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

3637

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sen. SQUADRON -- (at request of the Office of Temporary and Disability Assistance) -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the welfare reform act of 1997, the social services law, the tax law, the banking law, the civil practice law and rules, the executive law, the family court act, the insurance law, the labor law, the lien law, the public service law, the real property actions and proceedings law, the state finance law, the vehicle and traffic law and the mental hygiene law, in relation to changing the name of the office of temporary and disability assistance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 2 of subdivision (a) of section 122 of part B of chapter 436 of the laws of 1997, constituting the welfare reform act of 1997, is amended to read as follows:

(2) the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY.

S 2. Subdivision 14 of section 22 of the social services law, as amended by chapter 524 of the laws of 2005, is amended to read as follows:

14. To provide an analysis of the outcome of the fair hearings process within the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to identify inadequacies and potential improvements in the functioning of the fair hearings system, such office shall prepare for inclusion in the annual report required by subdivision (d) of section seventeen of this article to be filed with the governor and the legislature prior to the fifteenth day of December of each year, a report containing with respect to income maintenance programs, including the family assistance program, the safety net assistance program, the medical assistance program and any other program, the number of affirmations and reversals by local districts and by program including a break-

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

LBD07640-02-9

down by local districts of the number of fair hearings requested by program and the number of fair hearings held by program, formal requests by local districts and recipients for reconsideration or rehearing of appeals, and a summary of court actions on hearing decisions.

S 3. Paragraph (f) of subdivision 5 of section 49 of the social services law, as added by chapter 204 of the laws of 1998, is amended to read as follows:

(f) the provision of or referral to support services designed to stabilize households in permanent and habitable housing including services related to substance abuse, domestic violence, housekeeping, budgeting, education, day care, employment, parenting, mental health, physical health, and such other services deemed necessary by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. Service provided to homeless households pursuant to this paragraph must be provided for a period of at least six months beginning the first day of the month following the month in which such household secured permanent housing.

S 4. Section 51 of the social services law, as amended by chapter 204 of the laws of 1998, is amended to read as follows:

S 51. Regulations. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall, in consultation with other agencies deemed appropriate by the commissioner, promulgate such rules and regulations as are necessary to carry out the provisions of this article.

S 5. Subdivision 11 of section 95 of the social services law, as added by chapter 333 of the laws of 2002, is amended to read as follows:

11. Notwithstanding any other provision of law to the contrary, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY within the department of family assistance shall develop a brief, simplified application form for the food stamp program only. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall develop the form in consultation with food stamp outreach organizations and consider how the form may be used to reach as many potential applicants as possible, especially those over sixty years of age and those who are employed.

S 6. Subparagraph 1 of paragraph (b) of subdivision 12 and subparagraph 1 of paragraph (b) of subdivision 15 of section 111-b of the social services law, as amended by chapter 624 of the laws of 2002, are amended to read as follows:

(1) When a support obligor who is or was under a court order to pay child support or combined child and spousal support to a support collection unit on behalf of persons receiving services under this title has accumulated support arrears equivalent to or greater than the amount of support due pursuant to such order for a period of four months, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the support obligor in writing that his or her continued failure to pay the support arrears shall result in notification to the department of motor vehicles to suspend the support obligor's driving privileges unless the support obligor complies with the requirements set forth in paragraph (e) of this subdivision. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section; however, if at least four months of support arrears have

accumulated subsequent to the date of the court order, the entire amount of any retroactive support may be collected pursuant to the provisions of this subdivision or as otherwise authorized by law.

(1) When a support obligor who is or was under a court order to pay child support or combined child and spousal support to a support collection unit on behalf of persons receiving services under this title has accumulated support arrears equivalent to or greater than the amount of support due pursuant to such order for a period of four months, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the support obligor in writing that his or her continued failure to fully pay the support arrears shall result in notification to the department of taxation and finance that they are authorized to collect such arrearage. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section; however, if at least four months of support arrears have accumulated subsequent to the date of the court order, the entire amount of any retroactive support may be collected pursuant to the provisions of this subdivision or as otherwise authorized by law.

S 7. Subdivisions 1 and 3 of section 111-u of the social services law, as amended by chapter 624 of the laws of 2002, are amended to read as follows:

1. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a social services district, or its authorized representative shall have a lien against real and personal property owned by a support obligor when such support obligor is or was under a court order to pay child support or combined child and spousal support to a support collection unit on behalf of persons receiving services under this title, and such obligor has accumulated support arrears/past due in an amount equal to or greater than the amount of support due pursuant to such order for a period of four months. Such lien shall incorporate unpaid support which accrues in the future.

3. When the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a social services district, or its authorized representative on behalf of a person receiving services pursuant to this title determines that the requisite amount of child support is past due, it shall send, by first class mail, a notice of intent to file a lien to the support obligor. The obligor may assert a mistake of fact and shall have an opportunity to make a submission in support of the assertion. The assertion and any supporting papers shall be submitted within thirty-five days from the date a notice was mailed. Thereafter, the social services district shall determine the merits of the assertion, and shall notify the obligor of its determination within ninety days after notice to the obligor was mailed.

S 8. Subdivision 13 of section 131-a of the social services law, as added by chapter 477 of the laws of 2000, is amended to read as follows:

13. Pursuant to regulations of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, public assistance eligibility shall, to the extent permitted by federal law, not lapse solely by reason of the death of the adult relative caretaker of a minor child, until arrangements are completed for the addition of the child to another public assistance household, reclassification of the case, foster care or other appropriate financial support. For purposes of subdivision

eight of section one hundred fifty-three of this article, safety net assistance given to such a child during the first forty-five days after application therefor shall be regarded as being given to meet emergency circumstances.

S 9. Subdivision 4 of section 131-i of the social services law, as added by chapter 513 of the laws of 1999, is amended to read as follows:

4. From amounts appropriated for such purpose, the department of labor in consultation with the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY is hereby authorized and directed to solicit proposals to establish up to four new family loan programs. Such programs shall operate according to provisions set forth in [subdivision] SUBDIVISIONS one through three of this section; provided, however, that such programs may provide no- or low-interest loans, and further provided that applications submitted by a consortium of not-for-profit organizations or local government agencies shall be viewed as one program and may receive greater funding by the department of labor than an application submitted by a single organization or agency. Low-interest loans shall not exceed a rate greater than two-thirds of the prime rate. No not-for-profit organization or local government agency awarded funding from appropriations made in the nineteen hundred ninety-seven--nineteen hundred ninety-eight fiscal year shall be eligible for funds made available from appropriations made in the nineteen hundred ninety-nine--two thousand fiscal year.

S 10. Subdivisions 1, 2 and 3 of section 131-aa of the social services law, subdivisions 1 and 3 as amended and subdivision 2 as added by section 5 of part J of chapter 58 of the laws of 2006, are amended to read as follows:

1. Reporting requirements. The commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall issue, within sixty days of the end of each month, a monthly statistical report containing each of the tables in the March two thousand four Temporary and Disability assistance statistics report as provided on the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY website. Such report shall also include aggregate total claims for both New York city and the rest of the state related to [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY not already included in the March 2004 Temporary and Disability Assistance Statistics report as provided on the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY website. The commissioner may also include similar tables containing statistical information including, but not limited to, [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY claims on emergency child care, family shelter, shelter for victims of domestic violence, eviction prevention including, but not limited to, security deposits and brokers fees, supplemental claims, cancellations or refunds, drug or alcohol treatment, and increased costs associated with cases for individuals with AIDS. The commissioner may also include any other statistical information related to [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY that he or she deems to be appropriate. The commissioner shall also, within sixty days of the completion of each quarter of the state fiscal year, issue an update of monthly [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY claims for each of the previous twenty-four months based on actual claims received by the end of such quarter; provided, however, the update following the third quarter of the state fiscal year shall be completed within thirty days. Such update shall include the total number of recipients, the

monthly average payment, and total claims, received by the end of such quarter, for New York city, the rest of the state, and total state claims.

2. Additional reporting requirements. In addition to the information required to be included in the monthly statistical report pursuant to subdivision one of this section, the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall include in such monthly statistical report detailed tables with comprehensive data for federally participating family assistance and safety net cases, safety net non-maintenance of effort cases, and safety net maintenance of effort cases, for each county and New York city, according to the following categories:

(a) Work participation rates. A statistical table containing data related to federally required work participation rates including, but not limited to, the numerator applied to the required federal calculation for work participation and the denominator applied to the federal calculation for work participation; and any other information that the commissioner deems to be appropriate.

(b) Earned income. A statistical table containing data related to the aggregate amount of earned income reported by public assistance recipients including, but not limited to, aggregate earned income used in the calculation of public assistance benefits, both before and after the earnings disregard is applied to such benefits, the number of cases for which earned income is applied to the calculation of such benefits, both before and after the earnings disregard, and any other information that the commissioner deems to be appropriate.

(c) Sanctioned cases. A statistical table containing data related to the number of cases in sanction status and the reason for such sanction including, but not limited to, the number of sanctioned cases included in the federal work participation calculation, the number of sanctioned cases not included in the federal work participation calculation, and any other information that the commissioner deems to be appropriate.

(d) Home energy assistance program (HEAP). For each county and New York city, a statistical table containing data related to the allocation of federal and state monies for the HEAP program and the number and dollar amount of benefits provided including, but not limited to, the number, dollar amount and average dollar amount of regular autopay benefits, regular non-autopay benefits, emergency benefits, allocation for administrative costs, and any other information that the commissioner deems to be appropriate.

3. Upon issuance, the reports required by this section shall be posted on the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY website, and shall also be submitted by the commissioner to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee.

S 11. Subdivision 17 of section 153 of the social services law, as added by section 1 of part J of chapter 58 of the laws of 2006, is amended to read as follows:

17. From an amount specifically appropriated therefor, the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall provide additional enhanced reimbursement for administration of income maintenance, food stamps, and employment programs to social services districts which meet the work participation rates set forth in subdivision seven of section three hundred thirty-five-b of this chapter. The amount of reimbursement available to each

social services district shall be established by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY with the approval of the director of the budget. Separate amounts of reimbursement shall be available to a social services district for meeting each of the following categories: for households receiving assistance funded under the federal temporary assistance for needy families block grant program in which there is an adult or minor head of household; and for households with dependent children in which there is an adult or minor head of household and which is receiving safety net assistance and payment for which is used to meet the federally required maintenance of effort for the temporary assistance for needy families block grant. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY may advance reimbursement that would be available for full compliance and may recover any amounts unearned by the district by withholding any other reimbursement due from the state to the social services district.

S 12. Subdivision 12 of section 159 of the social services law, as added by section 4 of part J of chapter 58 of the laws of 2006, is amended to read as follows:

12. To the extent allowable under federal law and to the extent that the state has spending sufficient to exceed the federally required maintenance of effort for the temporary assistance for needy families block grant, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY may maximize the state's work participation rate by targeting safety net assistance payments utilized to meet the federally required maintenance of effort for the temporary assistance for needy families block grant to safety net assistance cases that are not exempt from work activities, that have not been in sanction status for over three months, and that do not include two parents who are eligible for assistance who live in the same dwelling unit, or to other categories of cases, as defined by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, that have no other potential impediments to participating in countable federal work activities.

S 13. Subdivision 1 of section 210 of the social services law, as amended by chapter 515 of the laws of 2006, is amended to read as follows:

1. Any inconsistent provisions of this title or any other law notwithstanding, but subject to the provisions of subdivisions two and three of this section, an individual who is deemed to have met the eligibility criteria for additional state payments pursuant to paragraph (c) of subdivision one of section two hundred nine of this title, shall be entitled to receive for each month after December, nineteen hundred seventy-three an additional state payment in an amount which, when added to the supplemental security income benefit and other countable income, is equal to such individual's December, nineteen hundred seventy-three cash grant of assistance under the state's program of old age assistance, assistance to the blind, aid to the disabled or the combined program of aid to aged, blind and disabled persons, plus income not excluded under such state program, plus an amount equal to the January, nineteen hundred seventy-two bonus value of food stamps as determined in accordance with the regulations of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY plus, for any month after June, nineteen hundred seventy-five, an amount reflecting the federal supplemental security increases resulting from July first, nineteen hundred seventy-five cost of living increases in such benefits, plus for any month after June, nineteen hundred eighty-two, an amount

equal to the July first, nineteen hundred eighty-two federal supplemental security income cost of living adjustment, providing such individual was eligible to receive a mandatory state supplement for the month of December, nineteen hundred eighty-one, plus for any month after June, nineteen hundred eighty-three, an amount equal to $17.70 for individuals, $26.55 for couples who are living alone or living with others and $35.40 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred eighty-three, an amount equal to $9.70 for individuals, $15.60 for couples who are living alone or living with others and $19.40 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred eighty-four, an amount equal to $11.00 for individuals, $16.00 for couples who are living alone or living with others and $22.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred eighty-five, an amount equal to $11.00 for individuals, $16.00 for couples who are living alone or living with others and $22.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred eighty-six an amount equal to $4.00 for individuals, $6.00 for couples who are living alone or living with others and $8.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred eighty-seven an amount equal to $14.00 for individuals, $22.00 for couples who are living alone or living with others and $28.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred eighty-eight an amount equal to $14.00 for individuals, $21.00 for couples who are living alone or living with others and $28.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any other month after December, nineteen hundred eighty-nine an amount equal to $18.00 for individuals, $27.00 for couples who are living alone or living with others and $36.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred ninety an amount equal to $21.00 for individuals, $31.00 for couples who are living alone or living with others and $42.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred ninety-one an amount equal to $15.00 for individuals, $23.00 for couples who are living alone or living with others and $30.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred ninety-two, an amount equal to $12.00 for individuals, $19.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the mentally retarded plus for any month after December, nineteen hundred ninety-three an amount equal to $12.00 for individuals, $17.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the mentally retarded plus for any month after December, nineteen hundred ninety-four an amount equal to $12.00 for individuals, $18.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen

hundred ninety-five an amount equal to $12.00 for individuals, $18.00 for couples who are living alone or living with others and $24.00 for couples receiving family care, residential care or care in schools for the mentally retarded, plus for any month after December, nineteen hundred ninety-six, an amount equal to $14.00 for individuals and $21.00 for couples plus for any month after December, nineteen hundred ninety-seven an amount equal to $10.00 for individuals and $15.00 for couples plus for any month after December, nineteen hundred ninety-eight an amount equal to $6.00 for individuals and $11.00 for couples plus for any month after December, nineteen hundred ninety-nine an amount equal to $13.00 for individuals and $18.00 for couples plus for any month after December, two thousand an amount equal to $18.00 for individuals and $27.00 for couples plus for any month after December, two thousand one an amount equal to $15.00 for individuals and $21.00 for couples plus for any month after December, two thousand two an amount equal to $7.00 for individuals and $12.00 for couples plus for any month after December, two thousand three an amount equal to $12.00 for individuals and $17.00 for couples plus for any month after December, two thousand four an amount equal to $15.00 for individuals and $23.00 for couples plus for any month after December, two thousand five an amount equal to $24.00 for individuals and $35.00 for couples plus for any month after December, two thousand six an amount equal to the amount of any increases in federal supplemental security income benefits for individuals or couples pursuant to section 1617 of the Social Security Act (42 USC S 1382f) which become effective on or after January first, two thousand seven.

S 14. Paragraphs a and b of subdivision 1 of section 330 of the social services law, as amended by section 2 of part C of chapter 57 of the laws of 2005, are amended to read as follows:

a. the term "commissioner" means the commissioner of the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY; and

b. the term "department" means the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY.

S 15. Paragraph (b) of subdivision 2 of section 332-b of the social services law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(b) If, prior to submitting his or her medical documentation, the individual is referred to a health care practitioner certified by the office of disability determinations of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or, if applicable, to the contracted agency or institution by or with which such health care practitioner is employed or affiliated for an examination pursuant to subdivision four of this section, such individual shall make best efforts to bring such documentation to the examination, and in no case shall provide such records to the examining health care practitioner certified by the office of disability determinations or, if applicable, to the contracted agency or institution by or with which such health care practitioner is employed or affiliated later than four business days after such examination; provided that the individual may demonstrate good cause as defined in regulations, for failure to provide such records within the specific time periods.

S 16. Paragraphs (a), (b) and (d) of subdivision 1 of section 335-b of the social services law, as amended by section 2 of part J of chapter 58 of the laws of 2006, are amended to read as follows:

(a) Such rate for all families receiving assistance funded under the federal temporary assistance for needy families program shall be as follows: for federal fiscal year nineteen hundred ninety-seven, twenty-five percent; nineteen hundred ninety-eight, thirty percent; nineteen hundred ninety-nine, thirty-five percent; two thousand, forty percent; two thousand one, forty-five percent; two thousand two and thereafter, fifty percent. Such rates shall apply unless the state is required to meet a different rate as imposed by the federal government, in which case such different rate shall apply in accordance with a methodology approved by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY.

(b) Such rate for two-parent families receiving assistance funded under the federal temporary assistance for needy families program shall be as follows: for federal fiscal years nineteen hundred ninety-seven and nineteen hundred ninety-eight, seventy-five percent; nineteen hundred ninety-nine and thereafter, ninety percent. Such rate shall apply unless the state is required to meet a different rate as imposed by the federal government, in which case such different rate shall apply in accordance with a methodology approved by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY.

(d) Calculation of participation rates. The commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall promulgate regulations which define the participation rate calculation. Such calculation for families receiving assistance funded under the federal temporary assistance for needy families program pursuant to article IV-A of the social security act shall be consistent with that established in federal law.

S 17. Section 335-c of the social services law, as added by section 1 of part H of chapter 109 of the laws of 2006, is amended to read as follows:

S 335-c. Pilot programs. From the funds specifically appropriated therefor the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY in cooperation with the commissioner of the office of children and family services may conduct pilot programs in up to five social services districts to provide intensive employment and other supportive services including job readiness and job placement services to non-custodial parents who are unemployed or who are working less than twenty hours per week; who are recipients of public assistance or whose income does not exceed two hundred percent of the federal poverty level; and who have a child support order payable through the support collection unit as created by section one hundred eleven-h of this chapter or have had paternity established for his or her child and a court proceeding has been initiated to obtain an order of child support, and the custodial or non-custodial parent is receiving child support services through a social services district. Non-custodial parents determined to be eligible for participation in the pilot programs shall be informed of the opportunity to participate in such programs on a voluntary basis. The pilot programs shall have as one component parenting education for the non-custodial parents. Non-custodial parents shall be required to attend such parenting education as a condition of participating in the pilot programs.

S 18. Section 366-h of the social services law, as added by section 7 of part B of chapter 57 of the laws of 2000, is amended to read as follows:

S 366-h. Automated system; established. Notwithstanding any inconsistent provision of law or regulation, the commissioner of health shall, as soon as practicable, establish an automated system to ensure that persons who meet the criteria for receipt of medical assistance benefits under paragraph (a) or (c) of subdivision four of section three hundred sixty-six of this title shall remain enrolled in the medical assistance program without interruption and receive the benefits set forth according to paragraph (a) or (c) of subdivision four of section three hundred sixty-six of this title. Pending implementation of such automated system, such commissioner shall, in consultation with the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, undertake and continue efforts to educate local departments of social services about the measures they must take to ensure that medical assistance benefits are provided to persons eligible for such benefits under subdivision four of section three hundred sixty-six of this title. A report on the progress to implement such automated system shall be submitted annually to the governor and the legislature by the commissioner of health.

S 19. Subdivision 13 of section 367-b of the social services law, as amended by section 8 of part C of chapter 63 of the laws of 2001, is amended to read as follows:

13. Notwithstanding any inconsistent provision of law, in lieu of payments authorized by this chapter and/or any of the general fund or special revenue other appropriations made to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the office of children and family services, from funds otherwise due to local social services districts or in lieu of payments of federal funds otherwise due to local social services districts for programs provided under the federal social security act or the federal food stamp act or the low income home energy assistance program, funds in amounts certified by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the commissioner of the office of children and family services or the commissioner of health as due from local social services districts as their share of payments made pursuant to this section, may be set-aside by the state comptroller in an interest-bearing account with such interest accruing to the credit of the locality, pursuant to an estimate provided by the commissioner of health of a local social services district's share of medical assistance payments, except that in the case of the city of New York, such set-aside shall be subject first to the requirements of [a] section EIGHT OF PART C of [the] chapter SIXTY-THREE of the laws of two thousand one which enacted this provision, and then subject to the requirements of paragraph (i) of subdivision (b) of section two hundred twenty-two-a of chapter four hundred seventy-four of the laws of nineteen hundred ninety-six prior to the application of this subdivision. Should funds otherwise payable to a local social services district from appropriations made to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the office of children and family services, and the department of health be insufficient to fully fund the amounts identified by the commissioner of health as necessary to liquidate the local share of payments to be made pursuant to this section on behalf of the local social services district, the commissioner of health may identify other state or federal payments payable to that local social services district or any other county agency including, but not limited to the county department of health, from appropriations made to the state department of health, and may authorize the state comptroller, upon no

less than five days written notice to such local social services district or such other county agency, to set-aside such payments in the interest-bearing account with such interest accruing to the credit of the locality. Upon such determination by the commissioner of health that insufficient funds are payable to a local social services district and any other county agency receiving payments from the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the office of children and family services, and the state department of health from appropriations made to these agencies, the state comptroller shall, upon no less than five days written notice to such local social services district or such other county agency, withhold payments from any of the general fund - local assistance accounts or payments made from any of the special revenue - federal local assistance accounts, provided, however, that such federal payments shall be withheld only after such federal funds are properly credited to the county through vouchers, claims or other warrants properly received, approved, and paid by the state comptroller, and set-aside such disbursements in the interest-bearing account with such interest accruing to the credit of the locality until such time that the amount withheld from each county is determined by the commissioner of health to be sufficient to fully liquidate the local share of payments, as estimated by the commissioner of health, to be made pursuant to this section on behalf of that local social services district.

S 20. Subdivision 1 of section 483 of the social services law, as added by section 2 of part F-2 of chapter 62 of the laws of 2003, is amended to read as follows:

1. There shall be a council on children and families established within the office of children and family services consisting of the following members: the state commissioner of children and family services, the commissioner of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the commissioner of the office of alcoholism and substance abuse services, the commissioner of education, the state director of probation and correctional alternatives, the commissioner of health, the commissioner of the division of criminal justice services, the state advocate for persons with disabilities, the director of the office for the aging, the commissioner of labor, and the chair of the commission on quality of care for the mentally disabled. The governor shall designate the chair of the council and the chief executive officer (CEO).

S 21. Subdivisions (a) and (b) of section 483-bb of the social services law, as added by chapter 74 of the laws of 2007, are amended to read as follows:

(a) The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY may coordinate with and assist law enforcement agencies and district attorney's offices to access appropriate services for human trafficking victims.

(b) In providing such assistance, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY may enter into contracts with non-government organizations for providing services to pre-certified victims of human trafficking as defined in subdivision (b) of section four hundred eighty-three-aa of this article, insofar as funds are available for that purpose. Such services may include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language

instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York state or the United States. Nothing in this section shall preclude the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or any local social services district, from providing human trafficking victims who are United States citizens or human trafficking victims who meet the criteria pursuant to section one hundred twenty-two of this chapter with any benefits or services for which they otherwise may be eligible.

S 22. Subdivisions (a) and (b) of section 483-cc of the social services law, as added by chapter 74 of the laws of 2007, are amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a law enforcement agency or a district attorney's office to be a human trafficking victim, that agency or office shall notify the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the division of criminal justice services that such person may be eligible for services under this article.

(b) Upon receipt of such a notification, the division of criminal justice services, in consultation with the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the referring agency or office, shall make a preliminary assessment of whether such victim or possible victim appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in section 7105 of title 22 of the United States Code (Trafficking Victims Protection) or appears to be otherwise eligible for any federal, state or local benefits and services. If it is determined that the victim appears to meet such criteria, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall report the finding to the victim, and to the referring law enforcement agency or district attorney's office, and may assist that agency or office in having such victim receive services from a case management provider who may be under contract with the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or from any other available source. If the victim or possible victim is under the age of eighteen, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY also shall notify the local department of social services in the county where the child was found.

S 23. Subdivision (a) of section 483-ee of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

(a) There is established an interagency task force on trafficking in persons, which shall consist of the following members or their designees: (1) the commissioner of the division of criminal justice services; (2) the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY; (3) the commissioner of health; (4) the commissioner of the office of mental health; (5) the commissioner of labor; (6) the commissioner of the office of children and family services; (7) the commissioner of the office of alcoholism and substance abuse services; (8) the chairperson of the crime victims board; (9) the executive director of the office for the prevention of domestic violence; and (10) the superintendent of the division of state police; and others as may be necessary to carry out the duties and responsibilities under this section. The task force will be co-chaired by the commissioners of the division of criminal justice services and the office of [temporary and disability assistance] ECONOMIC SUPPORT AND

OPPORTUNITY, or their designees. It shall meet as often as is necessary and under circumstances as are appropriate to fulfilling its duties under this section.

S 24. Paragraph 1 of subsection (c) and paragraph 1 of subsection (d) of section 606 of the tax law, paragraph 1 of subsection (c) as amended by section 1 of part M and paragraph 1 of subsection (d) as amended by section 1 of part Q of chapter 63 of the laws of 2000, are amended to read as follows:

(1) A taxpayer shall be allowed a credit as provided herein equal to the applicable percentage of the credit allowable under section twenty-one of the internal revenue code for the same taxable year (without regard to whether the taxpayer in fact claimed the credit under such section twenty-one for such taxable year). The applicable percentage shall be the sum of (i) twenty percent and (ii) a multiplier multiplied by a fraction. For taxable years beginning in nineteen hundred ninety-six and nineteen hundred ninety-seven, the numerator of such fraction shall be the lesser of (i) four thousand dollars or (ii) fourteen thousand dollars less the New York adjusted gross income for the taxable year, provided, however, the numerator shall not be less than zero. For the taxable year beginning in nineteen hundred ninety-eight, the numerator of such fraction shall be the lesser of (i) thirteen thousand dollars or (ii) thirty thousand dollars less the New York adjusted gross income for the taxable year, provided, however, the numerator shall not be less than zero. For taxable years beginning in nineteen hundred ninety-nine, the numerator of such fraction shall be the lesser of (i) fifteen thousand dollars or (ii) fifty thousand dollars less the New York adjusted gross income for the taxable year, provided, however, the numerator shall not be less than zero. For taxable years beginning after nineteen hundred ninety-nine, the numerator of such fraction shall be the lesser of (i) fifteen thousand dollars or (ii) sixty-five thousand dollars less the New York adjusted gross income for the taxable year, provided, however, the numerator shall not be less than zero. The denominator of such fraction shall be four thousand dollars for taxable years beginning in nineteen hundred ninety-six and nineteen hundred ninety-seven, thirteen thousand dollars for the taxable year beginning in nineteen hundred ninety-eight, and fifteen thousand dollars for taxable years beginning after nineteen hundred ninety-eight. The multiplier shall be ten percent for taxable years beginning in nineteen hundred ninety-six, forty percent for taxable years beginning in nineteen hundred ninety-seven, and eighty percent for taxable years beginning after nineteen hundred ninety-seven. Provided, however, for taxable years beginning after nineteen hundred ninety-nine, for a person whose New York adjusted gross income is less than forty thousand dollars, such applicable percentage shall be equal to (i) one hundred percent, plus (ii) ten percent multiplied by a fraction whose numerator shall be the lesser of (i) fifteen thousand dollars or (ii) forty thousand dollars less the New York adjusted gross income for the taxable year, provided such numerator shall not be less than zero, and whose denominator shall be fifteen thousand dollars. Provided, further, that if the reversion event, as defined in this paragraph, occurs, the applicable percentage shall, for taxable years ending on or after the date on which the reversion event occurred, be determined using the rules specified in this paragraph applicable to taxable years beginning in nineteen hundred ninety-nine. The reversion event shall be deemed to have occurred on the date on which federal action, including but not limited to, administrative, statutory or regulatory changes, materially reduces or eliminates

New York state's allocation of the federal temporary assistance for needy families block grant, or materially reduces the ability of the state to spend federal temporary assistance for needy families block grant funds for the credit for certain household and dependent care services necessary for gainful employment or to apply state general fund spending on the credit for certain household and dependent care services necessary for gainful employment toward the temporary assistance for needy families block grant maintenance of effort requirement, and the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall certify the date of such event to the commissioner, the director of the division of the budget, the speaker of the assembly and the temporary president of the senate.

(1) General. A taxpayer shall be allowed a credit as provided herein equal to (i) the applicable percentage of the earned income credit allowed under section thirty-two of the internal revenue code for the same taxable year, (ii) reduced by the credit permitted under subsection (b) of this section.

The applicable percentage shall be (i) seven and one-half percent for taxable years beginning in nineteen hundred ninety-four, (ii) ten percent for taxable years beginning in nineteen hundred ninety-five, (iii) twenty percent for taxable years beginning after nineteen hundred ninety-five and before two thousand, (iv) twenty-two and one-half percent for taxable years beginning in two thousand, (v) twenty-five percent for taxable years beginning in two thousand one, (vi) twenty-seven and one-half percent for taxable years beginning in two thousand two, and (vii) thirty percent for taxable years beginning in two thousand three and thereafter. Provided, however, that if the reversion event, as defined in this paragraph, occurs, the applicable percentage shall be twenty percent for taxable years ending on or after the date on which the reversion event occurred. The reversion event shall be deemed to have occurred on the date on which federal action, including but not limited to, administrative, statutory or regulatory changes, materially reduces or eliminates New York state's allocation of the federal temporary assistance for needy families block grant, or materially reduces the ability of the state to spend federal temporary assistance for needy families block grant funds for the earned income credit or to apply state general fund spending on the earned income credit toward the temporary assistance for needy families block grant maintenance of effort requirement, and the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall certify the date of such event to the commissioner of taxation and finance, the director of the division of the budget, the speaker of the assembly and the temporary president of the senate.

S 25. Paragraph 4 of subsection (d-1) of section 606 of the tax law, as added by section 1 of part I of chapter 58 of the laws of 2006, is amended to read as follows:

(4) No claim for credit under this subsection shall be allowed unless the department has verified, from information provided by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, that a taxpayer has satisfied the qualifications set forth in subparagraphs (C), (D) and (E) of paragraph two of this subsection. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall provide to the department by January fifteenth of each year information applicable for the immediately preceding tax year necessary for the department to make such verification. Such information shall be provided in the manner and form agreed upon by the department and such

office. If a taxpayer's claim for a credit under this subsection is disallowed because the taxpayer has not satisfied the qualifications set forth in subparagraphs (C), (D) and (E) of paragraph two of this subsection, the taxpayer may request a review of those qualifications by the support collection unit established pursuant to section one hundred eleven-h of the social services law through which the child support payments were payable. The support collection unit shall transmit the result of that review to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY on a form developed by such office. Such office shall then transmit such result to the department in a manner agreed upon by the department and such office.

S 26. Paragraph 3 of subsection (e) of section 697 of the tax law, as separately amended by section 1 of part M of chapter 57 and section 45-f of part C of chapter 58 of the laws of 2008, is amended to read as follows:

(3) Nothing herein shall be construed to prohibit the department, its officers or employees from furnishing information to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY relating to the payment of the credit for certain household and dependent care services necessary for gainful employment under subsection (c) of section six hundred six of this article and the earned income credit under subsection (d) of section six hundred six of this article, or pursuant to a local law enacted by a city having a population of one million or more pursuant to subsection (f) of section thirteen hundred ten of this chapter, only to the extent necessary to calculate qualified state expenditures under paragraph seven of subdivision (a) of section four hundred nine of the federal social security act or to document the proper expenditure of federal temporary assistance for needy families funds under section four hundred three of such act. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY may redisclose such information to the United States department of health and human services only to the extent necessary to calculate such qualified state expenditures or to document the proper expenditure of such federal temporary assistance for needy families funds. Nothing herein shall be construed to prohibit the delivery by the commissioner to a commissioner of jurors, appointed pursuant to section five hundred four of the judiciary law, or, in counties within cities having a population of one million or more, to the county clerk of such county, of a mailing list of individuals to whom income tax forms are mailed by the commissioner for the sole purpose of compiling a list of prospective jurors as provided in article sixteen of the judiciary law. Provided, however, such delivery shall only be made pursuant to an order of the chief administrator of the courts, appointed pursuant to section two hundred ten of the judiciary law. No such order may be issued unless such chief administrator is satisfied that such mailing list is needed to compile a proper list of prospective jurors for the county for which such order is sought and that, in view of the responsibilities imposed by the various laws of the state on the department, it is reasonable to require the commissioner to furnish such list. Such order shall provide that such list shall be used for the sole purpose of compiling a list of prospective jurors and that such commissioner of jurors, or such county clerk, shall take all necessary steps to insure that the list is kept confidential and that there is no unauthorized use or disclosure of such list. Furthermore, nothing herein shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative of a certified copy of any return or report filed in connection with his or

her tax or to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the attorney general or other legal representatives of the state of the report or return of any taxpayer or of any employer filed under section one hundred seventy-one-h of this chapter, where such taxpayer or employer shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this chapter or under this chapter and article eighteen of the labor law has been recommended by the commissioner, the commissioner of labor with respect to unemployment insurance matters, or the attorney general or has been instituted, or the inspection of the reports or returns required under this article by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any tax paid by a taxpayer under this article, or the furnishing to the state department of labor of unemployment insurance information obtained or derived from quarterly combined withholding, wage reporting and unemployment insurance returns required to be filed by employers pursuant to paragraph four of subsection (a) of section six hundred seventy-four of this article, for purposes of administration of such department's unemployment insurance program, employment services program, federal and state employment and training programs, employment statistics and labor market information programs, worker protection programs, federal programs for which the department has administrative responsibility or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor law, and redisclosure of such information in accordance with the provisions of sections five hundred thirty-six and five hundred thirty-seven of the labor law or any other applicable law, or the furnishing to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of information obtained or derived from New York state personal income tax returns as described in paragraph (b) of subdivision two of section one hundred seventy-one-g of this chapter for the purpose of reviewing support orders enforced pursuant to title six-A of article three of the social services law to aid in the determination of whether such orders should be adjusted, or the furnishing of information obtained from the reports required to be submitted by employers regarding newly hired or re-hired employees pursuant to section one hundred seventy-one-h of this chapter to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the state department of health, the state department of labor and the workers' compensation board for purposes of administration of the child support enforcement program, verification of individuals' eligibility for one or more of the programs specified in subsection (b) of section eleven hundred thirty-seven of the federal social security act and for other public assistance programs authorized by state law, and administration of the state's employment security and workers' compensation programs, and to the national directory of new hires established pursuant to section four hundred fifty-three-A of the federal social security act for the purposes specified in such section, or the furnishing to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against past-due support pursuant to section one hundred seventy-one-c of this chapter and of the name and social security number of the taxpayer who made such overpayment, or the disclosing to the commissioner of finance of the city of New York, pursuant to section one hundred

seventy-one-l of this chapter, of the amount of an overpayment and interest thereon certified to the comptroller to be credited against a city of New York tax warrant judgment debt and of the name and social security number of the taxpayer who made such overpayment, or the furnishing to the New York state higher education services corporation of the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against the amount of a default in repayment of any education loan debt, including judgments, owed to the federal or New York state government that is being collected by the New York state higher education services corporation, and of the name and social security number of the taxpayer who made such overpayment, or the furnishing to the state department of health of the information required by paragraph (f) of subdivision two and subdivision two-a of section two thousand five hundred eleven of the public health law and by subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, or the furnishing to the state university of New York or the city university of New York respectively or the attorney general on behalf of such state or city university the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against the amount of a default in repayment of a state university loan pursuant to section one hundred seventy-one-e of this chapter and of the name and social security number of the taxpayer who made such overpayment, or the disclosing to a state agency, pursuant to section one hundred seventy-one-f of this chapter, of the amount of an overpayment and interest thereon certified to the comptroller to be credited against a past-due legally enforceable debt owed to such agency and of the name and social security number of the taxpayer who made such overpayment, or the furnishing of employee and employer information obtained through the wage reporting system, pursuant to section one hundred seventy-one-a of this chapter, as added by chapter five hundred forty-five of the laws of nineteen hundred seventy-eight, to the state office of [temporary] ECONOMIC SUPPORT and [disability assistance] OPPORTUNITY, the department of health or to the state office of the medicaid inspector general for the purpose of verifying eligibility for and entitlement to amounts of benefits under the social services law or similar law of another jurisdiction, locating absent parents or other persons legally responsible for the support of applicants for or recipients of public assistance and care under the social services law and persons legally responsible for the support of a recipient of services under section one hundred eleven-g of the social services law and, in appropriate cases, establishing support obligations pursuant to the social services law and the family court act or similar provision of law of another jurisdiction for the purpose of evaluating the effect on earnings of participation in employment, training or other programs designed to promote self-sufficiency authorized pursuant to the social services law by current recipients of public assistance and care and by former applicants and recipients of public assistance and care, (except that with regard to former recipients, information which relates to a particular former recipient shall be provided with client identifying data deleted), and to the state department of labor, or other individuals designated by the commissioner of labor, for the purpose of the administration of such department's unemployment insurance program, employment services program, federal and state employment and training programs, employment statistics and labor market information programs, worker protection programs, federal programs for which the department

has administrative responsibility or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor law, and redisclosure of such information in accordance with the provisions of sections five hundred thirty-six and five hundred thirty-seven of the labor law, or the furnishing of information, which is obtained from the wage reporting system operated pursuant to section one hundred seventy-one-a of this chapter, as added by chapter five hundred forty-five of the laws of nineteen hundred seventy-eight, to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY so that it may furnish such information to public agencies of other jurisdictions with which the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY has an agreement pursuant to paragraph (h) or (i) of subdivision three of section twenty of the social services law, and to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the purpose of fulfilling obligations and responsibilities otherwise incumbent upon the state department of labor, under section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, by giving the federal parent locator service, maintained by the federal department of health and human services, prompt access to such information as required by such act, or to the state department of health to verify eligibility under the child health insurance plan pursuant to subdivisions two and two-a of section two thousand five hundred eleven of the public health law, to verify eligibility under the medical assistance and family health plus programs pursuant to subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, and to verify eligibility for the program for elderly pharmaceutical insurance coverage under title three of article two of the elder law, or to the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind and visually handicapped and any other state vocational rehabilitation agency, for purposes of obtaining reimbursement from the federal social security administration for expenditures made by such office, commission or agency on behalf of disabled individuals who have achieved economic self-sufficiency or to the higher education services corporation for the purpose of assisting the corporation in default prevention and default collection of education loan debt, including judgments, owed to the federal or New York state government; provided, however, that such information shall be limited to the names, social security numbers, home and/or business addresses, and employer names of defaulted or delinquent student loan borrowers.

Provided, however, that with respect to employee information the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall only be furnished with the names, social security account numbers and gross wages of those employees who are (A) applicants for or recipients of benefits under the social services law, or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law) or, (B) absent parents or other persons legally responsible for the support of applicants for or recipients of public assistance and care under the social services law or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law), or (C) persons legally responsible for the support of a recipient of services under section one hundred eleven-g of the social services law or similar provision of law

of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law), or (D) employees about whom wage reporting system information is being furnished to public agencies of other jurisdictions, with which the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY has an agreement pursuant to paragraph (h) or (i) of subdivision three of section twenty of the social services law, or (E) employees about whom wage reporting system information is being furnished to the federal parent locator service, maintained by the federal department of health and human services, for the purpose of enabling the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to fulfill obligations and responsibilities otherwise incumbent upon the state department of labor, under section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, and, only if, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY certifies to the commissioner that such persons are such applicants, recipients, absent parents or persons legally responsible for support or persons about whom information has been requested by a public agency of another jurisdiction or by the federal parent locator service and further certifies that in the case of information requested under agreements with other jurisdictions entered into pursuant to subdivision three of section twenty of the social services law, that such request is in compliance with any applicable federal law. Provided, further, that where the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY requests employee information for the purpose of evaluating the effects on earnings of participation in employment, training or other programs designed to promote self-sufficiency authorized pursuant to the social services law, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall only be furnished with the quarterly gross wages (excluding any reference to the name, social security number or any other information which could be used to identify any employee or the name or identification number of any employer) paid to employees who are former applicants for or recipients of public assistance and care and who are so certified to the commissioner by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. Provided, further, that with respect to employee information, the department of health shall only be furnished with the information required pursuant to the provisions of paragraph (f) of subdivision two and subdivision two-a of section two thousand five hundred eleven of the public health law and subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, with respect to those individuals whose eligibility under the child health insurance plan, medical assistance program, and family health plus program is to be determined pursuant to such provisions and with respect to those members of any such individual's household whose income affects such individual's eligibility and who are so certified to the commissioner or by the department of health. Provided, further, that wage reporting information shall be furnished to the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind and visually handicapped and any other state vocational rehabilitation agency only if such office, commission or agency, as applicable, certifies to the commissioner that such information is necessary to obtain reimbursement from the federal social security administration for expenditures made on behalf of disabled individuals who have achieved

self-sufficiency. Reports and returns shall be preserved for three years and thereafter until the commissioner orders them to be destroyed.

S 27. Subdivision 1, paragraphs (a) and (c) of subdivision 3, and subdivisions 4, 6, 7 and 9 of section 1613-a of the tax law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) The director of the lottery, on behalf of the division of the lottery, shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall set forth the procedures for crediting any lottery prize of six hundred dollars or more awarded to an individual, estate or trust against past-due support owed by such individual, estate or trust of which the director of the lottery has been notified by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to the provisions of such agreement.

(a) the procedure under which the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the division of the lottery of liability for past-due support, such procedure to specify when the division of the lottery shall be notified and the content of such notification;

(c) the procedure for reimbursement of the division of the lottery by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the full cost of carrying out the procedures authorized by this section; and

(4) Prior to awarding any lottery prize of six hundred dollars or more, the division of the lottery shall review the notice of liability of past-due support provided by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. For each lottery prize winner identified on such notice as an individual, estate or trust owing past-due support, the lottery division shall credit to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY such amount of the prize to satisfy the past-due support, and any remainder shall be awarded to the prize winner. In cases where the prize winner owes past-due support to more than one person or entity, and the total amount of past-due support provided in the notice of liability of past-due support to the division of the lottery by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY exceeds the balance remaining, each such person or entity shall receive a pro rata share of the balance remaining, such share to be based on the amount of past-due support owed to such person or entity as provided to the division of the lottery by such office pursuant to this section. The state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall be responsible for determining and distributing each person's or entity's pro rata share of past-due support pursuant to regulations of such office.

(6) The division of the lottery shall notify the prize winner in writing of the total amount of the lottery prize winning to be credited against past-due support and the remainder of such prize winning to be awarded to the prize winner. Such notice shall further advise the prize winner that the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall provide separate notice, in writing, to the prize winner of the procedure for and time frame by which the prize winner may contest such crediting.

(7) The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the prize winner in writing, of the

amount of such prize winning to be credited against past-due support and the procedure and time frame by which the prize winner may contest such crediting based on defenses that are not subject to family court jurisdiction. Such procedure shall include the address and telephone number of the local department of social services' support collection unit which may be contacted with respect to correction of any error in such crediting concerning such individual's, estate's or trust's liability for past-due support or with respect to payment of such liability.

(9) From the time the division of the lottery is notified by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of an individual's, estate's or trust's liability for past-due support under the agreement provided for in this section, the division of the lottery and the department shall be relieved from all liability to such individual, estate or trust, their assigns, successors, heirs or representatives for the amount of any lottery prize winning of six hundred dollars or more certified to the comptroller to be credited against past-due support and such individual, estate or trust shall have no right to commence a court action or proceeding or to any other legal recourse against the division of the lottery or the department to recover such overpayment or such interest certified to the comptroller to be credited against past-due support. Provided, however, nothing herein shall be construed to prohibit such individual, estate or trust from proceeding against the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the appropriate local social services district to recover that part of such overpayment or interest thereon so certified to the comptroller to be credited against past-due support which is greater than the amount of past-due support owed by such individual, estate or trust on the date of such certification.

S 28. Subdivision 1, paragraphs (a) and (b) of subdivision 2, and subdivisions 3, 5, 6 and 7 of section 1613-b of the tax law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) Notwithstanding any limitations in section one hundred four of the social services law, the director of the lottery, on behalf of the division of the lottery, shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall set forth the procedures for crediting any lottery prize of six hundred dollars or more awarded to an individual against any and all public assistance benefits which were given to or on behalf of such individual within a period of up to ten years prior to the issuance of such prize of which the director of the lottery has been notified by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to the provisions of such agreement; provided, however, that in no event shall such credit to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY exceed fifty percent of any such lottery prize and provided further that, unless otherwise determined cost effective by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the director of the lottery such procedure shall be required only to the extent that and with respect to periods for which it can be effected through automated type match.

(a) the procedure under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the division of the lottery shall exchange information concerning lottery winnings and

persons liable for receipt of public assistance within the previous ten years;

(b) subject to the approval of the director of the budget the procedure for reimbursement of the division of the lottery by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the additional cost of carrying out the procedures authorized by this section;

(3) Prior to awarding any lottery prize of six hundred dollars or more, the division of the lottery shall review the notice of liability of public assistance benefits paid provided by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. For each lottery prize winner identified on such notice as an individual, who is receiving or has received, within the last ten years, public assistance benefits, the lottery division shall credit to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY such amount of the prize to satisfy the amount of public assistance benefits indicated as received within the previous ten years, and any remainder shall be awarded to the prize winner; provided, however, that in no event shall such credit to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY exceed fifty percent of any such lottery prize.

(5) The division of the lottery shall notify the prize winner in writing of the total amount of the lottery prize winning to be credited against public assistance benefits and the remainder of such prize winning to be awarded to the prize winner. Such notice shall further advise the prize winner that the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall provide separate notice, in writing, to the prize winner of the procedure for and time frame by which the prize winner may contest such crediting.

(6) The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the prize winner in writing, of the amount of such prize winning to be credited against public assistance benefits and the procedure and time frame by which the prize winner may contest such crediting. Such procedure shall include the address and telephone number of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and who the prize winner may contact with respect to correction of any error in such crediting concerning such individual's liability for public assistance benefits or with respect to payment of such liability.

(7) From the time the division of the lottery is notified by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of an individual's liability for public assistance benefits under the agreement provided for in this section, the division of the lottery shall be relieved from all liability to such individual, their assigns, successors, heirs or representatives for the amount of any lottery prize winning of six hundred dollars or more certified to the comptroller to be credited against public assistance benefits and such individual shall have no right to commence a court action or proceeding or to any other legal recourse against the division of the lottery to recover such lottery winnings certified to the comptroller to be credited against public assistance benefits. Provided, however, nothing herein shall be construed to prohibit such individual from proceeding against the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to recover that part of such lottery winnings thereon so certified to the comptroller to be credited against public assistance benefits which is greater than the amount of public assistance benefits

paid to such individual within ten years of the date of such certification.

S 29. Subdivision 1, paragraphs (a), (c) and (e) of subdivision 3, paragraphs (a) and (b) of subdivision 4, paragraph (ii) of subdivision 5, and subdivision 9 of section 171-c of the tax law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) The commissioner, on behalf of the department, shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall set forth the procedures for crediting any overpayment by an individual, estate or trust of income tax imposed by article twenty-two of this chapter, city personal income tax on residents imposed pursuant to the authority of article thirty of this chapter, city income tax surcharge on residents imposed pursuant to the authority of article thirty-A of this chapter and city earnings tax on nonresidents imposed pursuant to the authority of article thirty-B of this chapter and the interest on such overpayments against past-due support owed by such individual, estate or trust of which the commissioner has been notified by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to the provisions of such agreement.

(a) the procedure under which the state [department of] office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the commissioner of liability for past-due support, such procedure to specify when the commissioner shall be notified and the content of such notification;

(c) the procedure for reimbursement of the commissioner by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the full cost of carrying out the procedures authorized by this section;

(e) the procedure for reimbursement of the comptroller by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for any overpayment and interest thereon which has been credited against past due support owed by a taxpayer filing a joint return, but which has been refunded by the comptroller, pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter, to a spouse not liable for the past due support owed by such taxpayer.

(a) With regard to persons owed past-due support who are receiving services pursuant to title six-A of article three of the social services law, no later than thirty days prior to the date a local social services district requests the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to notify the commissioner of the liability of an individual, estate or trust for past-due support, such district shall notify such individual, estate or trust in writing that such request may be made and shall also notify him or it that he or it may correct any error in such request and may avoid such notification by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to the commissioner by satisfying such liability within thirty days of the date of the written notice from the local social services district to such individual, estate or trust. Such notice shall also set forth the name of an employee of the local social services district, including his address and telephone number, who may be contacted with respect to correction of any error in such request

concerning such individual's, estate's or trust's liability for past-due support or with respect to payment of such liability.

(b) With regard to persons owed past-due support who are receiving services pursuant to title six-B of article three of the social services law, no later than thirty days prior to the date the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY notifies the commissioner of the liability of an individual, estate or trust for past-due support, such office shall notify such individual, estate or trust in writing that such request may be made and shall also notify him or it that he or it may correct any error in such request and may avoid such notification by such office to the commissioner by satisfying such liability and submitting proof thereof satisfactory to the office within thirty days of the date of the written notice from such office to such individual, estate or trust. Such notice shall also set forth the name of an employee of such office, including his or her address and telephone number, who may be contacted with respect to correction of any error in such request concerning such individual's, estate's or trust's liability for past-due support or with respect to payment of such liability.

(ii) Only the balance remaining, after such overpayment and the interest thereon has been credited as described in paragraph (i) of this subdivision, shall be certified as an overpayment plus any interest to be credited against past-due support, with the remainder to be refunded to the taxpayer if such remainder is not required to satisfy the amount of a default in repayment of a state university loan or city university loan pursuant to section one hundred seventy-one-e of this article and/or the amount of a past-due legally enforceable debt pursuant to section one hundred seventy-one-f of this article and/or a city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article and/or the amount of a default in repayment of a guaranteed student loan pursuant to section one hundred seventy-one-d of this article. In cases where the taxpayer owes past-due support to more than one person or entity, and the total amount of past-due support certified to the commissioner by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY exceeds the balance remaining, each such person or entity shall receive a pro rata share of the balance remaining, such share to be based on the amount of past-due support owed to such person or entity as certified to the commissioner by such office pursuant to this section. The state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall be responsible for determining and distributing each person's or entity's pro rata share of past-due support pursuant to regulations of such office.

(9) From the time the commissioner is notified by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of an individual's, estate's or trust's liability for past-due support under the agreement provided for in this section, the commissioner and the department shall be relieved from all liability to such individual, estate or trust, their assigns, successors, heirs or representatives for the amount of an over payment and interest on such amount certified to the comptroller to be credited against past-due support and such individual, estate or trust shall have no right to commence a court action or proceeding or to any other legal recourse against the commissioner or the department to recover such overpayment or such interest certified to the comptroller to be credited against past-due support. Provided, however, nothing herein shall be construed to prohibit such individual,

estate or trust from proceeding against the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the appropriate local social services district to recover that part of such overpayment or interest thereon so certified to the comptroller to be credited against past-due support which is greater than the amount of past-due support owed by such individual, estate or trust on the date of such certification.

S 30. Paragraph (b-1) of subdivision 5 of section 171-f of the tax law, as added by chapter 714 of the laws of 2004, is amended to read as follows:

(b-1) No taxpayer who has applied for, and is eligible for, an earned income tax credit under subsection (d) of section six hundred six of this chapter shall have more than ten percent of any tax overpayment credited against a past due legally enforceable debt owed to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for an overpayment of public assistance unless such debt was incurred as a result of false or misleading statements or other grounds set forth in section one hundred forty-five-c of the social services law, which led to a sanction under such section.

S 31. Subdivision 1, and paragraphs (a), (b), (c) and (d) of subdivision 2 of section 171-g of the tax law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) The commissioner shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall set forth the procedures for providing information limited to that described in paragraph (b) of subdivision two of this section obtained or derived from taxpayer returns for the purpose of reviewing support orders enforced pursuant to title six-A of article three of the social services law.

(a) the procedure under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the department of the identity of those individuals subject to a review of their court orders of support pursuant to section one hundred eleven-h of the social services law, including the requirement that such individuals be identified by name and social security number, and shall specify when the department shall be notified and the content of such notification;

(b) a description of the specific information the department shall provide to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY with regard to individuals identified pursuant to paragraph (a) of this subdivision, which shall be limited to federal adjusted gross income and New York adjusted gross income obtained or derived from the most recently filed New York state personal income tax return, the name, address and social security number of the taxpayer and an indication of whether such income tax return was filed jointly;

(c) a requirement that the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY maintain a record of all requests for tax information made pursuant to this section;

(d) the procedure for reimbursement of the department by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the full costs of carrying out the procedures authorized by this section; and

S 32. Paragraph (c) of subdivision 4 of section 171-h of the tax law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(c) make automated comparisons of social security numbers between the state directory of new hires and the state case registry maintained by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for administration of the child support enforcement program and, where there is a match, provide the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY with the name, address, and social security number of the employee to whom the social security number is assigned, and the name and address of the employer and the employer's identifying number assigned to the employer under section six thousand nine of the internal revenue code of 1986, within one business day after the date the information is entered into the state directory of new hires;

S 33. Subdivision 1, subparagraph (ii) of paragraph (a) and paragraphs (b), (c), (d), (e), (f) and (g) of subdivision 2, the opening paragraph and paragraph (a) of subdivision 3, subdivision 4, paragraph (b) of subdivision 5, and subdivisions 6, 7 and 8 of section 171-i of the tax law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

1. The commissioner, on behalf of the department, shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall set forth the procedures for the department to collect child support and combined child and spousal support arrears.

(ii) cases with support arrears, notwithstanding the amount of such arrears, selected by the support collection unit for referral consistent with this section, in consultation with the department and the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY;

(b) the procedures and criteria under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the department shall identify cases to be referred to the department for enforcement;

(c) the procedure under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify and update the commissioner of an obligor's liability for support arrears;

(d) the procedures by which the department and the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall coordinate their support enforcement activities;

(e) the procedures by which the department notifies the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of monies collected and remits such monies to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or their fiscal agent for distribution to the appropriate support collection units;

(f) the procedure under which the commissioner shall be notified by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY that an obligor has satisfied his or her support arrears;

(g) the procedure under which the department and the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall provide notification to the other or to the support collection unit of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of any information with regard to an obligor's address, income, or employment, or identification of assets which may be subject to enforcement by such support collection unit or by the department;

The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall send a notice by first class mail to the last

known address or such other place where a support obligor is likely to receive notice, no later than thirty days prior to the date the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY notifies the commissioner of such obligor's liability for support arrears. Such notice shall provide:

(a) that such obligor can avoid notification by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to the commissioner by fully satisfying the support arrears or by complying with such other requirements as is provided for in paragraph (d) of subdivision fifteen of section one hundred eleven-b of the social services law; and

4. Upon receipt of notification from the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of an obligor's eligibility for enforcement of support arrears by the department, the commissioner or his or her agent is authorized to initiate enforcement of such arrears. When such notification is made to the commissioner, the department shall be deemed to have obtained a judgment against such obligor for the full amount of the support arrears stated in such notice and any subsequent arrears which may become due. The department may enforce the judgment thereby obtained with like effect and in the same manner prescribed by this chapter for the collection of tax assessment eligible to be docketed under this chapter as a warrant, except that any payment made by the support obligor to the department to satisfy support arrears shall be paid over by the department to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or its fiscal agent for distribution to the appropriate support collection unit. Where the sum collected by the department exceeds the amount of the support arrears, and the support obligator also has a liability in respect of any tax, fee or other imposition imposed by or pursuant to the authority of this chapter or any other law if such tax, fee or other imposition is administered by the commissioner, the department may credit such excess against such liability.

(b) Notwithstanding anything to the contrary contained in the confidentiality provisions of this chapter, the department may furnish the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the support collection unit with the information described in paragraph (g) of subdivision two of this section regarding a support obligor whose case has been referred to the commissioner for enforcement pursuant to this section. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the support collection unit, as applicable, may redisclose such information only to the extent necessary to secure the collection of support arrears from such obligor.

6. Activities to enforce support arrears undertaken by the department pursuant to this section shall not in any way limit, restrict or impair the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY from exercising its authority to enforce support arrears under applicable laws; provided, however, that the department and the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall coordinate their support enforcement activities in a way designed to minimize duplication of effort and maximize collection of support arrears.

7. If, following referral of an obligor's case to the commissioner, such obligor commences an administrative or quasi-judicial proceeding or any civil proceeding against the department or the commissioner challenging such referral, then the office of [temporary and disability

assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall be substituted as respondents or defendants in such proceeding, as the case may be. The department shall be bound by any decision in such proceeding which is no longer subject to administrative or quasi-judicial review. Neither the department nor the commissioner shall be liable for any damages sustained by reason of such referral.

8. Notwithstanding any provision of law to the contrary, a payment of support arrears made to the department pursuant to the provisions of this section shall be deemed to be a payment of such arrears to the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or its fiscal agent.

S 34. Subdivisions 2 and 3 of section 4 of the banking law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

2. If requested by an authorized representative of the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a social services district child support enforcement unit established pursuant to section one hundred eleven-c of the social services law, the officials of any financial institution, as defined in paragraph one of subdivision (d) of section four hundred sixty-nine A of the federal social security act, shall enter into an agreement with the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district child support enforcement unit to develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each such financial institution shall provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each individual who maintains a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account at such institution and who owes past-due support, as identified by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district child support enforcement unit by name and social security number or other taxpayer identification number. Nothing herein shall be deemed to limit the authority of a local social services district support collection unit pursuant to section one hundred eleven-h of the social services law.

3. No financial institution which discloses information pursuant to subdivision two of this section, or discloses any financial record to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a child support enforcement unit of a social services district for the purpose of enforcing a child support obligation of such person, shall be liable under any law to any person for such disclosure, or for any other action taken in good faith to comply with subdivision two of this section.

S 35. Paragraph 2 of subdivision (b) of section 2308 of the civil practice law and rules, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(2) Notwithstanding the provisions of paragraph one of this subdivision, if a person fails to comply with a subpoena issued pursuant to section one hundred eleven-p of the social services law by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district, or its authorized representative, or another state's child support enforcement agency governed by title IV-D of the social security act, such office or district is authorized to impose a penalty against the subpoenaed person. The amount of the penal-

ty shall be determined by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and set forth in regulation, and shall not exceed fifty dollars. Payment of the penalty shall not be required, however, if in response to notification of the imposition of the penalty the subpoenaed person complies immediately with the subpoena.

S 36. Paragraph (f) of rule 4518 of the civil practice law and rules, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(f) Notwithstanding any other provision of law, records or reports of support payments and disbursements maintained pursuant to title six-A of article three of the social services law by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the fiscal agent under contract to the office for the provision of centralized collection and disbursement functions are admissible in evidence under this rule, provided that they bear a certification by an official of a social services district attesting to the accuracy of the content of the record or report of support payments and that in attesting to the accuracy of the record or report such official has received confirmation from the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the fiscal agent under contract to the office for the provision of centralized collection and disbursement functions pursuant to section one hundred eleven-h of the social services law that the record or report of support payments reflects the processing of all support payments in the possession of the office or the fiscal agent as of a specified date, and that the document is a record or report of support payments maintained pursuant to title six-A of article three of the social services law. If so certified, such record or report shall be admitted into evidence under this rule without the need for additional foundation testimony. Such records shall be the basis for a permissive inference of the facts contained therein unless the trier of fact finds good cause not to draw such inference.

S 37. Subparagraph (ii) of paragraph 3 of subdivision (b) of section 5241 of the civil practice law and rules, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(ii) if such a parent is enrolled but fails to make application to obtain coverage of such dependent child, immediately enroll such dependent child under such health benefit coverage upon application by such child's other parent or by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or social services district furnishing medical assistance to such child, and

S 38. Paragraph 1 and the opening paragraph of paragraph 2 of subdivision (c) of section 5242 of the civil practice law and rules, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) When the court enters an order of support on behalf of persons other than those in receipt of public assistance or in receipt of services pursuant to section one hundred eleven-g of the social services law, or registers pursuant to article five-B of the family court act an order of support which has been issued by a foreign jurisdiction and which is not to be enforced pursuant to title six-A of article three of the social services law, where the court determines that the respondent earns wages that could be subject to an income deduction order, the court shall issue an income deduction order to obtain payment of the order at the same time it issues or registers the order. The court shall enter the income deduction order unless the court finds and sets forth in writing (i) the reasons that there is good cause not to require imme-

diate income withholding; or (ii) that an agreement providing for an alternative arrangement has been reached between the parties. Such agreement may include a written agreement or an oral stipulation, made on the record, that results in a written order. For purposes of this subdivision, good cause shall mean substantial harm to the debtor. The absence of an arrearage or the mere issuance of an income deduction order shall not constitute good cause. When the court determines that there is good cause not to issue an income deduction order immediately or when the parties agree to an alternative arrangement as provided in this paragraph, the court shall state expressly in the order of support the basis for its decision. In entering the income deduction order, the court shall specify an amount to be withheld by the debtor's employer, which shall be sufficient to ensure compliance with the order of support and also shall include an additional amount to be applied to the reduction of arrears, if any, and shall specify the names, addresses, and social security numbers of the parties to the support proceeding and the mailing address of the unit within the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY designated to receive such deductions. The court shall transmit copies of such order to the parties and to such unit.

An employer served with an income deduction order entered pursuant to this subdivision shall commence deductions from the income due or thereafter due to the debtor no later than the first pay period that occurs fourteen days after service of the income deduction order, and shall remit payments to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to subdivision fourteen of section one hundred eleven-b of the social services law within ten days of the date that the debtor is paid. Each payment remitted by the employer shall be made payable to the creditor named in the order, and shall include the names, addresses, and social security numbers of the debtor and the creditor, and the date and the amount of each withholding of the debtor's income included in the payment. An employer shall be liable to the creditor for failure to deduct the amounts specified in the income deduction order, provided however that deduction by the employer of the amounts specified shall not relieve the debtor of the underlying obligation of support. If an employer shall fail to so pay the creditor, the creditor may commence a proceeding against the employer for accrued deductions, together with interest and reasonable attorney's fees. If the debtor's employment is terminated by resignation or dismissal at any time after service of the income deduction order, the order shall cease to have force and effect unless the debtor is reinstated or re-employed by the same employer. An employer must notify the creditor promptly when the debtor terminates employment and must provide the debtor's last address and the name and address of the debtor's new employer, if known. Where the income is compensation paid or payable to the debtor for personal services, the amount withheld by the employer shall not exceed the following:

S 39. Paragraph (a) of subdivision 1 of section 169 of the executive law, as amended by section 1 of part F of chapter 56 of the laws of 2005, is amended to read as follows:

(a) commissioner of correctional services, commissioner of education, commissioner of health, commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of children and family services, commissioner of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, chancellor of the state university of New York, commissioner of transportation, commissioner of

environmental conservation, superintendent of state police, and commissioner of general services;

S 40. Paragraph (a) of subdivision 6 of section 256 of the executive law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(a) Each probation agency or department and state operated probation services shall provide for intake, investigation, supervision and conciliation services relating to custody, visitation and paternity proceedings and may provide for such services in support proceedings under the provisions of articles four, five, five-A and six of the family court act. For purposes of this subdivision, intake services: (i) relating to support proceedings under article four and relating to paternity proceedings under articles five and five-A of the family court act, shall include referral to the office of [temporary and disability assistance's] ECONOMIC SUPPORT AND OPPORTUNITY'S child support enforcement unit in cases where a person is applying for or receiving public assistance or where a person chooses to utilize the services of such unit; (ii) relating to support proceedings under article four of the family court act, shall include services rendered to the payors of support orders seeking to modify such orders.

S 41. Section 354-a of the executive law, as amended by chapter 355 of the laws of 2004, is amended to read as follows:

S 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and substance abuse services, office of mental health, division of probation and correctional alternatives, office of children and family services, office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, department of health, department of labor, local workforce investment boards, office of mental retardation and developmental disabilities, department of correctional services and division of parole, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' affairs and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the division of veterans' affairs for information and assistance with regard to benefits and entitlements under federal and state law.

S 42. Subdivision 4 of section 532-a of the executive law, as amended by section 14 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

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

defined in subdivision ten of section three hundred seventy-one of the social services law, and approved by the office of children and family services after submission by the county youth bureau as part of its comprehensive plan, established and operated to provide services to runaway and homeless youth in accordance with the regulations of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the office of children and family services. Such programs may also provide non-residential crisis intervention and residential respite services to youth in need of crisis intervention or respite services, as defined in this section. Residential respite services in an approved runaway program may be provided for no more than twenty-one days in accordance with the regulations of the office of children and family services.

S 43. Subdivision (f) of section 532-e of the executive law, as amended by chapter 182 of the laws of 2002, is amended to read as follows:

(f) develop and promulgate regulations in consultation with the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY concerning the provision of services by transitional independent living support programs consistent with the provisions of this article.

S 44. Subdivision 5 of section 454 of the family court act, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

5. The court may review a support collection unit's denial of a challenge made by a support obligor pursuant to paragraph (d) of subdivision twelve of section one hundred eleven-b of the social services law if objections thereto are filed by a support obligor who has received notice that the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY intends to notify the department of motor vehicles that the support obligor's driving privileges are to be suspended. Specific written objections to a support collection unit's denial may be filed by the support obligor within thirty-five days of the mailing of the notice of the support collection unit's denial. A support obligor who files such objections shall serve a copy of the objections upon the support collection unit, which shall have ten days from such service to file a written rebuttal to such objections and a copy of the record upon which the support collection unit's denial was made, including all documentation submitted by the support obligor. Proof of service shall be filed with the court at the time of filing of objections and any rebuttal. The court's review shall be based upon the record and submissions of the support obligor and the support collection unit upon which the support collection unit's denial was made. Within forty-five days after the rebuttal, if any, is filed, the family court judge shall (i) deny the objections and remand to the support collection unit or (ii) affirm the objections if the court finds the determination of the support collection unit is based upon a clearly erroneous determination of fact or error of law, whereupon the court shall direct the support collection unit not to notify the department of motor vehicles to suspend the support obligor's driving privileges. Provisions set forth herein relating to procedures for appeal to the family court by individuals subject to suspension of driving privileges for failure to pay child support shall apply solely to such cases and not affect or modify any other procedure for review or appeal of administrative enforcement of child support requirements.

S 45. Paragraphs 1 and 2 of subsection (e) of section 320 of the insurance law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) Every insurer doing an insurance business in this state or any pension fund, retirement system or other organization required by law to make reports to, or which is subject to examination by, the department shall, upon request of an authorized representative of the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a social services district child support enforcement unit established pursuant to section one hundred eleven-c of the social services law, enter into an agreement with the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district to develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each such insurer, pension fund, retirement system or other organization shall provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each individual who maintains a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account at such institution and who owes past-due support, as identified by the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district child support enforcement unit by name and social security number or other taxpayer identification number. Nothing herein shall be deemed to limit the authority of a local social services district support collection unit pursuant to section one hundred eleven-h of the social services law.

(2) No insurer, pension fund, retirement system or other organization which discloses information pursuant to paragraph one of this subsection, or discloses any financial record to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district child support enforcement unit for the purpose of enforcing a child support obligation of such person, shall be liable under any law to any person for such disclosure, or for any other action taken in good faith to comply with paragraph one of this subsection.

S 46. Paragraph e of subdivision 3 of section 537 of the labor law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

e. Nothing herein shall be construed to prohibit the disclosure of claim information as defined in subparagraph (ii) of paragraph d of this subdivision to the "state directory of new hires," as established under section one hundred seventy-one-h of the tax law as amended, and to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for disseminating to support collection units designated by social services districts or their duly authorized agents for all purposes designated by the personal responsibility and worker opportunity reconciliation act of 1996, public law 104-193. The cost of providing such claim information shall be reimbursed consistent with federal law and regulations.

S 47. Section 540 of the labor law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

S 540. Informational pamphlet about food stamp program. The commissioner shall establish procedures whereby each person who files a claim for unemployment insurance pursuant to section five hundred ninety-six of this article, shall receive an informational leaflet about the food stamp program provided by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to subdivision six of section ninety-five-a of the social services law.

S 48. Subdivisions 1 and 2 of section 65 of the lien law, as amended by chapter 624 of the laws of 2002, are amended to read as follows:

1. The New York state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a local social services district, or its authorized representative, on behalf of persons receiving services under title six-A of article three of the social services law, shall have a lien against real property owned by a support obligor when such support obligor is or was under a court order to pay child support or combined child and spousal support to a support collection unit and such support obligor has accumulated support arrears/past due support in an amount equal to or greater than the amount of support due pursuant to such order for a period of four months. Such lien shall be in an amount sufficient to satisfy the support arrears/past due support. Such lien shall be enforceable upon filing a notice of lien in the office of the clerk of the county in which real property subject to any such lien is situated. In the event the real property is located in more than one county, filing shall occur in the office of the clerk in each county where the real property is situated. The county clerk of each county shall accept and maintain the notice of lien as part of a comprehensive index of liens against real property. If a child support obligor against whom a lien is filed subsequently acquires an interest in real property, the lien shall be perfected and have effect upon the recording or filing of the instrument by which such interest is obtained. The filing of notice of lien or a release of lien may be done by electronic means and without payment of a fee.

2. Said lien shall terminate upon payment in full of all support arrears/past due support. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district or its authorized representative may file a release of lien against specified property, which action shall not of itself discharge a lien arising by operation of law.

S 49. Subdivision 1 of section 211 of the lien law, as amended by chapter 624 of the laws of 2002, is amended to read as follows:

1. The New York state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a local social services district, or its authorized representative on behalf of persons receiving services under title six-A of article three of the social services law shall have a lien against personal property owned by a support obligor when such support obligor is or was under a court order to pay child support or combined child and spousal support to a support collection unit and such support obligor has accumulated support arrears/past due support in an amount equal to or greater than the amount of support due pursuant to such order for a period of four months. Such lien shall be in an amount sufficient to satisfy such support arrears/past due support. Said lien shall be perfected in the case of a vehicle as that term is defined in section two thousand one hundred one of the vehicle and traffic law with the department of motor vehicles. The filing of a notice of lien or of a release of lien shall be completed without payment of a fee. The filing of notice of lien or release of lien may be done by electronic means.

S 50. Section 65-a of the public service law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

S 65-a. Notification to social services officials. The commission shall, to the extent not inconsistent with other requirements of law, establish requirements relating to the notification of an appropriate social services official by a gas corporation, electric corporation or municipality that payment for utility services furnished a person

receiving public assistance, supplemental security income benefits or additional state payments pursuant to the social services law has not been made and such person is known by the corporation or municipality to be a recipient of such assistance, benefits or payments. The commission shall consult with the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY in fulfilling the objectives of this section.

S 51. Subdivision 3-c of section 89-b of the public service law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

3-c. It shall be unlawful for any water-works corporation to discontinue the supply of water to any person or entity receiving public assistance, for nonpayment of bills rendered for service, if the payment for such service is to be paid directly by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the social services official in such locality.

S 52. Subparagraph (i) of paragraph (b) of subdivision 2 of section 745 of the real property actions and proceedings law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(i) The court shall not require the respondent to deposit the portion of rent or use and occupancy, if any, which is payable by direct government housing subsidy, any currently effective senior citizen increase exemption authorized pursuant to sections four hundred sixty-seven-b and four hundred sixty-seven-c of the real property tax law, direct payment of rent or a two-party check issued by a social services district or the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or rental assistance that is payable pursuant to court orders issued in litigation commenced in nineteen hundred eighty-seven in a proceeding in which the amount of shelter allowance is at issue on behalf of recipients of family assistance. In the event the respondent or other adult member of the respondent's household receives public assistance pursuant to title three or title ten of article five of the social services law, the respondent shall, when directed by the court to deposit rent and use or occupancy, only be required to deposit with the court the amount of the shelter allowance portion of the public assistance grant issued by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a social services district. In the event the respondent receives supplemental security income pursuant to title sixteen of the federal social security act and title six of article five of the social services law, the respondent shall only be required to deposit one-third of the monthly supplemental security income payment.

S 53. Subdivision 2 of section 91-c of the state finance law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

2. In addition to any other payments from the account, the comptroller shall remit overpayments of grants and allowances of public assistance, as determined by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or a local social services district, to local social services districts, which shall remit such funds, as appropriate, to local social services districts for proper crediting and distribution or for reimbursement to state funds.

S 54. Subdivisions 2, 4, 7, 8 and 9 of section 97-ttt of the state finance law, as added by section 6 of part F of chapter 405 of the laws of 1999, are amended to read as follows:

2. Such fund shall consist of those revenues specified by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health, as approved by the director of the budget, and properly received from the federal government on account of federal revenue maximization activities conducted by the former department of social services or the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health, and social services districts, both directly and through their contractors, that are credited or transferred thereto from any other fund or source pursuant to law.

4. Moneys in the fund, pursuant to appropriation by the legislature and issuance of a certificate of approval by the director of the budget shall be made available for the following purposes:

(a) payment of fees, pursuant to a contract approved by the state comptroller, to a contractor of the former department of social services or the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health providing federal revenue maximization services; and

(b) payment or reimbursement of the federal share of social services district expenditures based on social services district claims for additional federal reimbursements submitted in accordance with section one hundred thirty-one-g of the social services law and identified by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health, as federal revenue maximization claims submitted on behalf of a city or county department or social services district. Moneys shall be paid out of the fund on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health and the director of the budget.

7. Upon the identification, by the director of the budget, of moneys resulting from federal revenue maximization activities conducted by the former department of social services or the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health, the state comptroller shall apportion the moneys as follows:

(a) the first portion shall be deposited to the revenue maximization contractor account, pursuant to the provisions of the applicable contract with the former department of social services or the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health, or a social services district. The director of the budget shall review and approve or disapprove the amounts to be so deposited;

(b) the second portion shall be deposited to the local maximization account, in amounts to be determined by the director of the budget in consultation with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and any other state department or agency, as necessary; and

(c) remaining moneys shall be deposited to the contingency reserve fund.

8. Payments to a contractor of the former department of social services or the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the department of health or a social services district, who was engaged in revenue maximization activities generating reimbursement specified for deposit in the federal revenue maximization

fund pursuant to subdivision three of this section, shall be made only from the revenue maximization contractor account.

9. Notwithstanding any law to the contrary, and in accordance with section four of [the state finance law] THIS CHAPTER, the comptroller is hereby authorized and directed to transfer, upon request from the director of the budget, $95,000,000 from any of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY special revenue federal funds to the federal revenue maximization fund (359) or the contingency reserve fund (005).

S 55. Section 179-aa of the state finance law, as amended by chapter 292 of the laws of 2007, is amended to read as follows:

S 179-aa. Advisory committee. There is hereby established a not-for-profit contracting advisory committee. The advisory committee shall consist of sixteen members which shall include eight appointed members, four to be appointed by the governor who shall be representatives of not-for-profit organizations providing services in the state, and two each to be appointed by the governor upon recommendation of the temporary president of the senate and speaker of the assembly, and eight ex officio members of the committee, one each designated from the division of the budget, the department of law, the office of the state comptroller, and the education department. The governor shall also designate four members from among the following agencies: the department of state, the office of children and family services, the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, the office of mental hygiene, the office of mental retardation and developmental disabilities, and the department of labor. The governor shall designate an appointee to serve as chair of the committee. The advisory committee shall meet at least quarterly and upon its own initiative may: comment and report on the implementation and operation of the not-for-profit short-term revolving loan fund; advise the governor, comptroller and state agencies on the implementation and operation of this article; evaluate the benefits of requiring all state agencies to use standard contract language and the extent to which standard language may be effectively included in contracts with not-for-profit organizations; review annually the report of the office of the state comptroller made pursuant to section one hundred seventy-nine-bb of this article; and propose any legislation they deem necessary to improve the fund and this article. The committee shall report to the governor and the legislature with recommendations on improving the contracting procedures with not-for-profit organizations which receive state funds through the intermediary of municipalities. Such reports shall be due annually not later than December first.

S 56. Paragraph 1, subparagraphs (i), (ii) and (iii) of paragraph 2, and paragraphs 3 and 4 of subdivision 4-e of section 510 of the vehicle and traffic law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(1) The commissioner, on behalf of the department, shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall set forth the procedures for suspending the driving privileges of individuals who have failed to make payments of child support or combined child and spousal support.

(i) the procedure under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the department of an individual's liability for support arrears;

(ii) the procedure under which the department shall be notified by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY that an individual has satisfied or commenced payment of his or her support arrears; or has made satisfactory payment arrangements thereon and shall have the suspension of his or her driving privileges terminated;

(iii) the procedure for reimbursement of the department and its agents by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the full additional costs of carrying out the procedures authorized by this section, and may include, subject to the approval of the director of the budget, a procedure for reimbursement of necessary additional costs of collecting social security numbers pursuant to section five hundred two of this title;

(3) Upon receipt of notification from the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of a person's failure to satisfy support arrears or to make satisfactory payment arrangements thereon pursuant to paragraph (e) of subdivision twelve of section one hundred eleven-b of the social services law or notification from a court issuing an order pursuant to section four hundred fifty-eight-a of the family court act or section two hundred forty-four-b of the domestic relations law, the commissioner or his or her agent shall suspend the license of such person to operate a motor vehicle. In the event such person is unlicensed, such person's privilege of obtaining a license shall be suspended. Such suspension shall take effect no later than fifteen days from the date of the notice thereof to the person whose license or privilege of obtaining a license is to be suspended, and shall remain in effect until such time as the commissioner is advised that the person has satisfied the support arrears or has made satisfactory payment arrangements thereon pursuant to paragraph (e) of subdivision twelve of section one hundred eleven-b of the social services law or until such time as the court issues an order to terminate such suspension;

(4) From the time the commissioner is notified by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY of a person's liability for support arrears under this section, the commissioner shall be relieved from all liability to such person which may otherwise arise under this section, and such person shall have no right to commence a court action or proceeding or to any other legal recourse against the commissioner to recover such driving privileges as authorized by this section. In addition, notwithstanding any other provision of law, such person shall have no right to a hearing or appeal pursuant to this chapter with respect to a suspension of driving privileges as authorized by this section. However, nothing herein shall be construed to prohibit such person from proceeding against the support collection unit pursuant to article seventy-eight of the civil practice law and rules.

S 57. Subdivision (a), and paragraphs 1 and 2 of subdivision (b) of section 2105-a of the vehicle and traffic law, as amended by chapter 601 of the laws of 2007, are amended to read as follows:

(a) The commissioner, on behalf of the department, shall enter into a written agreement with the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY which shall set forth the procedures for creation of security interests on vehicles in favor of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, a social services district or its authorized

representative as provided for in section two hundred eleven of the lien law and section one hundred eleven-u of the social services law.

(1) the procedures under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the department of a security interest arising for failure to make payments of child support or combined child and spousal support, including data standards for determining that the person against whom such lien will be imposed is the person owing such arrears;

(2) the procedures under which the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the department that an individual has satisfied the security interest;

S 58. Subdivision (c) of section 2116 of the vehicle and traffic law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(c) The filing of a notice of lien by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a local social services district, or its authorized representative, or a lien of another state agency operating under title IV-D of the social security act, shall constitute an application for the naming of a lienholder on a certificate of title. The filing of an application by any such agency shall be completed without payment of a fee.

S 59. Section 2122 of the vehicle and traffic law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

S 2122. Duty of lienholder. A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it. The office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or a social services district, or its authorized representative shall be deemed to have complied with this section upon disclosing the name of the obligor and the amount of the debt.

S 60. Subdivision (g) of section 7.09 of the mental hygiene law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(g) The commissioner shall work cooperatively with the commissioner of the office of mental retardation and developmental disabilities and the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to assist the commissioner of education in furnishing integrated employment services to individuals with severe disabilities, including the development of an integrated employment implementation plan, pursuant to article twenty-one of the education law.

S 61. Intentionally omitted.

S 62. Subdivision (d) of section 13.09 of the mental hygiene law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(d) The commissioner shall work cooperatively with the commissioner of the office of mental health and the commissioner of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY to assist the commissioner of education in furnishing integrated employment services to individuals with severe disabilities, including the development of an integrated employment implementation plan, pursuant to article twenty-one of the education law.

S 63. Paragraph 1 of subdivision (f) of section 16.17 of the mental hygiene law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(1) Except as provided in paragraph two of this subdivision, anything contained in this section to the contrary notwithstanding, an operating certificate of a facility shall be revoked upon a finding by the office that any individual, member of a partnership or shareholder of a corporation to whom or to which an operating certificate has been issued, has been convicted of a class A, B or C felony or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the office or of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, or another office of the department of mental hygiene, or in violation of the public officers law in a court of competent jurisdiction of the state, or in a court in another jurisdiction for an act which would have been a class A, B or C felony in this state or a felony in any way related to any activity or program which would be subject to the regulations, supervision, or administration of the office or of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, or another office of the department of mental hygiene, or for an act which would be in violation of the public officers law. The commissioner shall not revoke or limit the operating certificate of any facility, solely because of the conviction, whether in the courts of this state or in the courts of another jurisdiction, more than ten years prior to the effective date of such revocation or limitation, of any person of a felony, or what would amount to a felony if committed within the state, unless the commissioner makes a determination that such conviction was related to an activity or program subject to the regulations, supervision, and administration of the office or of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, or another office of the department of mental hygiene, or in violation of the public officers law.

S 64. Paragraph 3 of subdivision (a) of section 19.09 of the mental hygiene law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(3) The commissioner may coordinate alcoholism, alcohol abuse, substance abuse, substance dependence and chemical dependence related activities in all departments of the state by convening at regular intervals a coordinating committee of representatives of the departments of health, correctional services, labor, economic development, education, and motor vehicles, and the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and any other department or agency having an interest therein.

S 65. Paragraph 1 of subdivision (f) of section 31.16 of the mental hygiene law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

1. Except as provided in paragraph two of this subdivision, anything contained in this section to the contrary notwithstanding, an operating certificate of a facility shall be revoked upon a finding by the office that any individual, member of a partnership or shareholder of a corporation to whom or to which an operating certificate has been issued, has been convicted of a class A, B or C felony or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the office or of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, or another office of the department of mental hygiene, or in violation of the public officers law in a court of competent jurisdiction of the state, or in a court in another jurisdiction for an act

which would have been a class A, B or C felony in this state or a felony in any way related to any activity or program which would be subject to the regulations, supervision, or administration of the office or of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, or another office of the department of mental hygiene, or for an act which would be in violation of the public officers law. The commissioner shall not revoke or limit the operating certificate of any facility, solely because of the conviction, whether in the courts of this state or in the courts of another jurisdiction, more than ten years prior to the effective date of such revocation or limitation, of any person of a felony, or what would amount to a felony if committed within the state, unless the commissioner makes a determination that such conviction was related to an activity or program subject to the regulations, supervision, and administration of the office or of the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of health, or another office of the department of mental hygiene, or in violation of the public officers law.

S 66. Terms occurring in laws, contracts and other documents. Whenever the former department of social services or office of temporary and disability assistance is referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties of that department transferred by part B of chapter 436 of the laws of 1997 to such office, such reference or designation shall be deemed to refer to the office of economic support and opportunity or the commissioner thereof.

S 67. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

S 68. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 69. This act shall take effect immediately; provided however that:

(a) the amendments to subdivision 12 of section 111-b of the social services law, made by section six of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

(b) the amendments to section 483-ee of the social services law, made by section twenty-three of this act, shall not affect the repeal of such section and shall be deemed repealed therewith;

(c) the amendments to subdivision 5 of section 454 of the family court act, made by section forty-four of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

(d) the amendments to subdivision 4-e of section 510 of the vehicle and traffic law, made by section fifty-six of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith.