

4540

2013-2014 Regular Sessions

I N S E N A T E

April 10, 2013

Introduced by Sen. FELDER -- (at request of the Office of Children and Family Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend chapter 415 of the laws of 1913 relating to establishing a state commission for improving the condition of the blind of the state of New York, in relation to certain technical amendments; to amend the civil service law, elder law, election law, the labor law, the legislative law, the public buildings law, the real property tax law, the social services law, the state finance law and the tax law, in relation to changing the name of the commission for the blind and visually handicapped to the commission for the blind

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

1 Section 1. Section 1 of chapter 415 of the laws of 1913, establishing
2 a state commission for improving the condition of the blind of the state
3 of New York, as amended by chapter 520 of the laws of 1977, is amended
4 to read as follows:
5 There shall be established a state commission, to be known as the New
6 York state commission for the blind [and visually handicapped], consist-
7 ing of five persons, at least two of whom shall be blind persons as
8 defined in this act, to be appointed by the governor within sixty days
9 after the passage of this act. No person appointed to this commission
10 shall serve thereon while serving as an official of any workshop or
11 school wherein blind people may be placed.
12 S 2. Subdivision a of section 3 of chapter 415 of the laws of 1913,
13 establishing a state commission for improving the conditions of the
14 blind of the state of New York, as amended by chapter 520 of the laws of
15 1977, is amended to read as follows:
16 a. It shall be the duty of this commission to cause to be maintained a
17 complete register of the blind in the state of New York, which shall
18 describe the condition, cause of blindness, capacity for education and

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

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1 industrial training of each, with such other facts as may seem to the
2 commission to be of value. It shall be the duty of every health and
3 social agency, or nurse to report to the state commission for the blind
4 [and visually handicapped,] in writing, the name, age and residence of
5 each blind person. It shall be the duty of every optometrist to report
6 to said commission in writing, the name, age and residence of each blind
7 person. It shall be the duty of each attending or consulting physician
8 to report to said commission, in writing, the name, age and residence of
9 each blind person. In such cases such persons shall furnish such addi-
10 tional information as the commission shall request for registration or
11 prevention of blindness.

12 S 3. Paragraphs 2, 3, 4 and 7 of subdivision a of section 11-a of
13 chapter 415 of the laws of 1913, establishing a commission for improving
14 the condition of the blind of the state of New York, as added by chapter
15 693 of the laws of 1992, are amended to read as follows:

16 2. "Business enterprise program" means the vending program for blind
17 vendors established in regulations of the [department of social
18 services] OFFICE OF CHILDREN AND FAMILY SERVICES and in the provisions
19 of this section.

20 3. "Commission" means the New York state commission for the blind [and
21 visually handicapped].

22 4. "Commissioner" means the commissioner of [social services] THE
23 OFFICE OF CHILDREN AND FAMILY SERVICES.

24 7. "Permit" means the official approval given the [department of
25 social services] OFFICE OF CHILDREN AND FAMILY SERVICES by a department,
26 agency or instrumentality in control of the maintenance, operation and
27 protection of the property, whereby the commission is authorized to
28 establish a vending facility.

29 S 4. Paragraphs 1 and 2 of subdivision b of section 11-a of chapter
30 415 of the laws of 1913, establishing a commission for improving the
31 condition of the blind of the state of New York, as added by chapter 693
32 of the laws of 1992, are amended to read as follows:

33 1. For the purpose of providing blind persons with remunerative
34 employment, enlarging the economic opportunities of the blind, and stim-
35 ulating the blind to greater efforts in striving to make themselves
36 self-supporting, blind persons licensed by the New York state commission
37 for the blind [and visually handicapped] shall be authorized to operate
38 vending facilities on any state property, with no rental or other charge
39 therefor.

40 2. In authorizing the operation of vending facilities on state proper-
41 ty, priority shall be given to blind persons licensed by the New York
42 state commission for the blind [and visually handicapped]. The commis-
43 sioner, after consultation with the commissioner of the office of gener-
44 al services, shall prescribe regulations designed to assure that the
45 priority under this paragraph is given to such licensed blind persons
46 (including assignment of vending machine income pursuant to subdivision
47 e of this section to achieve and protect such priority).

48 S 5. Subparagraph (A) of paragraph 3 of subdivision b of section 11-a
49 of chapter 415 of the laws of 1913, establishing a commission for
50 improving the condition of the blind of the state of New York, as
51 amended by chapter 532 of the laws of 2010, is amended to read as
52 follows:

53 (A) Wherever feasible, permits shall be issued to the [department of
54 social] OFFICE OF CHILDREN AND FAMILY services for one or more vending
55 facilities to be established on all state property or any building which
56 houses any authority, agency or entity whose board of directors or exec-

utives are appointed by the governor, or any airport located in the state of New York, to the extent that any such facility or facilities would not adversely affect the interests of the state.

S 6. Paragraph 1 of subdivision c of section 11-a of chapter 415 of the laws of 1913, establishing a commission for improving the condition of the blind of the state of New York, as added by chapter 693 of the laws of 1992, is amended to read as follows:

1. The commissioner shall promulgate regulations for the licensing of blind vendors which regulations shall include provisions that the New York state commission for the blind [and visually handicapped] shall, in issuing each such license for the operation of a vending facility, give preference to blind persons who are in need of employment. Each such license shall be issued for an indefinite period but may be terminated by the commission if it is satisfied that the facility is not being operated in accordance with the rules and regulations prescribed by the [department of social services] OFFICE OF CHILDREN AND FAMILY SERVICES. Licenses shall be issued only to applicants who are blind.

S 7. Subparagraph (A) of paragraph 3 of subdivision c of section 11-a of chapter 415 of the laws of 1913, establishing a commission for improving the condition of the blind of the state of New York, as added by chapter 693 of the laws of 1992, is amended to read as follows:

(A) After January first of the year following the effective date of this section, no department, agency or instrumentality of the state shall undertake to acquire by ownership, rent, lease or to otherwise occupy, in whole or in part, any building unless the head of such department, agency or instrumentality consults with the commission concerning the suitability of such site for the operation of a vending facility by a blind person. Each such department, agency or instrumentality shall provide notice to the New York state commission for the blind [and visually handicapped] of its plans for occupation, acquisition, renovation or alteration of a building adequate to permit such commission to determine whether such building includes a satisfactory site or sites for a vending facility.

S 8. Paragraph (c) of subdivision 1 of section 6 of the civil service law, as amended by chapter 232 of the laws of 1995, is amended to read as follows:

(c) rules for sick leaves, vacations, time allowances and other conditions of employment in the classified service of the state and, notwithstanding any other provision of this chapter or any other law, such rules may provide for cash payment of the monetary value of accumulated and unused vacation or time allowances granted in lieu of overtime compensation standing to the credit of an employee at the time of his or her separation from service or his or her entrance into the armed forces of the United States for active duty (other than for training) as defined by title ten of the United States code, whether or not such entrance constitutes a separation from service, and for the payment of the monetary value of his or her accumulated and unused time allowances granted in lieu of overtime compensation standing to the credit of an employee at the time of his or her appointment, promotion or transfer from the department or agency in which such time allowances were earned to another department or agency and provided further however that any such rules or regulations shall provide that individuals certified by an examining physician as benefiting from the use of a service animal in performing major life activities, individuals registered with the New York state commission for the blind [and visually handicapped] as legally blind or certified by an examining physician or licensed optometrist

1 as legally blind, as manifested by visual acuity of 20/200 or less in
2 the better eye with best correction or visual field of 20 degrees or
3 less, and individuals who have a hearing impairment manifested by a
4 speech discrimination score of forty percent or less in the better ear
5 with appropriate correction as certified by an examining physician or a
6 licensed audiologist or otorhinolaryngologist as defined in section
7 seven hundred eighty-nine of the general business law, or a physician
8 who has examined such person pursuant to the provisions of section seven
9 hundred ninety-two of such law, may charge against accumulated sick
10 leave credits and upon written agreement between the individual and the
11 employer, may borrow against sick leave credits not yet accumulated, for
12 the purpose of obtaining service animals or guide dogs and necessary
13 training, up to a maximum of twenty-six days in any one calendar year;
14 and

15 S 9. Subdivisions 2 and 3 of section 55-a of the civil service law, as
16 amended by chapter 320 of the laws of 1985, are amended to read as
17 follows:

18 2. Upon such a determination, such positions shall be classified in
19 the non-competitive class, and shall be filled by persons who shall have
20 been certified by either the commission for the blind [and visually
21 handicapped] in the state [department of social services] OFFICE OF
22 CHILDREN AND FAMILY SERVICES as physically disabled by blindness or by
23 the state education department as otherwise physically or mentally disa-
24 bled and, in any event, qualified to perform satisfactorily the duties
25 of any such position. At least three hundred of such positions shall be
26 filled by persons who have been certified as physically disabled. If no
27 qualified physically disabled persons have applied for such positions,
28 the municipal civil service commission may fill those unfilled positions
29 with qualified mentally disabled persons.

30 3. Prior to making certification of physically or mentally disabled
31 persons for any such position, the commission for the blind [and visual-
32 ly handicapped] in the case of persons physically disabled by blindness
33 or the state education department in the case of persons otherwise phys-
34 ically or mentally disabled shall obtain from the appropriate municipal
35 civil service commission a detailed description of all duties of the
36 position, and shall investigate the extent of the disability by examina-
37 tion of any such person or otherwise, and shall determine and report its
38 findings to the appropriate civil service commission, as to the ability
39 of the disabled person to perform the duties of such position. Such
40 findings shall be given due consideration by the municipal civil service
41 commission.

42 S 10. Subdivisions 2 and 3 of section 215-a of the elder law, as added
43 by chapter 573 of the laws of 2007, are amended to read as follows:

44 2. The director, in consultation with the New York state commission
45 for the blind [and visually handicapped], is hereby authorized and
46 directed, subject to the availability of appropriations, to establish a
47 program of senior vision services grants to assist in the provision of
48 vision services to elderly persons with functional visual impairments.

49 3. The director, in consultation with the New York state commission
50 for the blind [and visually handicapped], shall award senior vision
51 services grants to not-for-profit corporations which demonstrate:

52 (a) the ability to provide senior vision services;

53 (b) a commitment to provide such services to visually impaired persons
54 or specialized training in providing such services to persons who are
55 blind or visually impaired; and

1 (c) other such factors as may be determined by the director in consul-
2 tation with the state commission for the blind [and visually hand-
3 icapped].

4 S 11. The opening paragraph of section 5-211 of the election law, as
5 amended by chapter 200 of the laws of 1996, is amended to read as
6 follows:

7 Agency assisted registration. Each agency designated as a participat-
8 ing agency under the provisions of this section shall implement and
9 administer a program of distribution of voter registration forms pursu-
10 ant to the provisions of this section. The following offices which
11 provide public assistance and/or provide state funded programs primarily
12 engaged in providing services to persons with disabilities are hereby
13 designated as voter registration agencies: designated as the state
14 agencies which provide public assistance are the [department of social
15 services] OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF TEMPO-
16 RARY AND DISABILITY ASSISTANCE and the department of health. Also
17 designated as public assistance agencies are all agencies of local
18 government that provide such assistance. Designated as state agencies
19 that provide programs primarily engaged in providing services to people
20 with disabilities are the department of labor, office for the aging,
21 division of veterans' affairs, office of mental health, office of voca-
22 tional and educational services for individuals with disabilities,
23 commission on quality of care for the mentally disabled, office of
24 mental retardation and developmental disabilities, commission for the
25 blind [and visually handicapped], office of alcoholism and substance
26 abuse services, the office of the advocate for the disabled and all
27 offices which administer programs established or funded by such agen-
28 cies. Additional state agencies designated as voter registration offices
29 are the department of state and the division of workers' compensation.
30 Such agencies shall be required to offer voter registration forms to
31 persons upon initial application for services, renewal or recertif-
32 ication for services and change of address relating to such services.
33 Such agencies shall also be responsible for providing assistance to
34 applicants in completing voter registration forms, receiving and trans-
35 mitting the completed application form from all applicants who wish to
36 have such form transmitted to the appropriate board of elections. The
37 state board of elections shall, together with representatives of the
38 department of defense, develop and implement procedures for including
39 recruitment offices of the armed forces of the United States as voter
40 registration offices when such offices are so designated by federal law.
41 The state board shall also make request of the United States Immigration
42 and Naturalization Service to include applications for registration by
43 mail with any materials which are given to new citizens. All insti-
44 tutions of the state university of New York and the city university of
45 New York, shall, at the beginning of the school year, and again in Janu-
46 ary of a year in which the president of the United States is to be
47 elected, provide an application for registration to each student in each
48 such institution. The state board of elections may, by regulation,
49 grant a waiver from any or all of the requirements of this section to
50 any office or program of an agency, if it determines that it is not
51 feasible for such office or program to administer such requirement.

52 S 12. Clause 9 of subparagraph (ii) of paragraph g of subdivision 3 of
53 section 537 of the labor law, as added by chapter 551 of the laws of
54 2008, is amended to read as follows:

55 (9) the commission for the blind [and visually handicapped] for the
56 evaluation of the effect on earnings of participants, or former partic-

ipants, in employment and training programs for which the commission for the blind [and visually handicapped] has reporting, monitoring or evaluating responsibilities.

S 13. Subparagraph (G) of paragraph (x) of subdivision (c) of section 1-c of the legislative law, as added by chapter 1 of the laws of 2005, is amended to read as follows:

(G) Any activity relating to governmental procurements made under section one hundred sixty-two of the state finance law undertaken by (i) the non-profit-making agencies appointed pursuant to paragraph e of subdivision six of section one hundred sixty-two of the state finance law by the commissioner of the office of children and family services, the commission for the blind [and visually handicapped], or the commissioner of education, and (ii) the qualified charitable non-profit-making agencies for the blind, and qualified charitable non-profit-making agencies for other severely disabled persons as identified in subdivision two of section one hundred sixty-two of the state finance law; provided, however, that any attempt to influence the issuance or terms of the specifications that serve as the basis for bid documents, requests for proposals, invitations for bids, or solicitations of proposals, or any other method for soliciting a response from offerers intending to result in a procurement contract with a state agency, the state legislature, the unified court system, a municipal agency or local legislative body shall not be exempt from the definition of "lobbying" or "lobbying activities" under this subparagraph;

S 14. Paragraphs (b) and (c) of subdivision 13 of section 3 of the public buildings law, as added by chapter 83 of the laws of 1995, are amended to read as follows:

(b) Issue to the [state department of social] OFFICE OF CHILDREN AND FAMILY services a permit for any of the purposes mentioned in this subdivision to be operated by a blind person or persons as defined in subdivision four of section two hundred eight of the social services law or for the operation of vending machines and similar devices dispensing food, confections, tobacco products, coffee, tea, milk, soft drinks and such other articles as may be approved by him or her in consultation with the [department of social] OFFICE OF CHILDREN AND FAMILY services, for the benefit of the general purposes of the business enterprise program for the blind of the [state department of social] OFFICE OF CHILDREN AND FAMILY services commission for the blind [and visually handicapped], and upon such terms and conditions as the commissioner may deem proper but without provision for payment of rent or other consideration for such permits, and for a term not exceeding five years, which permit may be extended and renewed. Such permit shall include a provision authorizing the [department of social] OFFICE OF CHILDREN AND FAMILY services to assign or transfer such permit to a blind person or persons, as herein referred to, for the purposes aforesaid, and it shall also provide that the [department of social] OFFICE OF CHILDREN AND FAMILY services shall send to the commissioner a notice of any assignment or transfer as aforesaid, which notice shall contain such information as the commissioner shall require. The permit and any assignment or transfer thereof shall reserve (i) to the [department of social] OFFICE OF CHILDREN AND FAMILY services the power of supervision over the conduct and operation of the premises covered thereby and (ii) to the commissioner of general services the right to revoke such permit or the assignment or transfer thereof upon the mailing to the last known address of the assignee or assignees a notice of such revocation to be

1 effected within such period of time as the commissioner shall deem to be
2 reasonable.

3 (c) If he or she shall deem it necessary to cause the removal of a
4 lessee, licensee or assignee from the demised premises, other than the
5 New York state commission for the blind [and visually handicapped], or
6 its licensee, the commissioner of general services shall cause the
7 lessee, licensee or assignee and his or her representative to be removed
8 therefrom and the possession to be delivered to the commissioner of
9 general services in the same manner and by the same proceedings and
10 before the same officers as provided for in article seven of the real
11 property actions and proceedings law. The proceedings shall be brought
12 in the name of the commissioner of general services as an agent of the
13 state. If any person proceeded against shall contest the petition by an
14 answer raising any material issue the attorney general shall be noti-
15 fied, and he or she thereafter shall represent the petitioner in the
16 proceedings.

17 S 15. Subdivision 2 of section 459 of the real property tax law, as
18 added by chapter 200 of the laws of 1983, and as further amended by
19 section 1 of part W of chapter 56 of the laws of 2010, is amended to
20 read as follows:

21 2. To qualify as physically disabled for the purposes of this section,
22 an individual shall submit to the assessor a certified statement from a
23 physician licensed to practice in the state on a form prescribed and
24 made available by the commissioner which states that the individual has
25 a permanent physical impairment which substantially limits one or more
26 of such individual's major life activities, except that an individual
27 who has obtained a certificate from the state commission for the blind
28 [and visually handicapped] stating that such individual is legally blind
29 may submit such certificate in lieu of a physician's certified state-
30 ment.

31 S 16. Subdivision 2 of section 459-b of the real property tax law, as
32 amended by section 51 of part A-1 of chapter 56 of the laws of 2010, and
33 as further amended by section 1 of part W of chapter 56 of the laws of
34 2010, is amended to read as follows:

35 2. To qualify as a physically disabled crime victim or good samaritan
36 for the purposes of this section, an individual shall submit to the
37 assessor a certified statement from a physician licensed to practice in
38 the state of New York on a form prescribed and made available by the
39 commissioner which states that the individual has a permanent physical
40 impairment which substantially limits one or more of such individual's
41 major life activities, except that an individual who has obtained a
42 certificate from the state commission for the blind [and visually hand-
43 icapped] stating that such individual is legally blind may submit such
44 certificate in lieu of a physician's certified statement. In addition, a
45 copy of a police report pertaining to the crime from which the injury
46 resulted, a report from the office of victim services or other evidence
47 or documentation which would tend to substantiate that a physical disa-
48 bility was inflicted upon an individual as the result of a crime shall
49 also be submitted to the assessor.

50 S 17. Paragraph (b) of subdivision 2 of section 459-c of the real
51 property tax law, as amended by chapter 353 of the laws of 2009, is
52 amended to read as follows:

53 (b) a person with a disability is one who has a physical or mental
54 impairment, not due to current use of alcohol or illegal drug use, which
55 substantially limits such person's ability to engage in one or more
56 major life activities, such as caring for one's self, performing manual

1 tasks, walking, seeing, hearing, speaking, breathing, learning and work-
2 ing, and who (i) is certified to receive social security disability
3 insurance (SSDI) or supplemental security income (SSI) benefits under
4 the federal Social Security Act, or (ii) is certified to receive Rail-
5 road Retirement Disability benefits under the federal railroad Retire-
6 ment Act, or (iii) has received a certificate from the state commission
7 for the blind [and visually handicapped] stating that such person is
8 legally blind, or (iv) is certified to receive a United States Postal
9 Service disability pension, or (v) is certified to receive a United
10 States department of veterans affairs disability pension pursuant to 38
11 U.S.C. S1521.

12 An award letter from the Social Security Administration or the Rail-
13 road Retirement Board, or a certificate from the state commission for
14 the blind [and visually handicapped], or an award letter from the United
15 States Postal Service, or an award letter from the United States depart-
16 ment of veterans affairs shall be submitted as proof of disability.

17 S 18. Section 38 of the social services law, as amended by chapter 520
18 of the laws of 1977, is amended to read as follows:

19 S 38. Commission for the blind [and visually handicapped]. The New
20 York state commission for the blind [and visually handicapped] shall
21 continue to exercise and perform its duties, as prescribed by law, and
22 the regulations of the [department] OFFICE OF CHILDREN AND FAMILY
23 SERVICES subject to the supervision and control of the commissioner; and
24 such commission shall be a bureau of the [department] OFFICE OF CHILDREN
25 AND FAMILY SERVICES.

26 S 19. Subparagraph 9 of paragraph a of subdivision 3 of section 139-j
27 of the state finance law, as amended by chapter 4 of the laws of 2010,
28 is amended to read as follows:

29 (9) Any communications relating to a governmental procurement made
30 under section one hundred sixty-two of the state finance law undertaken
31 by (i) the non-profit-making agencies appointed pursuant to paragraph e
32 of subdivision six of section one hundred sixty-two of the state finance
33 law by the commissioner of the office of children and family services,
34 the commission for the blind [and visually handicapped], or the commis-
35 sioner of education, and (ii) the qualified charitable non-profit-making
36 agencies for the blind, and qualified charitable non-profit-making agen-
37 cies for other severely disabled persons as identified in subdivision
38 two of section one hundred sixty-two of this chapter; provided, however,
39 that any communications which attempt to influence the issuance or terms
40 of the specifications that serve as the basis for bid documents,
41 requests for proposals, invitations for bids, or solicitations of
42 proposals, or any other method for soliciting a response from offerers
43 intending to result in a procurement contract with a state agency, the
44 state legislature, the unified court system, a municipal agency or local
45 legislative body shall not be exempt from the provisions of this para-
46 graph;

47 provided, however, that nothing in this subdivision shall be construed
48 as recognizing or creating any new rights, duties or responsibilities or
49 abrogating any existing rights, duties or responsibilities of any
50 governmental entity as it pertains to implementation and enforcement of
51 article eleven of this chapter or any other provision of law dealing
52 with the governmental procurement process, and that nothing in this
53 subdivision shall be interpreted to limit the authority of a govern-
54 mental entity involved in a government procurement by exercise of an
55 oversight function from providing information to offerers regarding the
56 status of the review, oversight, or approval of a governmental procure-

ment that has been submitted to or is under review by that governmental entity.

S 20. Paragraph e of subdivision 6 of section 162 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

e. The [state] commissioner of [social services] THE OFFICE OF CHILDREN AND FAMILY SERVICES shall appoint the New York state commission for the blind [and visually handicapped], or other non-profit-making agency, other than the agency representing the other severely disabled, to facilitate the distribution of orders among qualified non-profit-making charitable agencies for the blind. The state commissioner of education shall appoint a non-profit-making agency, other than the agency representing the blind, to facilitate the distribution of orders among qualified non-profit-making charitable agencies for the other severely disabled and the veterans' workshops. The state commissioner of mental health shall facilitate the distribution of orders among qualified special employment programs operated or approved by the office of mental health serving mentally ill persons.

S 21. Subdivision 6 of section 171-a of the tax law, as added by chapter 656 of the laws of 1999, is amended to read as follows:

(6) Notwithstanding any provision of law to the contrary, the commissioner shall enter into a cooperative agreement with the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind [and visually handicapped] and any other state vocational rehabilitation agency, which agreement shall provide for the utilization of information obtained pursuant to subdivision one of this section, for purposes of obtaining reimbursement from the federal social security administration for expenditures made by such office, commission or agency on behalf of disabled individuals who have achieved economic self-sufficiency.

S 22. Paragraph 3 of subdivision (e) of section 697 of the tax law, as amended by chapter 206 of the laws of 2011, is amended to read as follows:

(3) Nothing herein shall be construed to prohibit the department, its officers or employees from furnishing information to the office of temporary and disability assistance relating to the payment of the credit for certain household and dependent care services necessary for gainful employment under subsection (c) of section six hundred six of this article and the earned income credit under subsection (d) of section six hundred six of this article and the enhanced earned income credit under subsection (d-1) of section six hundred six of this article, or pursuant to a local law enacted by a city having a population of one million or more pursuant to subsection (f) of section thirteen hundred ten of this chapter, only to the extent necessary to calculate qualified state expenditures under paragraph seven of subdivision (a) of section four hundred nine of the federal social security act or to document the proper expenditure of federal temporary assistance for needy families funds under section four hundred three of such act. The office of temporary and disability assistance may redisclose such information to the United States department of health and human services only to the extent necessary to calculate such qualified state expenditures or to document the proper expenditure of such federal temporary assistance for needy families funds. Nothing herein shall be construed to prohibit the delivery by the commissioner to a commissioner of jurors, appointed pursuant to section five hundred four of the judiciary law, or, in counties within cities having a population of one million or more, to the county clerk

1 of such county, of a mailing list of individuals to whom income tax
2 forms are mailed by the commissioner for the sole purpose of compiling a
3 list of prospective jurors as provided in article sixteen of the judici-
4 ary law. Provided, however, such delivery shall only be made pursuant to
5 an order of the chief administrator of the courts, appointed pursuant to
6 section two hundred ten of the judiciary law. No such order may be
7 issued unless such chief administrator is satisfied that such mailing
8 list is needed to compile a proper list of prospective jurors for the
9 county for which such order is sought and that, in view of the responsi-
10 bilities imposed by the various laws of the state on the department, it
11 is reasonable to require the commissioner to furnish such list. Such
12 order shall provide that such list shall be used for the sole purpose of
13 compiling a list of prospective jurors and that such commissioner of
14 jurors, or such county clerk, shall take all necessary steps to insure
15 that the list is kept confidential and that there is no unauthorized use
16 or disclosure of such list. Furthermore, nothing herein shall be
17 construed to prohibit the delivery to a taxpayer or his or her duly
18 authorized representative of a certified copy of any return or report
19 filed in connection with his or her tax or to prohibit the publication
20 of statistics so classified as to prevent the identification of partic-
21 ular reports or returns and the items thereof, or the inspection by the
22 attorney general or other legal representatives of the state of the
23 report or return of any taxpayer or of any employer filed under section
24 one hundred seventy-one-h of this chapter, where such taxpayer or
25 employer shall bring action to set aside or review the tax based there-
26 on, or against whom an action or proceeding under this chapter or under
27 this chapter and article eighteen of the labor law has been recommended
28 by the commissioner, the commissioner of labor with respect to unemploy-
29 ment insurance matters, or the attorney general or has been instituted,
30 or the inspection of the reports or returns required under this article
31 by the comptroller or duly designated officer or employee of the state
32 department of audit and control, for purposes of the audit of a refund
33 of any tax paid by a taxpayer under this article, or the furnishing to
34 the state department of labor of unemployment insurance information
35 obtained or derived from quarterly combined withholding, wage reporting
36 and unemployment insurance returns required to be filed by employers
37 pursuant to paragraph four of subsection (a) of section six hundred
38 seventy-four of this article, for purposes of administration of such
39 department's unemployment insurance program, employment services
40 program, federal and state employment and training programs, employment
41 statistics and labor market information programs, worker protection
42 programs, federal programs for which the department has administrative
43 responsibility or for other purposes deemed appropriate by the commis-
44 sioner of labor consistent with the provisions of the labor law, and
45 redisclosure of such information in accordance with the provisions of
46 sections five hundred thirty-six and five hundred thirty-seven of the
47 labor law or any other applicable law, or the furnishing to the state
48 office of temporary and disability assistance of information obtained or
49 derived from New York state personal income tax returns as described in
50 paragraph (b) of subdivision two of section one hundred seventy-one-g of
51 this chapter for the purpose of reviewing support orders enforced pursu-
52 ant to title six-A of article three of the social services law to aid in
53 the determination of whether such orders should be adjusted, or the
54 furnishing of information obtained from the reports required to be
55 submitted by employers regarding newly hired or re-hired employees
56 pursuant to section one hundred seventy-one-h of this chapter to the

1 state office of temporary and disability assistance, the state depart-
2 ment of health, the state department of labor and the workers' compen-
3 sation board for purposes of administration of the child support
4 enforcement program, verification of individuals' eligibility for one or
5 more of the programs specified in subsection (b) of section eleven
6 hundred thirty-seven of the federal social security act and for other
7 public assistance programs authorized by state law, and administration
8 of the state's employment security and workers' compensation programs,
9 and to the national directory of new hires established pursuant to
10 section four hundred fifty-three-A of the federal social security act
11 for the purposes specified in such section, or the furnishing to the
12 state office of temporary and disability assistance of the amount of an
13 overpayment of income tax and interest thereon certified to the comp-
14 troller to be credited against past-due support pursuant to section one
15 hundred seventy-one-c of this chapter and of the name and social securi-
16 ty number of the taxpayer who made such overpayment, or the disclosing
17 to the commissioner of finance of the city of New York, pursuant to
18 section one hundred seventy-one-l of this chapter, of the amount of an
19 overpayment and interest thereon certified to the comptroller to be
20 credited against a city of New York tax warrant judgment debt and of the
21 name and social security number of the taxpayer who made such overpay-
22 ment, or the furnishing to the New York state higher education services
23 corporation of the amount of an overpayment of income tax and interest
24 thereon certified to the comptroller to be credited against the amount
25 of a default in repayment of any education loan debt, including judg-
26 ments, owed to the federal or New York state government that is being
27 collected by the New York state higher education services corporation,
28 and of the name and social security number of the taxpayer who made such
29 overpayment, or the furnishing to the state department of health of the
30 information required by paragraph (f) of subdivision two and subdivision
31 two-a of section two thousand five hundred eleven of the public health
32 law and by subdivision eight of section three hundred sixty-six-a and
33 paragraphs (b) and (d) of subdivision two of section three hundred
34 sixty-nine-ee of the social services law, or the furnishing to the state
35 university of New York or the city university of New York respectively
36 or the attorney general on behalf of such state or city university the
37 amount of an overpayment of income tax and interest thereon certified to
38 the comptroller to be credited against the amount of a default in repay-
39 ment of a state university loan pursuant to section one hundred seven-
40 ty-one-e of this chapter and of the name and social security number of
41 the taxpayer who made such overpayment, or the disclosing to a state
42 agency, pursuant to section one hundred seventy-one-f of this chapter,
43 of the amount of an overpayment and interest thereon certified to the
44 comptroller to be credited against a past-due legally enforceable debt
45 owed to such agency and of the name and social security number of the
46 taxpayer who made such overpayment, or the furnishing of employee and
47 employer information obtained through the wage reporting system, pursu-
48 ant to section one hundred seventy-one-a of this chapter, as added by
49 chapter five hundred forty-five of the laws of nineteen hundred seven-
50 ty-eight, to the state office of temporary and disability assistance,
51 the department of health or to the state office of the medicaid inspec-
52 tor general for the purpose of verifying eligibility for and entitlement
53 to amounts of benefits under the social services law or similar law of
54 another jurisdiction, locating absent parents or other persons legally
55 responsible for the support of applicants for or recipients of public
56 assistance and care under the social services law and persons legally

1 responsible for the support of a recipient of services under section one
2 hundred eleven-g of the social services law and, in appropriate cases,
3 establishing support obligations pursuant to the social services law and
4 the family court act or similar provision of law of another jurisdiction
5 for the purpose of evaluating the effect on earnings of participation in
6 employment, training or other programs designed to promote self-suffici-
7 ency authorized pursuant to the social services law by current recipi-
8 ents of public assistance and care and by former applicants and recipi-
9 ents of public assistance and care, (except that with regard to former
10 recipients, information which relates to a particular former recipient
11 shall be provided with client identifying data deleted), to the state
12 office of temporary and disability assistance for the purpose of deter-
13 mining the eligibility of any child in the custody, care and custody or
14 custody and guardianship of a local social services district or of the
15 office of children and family services for federal payments for foster
16 care and adoption assistance pursuant to the provisions of title IV-E of
17 the federal social security act by providing information with respect to
18 the parents, the stepparents, the child and the siblings of the child
19 who were living in the same household as such child during the month
20 that the court proceedings leading to the child's removal from the
21 household were initiated, or the written instrument transferring care
22 and custody of the child pursuant to the provisions of section three
23 hundred fifty-eight-a or three hundred eighty-four-a of the social
24 services law was signed, provided however that the office of temporary
25 and disability assistance shall only use the information obtained pursu-
26 ant to this subdivision for the purpose of determining the eligibility
27 of such child for federal payments for foster care and adoption assist-
28 ance pursuant to the provisions of title IV-E of the federal social
29 security act, and to the state department of labor, or other individuals
30 designated by the commissioner of labor, for the purpose of the adminis-
31 tration of such department's unemployment insurance program, employment
32 services program, federal and state employment and training programs,
33 employment statistics and labor market information programs, worker
34 protection programs, federal programs for which the department has
35 administrative responsibility or for other purposes deemed appropriate
36 by the commissioner of labor consistent with the provisions of the labor
37 law, and redisclosure of such information in accordance with the
38 provisions of sections five hundred thirty-six and five hundred thirty-
39 seven of the labor law, or the furnishing of information, which is
40 obtained from the wage reporting system operated pursuant to section one
41 hundred seventy-one-a of this chapter, as added by chapter five hundred
42 forty-five of the laws of nineteen hundred seventy-eight, to the state
43 office of temporary and disability assistance so that it may furnish
44 such information to public agencies of other jurisdictions with which
45 the state office of temporary and disability assistance has an agreement
46 pursuant to paragraph (h) or (i) of subdivision three of section twenty
47 of the social services law, and to the state office of temporary and
48 disability assistance for the purpose of fulfilling obligations and
49 responsibilities otherwise incumbent upon the state department of labor,
50 under section one hundred twenty-four of the federal family support act
51 of nineteen hundred eighty-eight, by giving the federal parent locator
52 service, maintained by the federal department of health and human
53 services, prompt access to such information as required by such act, or
54 to the state department of health to verify eligibility under the child
55 health insurance plan pursuant to subdivisions two and two-a of section
56 two thousand five hundred eleven of the public health law, to verify

1 eligibility under the medical assistance and family health plus programs
2 pursuant to subdivision eight of section three hundred sixty-six-a and
3 paragraphs (b) and (d) of subdivision two of section three hundred
4 sixty-nine-ee of the social services law, and to verify eligibility for
5 the program for elderly pharmaceutical insurance coverage under title
6 three of article two of the elder law, or to the office of vocational
7 and educational services for individuals with disabilities of the educa-
8 tion department, the commission for the blind [and visually handicapped]
9 and any other state vocational rehabilitation agency, for purposes of
10 obtaining reimbursement from the federal social security administration
11 for expenditures made by such office, commission or agency on behalf of
12 disabled individuals who have achieved economic self-sufficiency or to
13 the higher education services corporation for the purpose of assisting
14 the corporation in default prevention and default collection of educa-
15 tion loan debt, including judgments, owed to the federal or New York
16 state government; provided, however, that such information shall be
17 limited to the names, social security numbers, home and/or business
18 addresses, and employer names of defaulted or delinquent student loan
19 borrowers, or to the office of the state comptroller for purposes of
20 verifying the income of a retired member of a retirement system or
21 pension plan administered by the state or any of its political subdivi-
22 sions who returns to public employment.

23 Provided, however, that with respect to employee information the
24 office of temporary and disability assistance shall only be furnished
25 with the names, social security account numbers and gross wages of those
26 employees who are (A) applicants for or recipients of benefits under the
27 social services law, or similar provision of law of another jurisdiction
28 (pursuant to an agreement under subdivision three of section twenty of
29 the social services law) or, (B) absent parents or other persons legally
30 responsible for the support of applicants for or recipients of public
31 assistance and care under the social services law or similar provision
32 of law of another jurisdiction (pursuant to an agreement under subdivi-
33 sion three of section twenty of the social services law), or (C) persons
34 legally responsible for the support of a recipient of services under
35 section one hundred eleven-g of the social services law or similar
36 provision of law of another jurisdiction (pursuant to an agreement under
37 subdivision three of section twenty of the social services law), or (D)
38 employees about whom wage reporting system information is being
39 furnished to public agencies of other jurisdictions, with which the
40 state office of temporary and disability assistance has an agreement
41 pursuant to paragraph (h) or (i) of subdivision three of section twenty
42 of the social services law, or (E) employees about whom wage reporting
43 system information is being furnished to the federal parent locator
44 service, maintained by the federal department of health and human
45 services, for the purpose of enabling the state office of temporary and
46 disability assistance to fulfill obligations and responsibilities other-
47 wise incumbent upon the state department of labor, under section one
48 hundred twenty-four of the federal family support act of nineteen
49 hundred eighty-eight, and, only if, the office of temporary and disabil-
50 ity assistance certifies to the commissioner that such persons are such
51 applicants, recipients, absent parents or persons legally responsible
52 for support or persons about whom information has been requested by a
53 public agency of another jurisdiction or by the federal parent locator
54 service and further certifies that in the case of information requested
55 under agreements with other jurisdictions entered into pursuant to
56 subdivision three of section twenty of the social services law, that

1 such request is in compliance with any applicable federal law. Provided,
2 further, that where the office of temporary and disability assistance
3 requests employee information for the purpose of evaluating the effects
4 on earnings of participation in employment, training or other programs
5 designed to promote self-sufficiency authorized pursuant to the social
6 services law, the office of temporary and disability assistance shall
7 only be furnished with the quarterly gross wages (excluding any refer-
8 ence to the name, social security number or any other information which
9 could be used to identify any employee or the name or identification
10 number of any employer) paid to employees who are former applicants for
11 or recipients of public assistance and care and who are so certified to
12 the commissioner by the commissioner of the office of temporary and
13 disability assistance. Provided, further, that with respect to employee
14 information, the department of health shall only be furnished with the
15 information required pursuant to the provisions of paragraph (f) of
16 subdivision two and subdivision two-a of section two thousand five
17 hundred eleven of the public health law and subdivision eight of section
18 three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two
19 of section three hundred sixty-nine-ee of the social services law, with
20 respect to those individuals whose eligibility under the child health
21 insurance plan, medical assistance program, and family health plus
22 program is to be determined pursuant to such provisions and with respect
23 to those members of any such individual's household whose income affects
24 such individual's eligibility and who are so certified to the commis-
25 sioner or by the department of health. Provided, further, that wage
26 reporting information shall be furnished to the office of vocational and
27 educational services for individuals with disabilities of the education
28 department, the commission for the blind [and visually handicapped] and
29 any other state vocational rehabilitation agency only if such office,
30 commission or agency, as applicable, certifies to the commissioner that
31 such information is necessary to obtain reimbursement from the federal
32 social security administration for expenditures made on behalf of dis-
33 abled individuals who have achieved self-sufficiency. Reports and returns
34 shall be preserved for three years and thereafter until the commissioner
35 orders them to be destroyed.

36 S 23. Terms occurring in laws, contract and other documents. Notwith-
37 standing any provision of law to the contrary, whenever the functions,
38 powers, obligations, duties, rights, remedies and officials relating to
39 the commission for the blind and visually handicapped are referred to or
40 designated in any other law, regulation, contract or document, such
41 reference or designation shall be deemed to refer to the appropriate
42 functions, powers, obligations, duties, rights and remedies or officials
43 of the commission for the blind, as designated by this act.

44 S 24. Existing rights and remedies preserved. Notwithstanding any
45 provision of law to the contrary, no existing right or remedy of any
46 character shall be lost, impaired or affected by reason of this act.

47 S 25. Severability. If any clause, sentence, paragraph, subdivision,
48 section or part contained in any part of this act shall be adjudged by
49 any court of competent jurisdiction to be invalid, such judgment shall
50 not affect, impair, or invalidate the remainder thereof, but shall be
51 confined in its operation to the clause, sentence, paragraph, subdivi-
52 sion, section or part contained in any part thereof directly involved in
53 the controversy in which such judgment shall have been rendered. It is
54 hereby declared to be the intent of the legislature that this act would
55 have been enacted even if such invalid provisions had not been included
56 herein.

1 S 26. This act shall take effect immediately, provided however, that
2 if this act is enacted before April 1, 2013, it shall take effect on
3 April 1, 2013; and provided, further that the amendments to subdivision
4 3 of section 139-j of the state finance law made by section nineteen of
5 this act shall not affect the repeal of such section and shall be deemed
6 to repeal therewith.