

6635

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. WRIGHT -- (at request of the Office of Temporary and Disability Assistance) -- read once and referred 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:

1 Section 1. Paragraph 2 of subdivision (a) of section 122 of part B of
2 chapter 436 of the laws of 1997, constituting the welfare reform act of
3 1997, is amended to read as follows:

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

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

9 14. To provide an analysis of the outcome of the fair hearings process
10 within the office of [temporary and disability assistance] ECONOMIC
11 SUPPORT AND OPPORTUNITY to identify inadequacies and potential improve-
12 ments in the functioning of the fair hearings system, such office shall
13 prepare for inclusion in the annual report required by subdivision (d)
14 of section seventeen of this article to be filed with the governor and
15 the legislature prior to the fifteenth day of December of each year, a
16 report containing with respect to income maintenance programs, including
17 the family assistance program, the safety net assistance program, the
18 medical assistance program and any other program, the number of affirma-
19 tions 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.

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

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

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

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

20 S 51. Regulations. The office of [temporary and disability assistance]
21 ECONOMIC SUPPORT AND OPPORTUNITY shall, in consultation with other agen-
22 cies deemed appropriate by the commissioner, promulgate such rules and
23 regulations as are necessary to carry out the provisions of this arti-
24 cle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 1. Reporting requirements. The commissioner of the office of [tempo-
29 rary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall
30 issue, within sixty days of the end of each month, a monthly statistical
31 report containing each of the tables in the March two thousand four
32 Temporary and Disability assistance statistics report as provided on the
33 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
34 OPPORTUNITY website. Such report shall also include aggregate total
35 claims for both New York city and the rest of the state related to
36 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
37 not already included in the March 2004 Temporary and Disability Assist-
38 ance Statistics report as provided on the office of [temporary and disa-
39 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY website. The commis-
40 sioner may also include similar tables containing statistical
41 information including, but not limited to, [temporary and disability
42 assistance] ECONOMIC SUPPORT AND OPPORTUNITY claims on emergency child
43 care, family shelter, shelter for victims of domestic violence, eviction
44 prevention including, but not limited to, security deposits and brokers
45 fees, supplemental claims, cancellations or refunds, drug or alcohol
46 treatment, and increased costs associated with cases for individuals
47 with AIDS. The commissioner may also include any other statistical
48 information related to [temporary and disability assistance] ECONOMIC
49 SUPPORT AND OPPORTUNITY that he or she deems to be appropriate. The
50 commissioner shall also, within sixty days of the completion of each
51 quarter of the state fiscal year, issue an update of monthly [temporary
52 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY claims for
53 each of the previous twenty-four months based on actual claims received
54 by the end of such quarter; provided, however, the update following the
55 third quarter of the state fiscal year shall be completed within thirty
56 days. Such update shall include the total number of recipients, the

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

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

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

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

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

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

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

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

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

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

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

20 12. To the extent allowable under federal law and to the extent that
21 the state has spending sufficient to exceed the federally required main-
22 tenance of effort for the temporary assistance for needy families block
23 grant, the office of [temporary and disability assistance] ECONOMIC
24 SUPPORT AND OPPORTUNITY may maximize the state's work participation rate
25 by targeting safety net assistance payments utilized to meet the feder-
26 ally required maintenance of effort for the temporary assistance for
27 needy families block grant to safety net assistance cases that are not
28 exempt from work activities, that have not been in sanction status for
29 over three months, and that do not include two parents who are eligible
30 for assistance who live in the same dwelling unit, or to other catego-
31 ries of cases, as defined by the office of [temporary and disability
32 assistance] ECONOMIC SUPPORT AND OPPORTUNITY, that have no other poten-
33 tial impediments to participating in countable federal work activities.

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

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

1 equal to the July first, nineteen hundred eighty-two federal supple-
2 mental security income cost of living adjustment, providing such indi-
3 vidual was eligible to receive a mandatory state supplement for the
4 month of December, nineteen hundred eighty-one, plus for any month after
5 June, nineteen hundred eighty-three, an amount equal to \$17.70 for indi-
6 viduals, \$26.55 for couples who are living alone or living with others
7 and \$35.40 for couples receiving family care, residential care or care
8 in schools for the mentally retarded, plus for any month after December,
9 nineteen hundred eighty-three, an amount equal to \$9.70 for individuals,
10 \$15.60 for couples who are living alone or living with others and \$19.40
11 for couples receiving family care, residential care or care in schools
12 for the mentally retarded, plus for any month after December, nineteen
13 hundred eighty-four, an amount equal to \$11.00 for individuals, \$16.00
14 for couples who are living alone or living with others and \$22.00 for
15 couples receiving family care, residential care or care in schools for
16 the mentally retarded, plus for any month after December, nineteen
17 hundred eighty-five, an amount equal to \$11.00 for individuals, \$16.00
18 for couples who are living alone or living with others and \$22.00 for
19 couples receiving family care, residential care or care in schools for
20 the mentally retarded, plus for any month after December, nineteen
21 hundred eighty-six an amount equal to \$4.00 for individuals, \$6.00 for
22 couples who are living alone or living with others and \$8.00 for couples
23 receiving family care, residential care or care in schools for the
24 mentally retarded, plus for any month after December, nineteen hundred
25 eighty-seven an amount equal to \$14.00 for individuals, \$22.00 for
26 couples who are living alone or living with others and \$28.00 for
27 couples receiving family care, residential care or care in schools for
28 the mentally retarded, plus for any month after December, nineteen
29 hundred eighty-eight an amount equal to \$14.00 for individuals, \$21.00
30 for couples who are living alone or living with others and \$28.00 for
31 couples receiving family care, residential care or care in schools for
32 the mentally retarded, plus for any other month after December, nineteen
33 hundred eighty-nine an amount equal to \$18.00 for individuals, \$27.00
34 for couples who are living alone or living with others and \$36.00 for
35 couples receiving family care, residential care or care in schools for
36 the mentally retarded, plus for any month after December, nineteen
37 hundred ninety an amount equal to \$21.00 for individuals, \$31.00 for
38 couples who are living alone or living with others and \$42.00 for
39 couples receiving family care, residential care or care in schools for
40 the mentally retarded, plus for any month after December, nineteen
41 hundred ninety-one an amount equal to \$15.00 for individuals, \$23.00 for
42 couples who are living alone or living with others and \$30.00 for
43 couples receiving family care, residential care or care in schools for
44 the mentally retarded, plus for any month after December, nineteen
45 hundred ninety-two, an amount equal to \$12.00 for individuals, \$19.00
46 for couples who are living alone or living with others and \$24.00 for
47 couples receiving family care, residential care or care in schools for
48 the mentally retarded plus for any month after December, nineteen
49 hundred ninety-three an amount equal to \$12.00 for individuals, \$17.00
50 for couples who are living alone or living with others and \$24.00 for
51 couples receiving family care, residential care or care in schools for
52 the mentally retarded plus for any month after December, nineteen
53 hundred ninety-four an amount equal to \$12.00 for individuals, \$18.00
54 for couples who are living alone or living with others and \$24.00 for
55 couples receiving family care, residential care or care in schools for
56 the mentally retarded, plus for any month after December, nineteen

1 hundred ninety-five an amount equal to \$12.00 for individuals, \$18.00
2 for couples who are living alone or living with others and \$24.00 for
3 couples receiving family care, residential care or care in schools for
4 the mentally retarded, plus for any month after December, nineteen
5 hundred ninety-six, an amount equal to \$14.00 for individuals and \$21.00
6 for couples plus for any month after December, nineteen hundred ninety-
7 seven an amount equal to \$10.00 for individuals and \$15.00 for couples
8 plus for any month after December, nineteen hundred ninety-eight an
9 amount equal to \$6.00 for individuals and \$11.00 for couples plus for
10 any month after December, nineteen hundred ninety-nine an amount equal
11 to \$13.00 for individuals and \$18.00 for couples plus for any month
12 after December, two thousand an amount equal to \$18.00 for individuals
13 and \$27.00 for couples plus for any month after December, two thousand
14 one an amount equal to \$15.00 for individuals and \$21.00 for couples
15 plus for any month after December, two thousand two an amount equal to
16 \$7.00 for individuals and \$12.00 for couples plus for any month after
17 December, two thousand three an amount equal to \$12.00 for individuals
18 and \$17.00 for couples plus for any month after December, two thousand
19 four an amount equal to \$15.00 for individuals and \$23.00 for couples
20 plus for any month after December, two thousand five an amount equal to
21 \$24.00 for individuals and \$35.00 for couples plus for any month after
22 December, two thousand six an amount equal to the amount of any
23 increases in federal supplemental security income benefits for individ-
24 uals or couples pursuant to section 1617 of the Social Security Act (42
25 USC S 1382f) which become effective on or after January first, two thou-
26 sand seven.

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

30 a. the term "commissioner" means the commissioner of the state office
31 of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTU-
32 NITY; and

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

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

38 (b) If, prior to submitting his or her medical documentation, the
39 individual is referred to a health care practitioner certified by the
40 office of disability determinations of the office of [temporary and
41 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or, if applica-
42 ble, to the contracted agency or institution by or with which such
43 health care practitioner is employed or affiliated for an examination
44 pursuant to subdivision four of this section, such individual shall make
45 best efforts to bring such documentation to the examination, and in no
46 case shall provide such records to the examining health care practition-
47 er certified by the office of disability determinations or, if applica-
48 ble, to the contracted agency or institution by or with which such
49 health care practitioner is employed or affiliated later than four busi-
50 ness days after such examination; provided that the individual may
51 demonstrate good cause as defined in regulations, for failure to provide
52 such records within the specific time periods.

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

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

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

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

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

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

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

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

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

22 13. Notwithstanding any inconsistent provision of law, in lieu of
23 payments authorized by this chapter and/or any of the general fund or
24 special revenue other appropriations made to the office of [temporary
25 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the
26 office of children and family services, from funds otherwise due to
27 local social services districts or in lieu of payments of federal funds
28 otherwise due to local social services districts for programs provided
29 under the federal social security act or the federal food stamp act or
30 the low income home energy assistance program, funds in amounts certi-
31 fied by the commissioner of the office of [temporary and disability
32 assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the commissioner of the
33 office of children and family services or the commissioner of health as
34 due from local social services districts as their share of payments made
35 pursuant to this section, may be set-aside by the state comptroller in
36 an interest-bearing account with such interest accruing to the credit of
37 the locality, pursuant to an estimate provided by the commissioner of
38 health of a local social services district's share of medical assistance
39 payments, except that in the case of the city of New York, such set-a-
40 side shall be subject first to the requirements of [a] section EIGHT OF
41 PART C of [the] chapter SIXTY-THREE of the laws of two thousand one
42 which enacted this provision, and then subject to the requirements of
43 paragraph (i) of subdivision (b) of section two hundred twenty-two-a of
44 chapter four hundred seventy-four of the laws of nineteen hundred nine-
45 ty-six prior to the application of this subdivision. Should funds other-
46 wise payable to a local social services district from appropriations
47 made to the office of [temporary and disability assistance] ECONOMIC
48 SUPPORT AND OPPORTUNITY, the office of children and family services, and
49 the department of health be insufficient to fully fund the amounts iden-
50 tified by the commissioner of health as necessary to liquidate the local
51 share of payments to be made pursuant to this section on behalf of the
52 local social services district, the commissioner of health may identify
53 other state or federal payments payable to that local social services
54 district or any other county agency including, but not limited to the
55 county department of health, from appropriations made to the state
56 department of health, and may authorize the state comptroller, upon no

1 less than five days written notice to such local social services
2 district or such other county agency, to set-aside such payments in the
3 interest-bearing account with such interest accruing to the credit of
4 the locality. Upon such determination by the commissioner of health that
5 insufficient funds are payable to a local social services district and
6 any other county agency receiving payments from the office of [temporary
7 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the office
8 of children and family services, and the state department of health from
9 appropriations made to these agencies, the state comptroller shall, upon
10 no less than five days written notice to such local social services
11 district or such other county agency, withhold payments from any of the
12 general fund - local assistance accounts or payments made from any of
13 the special revenue - federal local assistance accounts, provided,
14 however, that such federal payments shall be withheld only after such
15 federal funds are properly credited to the county through vouchers,
16 claims or other warrants properly received, approved, and paid by the
17 state comptroller, and set-aside such disbursements in the interest-
18 bearing account with such interest accruing to the credit of the locali-
19 ty until such time that the amount withheld from each county is deter-
20 mined by the commissioner of health to be sufficient to fully liquidate
21 the local share of payments, as estimated by the commissioner of health,
22 to be made pursuant to this section on behalf of that local social
23 services district.

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

27 1. There shall be a council on children and families established with-
28 in the office of children and family services consisting of the follow-
29 ing members: the state commissioner of children and family services, the
30 commissioner of [temporary and disability assistance] ECONOMIC SUPPORT
31 AND OPPORTUNITY, the commissioner of mental health, the commissioner of
32 mental retardation and developmental disabilities, the commissioner of
33 the office of alcoholism and substance abuse services, the commissioner
34 of education, the state director of probation and correctional alterna-
35 tives, the commissioner of health, the commissioner of the division of
36 criminal justice services, the state advocate for persons with disabili-
37 ties, the director of the office for the aging, the commissioner of
38 labor, and the chair of the commission on quality of care for the
39 mentally disabled. The governor shall designate the chair of the council
40 and the chief executive officer (CEO).

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

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

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

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

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

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

20 (b) Upon receipt of such a notification, the division of criminal
21 justice services, in consultation with the office of [temporary and
22 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the refer-
23 ring agency or office, shall make a preliminary assessment of whether
24 such victim or possible victim appears to meet the criteria for certifi-
25 cation as a victim of a severe form of trafficking in persons as
26 defined in section 7105 of title 22 of the United States Code (Traffick-
27 ing Victims Protection) or appears to be otherwise eligible for any
28 federal, state or local benefits and services. If it is determined that
29 the victim appears to meet such criteria, the office of [temporary and
30 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall report the
31 finding to the victim, and to the referring law enforcement agency or
32 district attorney's office, and may assist that agency or office in
33 having such victim receive services from a case management provider who
34 may be under contract with the office of [temporary and disability
35 assistance] ECONOMIC SUPPORT AND OPPORTUNITY, or from any other avail-
36 able source. If the victim or possible victim is under the age of eigh-
37 teen, the office of [temporary and disability assistance] ECONOMIC
38 SUPPORT AND OPPORTUNITY also shall notify the local department of social
39 services in the county where the child was found.

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

42 (a) There is established an interagency task force on trafficking in
43 persons, which shall consist of the following members or their desig-
44 nees: (1) the commissioner of the division of criminal justice services;
45 (2) the commissioner of the office of [temporary and disability assist-
46 ance] ECONOMIC SUPPORT AND OPPORTUNITY; (3) the commissioner of health;
47 (4) the commissioner of the office of mental health; (5) the commission-
48 er of labor; (6) the commissioner of the office of children and family
49 services; (7) the commissioner of the office of alcoholism and substance
50 abuse services; (8) the chairperson of the crime victims board; (9) the
51 executive director of the office for the prevention of domestic
52 violence; and (10) the superintendent of the division of state police;
53 and others as may be necessary to carry out the duties and responsibil-
54 ities under this section. The task force will be co-chaired by the
55 commissioners of the division of criminal justice services and the
56 office of [temporary and disability assistance] ECONOMIC SUPPORT AND

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

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

9 (1) A taxpayer shall be allowed a credit as provided herein equal to
10 the applicable percentage of the credit allowable under section twenty-
11 one of the internal revenue code for the same taxable year (without
12 regard to whether the taxpayer in fact claimed the credit under such
13 section twenty-one for such taxable year). The applicable percentage
14 shall be the sum of (i) twenty percent and (ii) a multiplier multiplied
15 by a fraction. For taxable years beginning in nineteen hundred ninety-
16 six and nineteen hundred ninety-seven, the numerator of such fraction
17 shall be the lesser of (i) four thousand dollars or (ii) fourteen thou-
18 sand dollars less the New York adjusted gross income for the taxable
19 year, provided, however, the numerator shall not be less than zero. For
20 the taxable year beginning in nineteen hundred ninety-eight, the numera-
21 tor of such fraction shall be the lesser of (i) thirteen thousand
22 dollars or (ii) thirty thousand dollars less the New York adjusted gross
23 income for the taxable year, provided, however, the numerator shall not
24 be less than zero. For taxable years beginning in nineteen hundred nine-
25 ty-nine, the numerator of such fraction shall be the lesser of (i)
26 fifteen thousand dollars or (ii) fifty thousand dollars less the New
27 York adjusted gross income for the taxable year, provided, however, the
28 numerator shall not be less than zero. For taxable years beginning after
29 nineteen hundred ninety-nine, the numerator of such fraction shall be
30 the lesser of (i) fifteen thousand dollars or (ii) sixty-five thousand
31 dollars less the New York adjusted gross income for the taxable year,
32 provided, however, the numerator shall not be less than zero. The denom-
33 inator of such fraction shall be four thousand dollars for taxable years
34 beginning in nineteen hundred ninety-six and nineteen hundred ninety-
35 seven, thirteen thousand dollars for the taxable year beginning in nine-
36 teen hundred ninety-eight, and fifteen thousand dollars for taxable
37 years beginning after nineteen hundred ninety-eight. The multiplier
38 shall be ten percent for taxable years beginning in nineteen hundred
39 ninety-six, forty percent for taxable years beginning in nineteen
40 hundred ninety-seven, and eighty percent for taxable years beginning
41 after nineteen hundred ninety-seven. Provided, however, for taxable
42 years beginning after nineteen hundred ninety-nine, for a person whose
43 New York adjusted gross income is less than forty thousand dollars, such
44 applicable percentage shall be equal to (i) one hundred percent, plus
45 (ii) ten percent multiplied by a fraction whose numerator shall be the
46 lesser of (i) fifteen thousand dollars or (ii) forty thousand dollars
47 less the New York adjusted gross income for the taxable year, provided
48 such numerator shall not be less than zero, and whose denominator shall
49 be fifteen thousand dollars. Provided, further, that if the reversion
50 event, as defined in this paragraph, occurs, the applicable percentage
51 shall, for taxable years ending on or after the date on which the rever-
52 sion event occurred, be determined using the rules specified in this
53 paragraph applicable to taxable years beginning in nineteen hundred
54 ninety-nine. The reversion event shall be deemed to have occurred on the
55 date on which federal action, including but not limited to, administra-
56 tive, statutory or regulatory changes, materially reduces or eliminates

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

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

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

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

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

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

12 S 26. Paragraph 3 of subsection (e) of section 697 of the tax law, as
13 separately amended by section 1 of part M of chapter 57 and section
14 45-f of part C of chapter 58 of the laws of 2008, is amended to read as
15 follows:

16 (3) Nothing herein shall be construed to prohibit the department, its
17 officers or employees from furnishing information to the office of
18 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
19 relating to the payment of the credit for certain household and depend-
20 ent care services necessary for gainful employment under subsection (c)
21 of section six hundred six of this article and the earned income credit
22 under subsection (d) of section six hundred six of this article, or
23 pursuant to a local law enacted by a city having a population of one
24 million or more pursuant to subsection (f) of section thirteen hundred
25 ten of this chapter, only to the extent necessary to calculate qualified
26 state expenditures under paragraph seven of subdivision (a) of section
27 four hundred nine of the federal social security act or to document the
28 proper expenditure of federal temporary assistance for needy families
29 funds under section four hundred three of such act. The office of
30 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
31 may redisclose such information to the United States department of
32 health and human services only to the extent necessary to calculate such
33 qualified state expenditures or to document the proper expenditure of
34 such federal temporary assistance for needy families funds. Nothing
35 herein shall be construed to prohibit the delivery by the commissioner
36 to a commissioner of jurors, appointed pursuant to section five hundred
37 four of the judiciary law, or, in counties within cities having a popu-
38 lation of one million or more, to the county clerk of such county, of a
39 mailing list of individuals to whom income tax forms are mailed by the
40 commissioner for the sole purpose of compiling a list of prospective
41 jurors as provided in article sixteen of the judiciary law. Provided,
42 however, such delivery shall only be made pursuant to an order of the
43 chief administrator of the courts, appointed pursuant to section two
44 hundred ten of the judiciary law. No such order may be issued unless
45 such chief administrator is satisfied that such mailing list is needed
46 to compile a proper list of prospective jurors for the county for which
47 such order is sought and that, in view of the responsibilities imposed
48 by the various laws of the state on the department, it is reasonable to
49 require the commissioner to furnish such list. Such order shall provide
50 that such list shall be used for the sole purpose of compiling a list of
51 prospective jurors and that such commissioner of jurors, or such county
52 clerk, shall take all necessary steps to insure that the list is kept
53 confidential and that there is no unauthorized use or disclosure of such
54 list. Furthermore, nothing herein shall be construed to prohibit the
55 delivery to a taxpayer or his or her duly authorized representative of a
56 certified copy of any return or report filed in connection with his or

1 her tax or to prohibit the publication of statistics so classified as to
2 prevent the identification of particular reports or returns and the
3 items thereof, or the inspection by the attorney general or other legal
4 representatives of the state of the report or return of any taxpayer or
5 of any employer filed under section one hundred seventy-one-h of this
6 chapter, where such taxpayer or employer shall bring action to set aside
7 or review the tax based thereon, or against whom an action or proceeding
8 under this chapter or under this chapter and article eighteen of the
9 labor law has been recommended by the commissioner, the commissioner of
10 labor with respect to unemployment insurance matters, or the attorney
11 general or has been instituted, or the inspection of the reports or
12 returns required under this article by the comptroller or duly desig-
13 nated officer or employee of the state department of audit and control,
14 for purposes of the audit of a refund of any tax paid by a taxpayer
15 under this article, or the furnishing to the state department of labor
16 of unemployment insurance information obtained or derived from quarterly
17 combined withholding, wage reporting and unemployment insurance returns
18 required to be filed by employers pursuant to paragraph four of
19 subsection (a) of section six hundred seventy-four of this article, for
20 purposes of administration of such department's unemployment insurance
21 program, employment services program, federal and state employment and
22 training programs, employment statistics and labor market information
23 programs, worker protection programs, federal programs for which the
24 department has administrative responsibility or for other purposes
25 deemed appropriate by the commissioner of labor consistent with the
26 provisions of the labor law, and redisclosure of such information in
27 accordance with the provisions of sections five hundred thirty-six and
28 five hundred thirty-seven of the labor law or any other applicable law,
29 or the furnishing to the state office of [temporary and disability
30 assistance] ECONOMIC SUPPORT AND OPPORTUNITY of information obtained or
31 derived from New York state personal income tax returns as described in
32 paragraph (b) of subdivision two of section one hundred seventy-one-g of
33 this chapter for the purpose of reviewing support orders enforced pursu-
34 ant to title six-A of article three of the social services law to aid in
35 the determination of whether such orders should be adjusted, or the
36 furnishing of information obtained from the reports required to be
37 submitted by employers regarding newly hired or re-hired employees
38 pursuant to section one hundred seventy-one-h of this chapter to the
39 state office of [temporary and disability assistance] ECONOMIC SUPPORT
40 AND OPPORTUNITY, the state department of health, the state department of
41 labor and the workers' compensation board for purposes of administration
42 of the child support enforcement program, verification of individuals'
43 eligibility for one or more of the programs specified in subsection (b)
44 of section eleven hundred thirty-seven of the federal social security
45 act and for other public assistance programs authorized by state law,
46 and administration of the state's employment security and workers'
47 compensation programs, and to the national directory of new hires estab-
48 lished pursuant to section four hundred fifty-three-A of the federal
49 social security act for the purposes specified in such section, or the
50 furnishing to the state office of [temporary and disability assistance]
51 ECONOMIC SUPPORT AND OPPORTUNITY of the amount of an overpayment of
52 income tax and interest thereon certified to the comptroller to be cred-
53 ited against past-due support pursuant to section one hundred seventy-
54 one-c of this chapter and of the name and social security number of the
55 taxpayer who made such overpayment, or the disclosing to the commission-
56 er of finance of the city of New York, pursuant to section one hundred

1 seventy-one-l of this chapter, of the amount of an overpayment and
2 interest thereon certified to the comptroller to be credited against a
3 city of New York tax warrant judgment debt and of the name and social
4 security number of the taxpayer who made such overpayment, or the
5 furnishing to the New York state higher education services corporation
6 of the amount of an overpayment of income tax and interest thereon
7 certified to the comptroller to be credited against the amount of a
8 default in repayment of any education loan debt, including judgments,
9 owed to the federal or New York state government that is being collected
10 by the New York state higher education services corporation, and of the
11 name and social security number of the taxpayer who made such overpay-
12 ment, or the furnishing to the state department of health of the infor-
13 mation required by paragraph (f) of subdivision two and subdivision
14 two-a of section two thousand five hundred eleven of the public health
15 law and by subdivision eight of section three hundred sixty-six-a and
16 paragraphs (b) and (d) of subdivision two of section three hundred
17 sixty-nine-ee of the social services law, or the furnishing to the state
18 university of New York or the city university of New York respectively
19 or the attorney general on behalf of such state or city university the
20 amount of an overpayment of income tax and interest thereon certified to
21 the comptroller to be credited against the amount of a default in repay-
22 ment of a state university loan pursuant to section one hundred seven-
23 ty-one-e of this chapter and of the name and social security number of
24 the taxpayer who made such overpayment, or the disclosing to a state
25 agency, pursuant to section one hundred seventy-one-f of this chapter,
26 of the amount of an overpayment and interest thereon certified to the
27 comptroller to be credited against a past-due legally enforceable debt
28 owed to such agency and of the name and social security number of the
29 taxpayer who made such overpayment, or the furnishing of employee and
30 employer information obtained through the wage reporting system, pursu-
31 ant to section one hundred seventy-one-a of this chapter, as added by
32 chapter five hundred forty-five of the laws of nineteen hundred seven-
33 ty-eight, to the state office of [temporary] ECONOMIC SUPPORT and [disa-
34 bility assistance] OPPORTUNITY, the department of health or to the state
35 office of the medicaid inspector general for the purpose of verifying
36 eligibility for and entitlement to amounts of benefits under the social
37 services law or similar law of another jurisdiction, locating absent
38 parents or other persons legally responsible for the support of appli-
39 cants for or recipients of public assistance and care under the social
40 services law and persons legally responsible for the support of a recip-
41 ient of services under section one hundred eleven-g of the social
42 services law and, in appropriate cases, establishing support obligations
43 pursuant to the social services law and the family court act or similar
44 provision of law of another jurisdiction for the purpose of evaluating
45 the effect on earnings of participation in employment, training or other
46 programs designed to promote self-sufficiency authorized pursuant to the
47 social services law by current recipients of public assistance and care
48 and by former applicants and recipients of public assistance and care,
49 (except that with regard to former recipients, information which relates
50 to a particular former recipient shall be provided with client identify-
51 ing data deleted), and to the state department of labor, or other indi-
52 viduals designated by the commissioner of labor, for the purpose of the
53 administration of such department's unemployment insurance program,
54 employment services program, federal and state employment and training
55 programs, employment statistics and labor market information programs,
56 worker protection programs, federal programs for which the department

1 has administrative responsibility or for other purposes deemed appropri-
2 ate by the commissioner of labor consistent with the provisions of the
3 labor law, and redisclosure of such information in accordance with the
4 provisions of sections five hundred thirty-six and five hundred thirty-
5 seven of the labor law, or the furnishing of information, which is
6 obtained from the wage reporting system operated pursuant to section one
7 hundred seventy-one-a of this chapter, as added by chapter five hundred
8 forty-five of the laws of nineteen hundred seventy-eight, to the state
9 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
10 OPPORTUNITY so that it may furnish such information to public agencies
11 of other jurisdictions with which the state office of [temporary and
12 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY has an agreement
13 pursuant to paragraph (h) or (i) of subdivision three of section twenty
14 of the social services law, and to the state office of [temporary and
15 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the purpose
16 of fulfilling obligations and responsibilities otherwise incumbent upon
17 the state department of labor, under section one hundred twenty-four of
18 the federal family support act of nineteen hundred eighty-eight, by
19 giving the federal parent locator service, maintained by the federal
20 department of health and human services, prompt access to such informa-
21 tion as required by such act, or to the state department of health to
22 verify eligibility under the child health insurance plan pursuant to
23 subdivisions two and two-a of section two thousand five hundred eleven
24 of the public health law, to verify eligibility under the medical
25 assistance and family health plus programs pursuant to subdivision eight
26 of section three hundred sixty-six-a and paragraphs (b) and (d) of
27 subdivision two of section three hundred sixty-nine-ee of the social
28 services law, and to verify eligibility for the program for elderly
29 pharmaceutical insurance coverage under title three of article two of
30 the elder law, or to the office of vocational and educational services
31 for individuals with disabilities of the education department, the
32 commission for the blind and visually handicapped and any other state
33 vocational rehabilitation agency, for purposes of obtaining reimburse-
34 ment from the federal social security administration for expenditures
35 made by such office, commission or agency on behalf of disabled individ-
36 uals who have achieved economic self-sufficiency or to the higher educa-
37 tion services corporation for the purpose of assisting the corporation
38 in default prevention and default collection of education loan debt,
39 including judgments, owed to the federal or New York state government;
40 provided, however, that such information shall be limited to the names,
41 social security numbers, home and/or business addresses, and employer
42 names of defaulted or delinquent student loan borrowers.

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

1 of another jurisdiction (pursuant to an agreement under subdivision
2 three of section twenty of the social services law), or (D) employees
3 about whom wage reporting system information is being furnished to
4 public agencies of other jurisdictions, with which the state office of
5 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
6 has an agreement pursuant to paragraph (h) or (i) of subdivision three
7 of section twenty of the social services law, or (E) employees about
8 whom wage reporting system information is being furnished to the federal
9 parent locator service, maintained by the federal department of health
10 and human services, for the purpose of enabling the state office of
11 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
12 to fulfill obligations and responsibilities otherwise incumbent upon the
13 state department of labor, under section one hundred twenty-four of the
14 federal family support act of nineteen hundred eighty-eight, and, only
15 if, the office of [temporary and disability assistance] ECONOMIC SUPPORT
16 AND OPPORTUNITY certifies to the commissioner that such persons are such
17 applicants, recipients, absent parents or persons legally responsible
18 for support or persons about whom information has been requested by a
19 public agency of another jurisdiction or by the federal parent locator
20 service and further certifies that in the case of information requested
21 under agreements with other jurisdictions entered into pursuant to
22 subdivision three of section twenty of the social services law, that
23 such request is in compliance with any applicable federal law. Provided,
24 further, that where the office of [temporary and disability assistance]
25 ECONOMIC SUPPORT AND OPPORTUNITY requests employee information for the
26 purpose of evaluating the effects on earnings of participation in
27 employment, training or other programs designed to promote self-suffici-
28 ency authorized pursuant to the social services law, the office of
29 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
30 shall only be furnished with the quarterly gross wages (excluding any
31 reference to the name, social security number or any other information
32 which could be used to identify any employee or the name or identifica-
33 tion number of any employer) paid to employees who are former applicants
34 for or recipients of public assistance and care and who are so certified
35 to the commissioner by the commissioner of the office of [temporary and
36 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. Provided,
37 further, that with respect to employee information, the department of
38 health shall only be furnished with the information required pursuant to
39 the provisions of paragraph (f) of subdivision two and subdivision two-a
40 of section two thousand five hundred eleven of the public health law and
41 subdivision eight of section three hundred sixty-six-a and paragraphs
42 (b) and (d) of subdivision two of section three hundred sixty-nine-ee of
43 the social services law, with respect to those individuals whose eligi-
44 bility under the child health insurance plan, medical assistance
45 program, and family health plus program is to be determined pursuant to
46 such provisions and with respect to those members of any such individ-
47 ual's household whose income affects such individual's eligibility and
48 who are so certified to the commissioner or by the department of health.
49 Provided, further, that wage reporting information shall be furnished to
50 the office of vocational and educational services for individuals with
51 disabilities of the education department, the commission for the blind
52 and visually handicapped and any other state vocational rehabilitation
53 agency only if such office, commission or agency, as applicable, certi-
54 fies to the commissioner that such information is necessary to obtain
55 reimbursement from the federal social security administration for
56 expenditures made on behalf of disabled individuals who have achieved

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

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

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

17 (a) the procedure under which the state office of [temporary and disa-
18 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall notify the
19 division of the lottery of liability for past-due support, such proce-
20 dure to specify when the division of the lottery shall be notified and
21 the content of such notification;

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

26 (4) Prior to awarding any lottery prize of six hundred dollars or
27 more, the division of the lottery shall review the notice of liability
28 of past-due support provided by the state office of [temporary and disa-
29 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY. For each lottery
30 prize winner identified on such notice as an individual, estate or trust
31 owing past-due support, the lottery division shall credit to the state
32 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
33 OPPORTUNITY such amount of the prize to satisfy the past-due support,
34 and any remainder shall be awarded to the prize winner. In cases where
35 the prize winner owes past-due support to more than one person or enti-
36 ty, and the total amount of past-due support provided in the notice of
37 liability of past-due support to the division of the lottery by the
38 state office of [temporary and disability assistance] ECONOMIC SUPPORT
39 AND OPPORTUNITY exceeds the balance remaining, each such person or enti-
40 ty shall receive a pro rata share of the balance remaining, such share
41 to be based on the amount of past-due support owed to such person or
42 entity as provided to the division of the lottery by such office pursu-
43 ant to this section. The state office of [temporary and disability
44 assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall be responsible for
45 determining and distributing each person's or entity's pro rata share of
46 past-due support pursuant to regulations of such office.

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

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

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

9 (9) From the time the division of the lottery is notified by the state
10 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
11 OPPORTUNITY of an individual's, estate's or trust's liability for past-
12 due support under the agreement provided for in this section, the divi-
13 sion of the lottery and the department shall be relieved from all
14 liability to such individual, estate or trust, their assigns, succes-
15 sors, heirs or representatives for the amount of any lottery prize
16 winning of six hundred dollars or more certified to the comptroller to
17 be credited against past-due support and such individual, estate or
18 trust shall have no right to commence a court action or proceeding or to
19 any other legal recourse against the division of the lottery or the
20 department to recover such overpayment or such interest certified to the
21 comptroller to be credited against past-due support. Provided, however,
22 nothing herein shall be construed to prohibit such individual, estate or
23 trust from proceeding against the state office of [temporary and disa-
24 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the appropriate
25 local social services district to recover that part of such overpayment
26 or interest thereon so certified to the comptroller to be credited
27 against past-due support which is greater than the amount of past-due
28 support owed by such individual, estate or trust on the date of such
29 certification.

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

33 (1) Notwithstanding any limitations in section one hundred four of the
34 social services law, the director of the lottery, on behalf of the divi-
35 sion of the lottery, shall enter into a written agreement with the
36 commissioner of the office of [temporary and disability assistance]
37 ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the office of [temporary
38 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall
39 set forth the procedures for crediting any lottery prize of six hundred
40 dollars or more awarded to an individual against any and all public
41 assistance benefits which were given to or on behalf of such individual
42 within a period of up to ten years prior to the issuance of such prize
43 of which the director of the lottery has been notified by the commis-
44 sioner of the office of [temporary and disability assistance] ECONOMIC
45 SUPPORT AND OPPORTUNITY pursuant to the provisions of such agreement;
46 provided, however, that in no event shall such credit to the office of
47 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
48 exceed fifty percent of any such lottery prize and provided further
49 that, unless otherwise determined cost effective by the commissioner of
50 the office of [temporary and disability assistance] ECONOMIC SUPPORT AND
51 OPPORTUNITY and the director of the lottery such procedure shall be
52 required only to the extent that and with respect to periods for which
53 it can be effected through automated type match.

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

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

3 (b) subject to the approval of the director of the budget the proce-
4 dure for reimbursement of the division of the lottery by the office of
5 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
6 for the additional cost of carrying out the procedures authorized by
7 this section;

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

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

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

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

1 paid to such individual within ten years of the date of such certifi-
2 cation.

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

7 (1) The commissioner, on behalf of the department, shall enter into a
8 written agreement with the commissioner of the office of [temporary and
9 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of
10 the state office of [temporary and disability assistance] ECONOMIC
11 SUPPORT AND OPPORTUNITY, which shall set forth the procedures for cred-
12 iting any overpayment by an individual, estate or trust of income tax
13 imposed by article twenty-two of this chapter, city personal income tax
14 on residents imposed pursuant to the authority of article thirty of this
15 chapter, city income tax surcharge on residents imposed pursuant to the
16 authority of article thirty-A of this chapter and city earnings tax on
17 nonresidents imposed pursuant to the authority of article thirty-B of
18 this chapter and the interest on such overpayments against past-due
19 support owed by such individual, estate or trust of which the commis-
20 sioner has been notified by the commissioner of the office of [temporary
21 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to
22 the provisions of such agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (d) the procedures by which the department and the office of [tempo-
37 rary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall
38 coordinate their support enforcement activities;

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

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

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

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

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

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

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

33 (b) Notwithstanding anything to the contrary contained in the confi-
34 dentiality provisions of this chapter, the department may furnish the
35 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
36 OPPORTUNITY or the support collection unit with the information
37 described in paragraph (g) of subdivision two of this section regarding
38 a support obligor whose case has been referred to the commissioner for
39 enforcement pursuant to this section. The office of [temporary and disa-
40 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the support
41 collection unit, as applicable, may redisclose such information only to
42 the extent necessary to secure the collection of support arrears from
43 such obligor.

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

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

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

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

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

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

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

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

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

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

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

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

33 S 37. Subparagraph (ii) of paragraph 3 of subdivision (b) of section
34 5241 of the civil practice law and rules, as amended by chapter 601 of
35 the laws of 2007, is amended to read as follows:

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

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

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

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

21 An employer served with an income deduction order entered pursuant to
22 this subdivision shall commence deductions from the income due or there-
23 after due to the debtor no later than the first pay period that occurs
24 fourteen days after service of the income deduction order, and shall
25 remit payments to the state office of [temporary and disability assist-
26 ance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to subdivision fourteen
27 of section one hundred eleven-b of the social services law within ten
28 days of the date that the debtor is paid. Each payment remitted by the
29 employer shall be made payable to the creditor named in the order, and
30 shall include the names, addresses, and social security numbers of the
31 debtor and the creditor, and the date and the amount of each withholding
32 of the debtor's income included in the payment. An employer shall be
33 liable to the creditor for failure to deduct the amounts specified in
34 the income deduction order, provided however that deduction by the
35 employer of the amounts specified shall not relieve the debtor of the
36 underlying obligation of support. If an employer shall fail to so pay
37 the creditor, the creditor may commence a proceeding against the employ-
38 er for accrued deductions, together with interest and reasonable attor-
39 ney's fees. If the debtor's employment is terminated by resignation or
40 dismissal at any time after service of the income deduction order, the
41 order shall cease to have force and effect unless the debtor is rein-
42 stated or re-employed by the same employer. An employer must notify the
43 creditor promptly when the debtor terminates employment and must provide
44 the debtor's last address and the name and address of the debtor's new
45 employer, if known. Where the income is compensation paid or payable to
46 the debtor for personal services, the amount withheld by the employer
47 shall not exceed the following:

48 S 39. Paragraph (a) of subdivision 1 of section 169 of the executive
49 law, as amended by section 1 of part F of chapter 56 of the laws of
50 2005, is amended to read as follows:

51 (a) commissioner of correctional services, commissioner of education,
52 commissioner of health, commissioner of mental health, commissioner of
53 mental retardation and developmental disabilities, commissioner of chil-
54 dren and family services, commissioner of [temporary and disability
55 assistance] ECONOMIC SUPPORT AND OPPORTUNITY, chancellor of the state
56 university of New York, commissioner of transportation, commissioner of

1 environmental conservation, superintendent of state police, and commis-
2 sioner of general services;

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

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

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

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

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

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

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

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

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

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

23 5. The court may review a support collection unit's denial of a chal-
24 lenge made by a support obligor pursuant to paragraph (d) of subdivision
25 twelve of section one hundred eleven-b of the social services law if
26 objections thereto are filed by a support obligor who has received
27 notice that the office of [temporary and disability assistance] ECONOMIC
28 SUPPORT AND OPPORTUNITY intends to notify the department of motor vehi-
29 cles that the support obligor's driving privileges are to be suspended.
30 Specific written objections to a support collection unit's denial may be
31 filed by the support obligor within thirty-five days of the mailing of
32 the notice of the support collection unit's denial. A support obligor
33 who files such objections shall serve a copy of the objections upon the
34 support collection unit, which shall have ten days from such service to
35 file a written rebuttal to such objections and a copy of the record upon
36 which the support collection unit's denial was made, including all
37 documentation submitted by the support obligor. Proof of service shall
38 be filed with the court at the time of filing of objections and any
39 rebuttal. The court's review shall be based upon the record and
40 submissions of the support obligor and the support collection unit upon
41 which the support collection unit's denial was made. Within forty-five
42 days after the rebuttal, if any, is filed, the family court judge shall
43 (i) deny the objections and remand to the support collection unit or
44 (ii) affirm the objections if the court finds the determination of the
45 support collection unit is based upon a clearly erroneous determination
46 of fact or error of law, whereupon the court shall direct the support
47 collection unit not to notify the department of motor vehicles to
48 suspend the support obligor's driving privileges. Provisions set forth
49 herein relating to procedures for appeal to the family court by individ-
50 uals subject to suspension of driving privileges for failure to pay
51 child support shall apply solely to such cases and not affect or modify
52 any other procedure for review or appeal of administrative enforcement
53 of child support requirements.

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

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

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

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

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

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

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

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

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

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

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

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

50 S 50. Section 65-a of the public service law, as amended by chapter
51 601 of the laws of 2007, is amended to read as follows:

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

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

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

11 3-c. It shall be unlawful for any water-works corporation to discon-
12 tinue the supply of water to any person or entity receiving public
13 assistance, for nonpayment of bills rendered for service, if the payment
14 for such service is to be paid directly by the office of [temporary and
15 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the social
16 services official in such locality.

17 S 52. Subparagraph (i) of paragraph (b) of subdivision 2 of section
18 745 of the real property actions and proceedings law, as amended by
19 chapter 601 of the laws of 2007, is amended to read as follows:

20 (i) The court shall not require the respondent to deposit the portion
21 of rent or use and occupancy, if any, which is payable by direct govern-
22 ment housing subsidy, any currently effective senior citizen increase
23 exemption authorized pursuant to sections four hundred sixty-seven-b and
24 four hundred sixty-seven-c of the real property tax law, direct payment
25 of rent or a two-party check issued by a social services district or the
26 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
27 OPPORTUNITY, or rental assistance that is payable pursuant to court
28 orders issued in litigation commenced in nineteen hundred eighty-seven
29 in a proceeding in which the amount of shelter allowance is at issue on
30 behalf of recipients of family assistance. In the event the respondent
31 or other adult member of the respondent's household receives public
32 assistance pursuant to title three or title ten of article five of the
33 social services law, the respondent shall, when directed by the court to
34 deposit rent and use or occupancy, only be required to deposit with the
35 court the amount of the shelter allowance portion of the public assist-
36 ance grant issued by the office of [temporary and disability assistance]
37 ECONOMIC SUPPORT AND OPPORTUNITY or a social services district. In the
38 event the respondent receives supplemental security income pursuant to
39 title sixteen of the federal social security act and title six of arti-
40 cle five of the social services law, the respondent shall only be
41 required to deposit one-third of the monthly supplemental security
42 income payment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 S 55. Section 179-aa of the state finance law, as amended by chapter
11 292 of the laws of 2007, is amended to read as follows:

12 S 179-aa. Advisory committee. There is hereby established a not-for-
13 profit contracting advisory committee. The advisory committee shall
14 consist of sixteen members which shall include eight appointed members,
15 four to be appointed by the governor who shall be representatives of
16 not-for-profit organizations providing services in the state, and two
17 each to be appointed by the governor upon recommendation of the tempo-
18 rary president of the senate and speaker of the assembly, and eight ex
19 officio members of the committee, one each designated from the division
20 of the budget, the department of law, the office of the state comp-
21 troller, and the education department. The governor shall also designate
22 four members from among the following agencies: the department of state,
23 the office of children and family services, the office of [temporary and
24 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department
25 of health, the office of mental hygiene, the office of mental retarda-
26 tion and developmental disabilities, and the department of labor. The
27 governor shall designate an appointee to serve as chair of the commit-
28 tee. The advisory committee shall meet at least quarterly and upon its
29 own initiative may: comment and report on the implementation and opera-
30 tion of the not-for-profit short-term revolving loan fund; advise the
31 governor, comptroller and state agencies on the implementation and oper-
32 ation of this article; evaluate the benefits of requiring all state
33 agencies to use standard contract language and the extent to which stan-
34 dard language may be effectively included in contracts with not-for-pro-
35 fit organizations; review annually the report of the office of the state
36 comptroller made pursuant to section one hundred seventy-nine-bb of this
37 article; and propose any legislation they deem necessary to improve the
38 fund and this article. The committee shall report to the governor and
39 the legislature with recommendations on improving the contracting proce-
40 dures with not-for-profit organizations which receive state funds
41 through the intermediary of municipalities. Such reports shall be due
42 annually not later than December first.

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

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

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

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

7 (iii) the procedure for reimbursement of the department and its agents
8 by the office of [temporary and disability assistance] ECONOMIC SUPPORT
9 AND OPPORTUNITY for the full additional costs of carrying out the proce-
10 dures authorized by this section, and may include, subject to the
11 approval of the director of the budget, a procedure for reimbursement of
12 necessary additional costs of collecting social security numbers pursu-
13 ant to section five hundred two of this title;

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

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

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

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

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

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

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

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

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

22 S 59. Section 2122 of the vehicle and traffic law, as amended by chap-
23 ter 601 of the laws of 2007, is amended to read as follows:

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

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

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

43 S 61. Intentionally omitted.

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

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

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

1 (1) Except as provided in paragraph two of this subdivision, anything
2 contained in this section to the contrary notwithstanding, an operating
3 certificate of a facility shall be revoked upon a finding by the office
4 that any individual, member of a partnership or shareholder of a corpo-
5 ration to whom or to which an operating certificate has been issued, has
6 been convicted of a class A, B or C felony or a felony related in any
7 way to any activity or program subject to the regulations, supervision,
8 or administration of the office or of the office of [temporary and disa-
9 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of
10 health, or another office of the department of mental hygiene, or in
11 violation of the public officers law in a court of competent jurisdic-
12 tion of the state, or in a court in another jurisdiction for an act
13 which would have been a class A, B or C felony in this state or a felony
14 in any way related to any activity or program which would be subject to
15 the regulations, supervision, or administration of the office or of the
16 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
17 OPPORTUNITY, the department of health, or another office of the depart-
18 ment of mental hygiene, or for an act which would be in violation of the
19 public officers law. The commissioner shall not revoke or limit the
20 operating certificate of any facility, solely because of the conviction,
21 whether in the courts of this state or in the courts of another juris-
22 diction, more than ten years prior to the effective date of such revoca-
23 tion or limitation, of any person of a felony, or what would amount to a
24 felony if committed within the state, unless the commissioner makes a
25 determination that such conviction was related to an activity or program
26 subject to the regulations, supervision, and administration of the
27 office or of the office of [temporary and disability assistance] ECONOM-
28 IC SUPPORT AND OPPORTUNITY, the department of health, or another office
29 of the department of mental hygiene, or in violation of the public offi-
30 cers law.

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

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

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

45 1. Except as provided in paragraph two of this subdivision, anything
46 contained in this section to the contrary notwithstanding, an operating
47 certificate of a facility shall be revoked upon a finding by the office
48 that any individual, member of a partnership or shareholder of a corpo-
49 ration to whom or to which an operating certificate has been issued, has
50 been convicted of a class A, B or C felony or a felony related in any
51 way to any activity or program subject to the regulations, supervision,
52 or administration of the office or of the office of [temporary and disa-
53 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY, the department of
54 health, or another office of the department of mental hygiene, or in
55 violation of the public officers law in a court of competent jurisdic-
56 tion of the state, or in a court in another jurisdiction for an act

1 which would have been a class A, B or C felony in this state or a felony
2 in any way related to any activity or program which would be subject to
3 the regulations, supervision, or administration of the office or of the
4 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
5 OPPORTUNITY, the department of health, or another office of the depart-
6 ment of mental hygiene, or for an act which would be in violation of the
7 public officers law. The commissioner shall not revoke or limit the
8 operating certificate of any facility, solely because of the conviction,
9 whether in the courts of this state or in the courts of another juris-
10 diction, more than ten years prior to the effective date of such revoca-
11 tion or limitation, of any person of a felony, or what would amount to a
12 felony if committed within the state, unless the commissioner makes a
13 determination that such conviction was related to an activity or program
14 subject to the regulations, supervision, and administration of the
15 office or of the office of [temporary and disability assistance] ECONOM-
16 IC SUPPORT AND OPPORTUNITY, the department of health, or another office
17 of the department of mental hygiene, or in violation of the public offi-
18 cers law.

19 S 66. Terms occurring in laws, contracts and other documents. Whenever
20 the former department of social services or office of temporary and
21 disability assistance is referred to or designated in any law, contract
22 or document pertaining to the functions, powers, obligations and duties
23 of that department transferred by part B of chapter 436 of the laws of
24 1997 to such office, such reference or designation shall be deemed to
25 refer to the office of economic support and opportunity or the commis-
26 sioner thereof.

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

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

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

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

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

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

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