

8856

I N A S S E M B L Y

February 25, 2014

Introduced by M. of A. SCHIMMINGER -- read once and referred to the
Committee on Judiciary

AN ACT to amend the labor law, the tax law and the social services law,
in relation to jury pools for federal district courts

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

1 Section 1. Subparagraph (ii) of paragraph g of subdivision 3 of
2 section 537 of the labor law is amended by adding a new clause 7-a to
3 read as follows:

4 (7-A) ANY COURT CLERK OR JURY COMMISSION OF A UNITED STATES DISTRICT
5 COURT APPOINTED PURSUANT TO TITLE TWENTY-EIGHT OF THE UNITED STATES
6 CODE, SECTION 1863(B)(1), SOLELY FOR THE PURPOSE OF COMPILING LISTS OF
7 PROSPECTIVE JURORS FOR THE APPROPRIATE DISTRICT. THE LISTS OF PERSONS
8 RECEIVING UNEMPLOYMENT INSURANCE BENEFITS SHALL BE PROVIDED ONLY PURSU-
9 ANT TO A COOPERATIVE AGREEMENT BETWEEN THE CHIEF ADMINISTRATOR OF THE
10 COURTS AND THE COMMISSION OR CLERK THAT IS CONSISTENT WITH ALL FEDERAL
11 REGULATIONS OR REQUIREMENTS GOVERNING SUCH DISCLOSURES AND GUARANTEES
12 THAT ALL NECESSARY STEPS SHALL BE TAKEN BY THE CHIEF ADMINISTRATOR OF
13 THE COURTS, THE JURY COMMISSIONS AND THE COURT CLERKS TO INSURE THAT THE
14 LISTS ARE KEPT CONFIDENTIAL AND THAT THERE IS NO UNAUTHORIZED USE OR
15 DISCLOSURE OF SUCH LISTS. FURTHERMORE, THE LISTS WILL BE PROVIDED ONLY
16 IF THE CHIEF ADMINISTRATOR OF THE COURTS DETERMINES THAT THE LISTS ARE
17 NEEDED FOR INTEGRATION INTO LISTS OF PROSPECTIVE JURORS IN ONE OR MORE
18 DISTRICTS.

19 S 2. Paragraph 3 of subsection (e) of section 697 of the tax law, as
20 amended by chapter 265 of the laws of 2013, is amended to read as
21 follows:

22 (3) Nothing herein shall be construed to prohibit the department, its
23 officers or employees from furnishing information to the office of
24 temporary and disability assistance relating to the payment of the cred-
25 it for certain household and dependent care services necessary for gain-
26 ful employment under subsection (c) of section six hundred six of this
27 article and the earned income credit under subsection (d) of section six
28 hundred six of this article and the enhanced earned income credit under

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

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1 subsection (d-1) of section six hundred six of this article, or pursuant
2 to a local law enacted by a city having a population of one million or
3 more pursuant to subsection (f) of section thirteen hundred ten of this
4 chapter, only to the extent necessary to calculate qualified state
5 expenditures under paragraph seven of subdivision (a) of section four
6 hundred nine of the federal social security act or to document the prop-
7 er expenditure of federal temporary assistance for needy families funds
8 under section four hundred three of such act. The office of temporary
9 and disability assistance may redisclose such information to the United
10 States department of health and human services only to the extent neces-
11 sary to calculate such qualified state expenditures or to document the
12 proper expenditure of such federal temporary assistance for needy fami-
13 lies funds. Nothing herein shall be construed to prohibit the delivery
14 by the commissioner to a commissioner of jurors, appointed pursuant to
15 section five hundred four of the judiciary law, or, in counties within
16 cities having a population of one million or more, to the county clerk
17 of such county, OR TO THE JURY COMMISSION OR COURT CLERK OF A UNITED
18 STATES DISTRICT COURT APPOINTED PURSUANT TO TITLE TWENTY-EIGHT OF THE
19 UNITED STATES CODE, SECTION 1863(B)(1), of a mailing list of individuals
20 to whom income tax forms are mailed by the commissioner for the sole
21 purpose of compiling a list of prospective jurors as provided in article
22 sixteen of the judiciary law. Provided, however, such delivery shall
23 only be made pursuant to an order of the chief administrator of the
24 courts, appointed pursuant to section two hundred ten of the judiciary
25 law. No such order may be issued unless such chief administrator is
26 satisfied that such mailing list is needed to compile a proper list of
27 prospective jurors for the county for which such order is sought and
28 that, in view of the responsibilities imposed by the various laws of the
29 state on the department, it is reasonable to require the commissioner to
30 furnish such list. Such order shall provide that such list shall be used
31 for the sole purpose of compiling a list of prospective jurors and that
32 such commissioner of jurors, or such county clerk, shall take all neces-
33 sary steps to insure that the list is kept confidential and that there
34 is no unauthorized use or disclosure of such list. Furthermore, nothing
35 herein shall be construed to prohibit the delivery to a taxpayer or his
36 or her duly authorized representative of a certified copy of any return
37 or report filed in connection with his or her tax or to prohibit the
38 publication of statistics so classified as to prevent the identification
39 of particular reports or returns and the items thereof, or the
40 inspection by the attorney general or other legal representatives of the
41 state of the report or return of any taxpayer or of any employer filed
42 under section one hundred seventy-one-h of this chapter, where such
43 taxpayer or employer shall bring action to set aside or review the tax
44 based thereon, or against whom an action or proceeding under this chap-
45 ter or under this chapter and article eighteen of the labor law has been
46 recommended by the commissioner, the commissioner of labor with respect
47 to unemployment insurance matters, or the attorney general or has been
48 instituted, or the inspection of the reports or returns required under
49 this article by the comptroller or duly designated officer or employee
50 of the state department of audit and control, for purposes of the audit
51 of a refund of any tax paid by a taxpayer under this article, or the
52 furnishing to the state department of labor of unemployment insurance
53 information obtained or derived from quarterly combined withholding,
54 wage reporting and unemployment insurance returns required to be filed
55 by employers pursuant to paragraph four of subsection (a) of section six
56 hundred seventy-four of this article, for purposes of administration of

1 such department's unemployment insurance program, employment services
2 program, federal and state employment and training programs, employment
3 statistics and labor market information programs, worker protection
4 programs, federal programs for which the department has administrative
5 responsibility or for other purposes deemed appropriate by the commis-
6 sioner of labor consistent with the provisions of the labor law, and
7 redisclosure of such information in accordance with the provisions of
8 sections five hundred thirty-six and five hundred thirty-seven of the
9 labor law or any other applicable law, or the furnishing to the state
10 office of temporary and disability assistance of information obtained or
11 derived from New York state personal income tax returns as described in
12 paragraph (b) of subdivision two of section one hundred seventy-one-g of
13 this chapter for the purpose of reviewing support orders enforced pursu-
14 ant to title six-A of article three of the social services law to aid in
15 the determination of whether such orders should be adjusted, or the
16 furnishing of information obtained from the reports required to be
17 submitted by employers regarding newly hired or re-hired employees
18 pursuant to section one hundred seventy-one-h of this chapter to the
19 state office of temporary and disability assistance, the state depart-
20 ment of health, the state department of labor and the workers' compen-
21 sation board for purposes of administration of the child support
22 enforcement program, verification of individuals' eligibility for one or
23 more of the programs specified in subsection (b) of section eleven
24 hundred thirty-seven of the federal social security act and for other
25 public assistance programs authorized by state law, and administration
26 of the state's employment security and workers' compensation programs,
27 and to the national directory of new hires established pursuant to
28 section four hundred fifty-three-A of the federal social security act
29 for the purposes specified in such section, or the furnishing to the
30 state office of temporary and disability assistance of the amount of an
31 overpayment of income tax and interest thereon certified to the comp-
32 troller to be credited against past-due support pursuant to section one
33 hundred seventy-one-c of this chapter and of the name and social securi-
34 ty number of the taxpayer who made such overpayment, or the disclosing
35 to the commissioner of finance of the city of New York, pursuant to
36 section one hundred seventy-one-l of this chapter, of the amount of an
37 overpayment and interest thereon certified to the comptroller to be
38 credited against a city of New York tax warrant judgment debt and of the
39 name and social security number of the taxpayer who made such overpay-
40 ment, or the furnishing to the New York state higher education services
41 corporation of the amount of an overpayment of income tax and interest
42 thereon certified to the comptroller to be credited against the amount
43 of a default in repayment of any education loan debt, including judg-
44 ments, owed to the federal or New York state government that is being
45 collected by the New York state higher education services corporation,
46 and of the name and social security number of the taxpayer who made such
47 overpayment, or the furnishing to the state department of health of the
48 information required by paragraph (f) of subdivision two and subdivision
49 two-a of section two thousand five hundred eleven of the public health
50 law and by subdivision eight of section three hundred sixty-six-a and
51 paragraphs (b) and (d) of subdivision two of section three hundred
52 sixty-nine-ee of the social services law, or the furnishing to the state
53 university of New York or the city university of New York respectively
54 or the attorney general on behalf of such state or city university the
55 amount of an overpayment of income tax and interest thereon certified to
56 the comptroller to be credited against the amount of a default in repay-

1 ment of a state university loan pursuant to section one hundred seven-
2 ty-one-e of this chapter and of the name and social security number of
3 the taxpayer who made such overpayment, or the disclosing to a state
4 agency, pursuant to section one hundred seventy-one-f of this chapter,
5 of the amount of an overpayment and interest thereon certified to the
6 comptroller to be credited against a past-due legally enforceable debt
7 owed to such agency and of the name and social security number of the
8 taxpayer who made such overpayment, or the furnishing of employee and
9 employer information obtained through the wage reporting system, pursu-
10 ant to section one hundred seventy-one-a of this chapter, as added by
11 chapter five hundred forty-five of the laws of nineteen hundred seven-
12 ty-eight, to the state office of temporary and disability assistance,
13 the department of health or to the state office of the medicaid inspec-
14 tor general for the purpose of verifying eligibility for and entitlement
15 to amounts of benefits under the social services law or similar law of
16 another jurisdiction, locating absent parents or other persons legally
17 responsible for the support of applicants for or recipients of public
18 assistance and care under the social services law and persons legally
19 responsible for the support of a recipient of services under section one
20 hundred eleven-g of the social services law and, in appropriate cases,
21 establishing support obligations pursuant to the social services law and
22 the family court act or similar provision of law of another jurisdiction
23 for the purpose of evaluating the effect on earnings of participation in
24 employment, training or other programs designed to promote self-suffici-
25 ency authorized pursuant to the social services law by current recipi-
26 ents of public assistance and care and by former applicants and recipi-
27 ents of public assistance and care, (except that with regard to former
28 recipients, information which relates to a particular former recipient
29 shall be provided with client identifying data deleted), to the state
30 office of temporary and disability assistance for the purpose of deter-
31 mining the eligibility of any child in the custody, care and custody or
32 custody and guardianship of a local social services district or of the
33 office of children and family services for federal payments for foster
34 care and adoption assistance pursuant to the provisions of title IV-E of
35 the federal social security act by providing information with respect to
36 the parents, the stepparents, the child and the siblings of the child
37 who were living in the same household as such child during the month
38 that the court proceedings leading to the child's removal from the
39 household were initiated, or the written instrument transferring care
40 and custody of the child pursuant to the provisions of section three
41 hundred fifty-eight-a or three hundred eighty-four-a of the social
42 services law was signed, provided however that the office of temporary
43 and disability assistance shall only use the information obtained pursu-
44 ant to this subdivision for the purpose of determining the eligibility
45 of such child for federal payments for foster care and adoption assist-
46 ance pursuant to the provisions of title IV-E of the federal social
47 security act, and to the state department of labor, or other individuals
48 designated by the commissioner of labor, for the purpose of the adminis-
49 tration of such department's unemployment insurance program, employment
50 services program, federal and state employment and training programs,
51 employment statistics and labor market information programs, worker
52 protection programs, federal programs for which the department has
53 administrative responsibility or for other purposes deemed appropriate
54 by the commissioner of labor consistent with the provisions of the labor
55 law, and redisclosure of such information in accordance with the
56 provisions of sections five hundred thirty-six and five hundred thirty-

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

41 Provided, however, that with respect to employee information the
42 office of temporary and disability assistance shall only be furnished
43 with the names, social security account numbers and gross wages of those
44 employees who are (A) applicants for or recipients of benefits under the
45 social services law, or similar provision of law of another jurisdiction
46 (pursuant to an agreement under subdivision three of section twenty of
47 the social services law) or, (B) absent parents or other persons legally
48 responsible for the support of applicants for or recipients of public
49 assistance and care under the social services law or similar provision
50 of law of another jurisdiction (pursuant to an agreement under subdivi-
51 sion three of section twenty of the social services law), or (C) persons
52 legally responsible for the support of a recipient of services under
53 section one hundred eleven-g of the social services law or similar
54 provision of law of another jurisdiction (pursuant to an agreement under
55 subdivision three of section twenty of the social services law), or (D)
56 employees about whom wage reporting system information is being

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

54 S 3. Subdivision 6 of section 20 of the social services law, as added
55 by chapter 442 of the laws of 1994, is amended to read as follows:

1 6. The department is directed to seek appropriate approvals from
2 federal officials to permit commissioners of jurors in each social
3 services district to obtain the names and addresses of persons applying
4 for or receiving aid to dependent children, medicaid, or home relief
5 authorized by this chapter for purposes of identifying prospective
6 jurors. Upon receiving such approval or upon determining that no
7 approval is necessary, notwithstanding sections one hundred thirty-six
8 and three hundred sixty-nine of this chapter, the department shall
9 provide lists of such persons to the chief administrator of the courts,
10 appointed pursuant to section two hundred ten of the judiciary law. The
11 lists shall be provided for the sole purpose of integration into lists
12 of prospective jurors as provided by section five hundred six of the
13 judiciary law. The chief administrator of the courts shall upon request
14 provide information from the lists to the commissioner of jurors in each
15 county or, in a county within a city having a population of one million
16 or more, the county clerk of said county, OR TO THE JURY COMMISSION OR
17 COURT CLERK OF A UNITED STATES DISTRICT COURT APPOINTED PURSUANT TO
18 TITLE TWENTY-EIGHT OF THE UNITED STATES CODES, SECTION 1863(B)(1), sole-
19 ly for the purpose of compiling lists of prospective jurors for the
20 appropriate county. The lists shall be provided only pursuant to a coop-
21 erative agreement between the chief administrator of the courts and the
22 commissioner that guarantees that all necessary steps shall be taken by
23 the chief administrator of the courts, the commissioners of jurors and
24 the county clerks to ensure that the lists are kept confidential and
25 that there is no unauthorized use or disclosure of such lists. Further-
26 more, the lists will be provided only if the chief administrator of the
27 courts determines that the lists are needed for integration into lists
28 of prospective jurors in one or more counties. Commissioners of jurors
29 and county clerks receiving such lists shall not use any information
30 derived from such [list] LISTS for any purpose other than for the
31 selection of jurors and shall take appropriate steps to see that the
32 confidentiality of such information is maintained.

33 S 4. This act shall take effect immediately.