

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

5001

2011-2012 Regular Sessions

I N A S S E M B L Y

February 10, 2011

Introduced by M. of A. WRIGHT -- 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 ASSEM-
BLY, 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-
20 down by local districts of the number of fair hearings requested by

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

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

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

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

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

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

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

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

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

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

1 of any retroactive support may be collected pursuant to the provisions
2 of this subdivision or as otherwise authorized by law.

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

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

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

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

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

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

1 assistance given to such a child during the first forty-five days after
2 application therefor shall be regarded as being given to meet emergency
3 circumstances.

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

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

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

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

1 quarter, for New York city, the rest of the state, and total state
2 claims.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (a) Such rate for all families receiving assistance funded under the
56 federal temporary assistance for needy families program shall be as

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

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

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

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

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

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

54 S 366-h. Automated system; established. Notwithstanding any inconsis-
55 tent provision of law or regulation, the commissioner of health shall, as
56 soon as practicable, establish an automated system to ensure that

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

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

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

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

21 S 20. Subdivision 1 of section 483 of the social services law, as
22 amended by section 62 of part A of chapter 56 of the laws of 2010, is
23 amended to read as follows:

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

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

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

45 (b) In providing such assistance, the office of [temporary and disa-
46 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY may enter into
47 contracts with non-government organizations for providing services to
48 pre-certified victims of human trafficking as defined in subdivision (b)
49 of section four hundred eighty-three-aa of this article, insofar as
50 funds are available for that purpose. Such services may include, but are
51 not limited to, case management, emergency temporary housing, health
52 care, mental health counseling, drug addiction screening and treatment,
53 language interpretation and translation services, English language
54 instruction, job training and placement assistance, post-employment
55 services for job retention, and services to assist the individual and
56 any of his or her family members to establish a permanent residence in

1 New York state or the United States. Nothing in this section shall
2 preclude the office of [temporary and disability assistance] ECONOMIC
3 SUPPORT AND OPPORTUNITY, or any local social services district, from
4 providing human trafficking victims who are United States citizens or
5 human trafficking victims who meet the criteria pursuant to section one
6 hundred twenty-two of this chapter with any benefits or services for
7 which they otherwise may be eligible.

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

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

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

37 S 23. Subdivision (a) of section 483-ee of the social services law, as
38 amended by section 5 of part A-1 of chapter 56 of the laws of 2010, is
39 amended to read as follows:

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

1 and under circumstances as are appropriate to fulfilling its duties
2 under this section.

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

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

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

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

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

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

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

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

11 S 26. Paragraph 3 of subsection (e) of section 697 of the tax law, as
12 amended by chapter 182 of the laws of 2010, is amended to read as
13 follows:

14 (3) Nothing herein shall be construed to prohibit the department, its
15 officers or employees from furnishing information to the office of
16 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
17 relating to the payment of the credit for certain household and depend-
18 ent care services necessary for gainful employment under subsection (c)
19 of section six hundred six of this article and the earned income credit
20 under subsection (d) of section six hundred six of this article and the
21 enhanced earned income credit under subsection (d-1) of section six
22 hundred six of this article, or pursuant to a local law enacted by a
23 city having a population of one million or more pursuant to subsection
24 (f) of section thirteen hundred ten of this chapter, only to the extent
25 necessary to calculate qualified state expenditures under paragraph
26 seven of subdivision (a) of section four hundred nine of the federal
27 social security act or to document the proper expenditure of federal
28 temporary assistance for needy families funds under section four hundred
29 three of such act. The office of [temporary and disability assistance]
30 ECONOMIC SUPPORT AND OPPORTUNITY may redisclose such information to the
31 United States department of health and human services only to the extent
32 necessary to calculate such qualified state expenditures or to document
33 the proper expenditure of such federal temporary assistance for needy
34 families funds. Nothing herein shall be construed to prohibit the deliv-
35 ery by the commissioner to a commissioner of jurors, appointed pursuant
36 to section five hundred four of the judiciary law, or, in counties with-
37 in cities having a population of one million or more, to the county
38 clerk of such county, of a mailing list of individuals to whom income
39 tax forms are mailed by the commissioner for the sole purpose of compil-
40 ing a list of prospective jurors as provided in article sixteen of the
41 judiciary law. Provided, however, such delivery shall only be made
42 pursuant to an order of the chief administrator of the courts, appointed
43 pursuant to section two hundred ten of the judiciary law. No such order
44 may be issued unless such chief administrator is satisfied that such
45 mailing list is needed to compile a proper list of prospective jurors
46 for the county for which such order is sought and that, in view of the
47 responsibilities imposed by the various laws of the state on the depart-
48 ment, it is reasonable to require the commissioner to furnish such list.
49 Such order shall provide that such list shall be used for the sole
50 purpose of compiling a list of prospective jurors and that such commis-
51 sioner of jurors, or such county clerk, shall take all necessary steps
52 to insure that the list is kept confidential and that there is no unau-
53 thorized use or disclosure of such list. Furthermore, nothing herein
54 shall be construed to prohibit the delivery to a taxpayer or his or her
55 duly authorized representative of a certified copy of any return or
56 report filed in connection with his or her tax or to prohibit the publi-

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

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

1 act by providing information with respect to the parents, the steppar-
2 ents, the child and the siblings of the child who were living in the
3 same household as such child during the month that the court proceedings
4 leading to the child's removal from the household were initiated, or the
5 written instrument transferring care and custody of the child pursuant
6 to the provisions of section three hundred fifty-eight-a or three
7 hundred eighty-four-a of the social services law was signed, provided
8 however that the office of temporary and disability assistance shall
9 only use the information obtained pursuant to this subdivision for the
10 purpose of determining the eligibility of such child for federal
11 payments for foster care and adoption assistance pursuant to the
12 provisions of title IV-E of the federal social security act, and to the
13 state department of labor, or other individuals designated by the
14 commissioner of labor, for the purpose of the administration of such
15 department's unemployment insurance program, employment services
16 program, federal and state employment and training programs, employment
17 statistics and labor market information programs, worker protection
18 programs, federal programs for which the department has administrative
19 responsibility or for other purposes deemed appropriate by the commis-
20 sioner of labor consistent with the provisions of the labor law, and
21 redisclosure of such information in accordance with the provisions of
22 sections five hundred thirty-six and five hundred thirty-seven of the
23 labor law, or the furnishing of information, which is obtained from the
24 wage reporting system operated pursuant to section one hundred seventy-
25 one-a of this chapter, as added by chapter five hundred forty-five of
26 the laws of nineteen hundred seventy-eight, to the state office of
27 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
28 so that it may furnish such information to public agencies of other
29 jurisdictions with which the state office of [temporary and disability
30 assistance] ECONOMIC SUPPORT AND OPPORTUNITY has an agreement pursuant
31 to paragraph (h) or (i) of subdivision three of section twenty of the
32 social services law, and to the state office of [temporary and disabili-
33 ty assistance] ECONOMIC SUPPORT AND OPPORTUNITY for the purpose of
34 fulfilling obligations and responsibilities otherwise incumbent upon the
35 state department of labor, under section one hundred twenty-four of the
36 federal family support act of nineteen hundred eighty-eight, by giving
37 the federal parent locator service, maintained by the federal department
38 of health and human services, prompt access to such information as
39 required by such act, or to the state department of health to verify
40 eligibility under the child health insurance plan pursuant to subdivi-
41 sions two and two-a of section two thousand five hundred eleven of the
42 public health law, to verify eligibility under the medical assistance
43 and family health plus programs pursuant to subdivision eight of section
44 three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two
45 of section three hundred sixty-nine-ee of the social services law, and
46 to verify eligibility for the program for elderly pharmaceutical insur-
47 ance coverage under title three of article two of the elder law, or to
48 the office of vocational and educational services for individuals with
49 disabilities of the education department, the commission for the blind
50 and visually handicapped and any other state vocational rehabilitation
51 agency, for purposes of obtaining reimbursement from the federal social
52 security administration for expenditures made by such office, commission
53 or agency on behalf of disabled individuals who have achieved economic
54 self-sufficiency or to the higher education services corporation for the
55 purpose of assisting the corporation in default prevention and default
56 collection of education loan debt, including judgments, owed to the

1 federal or New York state government; provided, however, that such
2 information shall be limited to the names, social security numbers, home
3 and/or business addresses, and employer names of defaulted or delinquent
4 student loan borrowers.

5 Provided, however, that with respect to employee information the
6 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
7 OPPORTUNITY shall only be furnished with the names, social security
8 account numbers and gross wages of those employees who are (A) appli-
9 cants for or recipients of benefits under the social services law, or
10 similar provision of law of another jurisdiction (pursuant to an agree-
11 ment under subdivision three of section twenty of the social services
12 law) or, (B) absent parents or other persons legally responsible for the
13 support of applicants for or recipients of public assistance and care
14 under the social services law or similar provision of law of another
15 jurisdiction (pursuant to an agreement under subdivision three of
16 section twenty of the social services law), or (C) persons legally
17 responsible for the support of a recipient of services under section one
18 hundred eleven-g of the social services law or similar provision of law
19 of another jurisdiction (pursuant to an agreement under subdivision
20 three of section twenty of the social services law), or (D) employees
21 about whom wage reporting system information is being furnished to
22 public agencies of other jurisdictions, with which the state office of
23 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
24 has an agreement pursuant to paragraph (h) or (i) of subdivision three
25 of section twenty of the social services law, or (E) employees about
26 whom wage reporting system information is being furnished to the federal
27 parent locator service, maintained by the federal department of health
28 and human services, for the purpose of enabling the state office of
29 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
30 to fulfill obligations and responsibilities otherwise incumbent upon the
31 state department of labor, under section one hundred twenty-four of the
32 federal family support act of nineteen hundred eighty-eight, and, only
33 if, the office of [temporary and disability assistance] ECONOMIC SUPPORT
34 AND OPPORTUNITY certifies to the commissioner that such persons are such
35 applicants, recipients, absent parents or persons legally responsible
36 for support or persons about whom information has been requested by a
37 public agency of another jurisdiction or by the federal parent locator
38 service and further certifies that in the case of information requested
39 under agreements with other jurisdictions entered into pursuant to
40 subdivision three of section twenty of the social services law, that
41 such request is in compliance with any applicable federal law. Provided,
42 further, that where the office of [temporary and disability assistance]
43 ECONOMIC SUPPORT AND OPPORTUNITY requests employee information for the
44 purpose of evaluating the effects on earnings of participation in
45 employment, training or other programs designed to promote self-suffici-
46 ency authorized pursuant to the social services law, the office of
47 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
48 shall only be furnished with the quarterly gross wages (excluding any
49 reference to the name, social security number or any other information
50 which could be used to identify any employee or the name or identifica-
51 tion number of any employer) paid to employees who are former applicants
52 for or recipients of public assistance and care and who are so certified
53 to the commissioner by the commissioner of the office of [temporary and
54 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. Provided,
55 further, that with respect to employee information, the department of
56 health shall only be furnished with the information required pursuant to

1 the provisions of paragraph (f) of subdivision two and subdivision two-a
2 of section two thousand five hundred eleven of the public health law and
3 subdivision eight of section three hundred sixty-six-a and paragraphs
4 (b) and (d) of subdivision two of section three hundred sixty-nine-ee of
5 the social services law, with respect to those individuals whose eligi-
6 bility under the child health insurance plan, medical assistance
7 program, and family health plus program is to be determined pursuant to
8 such provisions and with respect to those members of any such individ-
9 ual's household whose income affects such individual's eligibility and
10 who are so certified to the commissioner or by the department of health.
11 Provided, further, that wage reporting information shall be furnished to
12 the office of vocational and educational services for individuals with
13 disabilities of the education department, the commission for the blind
14 and visually handicapped and any other state vocational rehabilitation
15 agency only if such office, commission or agency, as applicable, certi-
16 fies to the commissioner that such information is necessary to obtain
17 reimbursement from the federal social security administration for
18 expenditures made on behalf of disabled individuals who have achieved
19 self-sufficiency. Reports and returns shall be preserved for three years
20 and thereafter until the commissioner orders them to be destroyed.

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

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

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

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

44 (4) Prior to awarding any lottery prize of six hundred dollars or
45 more, the division of the lottery shall review the notice of liability
46 of past-due support provided by the state office of [temporary and disa-
47 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY. For each lottery
48 prize winner identified on such notice as an individual, estate or trust
49 owing past-due support, the lottery division shall credit to the state
50 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
51 OPPORTUNITY such amount of the prize to satisfy the past-due support,
52 and any remainder shall be awarded to the prize winner. In cases where
53 the prize winner owes past-due support to more than one person or enti-
54 ty, and the total amount of past-due support provided in the notice of
55 liability of past-due support to the division of the lottery by the
56 state office of [temporary and disability assistance] ECONOMIC SUPPORT

1 AND OPPORTUNITY exceeds the balance remaining, each such person or enti-
2 ty shall receive a pro rata share of the balance remaining, such share
3 to be based on the amount of past-due support owed to such person or
4 entity as provided to the division of the lottery by such office pursu-
5 ant to this section. The state office of [temporary and disability
6 assistance] ECONOMIC SUPPORT AND OPPORTUNITY shall be responsible for
7 determining and distributing each person's or entity's pro rata share of
8 past-due support pursuant to regulations of such office.

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

17 (7) The office of [temporary and disability assistance] ECONOMIC
18 SUPPORT AND OPPORTUNITY shall notify the prize winner in writing, of the
19 amount of such prize winning to be credited against past-due support and
20 the procedure and time frame by which the prize winner may contest such
21 crediting based on defenses that are not subject to family court juris-
22 diction. Such procedure shall include the address and telephone number
23 of the local department of social services' support collection unit
24 which may be contacted with respect to correction of any error in such
25 crediting concerning such individual's, estate's or trust's liability
26 for past-due support or with respect to payment of such liability.

27 (9) From the time the division of the lottery is notified by the state
28 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
29 OPPORTUNITY of an individual's, estate's or trust's liability for past-
30 due support under the agreement provided for in this section, the divi-
31 sion of the lottery and the department shall be relieved from all
32 liability to such individual, estate or trust, their assigns, succes-
33 sors, heirs or representatives for the amount of any lottery prize
34 winning of six hundred dollars or more certified to the comptroller to
35 be credited against past-due support and such individual, estate or
36 trust shall have no right to commence a court action or proceeding or to
37 any other legal recourse against the division of the lottery or the
38 department to recover such overpayment or such interest certified to the
39 comptroller to be credited against past-due support. Provided, however,
40 nothing herein shall be construed to prohibit such individual, estate or
41 trust from proceeding against the state office of [temporary and disa-
42 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the appropriate
43 local social services district to recover that part of such overpayment
44 or interest thereon so certified to the comptroller to be credited
45 against past-due support which is greater than the amount of past-due
46 support owed by such individual, estate or trust on the date of such
47 certification.

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

51 (1) Notwithstanding any limitations in section one hundred four of the
52 social services law, the director of the lottery, on behalf of the divi-
53 sion of the lottery, shall enter into a written agreement with the
54 commissioner of the office of [temporary and disability assistance]
55 ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of the office of [temporary
56 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, which shall

1 set forth the procedures for crediting any lottery prize of six hundred
2 dollars or more awarded to an individual against any and all public
3 assistance benefits which were given to or on behalf of such individual
4 within a period of up to ten years prior to the issuance of such prize
5 of which the director of the lottery has been notified by the commis-
6 sioner of the office of [temporary and disability assistance] ECONOMIC
7 SUPPORT AND OPPORTUNITY pursuant to the provisions of such agreement;
8 provided, however, that in no event shall such credit to the office of
9 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
10 exceed fifty percent of any such lottery prize and provided further
11 that, unless otherwise determined cost effective by the commissioner of
12 the office of [temporary and disability assistance] ECONOMIC SUPPORT AND
13 OPPORTUNITY and the director of the lottery such procedure shall be
14 required only to the extent that and with respect to periods for which
15 it can be effected through automated type match.

16 (a) the procedure under which the office of [temporary and disability
17 assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the division of the
18 lottery shall exchange information concerning lottery winnings and
19 persons liable for receipt of public assistance within the previous ten
20 years;

21 (b) subject to the approval of the director of the budget the proce-
22 dure for reimbursement of the division of the lottery by the office of
23 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
24 for the additional cost of carrying out the procedures authorized by
25 this section;

26 (3) 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 public assistance benefits paid provided by the office of [temporary
29 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY. For each
30 lottery prize winner identified on such notice as an individual, who is
31 receiving or has received, within the last ten years, public assistance
32 benefits, the lottery division shall credit to the office of [temporary
33 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY such amount
34 of the prize to satisfy the amount of public assistance benefits indi-
35 cated as received within the previous ten years, and any remainder shall
36 be awarded to the prize winner; provided, however, that in no event
37 shall such credit to the office of [temporary and disability assistance]
38 ECONOMIC SUPPORT AND OPPORTUNITY exceed fifty percent of any such
39 lottery prize.

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

48 (6) The office of [temporary and disability assistance] ECONOMIC
49 SUPPORT AND OPPORTUNITY shall notify the prize winner in writing, of the
50 amount of such prize winning to be credited against public assistance
51 benefits and the procedure and time frame by which the prize winner may
52 contest such crediting. Such procedure shall include the address and
53 telephone number of the office of [temporary and disability assistance]
54 ECONOMIC SUPPORT AND OPPORTUNITY and who the prize winner may contact
55 with respect to correction of any error in such crediting concerning

1 such individual's liability for public assistance benefits or with
2 respect to payment of such liability.

3 (7) From the time the division of the lottery is notified by the
4 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
5 OPPORTUNITY of an individual's liability for public assistance benefits
6 under the agreement provided for in this section, the division of the
7 lottery shall be relieved from all liability to such individual, their
8 assigns, successors, heirs or representatives for the amount of any
9 lottery prize winning of six hundred dollars or more certified to the
10 comptroller to be credited against public assistance benefits and such
11 individual shall have no right to commence a court action or proceeding
12 or to any other legal recourse against the division of the lottery to
13 recover such lottery winnings certified to the comptroller to be credit-
14 ed against public assistance benefits. Provided, however, nothing herein
15 shall be construed to prohibit such individual from proceeding against
16 the office of [temporary and disability assistance] ECONOMIC SUPPORT AND
17 OPPORTUNITY to recover that part of such lottery winnings thereon so
18 certified to the comptroller to be credited against public assistance
19 benefits which is greater than the amount of public assistance benefits
20 paid to such individual within ten years of the date of such certif-
21 ication.

22 S 29. Subdivision 1, paragraphs (a), (c) and (e) of subdivision 3,
23 paragraphs (a) and (b) of subdivision 4, paragraph (ii) of subdivision
24 5, and subdivision 9 of section 171-c of the tax law, as amended by
25 chapter 601 of the laws of 2007, are amended to read as follows:

26 (1) The commissioner, on behalf of the department, shall enter into a
27 written agreement with the commissioner of the office of [temporary and
28 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY, on behalf of
29 the state office of [temporary and disability assistance] ECONOMIC
30 SUPPORT AND OPPORTUNITY, which shall set forth the procedures for cred-
31 iting any overpayment by an individual, estate or trust of income tax
32 imposed by article twenty-two of this chapter, city personal income tax
33 on residents imposed pursuant to the authority of article thirty of this
34 chapter, city income tax surcharge on residents imposed pursuant to the
35 authority of article thirty-A of this chapter and city earnings tax on
36 nonresidents imposed pursuant to the authority of article thirty-B of
37 this chapter and the interest on such overpayments against past-due
38 support owed by such individual, estate or trust of which the commis-
39 sioner has been notified by the commissioner of the office of [temporary
40 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to
41 the provisions of such agreement.

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

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

51 (e) the procedure for reimbursement of the comptroller by the state
52 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
53 OPPORTUNITY for any overpayment and interest thereon which has been
54 credited against past due support owed by a taxpayer filing a joint
55 return, but which has been refunded by the comptroller, pursuant to
56 paragraph six of subsection (b) of section six hundred fifty-one of this

1 chapter, to a spouse not liable for the past due support owed by such
2 taxpayer.

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

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

38 (ii) Only the balance remaining, after such overpayment and the inter-
39 est thereon has been credited as described in paragraph (i) of this
40 subdivision, shall be certified as an overpayment plus any interest to
41 be credited against past-due support, with the remainder to be refunded
42 to the taxpayer if such remainder is not required to satisfy the amount
43 of a default in repayment of a state university loan or city university
44 loan pursuant to section one hundred seventy-one-e of this article
45 and/or the amount of a past-due legally enforceable debt pursuant to
46 section one hundred seventy-one-f of this article and/or a city of New
47 York tax warrant judgment debt pursuant to section one hundred seventy-
48 one-l of this article and/or the amount of a default in repayment of a
49 guaranteed student loan pursuant to section one hundred seventy-one-d of
50 this article. In cases where the taxpayer owes past-due support to more
51 than one person or entity, and the total amount of past-due support
52 certified to the commissioner by the state office of [temporary and
53 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY exceeds the
54 balance remaining, each such person or entity shall receive a pro rata
55 share of the balance remaining, such share to be based on the amount of
56 past-due support owed to such person or entity as certified to the

1 commissioner by such office pursuant to this section. The state office
2 of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTU-
3 NITY shall be responsible for determining and distributing each person's
4 or entity's pro rata share of past-due support pursuant to regulations
5 of such office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 The office of [temporary and disability assistance] ECONOMIC SUPPORT
18 AND OPPORTUNITY shall send a notice by first class mail to the last
19 known address or such other place where a support obligor is likely to
20 receive notice, no later than thirty days prior to the date the office
21 of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTU-
22 NITY notifies the commissioner of such obligor's liability for support
23 arrears. Such notice shall provide:

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

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

51 (b) Notwithstanding anything to the contrary contained in the confi-
52 dentiality provisions of this chapter, the department may furnish the
53 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
54 OPPORTUNITY or the support collection unit with the information
55 described in paragraph (g) of subdivision two of this section regarding
56 a support obligor whose case has been referred to the commissioner for

1 enforcement pursuant to this section. The office of [temporary and disa-
2 bility assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the support
3 collection unit, as applicable, may redisclose such information only to
4 the extent necessary to secure the collection of support arrears from
5 such obligor.

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

15 7. If, following referral of an obligor's case to the commissioner,
16 such obligor commences an administrative or quasi-judicial proceeding or
17 any civil proceeding against the department or the commissioner chal-
18 lenging such referral, then the office of [temporary and disability
19 assistance] ECONOMIC SUPPORT AND OPPORTUNITY and the commissioner of the
20 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
21 OPPORTUNITY shall be substituted as respondents or defendants in such
22 proceeding, as the case may be. The department shall be bound by any
23 decision in such proceeding which is no longer subject to administrative
24 or quasi-judicial review. Neither the department nor the commissioner
25 shall be liable for any damages sustained by reason of such referral.

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

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

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

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

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

12 (2) Notwithstanding the provisions of paragraph one of this subdivi-
13 sion, if a person fails to comply with a subpoena issued pursuant to
14 section one hundred eleven-p of the social services law by the office of
15 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
16 or a social services district, or its authorized representative, or
17 another state's child support enforcement agency governed by title IV-D
18 of the social security act, such office or district is authorized to
19 impose a penalty against the subpoenaed person. The amount of the penal-
20 ty shall be determined by the commissioner of the office of [temporary
21 and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY and set
22 forth in regulation, and shall not exceed fifty dollars. Payment of the
23 penalty shall not be required, however, if in response to notification
24 of the imposition of the penalty the subpoenaed person complies imme-
25 diately with the subpoena.

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

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

52 S 37. Subparagraph (ii) of paragraph 3 of subdivision (b) of section
53 5241 of the civil practice law and rules, as amended by chapter 601 of
54 the laws of 2007, is amended to read as follows:

55 (ii) if such a parent is enrolled but fails to make application to
56 obtain coverage of such dependent child, immediately enroll such depend-

ent child under such health benefit coverage upon application by such child's other parent or by the office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or social services district furnishing medical assistance to such child, and

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

(1) When the court enters an order of support on behalf of persons other than those in receipt of public assistance or in receipt of services pursuant to section one hundred eleven-g of the social services law, or registers pursuant to article five-B of the family court act an order of support which has been issued by a foreign jurisdiction and which is not to be enforced pursuant to title six-A of article three of the social services law, where the court determines that the respondent earns wages that could be subject to an income deduction order, the court shall issue an income deduction order to obtain payment of the order at the same time it issues or registers the order. The court shall enter the income deduction order unless the court finds and sets forth in writing (i) the reasons that there is good cause not to require immediate income withholding; or (ii) that an agreement providing for an alternative arrangement has been reached between the parties. Such agreement may include a written agreement or an oral stipulation, made on the record, that results in a written order. For purposes of this subdivision, good cause shall mean substantial harm to the debtor. The absence of an arrearage or the mere issuance of an income deduction order shall not constitute good cause. When the court determines that there is good cause not to issue an income deduction order immediately or when the parties agree to an alternative arrangement as provided in this paragraph, the court shall state expressly in the order of support the basis for its decision. In entering the income deduction order, the court shall specify an amount to be withheld by the debtor's employer, which shall be sufficient to ensure compliance with the order of support and also shall include an additional amount to be applied to the reduction of arrears, if any, and shall specify the names, addresses, and social security numbers of the parties to the support proceeding and the mailing address of the unit within the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY designated to receive such deductions. The court shall transmit copies of such order to the parties and to such unit.

An employer served with an income deduction order entered pursuant to this subdivision shall commence deductions from the income due or thereafter due to the debtor no later than the first pay period that occurs fourteen days after service of the income deduction order, and shall remit payments to the state office of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY pursuant to subdivision fourteen of section one hundred eleven-b of the social services law within ten days of the date that the debtor is paid. Each payment remitted by the employer shall be made payable to the creditor named in the order, and shall include the names, addresses, and social security numbers of the debtor and the creditor, and the date and the amount of each withholding of the debtor's income included in the payment. An employer shall be liable to the creditor for failure to deduct the amounts specified in the income deduction order, provided however that deduction by the employer of the amounts specified shall not relieve the debtor of the underlying obligation of support. If an employer shall fail to so pay the creditor, the creditor may commence a proceeding against the employ-

1 er for accrued deductions, together with interest and reasonable attor-
2 ney's fees. If the debtor's employment is terminated by resignation or
3 dismissal at any time after service of the income deduction order, the
4 order shall cease to have force and effect unless the debtor is rein-
5 stated or re-employed by the same employer. An employer must notify the
6 creditor promptly when the debtor terminates employment and must provide
7 the debtor's last address and the name and address of the debtor's new
8 employer, if known. Where the income is compensation paid or payable to
9 the debtor for personal services, the amount withheld by the employer
10 shall not exceed the following:

11 S 39. Paragraph (a) of subdivision 1 of section 169 of the executive
12 law, as amended by section 20 of part B of chapter 56 of the laws of
13 2010, is amended to read as follows:

14 (a) commissioner of correctional services, commissioner of education,
15 commissioner of health, commissioner of mental health, commissioner of
16 mental retardation and developmental disabilities, commissioner of chil-
17 dren and family services, commissioner of [temporary and disability
18 assistance] ECONOMIC SUPPORT AND OPPORTUNITY, chancellor of the state
19 university of New York, commissioner of transportation, commissioner of
20 environmental conservation, superintendent of state police, commissioner
21 of general services and commissioner of the division of homeland securi-
22 ty and emergency services;

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

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

41 S 41. Section 354-a of the executive law, as separately amended by
42 sections 34 and 68 of part A of chapter 56 of the laws of 2010, is
43 amended to read as follows:

44 S 354-a. Information on status of veterans receiving assistance.
45 Departments, divisions, bureaus, boards, commissions and agencies of the
46 state and political subdivisions thereof, which provide assistance,
47 treatment, counseling, care, supervision or custody in service areas
48 involving health, mental health, family services, criminal justice or
49 employment, including but not limited to the office of alcoholism and
50 substance abuse services, office of mental health, office of probation
51 and correctional alternatives, office of children and family services,
52 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
53 OPPORTUNITY, department of health, department of labor, local workforce
54 investment boards, office of mental retardation and developmental disa-
55 bilities, department of correctional services and division of parole,
56 shall request assisted persons to provide information with regard to

1 their veteran status and military experiences. Individuals identifying
2 themselves as veterans shall be advised that the division of veterans'
3 affairs and local veterans' service agencies established pursuant to
4 section three hundred fifty-seven of this article provide assistance to
5 veterans regarding benefits under federal and state law. Information
6 regarding veterans status and military service provided by assisted
7 persons solely to implement this section shall be protected as personal
8 confidential information under article six-A of the public officers law
9 against disclosure of confidential material, and used only to assist in
10 the diagnosis, treatment, assessment and handling of the veteran's prob-
11 lems within the agency requesting such information and in referring the
12 veteran to the division of veterans' affairs for information and assist-
13 ance with regard to benefits and entitlements under federal and state
14 law.

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

18 4. "Approved runaway program" shall mean any non-residential program
19 approved by the office of children and family services after submission
20 by the county youth bureau, as part of its comprehensive plan, or any
21 residential facility which is operated by an authorized agency as
22 defined in subdivision ten of section three hundred seventy-one of the
23 social services law, and approved by the office of children and family
24 services after submission by the county youth bureau as part of its
25 comprehensive plan, established and operated to provide services to
26 runaway and homeless youth in accordance with the regulations of the
27 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
28 OPPORTUNITY and the office of children and family services. Such
29 programs may also provide non-residential crisis intervention and resi-
30 dential respite services to youth in need of crisis intervention or
31 respite services, as defined in this section. Residential respite
32 services in an approved runaway program may be provided for no more than
33 twenty-one days in accordance with the regulations of the office of
34 children and family services.

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

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

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

44 5. The court may review a support collection unit's denial of a chal-
45 lenge made by a support obligor pursuant to paragraph (d) of subdivision
46 twelve of section one hundred eleven-b of the social services law if
47 objections thereto are filed by a support obligor who has received
48 notice that the office of [temporary and disability assistance] ECONOMIC
49 SUPPORT AND OPPORTUNITY intends to notify the department of motor vehi-
50 cles that the support obligor's driving privileges are to be suspended.
51 Specific written objections to a support collection unit's denial may be
52 filed by the support obligor within thirty-five days of the mailing of
53 the notice of the support collection unit's denial. A support obligor
54 who files such objections shall serve a copy of the objections upon the
55 support collection unit, which shall have ten days from such service to
56 file a written rebuttal to such objections and a copy of the record upon

1 which the support collection unit's denial was made, including all
2 documentation submitted by the support obligor. Proof of service shall
3 be filed with the court at the time of filing of objections and any
4 rebuttal. The court's review shall be based upon the record and
5 submissions of the support obligor and the support collection unit upon
6 which the support collection unit's denial was made. Within forty-five
7 days after the rebuttal, if any, is filed, the family court judge shall
8 (i) deny the objections and remand to the support collection unit or
9 (ii) affirm the objections if the court finds the determination of the
10 support collection unit is based upon a clearly erroneous determination
11 of fact or error of law, whereupon the court shall direct the support
12 collection unit not to notify the department of motor vehicles to
13 suspend the support obligor's driving privileges. Provisions set forth
14 herein relating to procedures for appeal to the family court by individ-
15 uals subject to suspension of driving privileges for failure to pay
16 child support shall apply solely to such cases and not affect or modify
17 any other procedure for review or appeal of administrative enforcement
18 of child support requirements.

19 S 45. Paragraphs 1 and 2 of subsection (e) of section 320 of the
20 insurance law, as amended by section 117-a of part C of chapter 58 of
21 the laws of 2009, are amended to read as follows:

22 (1) Every insurer shall, upon request of an authorized representative
23 of the state office of [temporary and disability assistance] ECONOMIC
24 SUPPORT AND OPPORTUNITY, or a social services district child support
25 enforcement unit established pursuant to section one hundred eleven-c of
26 the social services law, enter into an agreement with the state office
27 of [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTU-
28 NITY or a social services district to develop and operate a data match
29 system, using automated data exchanges to the maximum extent feasible,
30 in which each such insurer, pension fund, retirement system or other
31 organization shall provide for each calendar quarter the name, record
32 address, social security number or other taxpayer identification number,
33 and other identifying information for each individual who maintains a
34 demand deposit account, checking or negotiable withdrawal order account,
35 savings account, time deposit account, or money-market mutual fund
36 account at such institution and who owes past-due support, as identified
37 by the state office of [temporary and disability assistance] ECONOMIC
38 SUPPORT AND OPPORTUNITY or a social services district child support
39 enforcement unit by name and social security number or other taxpayer
40 identification number. Nothing herein shall be deemed to limit the
41 authority of a local social services district support collection unit
42 pursuant to section one hundred eleven-h of the social services law.

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

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

54 e. Nothing herein shall be construed to prohibit the disclosure of
55 claim information as defined in subparagraph (ii) of paragraph d of this
56 subdivision to the "state directory of new hires," as established under

1 section one hundred seventy-one-h of the tax law as amended, and to the
2 state office of [temporary and disability assistance] ECONOMIC SUPPORT
3 AND OPPORTUNITY for disseminating to support collection units designated
4 by social services districts or their duly authorized agents for all
5 purposes designated by the personal responsibility and worker opportu-
6 nity reconciliation act of 1996, public law 104-193. The cost of provid-
7 ing such claim information shall be reimbursed consistent with federal
8 law and regulations.

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

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

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

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

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

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

51 1. The New York state office of [temporary and disability assistance]
52 ECONOMIC SUPPORT AND OPPORTUNITY, or a local social services district,
53 or its authorized representative on behalf of persons receiving services
54 under title six-A of article three of the social services law shall have
55 a lien against personal property owned by a support obligor when such
56 support obligor is or was under a court order to pay child support or

1 combined child and spousal support to a support collection unit and such
2 support obligor has accumulated support arrears/past due support in an
3 amount equal to or greater than the amount of support due pursuant to
4 such order for a period of four months. Such lien shall be in an amount
5 sufficient to satisfy such support arrears/past due support. Said lien
6 shall be perfected in the case of a vehicle as that term is defined in
7 section two thousand one hundred one of the vehicle and traffic law with
8 the department of motor vehicles. The filing of a notice of lien or of a
9 release of lien shall be completed without payment of a fee. The filing
10 of notice of lien or release of lien may be done by electronic means.

11 S 50. Section 65-a of the public service law, as amended by chapter
12 601 of the laws of 2007, is amended to read as follows:

13 S 65-a. Notification to social services officials. The commission
14 shall, to the extent not inconsistent with other requirements of law,
15 establish requirements relating to the notification of an appropriate
16 social services official by a gas corporation, electric corporation or
17 municipality that payment for utility services furnished a person
18 receiving public assistance, supplemental security income benefits or
19 additional state payments pursuant to the social services law has not
20 been made and such person is known by the corporation or municipality to
21 be a recipient of such assistance, benefits or payments. The commission
22 shall consult with the office of [temporary and disability assistance]
23 ECONOMIC SUPPORT AND OPPORTUNITY in fulfilling the objectives of this
24 section.

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

28 3-c. It shall be unlawful for any water-works corporation to discon-
29 tinue the supply of water to any person or entity receiving public
30 assistance, for nonpayment of bills rendered for service, if the payment
31 for such service is to be paid directly by the office of [temporary and
32 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY or the social
33 services official in such locality.

34 S 52. Subparagraph (i) of paragraph (b) of subdivision 2 of section
35 745 of the real property actions and proceedings law, as amended by
36 chapter 601 of the laws of 2007, is amended to read as follows:

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

1 cle five of the social services law, the respondent shall only be
2 required to deposit one-third of the monthly supplemental security
3 income payment.

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

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

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

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

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

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

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

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

53 (a) the first portion shall be deposited to the revenue maximization
54 contractor account, pursuant to the provisions of the applicable
55 contract with the former department of social services or the office of
56 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY

1 or the department of health, or a social services district. The director
2 of the budget shall review and approve or disapprove the amounts to be
3 so deposited;

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

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

11 8. Payments to a contractor of the former department of social
12 services or the office of [temporary and disability assistance] ECONOMIC
13 SUPPORT AND OPPORTUNITY or the department of health or a social services
14 district, who was engaged in revenue maximization activities generating
15 reimbursement specified for deposit in the federal revenue maximization
16 fund pursuant to subdivision three of this section, shall be made only
17 from the revenue maximization contractor account.

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

25 S 55. Section 179-aa of the state finance law, as amended by chapter
26 292 of the laws of 2007, is amended to read as follows:

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

1 through the intermediary of municipalities. Such reports shall be due
2 annually not later than December first.

3 S 56. Paragraph 1, subparagraphs (i), (ii) and (iii) of paragraph 2,
4 and paragraphs 3 and 4 of subdivision 4-e of section 510 of the vehicle
5 and traffic law, as amended by chapter 601 of the laws of 2007, are
6 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 office of [temporary and disability assistance] ECONOMIC SUPPORT AND
11 OPPORTUNITY, which shall set forth the procedures for suspending the
12 driving privileges of individuals who have failed to make payments of
13 child support or combined child and spousal support.

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

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

23 (iii) the procedure for reimbursement of the department and its agents
24 by the office of [temporary and disability assistance] ECONOMIC SUPPORT
25 AND OPPORTUNITY for the full additional costs of carrying out the proce-
26 dures authorized by this section, and may include, subject to the
27 approval of the director of the budget, a procedure for reimbursement of
28 necessary additional costs of collecting social security numbers pursu-
29 ant to section five hundred two of this title;

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

49 (4) From the time the commissioner is notified by the office of
50 [temporary and disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY
51 of a person's liability for support arrears under this section, the
52 commissioner shall be relieved from all liability to such person which
53 may otherwise arise under this section, and such person shall have no
54 right to commence a court action or proceeding or to any other legal
55 recourse against the commissioner to recover such driving privileges as
56 authorized by this section. In addition, notwithstanding any other

1 provision of law, such person shall have no right to a hearing or appeal
2 pursuant to this chapter with respect to a suspension of driving privi-
3 leges as authorized by this section. However, nothing herein shall be
4 construed to prohibit such person from proceeding against the support
5 collection unit pursuant to article seventy-eight of the civil practice
6 law and rules.

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

10 (a) The commissioner, on behalf of the department, shall enter into a
11 written agreement with the commissioner of the office of [temporary and
12 disability assistance] ECONOMIC SUPPORT AND OPPORTUNITY which shall set
13 forth the procedures for creation of security interests on vehicles in
14 favor of the office of [temporary and disability assistance] ECONOMIC
15 SUPPORT AND OPPORTUNITY, a social services district or its authorized
16 representative as provided for in section two hundred eleven of the lien
17 law and section one hundred eleven-u of the social services law.

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

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

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

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

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

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

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

50 (g) The commissioner shall work cooperatively with the commissioner of
51 the office of mental retardation and developmental disabilities and the
52 commissioner of the office of [temporary and disability assistance]
53 ECONOMIC SUPPORT AND OPPORTUNITY to assist the commissioner of education
54 in furnishing integrated employment services to individuals with severe
55 disabilities, including the development of an integrated employment

1 implementation plan, pursuant to article twenty-one of the education
2 law.

3 S 61. Subdivision (d) of section 13.09 of the mental hygiene law, as
4 amended by chapter 601 of the laws of 2007, is amended to read as
5 follows:

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

13 S 62. Paragraph 1 of subdivision (f) of section 16.17 of the mental
14 hygiene law, as amended by chapter 601 of the laws of 2007, is amended
15 to read as follows:

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

46 S 63. Paragraph 3 of subdivision (a) of section 19.09 of the mental
47 hygiene law, as amended by chapter 601 of the laws of 2007, is amended
48 to read as follows:

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

1 S 64. Paragraph 1 of subdivision (f) of section 31.16 of the mental
2 hygiene law, as amended by chapter 601 of the laws of 2007, is amended
3 to read as follows:

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

34 S 65. Terms occurring in laws, contracts and other documents. Whenever
35 the former department of social services or office of temporary and
36 disability assistance is referred to or designated in any law, contract
37 or document pertaining to the functions, powers, obligations and duties
38 of that department transferred by part B of chapter 436 of the laws of
39 1997 to such office, such reference or designation shall be deemed to
40 refer to the office of economic support and opportunity or the commis-
41 sioner thereof.

42 S 66. Existing rights and remedies preserved. No existing right or
43 remedy of any character shall be lost, impaired or affected by reason of
44 this act.

45 S 67. Severability. If any clause, sentence, paragraph, subdivision,
46 section or part contained in any part of this act shall be adjudged by
47 any court of competent jurisdiction to be invalid, such judgment shall
48 not affect, impair, or invalidate the remainder thereof, but shall be
49 confined in its operation to the clause, sentence, paragraph, subdivi-
50 sion, section or part contained in any part thereof directly involved in
51 the controversy in which such judgment shall have been rendered. It is
52 hereby declared to be the intent of the legislature that this act would
53 have been enacted even if such invalid provisions had not been included
54 herein.

55 S 68. This act shall take effect immediately; provided however that:

1 (a) the amendments to subdivision 12 of section 111-b of the social
2 services law, made by section six of this act, shall not affect the
3 repeal of such subdivision and shall be deemed repealed therewith;
4 (b) the amendments to section 483-ee of the social services law, made
5 by section twenty-three of this act, shall not affect the repeal of such
6 section and shall be deemed repealed therewith;
7 (c) the amendments to subdivision 5 of section 454 of the family court
8 act, made by section forty-four of this act, shall not affect the repeal
9 of such subdivision and shall be deemed repealed therewith; and
10 (d) the amendments to subdivision 4-e of section 510 of the vehicle
11 and traffic law, made by section fifty-six of this act, shall not affect
12 the repeal of such subdivision and shall be deemed repealed therewith.