and also served
6 on the employer; provided, however, in either case, that if the employer
7 has secured insurance with another insurance carrier which becomes
8 effective prior to the expiration of the time stated in such notice, the
9 cancellation shall be effective as of the date of such other coverage.
10 No insurer shall refuse to renew any policy insuring against liability
11 arising under this chapter unless at least thirty days prior to its
12 expiration notice of intention not to renew has been filed in the office
13 of the chair and also served on the employer.

14 Such notice shall be served on the employer by delivering it to him,
15 her or it or by sending it by mail, by certified or registered letter,
16 return receipt requested, addressed to the employer at his, her or its
17 last known place of business; provided that, if the employer be a part-
18 nership, then such notice may be so given to any of one of the partners,
19 and if the employer be a corporation then the notice may be given to any
20 agent or officer of the corporation upon whom legal process may be
21 served; and further provided that an employer may designate any person
22 or entity at any address to receive such notice including the desig-
23 nation of one person or entity to receive notice on behalf of multiple
24 entities insured under one insurance policy and that service of notice
25 at the address so designated upon the person or entity so designated by
26 delivery or by mail, by certified or registered letter, return receipt
27 requested, shall satisfy the notice requirement of this section.
28 Provided, however, the right to cancellation of a policy of insurance in

1 the state fund shall be exercised only for non-payment of premiums, or
2 non-payment of assessments as required in the contract of insurance, or
3 as provided in section ninety-four of this chapter.

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

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

15 § 24. Section 93 of the workers' compensation law, as amended by chap-
16 ter 94 of the laws of 1988 and subdivisions b and c as amended by chap-
17 ter 635 of the laws of 1996, is amended to read as follows:

18 § 93. Collection of premium in case of default. a. If a policyholder
19 shall default in any payment required to be made by him to the state
20 insurance fund after due notice, his insurance in the state fund may be
21 cancelled and the amount due from him shall be collected by civil action
22 brought against him in any county wherein the state insurance fund main-
23 tains an office in the name of the commissioners of the state insurance
24 fund and the same when collected, shall be paid into the state insurance
25 fund, and such policyholder's compliance with the provisions of this
26 chapter requiring payments to be made to the state insurance fund shall
27 date from the time of the payment of said money to the state insurance
28 fund.

1 b. An employer, whose policy of insurance has been cancelled by the
2 state insurance fund for non-payment of premium, or for non-payment of
3 assessments as required in the contract of insurance, or withdraws
4 pursuant to section ninety-four of this article, is ineligible to
5 contract for a subsequent policy of insurance with the state insurance
6 fund while the billed premium on the cancelled policy remains uncol-
7 lected.

8 c. The state insurance fund shall not be required to write a policy of
9 insurance for any employer which is owned or controlled or the majority
10 interest of which is owned or controlled, directly or indirectly, by any
11 person who directly or indirectly owns or controls or owned or
12 controlled at the time of cancellation an employer whose former policy
13 of insurance with the state insurance fund was cancelled for non-payment
14 of premium, or for non-payment of assessments as required in the
15 contract of insurance, or withdraws pursuant to section ninety-four of
16 this article or who is or was at the time of cancellation the president,
17 vice-president, secretary or treasurer of such an employer until the
18 billed premium on the cancelled policy is paid.

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

21 § 25. Section 146 of the workers' compensation law is REPEALED.

22 § 26. Section 214 of the workers' compensation law, as added by chap-
23 ter 600 of the laws of 1949, the opening paragraph as amended by chapter
24 653 of the laws of 1958, subdivision 2 as amended by chapter 187 of the
25 laws of 1983, subdivision 3 as amended by chapter 629 of the laws of
26 1958, subdivision 4 as amended by chapter 727 of the laws of 1950 and as
27 further amended by section 104 of part A of chapter 62 of the laws of

1 2011, and subdivision 5 as added by chapter 18 of the laws of 2010, is
2 amended to read as follows:

3 § 214. Special fund for disability benefits. There is hereby created a
4 fund which shall be known as the special fund for disability benefits to
5 provide for the payment of disability benefits under sections two
6 hundred seven, two hundred thirteen and attendance fees under [subdivi-
7 sion two of] section two hundred thirty-two of this article.

8 1. [For the purpose of accumulating funds for payment of benefits to
9 the disabled unemployed, there is hereby assessed a contribution at the
10 rate of two-tenths of one per centum of the wages paid during the period
11 from January first, nineteen hundred fifty to June thirtieth, nineteen
12 hundred fifty inclusive, to employees in the employment of covered
13 employers on or after January first, nineteen hundred fifty, but not in
14 excess of twelve cents per week as to each such employee, of which the
15 employee shall contribute one-tenth of one per centum of his wages but
16 not in excess of six cents per week, and the employer shall make an
17 equal contribution. The contributions of the employee shall be deducted
18 from his wages in the same manner as provided in section two hundred
19 nine. On or before April thirtieth, nineteen hundred fifty, the employer
20 shall pay to the chairman the contributions with respect to wages paid
21 during the quarterly period ending March thirty-first, nineteen hundred
22 fifty, and on or before July thirty-first, nineteen hundred fifty, the
23 employer shall pay to the chairman the contributions with respect to
24 wages paid during the quarterly period ending June thirtieth, nineteen
25 hundred fifty.

26 2.] As promptly as practicable after April first, [nineteen hundred
27 fifty-eight and thereafter annually as soon as practicable after April
28 first] in each year, the chairman shall ascertain the condition of the

1 fund, and if as of any such date the net assets of the fund shall be one
2 million dollars or more below the sum of twelve million dollars, the
3 chairman shall assess and collect [from all carriers hereinafter speci-
4 fied] an amount sufficient to restore the fund to an amount equal to
5 twelve million dollars. [Carriers subject to this assessment shall be
6 such carriers as shall have covered employees in employment during the
7 preceding three calendar years or any portion or portions thereof. The
8 proportion of the total assessment to be assessed upon and collected
9 from each carrier shall be that proportion thereof that the total of the
10 payrolls covered by such carrier during said three calendar years bears
11 to the total of all such payrolls covered by all such carriers during
12 said three calendar years, except that the term "payrolls" as used here-
13 in shall be deemed limited to the first seven thousand dollars of earn-
14 ings of each employee during any calendar year and except that there
15 shall be excluded the payroll of employees of a class or classes for
16 whom plan benefits provided under this article are payable during unem-
17 ployment for a period not less than the period provided in section two
18 hundred seven under an agreement between the employer or an association
19 of employers and an association of the employees which has been accepted
20 as a plan under section two hundred eleven. The chairman, before making
21 an assessment as herein provided, shall give thirty days notice to all
22 such carriers, in the same manner provided in section two hundred twen-
23 ty-eight, that an itemized statement of the condition of the fund is
24 open for inspection]. Such assessment shall be included in the assess-
25 ment rate established pursuant to subdivision two of section one hundred
26 fifty-one of this chapter. Such assessments shall be deposited with the
27 commissioner of taxation and finance and transferred to the benefit of

1 such fund upon payment of debt service, if any, pursuant to section one
2 hundred fifty-one of this chapter.

3 [3.] 2. Whenever the net assets of the fund shall be less than three
4 million dollars and the disability claims currently being paid shall
5 indicate the necessity of supplementing the assets of the fund [before
6 the next annual assessment can be made,] the chairman may [assess and
7 collect for all such carriers, in the same proportions established for
8 the last preceding annual assessment,] transfer from monies collected
9 pursuant to subdivision two of section one hundred fifty-one of this
10 chapter an amount sufficient in the discretion of the chairman for the
11 needs of the fund, but not in excess of an amount sufficient to restore
12 the fund to twelve million dollars. [Before making any such emergency
13 assessment the chairman shall give thirty days notice to such carriers
14 in the same manner as provided with respect to annual assessments, and
15 an itemized statement of the condition of the fund shall, in like
16 manner, be open for inspection.]

17 [4.] 3. All contributions and assessments received by the chairman
18 under the provisions of this section shall be credited to the fund here-
19 in established and deposited by the chairman to the credit of the
20 commissioner of taxation and finance for the benefit of the fund. The
21 superintendent of financial services may examine into the condition of
22 the fund at any time on his own initiative or upon the request of the
23 chairman.

24 [5. Notwithstanding any inconsistent provision of law to the contrary,
25 effective April first, two thousand nine, any amounts available in
26 excess of the maximum net asset balance of twelve million dollars pursu-
27 ant to subdivision two of this section, shall be transferred by the

1 comptroller to the general fund, at the request of the director of the
2 budget.]

3 § 27. Section 228 of the workers' compensation law is REPEALED and a
4 new section 228 is added to read as follows:

5 § 228. Administrative expenses. 1. The estimated annual expenses
6 necessary for the workers' compensation board to administer the
7 provisions of the disability benefits law shall be borne by all affected
8 employers and included as part of the assessment rate generated pursuant
9 to subdivision two of section one hundred fifty-one of this chapter.

10 2. Annually, as soon as practicable after the first day of April, the
11 chair and department of audit and control shall ascertain the total
12 amount of actual expenses.

13 § 28. Subdivision 6 of section 3 of the volunteer firefighters' bene-
14 fit law is amended to read as follows:

15 6. "Surviving spouse" means the legal [wife of a deceased male volun-
16 teer fireman or the legal husband of a deceased female volunteer fire-
17 man, as the case may be,] spouse of a deceased volunteer firefighter,
18 but shall not include a spouse who has abandoned the deceased. The term
19 "abandoned", as used in this subdivision, means such an abandonment as
20 would be sufficient under section [eleven hundred sixty-one of the civil
21 practice act] two hundred of the domestic relations law to sustain a
22 judgment of separation on that ground.

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

25 § 60. Assessment for expenses. 1. The estimated annual expenses neces-
26 sary for the workers' compensation board to administer the provisions of
27 the volunteer firefighters' benefit law shall be borne by all affected
28 employers and included as part of the assessment rate generated pursuant

1 to subdivision two of section one hundred fifty-one of the workers'
2 compensation law.

3 2. Annually, the chair of the department of audit and control, as soon
4 as practicable after the first of April, shall ascertain the total
5 amount of actual expenses.

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

8 6. "Surviving spouse" means the legal [wife of a deceased male volun-
9 teer ambulance worker or the legal husband of a deceased female] spouse
10 of a deceased volunteer ambulance worker[, as the case may be], but
11 shall not include a spouse who has abandoned the deceased. The term
12 "abandoned", as used in this subdivision, means such an abandonment as
13 would be sufficient under section two hundred of the domestic relations
14 law to sustain a judgment of separation on that ground.

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

17 § 60. Assessment for expenses. 1. The estimated annual expenses neces-
18 sary for the workers' compensation board to administer the provisions of
19 the volunteer ambulance workers' benefit law shall be borne by all
20 affected employers and included as part of the assessment rate generated
21 pursuant to subdivision two of section one hundred fifty-one of the
22 workers' compensation law.

23 2. Annually, the chair of the department of audit and control, as soon
24 as practicable after the first of April, shall ascertain the total
25 amount of actual expenses.

26 § 32. Section 50 of the workers' compensation law is amended by adding
27 a new subdivision 12 to read as follows:

1 12. The chair, with the approval of the director of the budget, may
2 request the issuance of bonds by the dormitory authority for one or more
3 of the purposes authorized by section sixteen hundred eighty-q of the
4 public authorities law and by a self-insured bond financing agreement
5 authorized by section fifty-c of this article. The net proceeds of such
6 bonds shall be deposited into the self-insurer offset fund or as other-
7 wise provided by the applicable self-insured bond financing agreement.

8 § 33. Subdivision 4 of section 50-a of the workers' compensation law
9 is renumbered subdivision 5 and a new subdivision 4 is added to read as
10 follows:

11 4. To the extent provided by the self-insurer bond financing agreement
12 the chair may request the dormitory authority to transfer bond proceeds
13 into such account for the purposes outlined in the bond financing agree-
14 ment.

15 § 34. The workers' compensation law is amended by adding a new section
16 50-c to read as follows:

17 § 50-c. Self-insured bonds. 1. The chair, with the commissioner of
18 taxation and finance, is authorized to enter into a financing agreement
19 with the dormitory authority, to be known as the "self-insured bond
20 financing agreement". Such agreement shall set forth the process for
21 calculating the annual debt service of bonds issued by the dormitory
22 authority and any other associated costs in connection with the self-in-
23 surer offset fund, as set forth in section sixteen hundred eighty-q of
24 the public authorities law. For purposes of this section, "associated
25 costs" may include a coverage factor, reserve fund requirements, all
26 costs of any nature incurred by the dormitory authority in connection
27 with the self-insured bond financing agreement or pursuant thereto, the
28 costs of any independent audits undertaken under this section, and any

1 other costs for the implementation of this subdivision and the issuance
2 of bonds by the dormitory authority, including interest rate exchange
3 payments, rebate payments, liquidity fees, credit provider fees, fiduci-
4 ary fees, remarketing, dealer, auction agent and related fees and other
5 similar bond-related expenses, unless otherwise funded. By September
6 first of each year, the dormitory authority shall provide to the chair
7 the calculation of the amount expected to be paid by the dormitory
8 authority in debt service and associated costs for purposes of calculat-
9 ing the assessments for the debt service portion of the assessment
10 provided for under this chapter. All monies received on account of such
11 assessments shall be applied in accordance with this chapter and with
12 the self-insured bond financing agreement until the financial obli-
13 gations of the dormitory authority in respect to its contract with its
14 bondholders are met and all associated costs payable to or by the dormi-
15 tory authority have been paid, notwithstanding any other provision of
16 law respecting secured transactions. This provision may be included by
17 the dormitory authority in any contract of the dormitory authority with
18 its bondholders. The self-insured bond financing agreement may restrict
19 disbursements, investments, or rebates, and may prescribe a system of
20 accounts applicable to the self-insurer offset fund as consistent with
21 the provisions of this chapter governing such fund, including custody of
22 funds and accounts with a trustee that may be prescribed by the dormito-
23 ry authority as part of its contract with the bondholders. For purposes
24 of this subdivision, the term "bonds" shall include notes issued in
25 anticipation of the issuance of bonds, or notes issued pursuant to a
26 commercial paper program.

27 2. The chair is hereby authorized to receive and credit to the self-
28 insurer offset fund any sum or sums that may at any time be contributed

1 to the state by the United States of America under any act of Congress,
2 or otherwise, to which the state may be or become entitled by reason of
3 any payments made out of such fund.

4 3. Notwithstanding any other law to the contrary, the chair shall be
5 the custodian of the self-insurer offset fund and, unless otherwise
6 provided for in the self-insured bond financing agreement, the commis-
7 sioner of taxation and finance shall invest any surplus or reserve
8 moneys thereof in securities which constitute legal investments for
9 savings banks under the laws of this state and in interest bearing
10 certificates of deposit of a bank or trust company located and author-
11 ized to do business in this state or of a national bank located in this
12 state secured by a pledge of direct obligations of the United States or
13 of the state of New York in an amount equal to the amount of such
14 certificates of deposit, and may sell any of the securities or certif-
15 icates of deposit in which such fund is invested if necessary for the
16 proper administration or in the best interest of such fund. Disburse-
17 ments from such fund as provided by this subdivision shall be made by
18 the commissioner of taxation and finance unless the self-insured bond
19 financing agreement provides for some other means of authorizing such
20 disbursements that is no less protective of the fund. The commissioner
21 of taxation and finance as soon as practicable after January first of
22 each year, shall furnish to the chair a statement of the fund, setting
23 forth the balance of moneys in the said fund as of the beginning of the
24 calendar year, the income of the fund, the summary of payments out of
25 the fund on account of reimbursements and other charges ordered to be
26 paid by the board, and all other charges against the fund and setting
27 forth the balance of the fund remaining to its credit on the prior
28 December thirty-first of each year. Such statement shall be open to

1 public inspection in the office of the secretary of the board. The
2 chair shall include in the reports to the governor, the speaker of the
3 assembly and the temporary president of the senate as required by
4 section nine of part G of chapter fifty-seven of the laws of two thou-
5 sand eleven, a summary of the status of the bonding program authorized
6 by this section. The commissioner of taxation and finance may establish
7 within the self-insurer offset fund such accounts and sub-accounts as he
8 or she deems useful for the operation of the fund, or as necessary to
9 segregate moneys within the fund, subject to the provisions of the self-
10 insured bond financing agreement and of this chapter.

11 § 35. The public authorities law is amended by adding a new section
12 1680-q to read as follows:

13 § 1680-q. Self-insured bond financing. 1. As used in this section the
14 following terms shall have the following meanings:

15 (a) "Ancillary bond facility" means any interest rate exchange or
16 similar agreement or any bond insurance policy, letter of credit or
17 other credit enhancement facility, liquidity facility, guaranteed
18 investment or reinvestment agreement, or other similar agreement,
19 arrangement or contract.

20 (b) "Benefited party" means any person, firm or corporation that
21 enters into an ancillary bond facility with the authority according to
22 the provisions of this section.

23 (c) "Bonds" means any bonds, notes, certificates of participation and
24 other evidence of indebtedness issued by the authority pursuant to
25 subdivision five of this section.

26 (d) "Bond owners or owners of bonds" means any registered owners of
27 bonds.

28 (e) "Chair" means the chair of the workers' compensation board.

1 (f) "Code" means the United States Internal Revenue Code of 1986, as
2 amended.

3 (g) "Costs of issuance" means any item of expense directly or indi-
4 rectly payable or reimbursable by the authority and related to the
5 authorization, sale, or issuance of bonds, including, but not limited
6 to, underwriting fees and fees and expenses of professional consultants
7 and fiduciaries.

8 (h) "Debt service" means actual debt service, comprised of principal,
9 interest and associated costs, as defined in section fifty-c of the
10 workers' compensation law.

11 (i) "Director of the budget" or "director" means the director of the
12 budget of the state of New York.

13 (j) "Financing costs" means all costs of issuance, capitalized inter-
14 est, capitalized operating expenses of the authority and, pursuant to
15 the self-insured bond financing agreement, fees, cost of any ancillary
16 bond facility, and any other fees, discounts, expenses and costs related
17 to issuing, securing and marketing the bonds including, without limita-
18 tion, any net original issue discount.

19 (k) "Investment securities" shall have the same meaning as set forth
20 in section one thousand six hundred eighty-1 of this title.

21 (l) "Interest rate exchange or similar agreement" means a written
22 contract entered into in connection with the issuance of bonds or with
23 such bonds outstanding with a counterparty to provide for an exchange or
24 swap of payments based upon fixed and/or variable interest rates, and
25 shall be for exchanges in currency of the United States of America only.

26 (m) "Net proceeds" means the amount of proceeds remaining following
27 each sale of bonds which are not required by the authority for purposes

1 of this section to pay or provide for debt service or financing costs,
2 as provided in the self-insured bond financing agreement.

3 (n) "Operating expenses" means the reasonable or necessary operating
4 expenses of the authority for purposes of this section, including, with-
5 out limitation, the costs of: retention of auditors, preparation of
6 accounting and other reports, maintenance of the ratings on the bonds,
7 any operating expense reserve fund, insurance premiums, ancillary bond
8 facilities, rebate payments, annual meetings or other required activ-
9 ities of the authority, and professional consultants and fiduciaries.

10 (o) "Outstanding", when used with respect to bonds, shall exclude
11 bonds that shall have been paid in full at maturity, or shall have
12 otherwise been refunded, redeemed, defeased or discharged, or that may
13 be deemed not outstanding pursuant to agreements with the holders there-
14 of.

15 (p) "Pledged assessments revenues", "pledged revenues" or "pledged
16 assessments" means receipts of the assessments imposed pursuant to
17 section one hundred fifty-one of the workers' compensation law and
18 pledged for the payment of debt service on the bonds or amounts due
19 pursuant to an ancillary bond facility, including the right to receive
20 same.

21 (q) "Self-insurer offset fund" shall mean the fund composed of reven-
22 ues, including those obtained by the bonds issued under this section,
23 which shall be used solely for the purposes described in subdivision
24 four of this section.

25 (r) "Self-insured employer" means individual and group self-insured
26 employers established in accordance with section fifty of the workers'
27 compensation law.

28 (s) "State" means the state of New York.

1 (t) "Self-insured bond financing agreement" or "financing agreement"
2 means an agreement authorized and created pursuant to subdivision four
3 of this section and section fifty-c of the workers' compensation law, as
4 same by its terms and bond proceedings, may be amended.

5 2. The authority is hereby authorized to issue bonds to reduce assess-
6 ments imposed on self-insured employers under section fifty of the work-
7 ers' compensation law as a result of the unfunded claims of individual
8 and group self-insurers. The authority may enter into one or more self-
9 insured bond financing agreements described in section fifty-c of the
10 workers' compensation law. All of the provisions of the public authori-
11 ties law relating to bonds and notes of the dormitory authority which
12 are not inconsistent with the provisions of this section shall apply to
13 obligations authorized by this section, including but not limited to the
14 power to establish adequate reserves therefor and to issue renewal notes
15 or refunding bonds thereof. The provisions of this section shall apply
16 solely to obligations authorized by this section.

17 3. It is found and declared that unfunded claims in either the indi-
18 vidual or group self-insurance trust program will, absent provision for
19 long-term financing, result in imposition of costs on all self-insurers
20 through assessments; that such unfunded claims and assessments may have
21 a detrimental impact on businesses and not-for-profit corporations in
22 New York state and on the provision of services to New York residents;
23 that without financing the board may be required to impose higher
24 assessments to pay such unfunded claims; that financing will allow the
25 workers' compensation board to purchase one or more assumptions of work-
26 ers' compensation liability policies that will limit the long term loss-
27 es from these unfunded claims; that the bonds will provide a more effi-
28 cient means of covering unfunded claims than the current system of

1 assessment on all self-insureds; that bonds issued by the authority and
2 secured by assessments levied, for the governmental purpose of funding
3 assumption of workers' compensation liability policies, amortized over a
4 substantial period would allow the state to limit liabilities and the
5 assessments needed to pay them, thereby furthering the policy of the
6 state to reduce the costs of workers' compensation and to improve the
7 business climate in the state and the ability of not-for-profit corpo-
8 rations to perform essential services while compensating injured work-
9 ers; that all costs of the authority in relation to this section shall
10 be paid from assessments provided for in the workers' compensation law;
11 and that, therefore, the provisions of this section are for the public
12 benefit and good and the authorization as provided in this section for
13 the issuance of revenue obligations of the authority is declared to be
14 for a public purpose and the exercise of an essential governmental func-
15 tion.

16 4. (a) The authority, the commissioner of taxation and finance and the
17 chair, in consultation with the director of the budget shall execute a
18 financing agreement prior to the issuance of any bonds. Such agreement
19 shall contain such terms and conditions as are necessary to carry out
20 and effectuate the purposes of this section, including covenants with
21 respect to the assessments and enforcement of the assessments, the
22 application and use of the proceeds of the sale of bonds to preserve the
23 tax exemption on the bonds, the interest on which is intended to be
24 exempt from taxation. The state shall not be authorized to make any
25 covenant, pledge, promise or agreement purporting to bind the state with
26 respect to pledged revenues, except as otherwise specifically authorized
27 by this section.

1 (b) The net proceeds of the bonds shall be deposited in accordance
2 with the self-insured bond financing agreement and this section. The
3 self-insured bond financing agreement shall provide for the application
4 of the net bond proceeds, and such bond proceeds shall be used, for any
5 of the following purposes: (i) to pay unmet compensation or benefits of
6 individual and group self-insured employers; (ii) to purchase one or
7 more assumption of workers' compensation liability policies to discharge
8 the liabilities incurred or to be incurred under subdivision three or
9 three-a of section fifty of the workers' compensation law; or (iii) to
10 pay financing costs of the bonds issued under this section. Not incon-
11 sistent with this section, the authority may provide restrictions on the
12 use and investment of net proceeds of the bonds and other amounts in the
13 self-insured bond financing agreement or otherwise in a tax regulatory
14 agreement as necessary or desirable to assure that they are exempt from
15 taxation.

16 5. (a) (i) The authority shall have power and is hereby authorized to
17 issue its bonds at such times and in such aggregate principal amounts
18 not to exceed an amount to be determined by the chair as necessary to
19 fund the purposes of this section, but in no case exceeding nine hundred
20 million dollars exclusive of any bonds issued to refund bonds previously
21 issued pursuant to this chapter and any bonds issued to fund any reserve
22 funds cost of issuance or original issue premium. The bonds shall be
23 issued for the following corporate purposes: (A) to pay current unmet
24 compensation or benefits of individual and group self-insured employers;
25 (B) to purchase one or more assumptions of workers' compensation liabil-
26 ity policies to discharge the liabilities incurred or to be incurred
27 under subdivision three or three-a of section fifty of the workers'

1 compensation law; or (C) to pay financing costs of the bonds issued
2 under this section.

3 (ii) Each issuance of bonds shall be authorized by a resolution of the
4 authority, provided, however, that any such resolution may delegate to
5 an officer of the authority the power to issue such bonds from time to
6 time and to fix the details of any such issues of bonds by an appropri-
7 ate certificate of such authorized officer. Every issue of the bonds of
8 the authority for the self-insurer offset fund shall be special revenue
9 obligations payable from and secured by a pledge of revenues and other
10 assets, including those proceeds of such bonds deposited in a reserve
11 fund for the benefit of bondholders, earnings on such funds and such
12 other funds and assets as may become available, upon such terms and
13 conditions as specified by the authority in the resolution under which
14 the bonds are issued or in a related trust indenture.

15 (iii) The authority shall have the power and is hereby authorized from
16 time to time to issue bonds, in consultation with the chair, the commis-
17 sioner of taxation and finance and the director of the budget, to refund
18 any bonds issued under this section by the issuance of new bonds, wheth-
19 er the bonds to be refunded have or have not matured, and to issue bonds
20 partly to refund bonds then outstanding and partly for any of its other
21 corporate purposes under this section. The refunding bonds may be
22 exchanged for the bonds to be refunded or sold and the proceeds applied
23 to the purchase, redemption or payment of such bonds.

24 (b) The bonds of the authority of each issue shall be dated, shall
25 bear interest (which, in the opinion of bond counsel to the authority,
26 may be includable in or excludable from the gross income of the owners
27 for federal income tax purposes) at such fixed or variable rates, paya-
28 ble at or prior to maturity, and shall mature at such time or times, as

1 may be determined by the authority and may be made redeemable before
2 maturity, at the option of the authority, at such price or prices and
3 under such terms and conditions as may be fixed by the authority. The
4 principal and interest of such bonds may be made payable in any lawful
5 medium. The resolution or the certificate of the authorized officer
6 shall determine the form of the bonds, either registered or book-entry
7 form, and the manner of execution of the bonds and shall fix the denomi-
8 nation or denominations of the bonds and the place or places of payment
9 of principal and interest thereof, which may be at any bank or trust
10 company within or outside the state. If any officer whose signature or a
11 facsimile thereof appears on any bonds shall cease to be such officer
12 before the delivery of such bonds, such signature or facsimile shall
13 nevertheless be valid and sufficient for all purposes the same as if
14 such officer had remained in office until such delivery. The authority
15 may also provide for temporary bonds and for the replacement of any bond
16 that shall become mutilated or shall be destroyed or lost.

17 (c) The authority may sell such bonds, either at a public or private
18 sale and either on a competitive or negotiated basis, provided no such
19 bonds may be sold by the authority at private sale unless such sale and
20 the terms thereof have been approved in writing by the comptroller of
21 the state of New York. The proceeds of such bonds shall be disbursed for
22 the purposes for which such bonds were issued under such restrictions as
23 the financing agreement and the resolution authorizing the issuance of
24 such bonds or the related trust indenture may provide. Such bonds shall
25 be issued without any other approvals, filings, proceedings or the
26 happening of any other conditions other than any approvals, findings,
27 proceedings, or other conditions that are specified and expressly
28 required by this section; provided, however, that any issuance of bonds

1 under the authority of this section shall be considered a project for
2 the purposes of section fifty-one of this chapter and subject to
3 approval under such section.

4 (d) Any pledge made by the authority shall be valid and binding at the
5 time the pledge is made. The assets, property, revenues, reserves or
6 earnings so pledged shall immediately be subject to the lien of such
7 pledge without any physical delivery thereof or further act and the lien
8 of any such pledge shall be valid and binding as against all parties
9 having claims of any kind against the authority, irrespective of whether
10 such parties have notice thereof. Notwithstanding any other provision of
11 law to the contrary, neither the bond resolution nor any indenture or
12 other instrument, including the financing agreement, by which a pledge
13 is created or by which the authority's interest in pledged assets, prop-
14 erty, revenues, reserves or earnings thereon is assigned need be filed,
15 perfected or recorded in any public records in order to protect the
16 pledge thereof or perfect the lien thereof as against third parties,
17 except that a copy thereof shall be filed in the records of the authori-
18 ty.

19 (e) Whether or not the bonds of the authority are of such form and
20 character as to be negotiable instruments under the terms of the uniform
21 commercial code, the bonds are hereby made negotiable instruments for
22 all purposes, subject only to the provisions of the bonds for registra-
23 tion.

24 (f) At the sole discretion of the authority, any bonds issued by the
25 authority and any ancillary bond facility made under the provisions of
26 this subdivision may be secured by a resolution or trust indenture by
27 and between the authority and the trust indenture trustee, which may be
28 any trust company or bank having the powers of a trust company, whether

1 located within or outside the state, provided it is carried out in
2 accordance with section sixty-nine-d of the state finance law. Such
3 trust indenture or resolution providing for the issuance of such bonds
4 may provide for the creation and maintenance of such reserves as the
5 authority shall determine to be proper and may include covenants setting
6 forth the duties of the authority in relation to the bonds, or the
7 financing agreement. Such trust indenture or resolution may contain
8 provisions: (i) respecting the custody, safe-guarding and application of
9 all moneys and securities; (ii) protecting and enforcing the rights and
10 remedies (pursuant to the trust indenture and the financing agreement)
11 of the owners of the bonds and any other benefited party as may be
12 reasonable and proper and not in violation of law; (iii) concerning the
13 rights, powers and duties of the trustee appointed by bondholders pursu-
14 ant to paragraph (g) of this subdivision; or (iv) limiting or abrogating
15 the right of the bondholders to appoint a trustee. It shall be lawful
16 for any bank or trust company which may act as depository of the
17 proceeds of bonds or of any other funds or obligations received on
18 behalf of the authority to furnish such indemnifying bonds or to pledge
19 such securities as may be required by the authority. Any such trust
20 indenture or resolution may contain such other provisions as the author-
21 ity may deem reasonable and proper for priorities and subordination
22 among the owners of the bonds and other beneficiaries. For purposes of
23 this section, a "resolution" of the authority shall include any trust
24 indenture authorized thereby.

25 (g) The authority may enter into, amend or terminate, as it determines
26 to be necessary or appropriate, any ancillary bond facility in consulta-
27 tion with the chair and director of the budget (i) to facilitate the
28 issuance, sale, resale, purchase, repurchase or payment of bonds, inter-

1 est rate savings or market diversification or the making or performance
2 of interest rate exchange or similar agreements, including without limi-
3 tation bond insurance, letters of credit and liquidity facilities, (ii)
4 to attempt to manage or hedge risk or achieve a desirable effective
5 interest rate or cash flow, or (iii) to place the obligations or invest-
6 ments of the authority, as represented by the bonds or the investment of
7 reserved bond proceeds or other pledged revenues or other assets, in
8 whole or in part, on the interest rate, cash flow or other basis decided
9 in consultation with the chair and director of the budget, which facili-
10 ty may include without limitation contracts commonly known as interest
11 rate exchange or similar agreements, forward purchase contracts or guar-
12 anteed investment contracts and futures or contracts providing for
13 payments based on levels of, or changes in, interest rates. These
14 contracts or arrangements may be entered into by the authority in
15 connection with, or incidental to, entering into, or maintaining any
16 agreement which secures bonds of the authority or investment, or
17 contract providing for investment of reserves or similar facility guar-
18 anteeing an investment rate for a period of years not to exceed the
19 underlying term of the bonds. The determination by the authority that an
20 ancillary bond facility or the amendment or termination thereof is
21 necessary or appropriate as aforesaid shall be conclusive. Any ancillary
22 bond facility may contain such payment, security, default, remedy, and
23 termination provisions and payments and other terms and conditions as
24 determined by the authority, after giving due consideration to the
25 creditworthiness of the counterparty or other obligated party, including
26 any rating by any nationally recognized rating agency, and any other
27 criteria as may be appropriate.

1 (h) The authority, subject to such agreements with bondholders as may
2 then exist (including provisions which restrict the power of the author-
3 ity to purchase bonds), or with the providers of any applicable ancil-
4 lary bond facility, shall have the power out of any funds available
5 therefor to purchase bonds of the authority, which may or may not there-
6 upon be cancelled, at a price not substantially exceeding:

7 (i) if the bonds are then redeemable, the redemption price then appli-
8 cable, including any accrued interest; or

9 (ii) if the bonds are not then redeemable, the redemption price and
10 accrued interest applicable on the first date after such purchase upon
11 which the bonds become subject to redemption.

12 (i) Neither the members of the authority nor any other person execut-
13 ing the bonds or an ancillary bond facility of the authority shall be
14 subject to any personal liability by reason of the issuance or execution
15 and delivery thereof.

16 (j) The maturities of the bonds shall not exceed thirty years from
17 their respective issuance.

18 6. Neither any bond issued pursuant to this section nor any ancillary
19 bond facility of the authority shall constitute a debt or moral obli-
20 gation of the state or a state supported obligation within the meaning
21 of any constitutional or statutory provision or a pledge of the faith
22 and credit of the state or of the taxing power of the state, and the
23 state shall not be liable to make any payments thereon nor shall any
24 bond or any ancillary bond facility be payable out of any funds or
25 assets other than pledged revenues and other assets of the authority and
26 other funds and assets of or available to the authority pledged there-
27 for, and the bonds and any ancillary bond facility of the authority

1 shall contain on the face thereof or other prominent place thereon a
2 statement to the foregoing effect.

3 7. (a) Subject to the provisions of subdivision five of this section
4 in the event that the authority shall default in the payment of princi-
5 pal of, or interest on, or sinking fund payment on, any issue of bonds
6 after the same shall become due, whether at maturity or upon call for
7 redemption, or in the event that the authority or the state shall fail
8 to comply with any agreement made with the holders of any issue of
9 bonds, the holders of twenty-five percent in aggregate principal amount
10 of the bonds of such issue then outstanding, by instrument or instru-
11 ments filed in the office of the clerk of the county of Albany and
12 proved or acknowledged in the same manner as a deed to be recorded, may
13 appoint a trustee to represent the holders of such bonds for the
14 purposes herein provided.

15 (b) Such trustee, may, and upon written request of the holders of
16 twenty-five percent in principal amount of such bonds then outstanding
17 shall, in his or its own name:

18 (i) by suit, action or proceeding in accordance with the civil prac-
19 tice law and rules, enforce all rights of the bondholders, including the
20 right to require the authority to carry out any agreement with such
21 holders and to perform its duties under this section;

22 (ii) bring suit upon such bonds;

23 (iii) by action or suit, require the authority to account as if it
24 were the trustee of an express trust for the holders of such bonds;

25 (iv) by action or suit, enjoin any acts or things which may be unlaw-
26 ful or in violation of the rights of the holders of such bonds; and

27 (v) declare all such bonds due and payable, and if all defaults shall
28 be made good, then, with the consent of the holders of twenty-five

1 percent of the principal amount of such bonds then outstanding, annul
2 such declaration and its consequences, provided, however, that nothing
3 in this subdivision shall preclude the authority from agreeing that
4 consent of the provider of an ancillary bond facility is required for an
5 acceleration of related bonds in the event of a default other than a
6 failure to pay principal of or interest on the bonds when due.

7 (c) The supreme court shall have jurisdiction of any suit, action or
8 proceeding by the trustee on behalf of such bondholders. The venue of
9 any such suit, action or proceeding shall be laid in the county of Alba-
10 ny.

11 (d) Before declaring the principal of bonds due and payable, the trus-
12 tee shall first give thirty days notice in writing to the authority.

13 8. All monies of the authority from whatever source derived shall be
14 paid to the treasurer of the authority and shall be deposited forthwith
15 in a bank or banks designated by the authority. The monies in such
16 accounts shall be paid out or withdrawn on the order of such person or
17 persons as the authority may authorize to make such requisitions. All
18 deposits of such monies shall either be secured by obligations of the
19 United States or of the state or of any municipality of a market value
20 equal at all times to the amount on deposit, or monies of the authority
21 may be deposited in money market funds rated in the highest short-term
22 or long-term rating category by at least one nationally recognized
23 rating agency. To the extent practicable, and consistent with the
24 requirements of the authority, all such monies shall be deposited in
25 interest bearing accounts. The authority shall have power, notwithstand-
26 ing the provisions of this section, to contract with the holders of any
27 bonds as to the custody, collection, security, investment and payment of
28 any monies of the authority or any monies held in trust or otherwise for

1 the payment of bonds or any way to secure bonds, and carry out any such
2 contract notwithstanding that such contract may be inconsistent with the
3 provisions of this section. Monies held in trust or otherwise for the
4 payment of bonds or in any way to secure bonds and deposits of such
5 moneys may be secured in the same manner as monies of the authority and
6 all banks and trust companies are authorized to give such security for
7 such deposits. Any monies of the authority not required for immediate
8 use or disbursement may, at the discretion of the authority, be invested
9 in accordance with law and such guidelines as are approved by the
10 authority.

11 9. (a) It is hereby determined that the carrying out by the authority
12 of its corporate purposes under this section are in all respects for the
13 benefit of the people of the state of New York and are public purposes.
14 Accordingly, the authority shall be regarded as performing an essential
15 governmental function in the exercise of the powers conferred upon it by
16 this section. The property of the authority, its income and its oper-
17 ations shall be exempt from taxation, assessments, special assessments
18 and ad valorem levies. The authority shall not be required to pay any
19 fees, taxes, special ad valorem levies or assessments of any kind,
20 whether state or local, including, but not limited to, real property
21 taxes, franchise taxes, sales taxes or other taxes, upon or with respect
22 to any property owned by it or under its jurisdiction, control or super-
23 vision, or upon the uses thereof, or upon or with respect to its activ-
24 ities or operations in furtherance of the powers conferred upon it by
25 this section, or upon or with respect to any assessments, rates, charg-
26 es, fees, revenues or other income received by the authority.

1 (b) Any bonds issued pursuant to this section, their transfer and the
2 income therefrom shall, at all times, be exempt from taxation except for
3 estate or gift taxes and taxes on transfers.

4 (c) The state hereby covenants with the purchasers and with all subse-
5 quent holders and transferees of bonds issued by the authority pursuant
6 to this section, in consideration of the acceptance of and payment for
7 the bonds, that the bonds of the authority issued pursuant to this
8 section and the income therefrom and all assessments, revenues, moneys,
9 and other property received by the authority and pledged to pay or to
10 secure the payment of such bonds shall at all times be exempt from taxa-
11 tion.

12 (d) In the case of any bonds of the authority, interest on which is
13 intended to be exempt from federal income tax, the authority shall
14 prescribe restrictions on the use of the proceeds thereof and related
15 matters only as are necessary or desirable to assure such exemption, and
16 the recipients of such proceeds shall be bound thereby to the extent
17 such restrictions shall be made applicable to them. Any such recipient,
18 including, but not limited to, the state, the state insurance fund, a
19 public benefit corporation, and a school district or municipality is
20 authorized to execute a tax regulatory agreement with the authority or
21 the state, as the case may be, and the execution of such an agreement
22 may be treated by the authority or the state as a condition to receiving
23 any such proceeds.

24 10. (a) The state, solely with respect to the resources of the self-
25 insurer offset fund and as set forth in the self-insured bond financing
26 agreement, covenants with the purchasers and all subsequent owners and
27 transferees of bonds issued by the authority pursuant to this section in
28 consideration of the acceptance of the payment of the bonds, until the

1 bonds, together with the interest thereon, with interest on any unpaid
2 installment of interest and all costs and expenses in connection with
3 any action or proceeding on behalf of the owners, are fully met and
4 discharged or unless expressly permitted or otherwise authorized by the
5 terms of each financing agreement and any contract made or entered into
6 by the authority with or for the benefit of such owners:

7 (i) that in the event bonds of the authority are sold as federally
8 tax-exempt bonds, the state shall not take any action or fail to take
9 action that would result in the loss of such federal tax exemption on
10 said bonds;

11 (ii) that the state will cause the workers' compensation board to
12 impose, charge, raise, levy, collect and apply the pledged assessments
13 for the payment of debt service requirements in each year in which bonds
14 are outstanding; and

15 (iii) that the state, subsequent to the issuance of bonds under this
16 section:

17 (A) will not materially limit or alter the duties imposed on the work-
18 ers' compensation board, the authority, and other officers of the state
19 by the self-insured bond financing agreement and the bond proceedings
20 authorizing the issuance of bonds with respect to application of pledged
21 assessments for the payment of debt service requirements;

22 (B) will not issue any bonds, notes or other evidences of indebt-
23 edness, other than the bonds authorized by this section, having any
24 rights arising out of subparagraph two of paragraph c of subdivision
25 five of section fifty of the workers' compensation law or this section
26 or secured by any pledge of or other lien or charge on the revenues
27 pledged for the payment of debt service requirements; except for bonds

1 authorized under subdivision eight of section fifteen of the workers'
2 compensation law.

3 (C) will not create or cause to be created any lien or charge on the
4 pledged revenues, other than a lien or pledge created thereon pursuant
5 to said sections;

6 (D) will carry out and perform, or cause to be carried out and
7 performed, each and every promise, covenant, agreement or contract made
8 or entered into by the financing agreement, by the authority or on its
9 behalf with the bond owners of any bonds;

10 (E) will not in any way impair the rights, exemptions or remedies of
11 the bond owners; and

12 (F) will not limit, modify, rescind, repeal or otherwise alter the
13 rights or obligations of the appropriate officers of the state to
14 impose, maintain, charge or collect the assessments constituting the
15 pledged revenues as may be necessary to produce sufficient revenues to
16 fulfill the terms of the proceedings authorizing the issuance of the
17 bonds, including pledged revenue coverage requirements.

18 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
19 sion:

20 (i) the remedies available to the authority and the bondholders for
21 any breach of the pledges and agreements of the state set forth in this
22 subdivision shall be limited to injunctive relief;

23 (ii) nothing in this subdivision shall prevent the authority from
24 issuing evidences of indebtedness:

25 (A) which are secured by a pledge or lien which is, and shall on the
26 face thereof, be expressly subordinate and junior in all respects to
27 every lien and pledge created by or pursuant to said sections; or

1 (B) which are secured by a pledge of or lien on moneys or funds
2 derived on or after the date every pledge or lien thereon created by or
3 pursuant to said sections shall be discharged and satisfied; and

4 (iii) nothing in this subdivision shall preclude the state from exer-
5 cising its power, through a change in law, to limit, modify, rescind,
6 repeal or otherwise alter the character of the pledged assessments or
7 revenues or to substitute like or different sources of assessments,
8 taxes, fees, charges or other receipts as pledged revenues if and when
9 adequate provision shall be made by law for the protection of the hold-
10 ers of outstanding bonds pursuant to the proceedings under which the
11 bonds are issued, including changing or altering the method of estab-
12 lishing the special assessments.

13 (c) The authority is authorized to include this covenant of the state,
14 as a contract of the state, in any agreement with the owner of any bonds
15 issued pursuant to this section and in any credit facility or reimburse-
16 ment agreement with respect to such bonds. Notwithstanding these pledg-
17 es and agreements by the state, the attorney general may in his or her
18 discretion enforce any and all provisions related to the self-insured
19 bond fund, without limitation.

20 (d) Prior to the date which is one year and one day after the authori-
21 ty no longer has any bonds issued pursuant to this section outstanding,
22 the authority shall have no authority to file a voluntary petition under
23 chapter nine of the federal bankruptcy code or such corresponding chap-
24 ter or sections as may be in effect, and neither any public officer nor
25 any organization, entity or other person shall authorize the authority
26 to be or become a debtor under chapter nine or any successor or corre-
27 sponding chapter or sections during such period. The state hereby coven-
28 ants with the owners of the bonds of the authority that the state will

1 not limit or alter the denial of authority under this subdivision during
2 the period referred to in the preceding sentence. The authority is
3 authorized to include this covenant of the state, as a contract of the
4 state, in any agreement with the owner of any bonds issued pursuant to
5 this section.

6 (e) To the extent deemed appropriate by the authority any pledge and
7 agreement of the state with respect to the bonds as provided in this
8 section may be extended to, and included in, any ancillary bond facility
9 as a pledge and agreement of the state with the authority and the bene-
10 fited party.

11 11. The bonds of the authority are hereby made securities in which all
12 public officers and bodies of this state and all municipalities and
13 political subdivisions, all insurance companies and associations and
14 other persons carrying on an insurance business, all banks, bankers,
15 trust companies, savings banks and savings associations, including
16 savings and loan associations, building and loan associations, invest-
17 ment companies and other persons carrying on a banking business, all
18 administrators, guardians, executors, trustees and other fiduciaries,
19 and all other persons whatsoever who are now or may hereafter be author-
20 ized to invest in bonds or in other obligations of the state, may prop-
21 erly and legally invest funds, including capital, in their control or
22 belonging to them. The bonds are also hereby made securities which may
23 be deposited with and may be received by all public officers and bodies
24 of the state and all municipalities, political subdivisions and public
25 corporations for any purpose for which the deposit of bonds or other
26 obligations of the state is now or may hereafter be authorized.

27 12. (a) An action against the authority for death, personal injury or
28 property damage or founded on tort shall not be commenced more than one

1 year and ninety days after the cause of action thereof shall have
2 accrued nor unless a notice of claim shall have been served on a member
3 of the authority or officer or employee thereof designated by the
4 authority for such purpose, within the time limited by, and in compli-
5 ance with the requirements of section fifty-e of the general municipal
6 law.

7 (b) The venue of every action, suit or special proceeding brought
8 against the authority or concerning the validity of this section shall
9 be laid in the county of Albany.

10 (c) The bonds, and any obligation of the authority under any ancillary
11 bond facility, may contain a recital that they are issued or executed,
12 respectively, pursuant to this section, which recital shall be conclu-
13 sive evidence of the validity of the bonds and any such obligation,
14 respectively, and the regularity of the proceedings of the authority
15 relating thereto.

16 13. Any action or proceeding to which the authority or the people of
17 the state may be parties, in which any question arises as to the validi-
18 ty of this section, shall be preferred over all other civil causes of
19 action or cases, except election causes of action or cases, in all
20 courts of the state and shall be heard and determined in preference to
21 all other civil business pending therein, except election causes, irre-
22 spective of position on the calendar. The same preference shall be
23 granted upon application of the authority or its counsel in any action
24 or proceeding questioning the validity of this section in which the
25 authority may be allowed to intervene.

26 14. Notwithstanding any law to the contrary, no funds of the self-in-
27 surer offset fund may be used for any purpose other than those set forth
28 in this section and section fifty-a of the workers' compensation law.

1 § 36. Subdivision 1 of section 17 of the public officers law is
2 amended by adding a new paragraph (x) to read as follows:

3 (x) For the purposes of this section, the term "employee" shall
4 include the members of the board, officers and employees of the dormi-
5 tory authority for purposes of section sixteen hundred eighty-q of the
6 public authorities law.

7 § 37. This act shall take effect immediately, provided, however that
8 section ten of this act shall take effect on the ninetieth day after it
9 shall have become a law, and section fourteen of this act shall take
10 effect on the thirtieth day after it shall have become a law.

11 PART P

12 Section 1. Subdivision 6 of section 163 of the state finance law, as
13 amended by chapter 173 of the laws of 2010, is amended to read as
14 follows:

15 6. Discretionary buying thresholds. Pursuant to guidelines established
16 by the state procurement council: the commissioner may purchase services
17 and commodities in an amount not exceeding eighty-five thousand dollars
18 without a formal competitive process; state agencies may purchase
19 services and commodities in an amount not exceeding fifty thousand
20 dollars without a formal competitive process; and state agencies may
21 purchase commodities or services from small business concerns or those
22 certified pursuant to article fifteen-A of the executive law, or commod-
23 ities or technology that are recycled or remanufactured, or commodities
24 that are food grown, produced or harvested in New York state or food
25 manufactured or processed into food products in facilities located with-

1 in New York state in an amount not exceeding two hundred thousand
2 dollars without a formal competitive process.

3 § 2. This act shall take effect immediately; provided, however, that
4 the amendments to section 163 of the state finance law made by section
5 one of this act shall not affect the repeal of such section and shall be
6 deemed repealed therewith.

7 PART Q

8 Section 1. Subdivisions 1, 2, 3 and 6 of section 29-h of the executive
9 law, as added by section 10-a of part B of chapter 56 of the laws of
10 2010, paragraph c of subdivision 2 as amended by section 8 and paragraph
11 a of subdivision 6 as amended by section 9 of part G of chapter 55 of
12 the laws of 2012, are amended to read as follows:

13 1. Creation. There is hereby created the intrastate mutual aid program
14 to complement existing mutual aid agreements in the event of a disaster
15 that results in a formal declaration of an emergency by a participating
16 local government. All local governments within the state, excepting
17 those which affirmatively choose not to participate in accordance with
18 subdivision four of this section, are deemed to be participants in the
19 program; provided, however, with respect to school districts and boards
20 of cooperative educational services, such participation shall be limited
21 to the sharing of facilities management and administrative personnel and
22 equipment.

23 2. Definitions. As used in this section, the following terms shall
24 have the following meanings:

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

1 b. "Local government" means any county, city, town [or], village,
2 school district or board of cooperative educational services of the
3 state;

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

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

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

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

17 g. "School district" shall have the same meaning as in title two of
18 the education law, including any public school district and any special
19 act school district as defined in section four thousand one of the
20 education law; and

21 h. "Board of cooperative educational services" shall have the same
22 meaning as in section nineteen hundred fifty of the education law.

23 3. Intrastate mutual aid program committee established; meetings;
24 powers and duties. a. There is hereby created within the disaster
25 preparedness commission an intrastate mutual aid program committee, for
26 purposes of this section to be referred to as the committee, which shall
27 be chaired by the commissioner of the division of homeland security and
28 emergency services, and shall include the state fire administrator, the

1 commissioner of health, the commissioner of education and the commis-
2 sioner of agriculture and markets, provided that each such official may
3 appoint a designee to serve in his or her place on the committee. The
4 committee shall also include five representatives from local public
5 safety or emergency response agencies and one representative from a
6 school district or board of cooperative educational services. Such
7 representatives, who shall serve a maximum two-year term, [to be] shall
8 be appointed by the commissioner of the division of homeland security
9 and emergency services, with regard to a balance of geographic represen-
10 tation and discipline expertise.

11 b. The committee, on the call of the chairperson, shall meet at least
12 twice each year and at such other times as may be necessary. The agenda
13 and meeting place of all regular meetings shall be made available to the
14 public in advance of such meetings and all such meetings shall be open
15 to the public.

16 c. The committee shall have the following powers and responsibilities:

17 (1) to promulgate rules and regulations, acting through the division
18 of homeland security and emergency services, to implement the intrastate
19 mutual aid program as described in this section;

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

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

24 (4) to examine issues facing participating local governments regarding
25 the implementation of the intrastate mutual aid program; and

26 (5) to prepare reports to the disaster preparedness commission
27 discussing the effectiveness of mutual aid in the state and making

1 recommendations for improving the efficacy of the system, if appropri-
2 ate.

3 6. Requesting assistance under the intrastate mutual aid program. a.
4 [A] Subject to the restrictions on school districts and boards of coop-
5 erative educational services set forth in subdivision one of this
6 section, a participating local government may request assistance of
7 other participating local governments in preventing, mitigating,
8 responding to and recovering from disasters that result in locally-dec-
9 lared emergencies, or for the purpose of conducting multi-jurisdictional
10 or regional training, drills or exercises. Requests for assistance may
11 be made verbally or in writing; verbal requests shall be memorialized in
12 writing as soon thereafter as is practicable. Notwithstanding the
13 provisions of section twenty-five of this article, the local emergency
14 management director shall have the authority to request and accept
15 assistance and deploy the local resources of his or her jurisdiction
16 under the intrastate mutual aid program.

17 b. Once an emergency is declared at the county level, all requests and
18 offers for assistance, to the extent practical, shall be made through
19 the county emergency management office, or in the case of the city of
20 New York, through the city emergency management office. All requests for
21 assistance should include:

- 22 (1) a description of the disaster;
- 23 (2) a description of the assistance needed;
- 24 (3) a description of the mission for which assistance is requested;
- 25 (4) an estimate of the length of time the assistance will be needed;
- 26 (5) the specific place and time for staging of the assistance and a
27 point of contact at that location; and

1 (6) any other information that will enable an assisting local govern-
2 ment to respond appropriately to the request.

3 c. Assisting local governments shall submit to the requesting local
4 government an inventory of the resources being deployed.

5 d. The written request for assistance and all inventories of resources
6 being deployed shall be submitted to the division of homeland security
7 and emergency services within three calendar days of the request for or
8 deployment of such resources.

9 § 2. This act shall take effect immediately.

10 PART R

11 Section 1. Section 73 of the public officers law is amended by adding
12 a new subdivision 8-c to read as follows:

13 8-c. Notwithstanding the provisions of subparagraphs (i) and (ii) of
14 paragraph (a) of subdivision eight of this section, a former state offi-
15 cer or employee who, prior to his or her separation from state service,
16 was employed performing direct care, clinical care, case management,
17 service coordination or other related support duties to individuals, is
18 not barred from rendering such services in the future to individuals who
19 were receiving those services from such employee prior to leaving state
20 service.

21 § 2. This act shall take effect immediately.

22 PART S

23 Section 1. Subdivision (a) of section 3 of part F of chapter 56 of the
24 laws of 2011, relating to permitting authorized state entities to

1 utilize the design-build method for infrastructure projects, is amended
2 to read as follows:

3 (a) "authorized state entity" shall mean [the New York state thruway
4 authority, the department of transportation, the office of parks, recre-
5 ation and historic preservation, the department of environmental conser-
6 vation and the New York state bridge authority] any state department or
7 division, board, commission, bureau, office, committee or council of any
8 state department, any public benefit corporation, public authority or
9 commission, at least one of whose members is appointed by the governor,
10 but shall not include the state university of New York or the city
11 university of New York.

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

16 (e-1) "design-build-finance contract" shall mean a contract for the
17 design, construction and financing, which may include private capital,
18 of a capital project with a single entity, which may be a team comprised
19 of separate entities.

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

23 § 4. Notwithstanding the provisions of section 38 of the highway law,
24 section 136-a of the state finance law, section 359 of the public
25 authorities law, section 7210 of the education law, section 8 of the
26 public buildings law and the provisions of any other law to the contra-
27 ry, and in conformity with the requirements of this act, an authorized
28 state entity may utilize the alternative delivery [method] methods

1 referred to as design-build contracts and design-build-finance contracts
2 for capital projects related to the state's physical infrastructure,
3 including, but not limited to, the state's highways, bridges, buildings,
4 dams, flood control projects, canals, and parks, including, but not
5 limited to, to repair damage caused by natural disaster, to correct
6 health and safety defects, to comply with federal and state laws, stand-
7 ards, and regulations, to extend the useful life of or replace the
8 state's highways, bridges, buildings, dams, flood control projects,
9 canals, and parks or to improve or add to the state's highways, bridges,
10 buildings, dams, flood control projects, canals, and parks; provided
11 that for the contracts executed by the department of transportation, the
12 office of parks, recreation and historic preservation, or the department
13 of environmental conservation, the total cost of each such project shall
14 not be less than one million two hundred thousand dollars (\$1,200,000).

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

18 § 5. An entity selected by an authorized state entity to enter into a
19 design-build contract or a design-build-finance contract shall be
20 selected through a two-step method, as follows:

21 (a) Step one. Generation of a list of entities that have demonstrated
22 the general capability to perform the design-build contract or design-
23 build-finance contract. Such list shall consist of a specified number
24 of entities, as determined by an authorized state entity, and shall be
25 generated based upon the authorized state entity's review of responses
26 to a publicly advertised request for qualifications. The authorized
27 state entity's request for qualifications shall include a general
28 description of the project, the maximum number of entities to be

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

23 (b) Step two. Selection of the proposal which is the best value to the
24 state. The authorized state entity shall issue a request for proposals
25 to the entities listed pursuant to subdivision (a) of this section. If
26 such an entity consists of a team of separate entities, the entities
27 that comprise such a team must remain unchanged from the entity as list-
28 ed pursuant to subdivision (a) of this section unless otherwise approved

1 by the authorized state entity. The request for proposals shall set
2 forth the project's scope of work, and other requirements, as determined
3 by the authorized state entity. The request for proposals shall specify
4 the criteria to be used to evaluate the responses and the relative
5 weight of each such criteria. Such criteria shall include the
6 proposal's cost, the quality of the proposal's solution, the qualifica-
7 tions and experience of the design-build or design-build-finance entity,
8 and other factors deemed pertinent by the authorized state entity, which
9 may include, but shall not be limited to, the proposal's project imple-
10 mentation, ability to complete the work in a timely and satisfactory
11 manner, maintenance costs of the completed project, maintenance of traf-
12 fic approach, and community impact. Any contract awarded pursuant to
13 this act shall be awarded to a responsive and responsible entity that
14 submits the proposal, which, in consideration of these and other speci-
15 fied criteria deemed pertinent to the project, offers the best value to
16 the state, as determined by the authorized state entity. Nothing herein
17 shall be construed to prohibit the authorized entity from negotiating
18 final contract terms and conditions including cost.

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

22 § 12. The submission of a proposal or responses or the execution of a
23 design-build contract or design-build-finance contract pursuant to this
24 act shall not be construed to be a violation of section 6512 of the
25 education law.

26 § 6. This act shall take effect immediately; provided, however, that
27 the amendments to sections 3, 4, 5 and 12 of part F of chapter 56 of the
28 laws of 2011 made by sections one through five of this act shall not

1 affect the repeal of such part and shall be deemed to be repealed there-
2 with.

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

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