

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-

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

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

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

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

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

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

37 (c) rules for sick leaves, vacations, time allowances and other condi-  
38 tions of employment in the classified service of the state and, notwith-  
39 standing any other provision of this chapter or any other law, such  
40 rules may provide for cash payment of the monetary value of accumulated  
41 and unused vacation or time allowances granted in lieu of overtime  
42 compensation standing to the credit of an employee at the time of his or  
43 her separation from service or his or her entrance into the armed forces  
44 of the United States for active duty (other than for training) as  
45 defined by title ten of the United States code, whether or not such  
46 entrance constitutes a separation from service, and for the payment of  
47 the monetary value of his or her accumulated and unused time allowances  
48 granted in lieu of overtime compensation standing to the credit of an  
49 employee at the time of his or her appointment, promotion or transfer  
50 from the department or agency in which such time allowances were earned  
51 to another department or agency and provided further however that any  
52 such rules or regulations shall provide that individuals certified by an  
53 examining physician as benefiting from the use of a service animal in  
54 performing major life activities, individuals registered with the New  
55 York state commission for the blind [and visually handicapped] as legal-  
56 ly 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-

1 ipants, in employment and training programs for which the commission for  
2 the blind [and visually handicapped] has reporting, monitoring or evalu-  
3 ating responsibilities.

4 S 13. Subparagraph (G) of paragraph (x) of subdivision (c) of section  
5 1-c of the legislative law, as added by chapter 1 of the laws of 2005,  
6 is amended to read as follows:

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

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

28 (b) Issue to the [state department of social] OFFICE OF CHILDREN AND  
29 FAMILY services a permit for any of the purposes mentioned in this  
30 subdivision to be operated by a blind person or persons as defined in  
31 subdivision four of section two hundred eight of the social services law  
32 or for the operation of vending machines and similar devices dispensing  
33 food, confections, tobacco products, coffee, tea, milk, soft drinks and  
34 such other articles as may be approved by him or her in consultation  
35 with the [department of social] OFFICE OF CHILDREN AND FAMILY services,  
36 for the benefit of the general purposes of the business enterprise  
37 program for the blind of the [state department of social] OFFICE OF  
38 CHILDREN AND FAMILY services commission for the blind [and visually  
39 handicapped], and upon such terms and conditions as the commissioner may  
40 deem proper but without provision for payment of rent or other consider-  
41 ation for such permits, and for a term not exceeding five years, which  
42 permit may be extended and renewed. Such permit shall include a  
43 provision authorizing the [department of social] OFFICE OF CHILDREN AND  
44 FAMILY services to assign or transfer such permit to a blind person or  
45 persons, as herein referred to, for the purposes aforesaid, and it shall  
46 also provide that the [department of social] OFFICE OF CHILDREN AND  
47 FAMILY services shall send to the commissioner a notice of any assign-  
48 ment or transfer as aforesaid, which notice shall contain such informa-  
49 tion as the commissioner shall require. The permit and any assignment or  
50 transfer thereof shall reserve (i) to the [department of social] OFFICE  
51 OF CHILDREN AND FAMILY services the power of supervision over the  
52 conduct and operation of the premises covered thereby and (ii) to the  
53 commissioner of general services the right to revoke such permit or the  
54 assignment or transfer thereof upon the mailing to the last known  
55 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-



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

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

6 e. The [state] commissioner of [social services] THE OFFICE OF CHIL-  
7 DREN AND FAMILY SERVICES shall appoint the New York state commission for  
8 the blind [and visually handicapped], or other non-profit-making agency,  
9 other than the agency representing the other severely disabled, to  
10 facilitate the distribution of orders among qualified non-profit-making  
11 charitable agencies for the blind. The state commissioner of education  
12 shall appoint a non-profit-making agency, other than the agency repres-  
13 enting the blind, to facilitate the distribution of orders among quali-  
14 fied non-profit-making charitable agencies for the other severely disa-  
15 bled and the veterans' workshops. The state commissioner of mental  
16 health shall facilitate the distribution of orders among qualified  
17 special employment programs operated or approved by the office of mental  
18 health serving mentally ill persons.

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

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

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

34 (3) Nothing herein shall be construed to prohibit the department, its  
35 officers or employees from furnishing information to the office of  
36 temporary and disability assistance relating to the payment of the cred-  
37 it for certain household and dependent care services necessary for gain-  
38 ful employment under subsection (c) of section six hundred six of this  
39 article and the earned income credit under subsection (d) of section six  
40 hundred six of this article and the enhanced earned income credit under  
41 subsection (d-1) of section six hundred six of this article, or pursuant  
42 to a local law enacted by a city having a population of one million or  
43 more pursuant to subsection (f) of section thirteen hundred ten of this  
44 chapter, only to the extent necessary to calculate qualified state  
45 expenditures under paragraph seven of subdivision (a) of section four  
46 hundred nine of the federal social security act or to document the prop-  
47 er expenditure of federal temporary assistance for needy families funds  
48 under section four hundred three of such act. The office of temporary  
49 and disability assistance may redisclose such information to the United  
50 States department of health and human services only to the extent neces-  
51 sary to calculate such qualified state expenditures or to document the  
52 proper expenditure of such federal temporary assistance for needy fami-  
53 lies funds. Nothing herein shall be construed to prohibit the delivery  
54 by the commissioner to a commissioner of jurors, appointed pursuant to  
55 section five hundred four of the judiciary law, or, in counties within  
56 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.