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I N S E N A T E

April 6, 2016

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

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

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

1 Section 1. Paragraph b of subdivision 3 of section 537 of the labor
2 law, as amended by chapter 551 of the laws of 2008, is amended to read
3 as follows:
4 b. Chief administrator of the courts; commissioners of jurors; county
5 clerks; CHIEF JUDGES OF UNITED STATES DISTRICT COURTS; CLERKS OF THE
6 COURT OR JURY ADMINISTRATORS OF THE UNITED STATES DISTRICT COURTS.
7 (I) The commissioner shall provide lists of the names of persons
8 receiving unemployment insurance benefits to the chief administrator of
9 the courts, appointed pursuant to section two hundred ten of the judi-
10 cary law. The lists shall be provided for the sole purpose of integration
11 into lists of prospective jurors as provided by section five hundred six
12 of the judiciary law. The chief administrator of the courts shall upon
13 request provide information from the lists to the commissioner of jurors
14 in each county or, in a county within a city having a population of one
15 million or more, the county clerk of said county, solely for the purpose
16 of compiling lists of prospective jurors for the appropriate county. The
17 lists of persons receiving unemployment insurance benefits shall be
18 provided only pursuant to a cooperative agreement between the chief
19 administrator of the courts and the commissioner that is consistent with
20 all federal regulations or requirements governing such disclosures and
21 guarantees that all necessary steps shall be taken by the chief adminis-
22 trator of the courts, the commissioners of jurors and the county clerks
23 to insure that the lists are kept confidential and that there is no
24 unauthorized use or disclosure of such lists. Furthermore, the lists
25 will be provided only if the chief administrator of the courts deter-
26 mines that the lists are needed for integration into lists of prospec-
27 tive jurors in one or more counties.

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

LBD13454-03-6

1 (II) THE COMMISSIONER SHALL PROVIDE LISTS OF THE NAMES OF PERSONS
2 RECEIVING UNEMPLOYMENT INSURANCE BENEFITS TO THE CHIEF JUDGE OF ANY
3 UNITED STATES DISTRICT COURT IN NEW YORK STATE, APPOINTED PURSUANT TO
4 TITLE TWENTY-EIGHT OF THE UNITED STATES CODE, SECTION ONE HUNDRED THIR-
5 TY-SIX. THE LISTS SHALL BE PROVIDED FOR THE SOLE PURPOSE OF INTEGRATION
6 INTO LISTS OF PROSPECTIVE JURORS IN SUCH UNITED STATES DISTRICT COURT.
7 THE CHIEF JUDGE OF SUCH DISTRICT COURT SHALL UPON REQUEST PROVIDE INFOR-
8 MATION FROM THE LISTS TO THE CLERK OF THE COURT OR JURY ADMINISTRATOR OF
9 SUCH UNITED STATES DISTRICT COURT, SOLELY FOR THE PURPOSE OF COMPILING
10 LISTS OF PROSPECTIVE JURORS FOR SUCH DISTRICT COURT. THE LISTS OF
11 PERSONS RECEIVING UNEMPLOYMENT INSURANCE BENEFITS SHALL BE PROVIDED ONLY
12 PURSUANT TO A COOPERATIVE AGREEMENT BETWEEN THE CHIEF JUDGE OF SUCH
13 DISTRICT COURT AND THE COMMISSIONER THAT IS CONSISTENT WITH ALL FEDERAL
14 REGULATIONS OR REQUIREMENTS GOVERNING SUCH DISCLOSURES AND GUARANTEES
15 THAT ALL NECESSARY STEPS SHALL BE TAKEN BY THE CHIEF JUDGE OF THE
16 DISTRICT COURT, THE CLERK OF THE COURT OR JURY ADMINISTRATOR OF SUCH
17 DISTRICT COURT TO INSURE THAT THE LISTS ARE KEPT CONFIDENTIAL AND THAT
18 THERE IS NO UNAUTHORIZED USE OR DISCLOSURE OF SUCH LISTS. FURTHERMORE,
19 THE LISTS WILL BE PROVIDED ONLY IF THE CHIEF JUDGE OF SUCH DISTRICT
20 COURT DETERMINES THAT THE LISTS ARE NEEDED FOR INTEGRATION INTO LISTS OF
21 PROSPECTIVE JURORS IN SUCH DISTRICT.

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

25 (3) Nothing herein shall be construed to prohibit the department, its
26 officers or employees from furnishing information to the office of
27 temporary and disability assistance relating to the payment of the cred-
28 it for certain household and dependent care services necessary for gain-
29 ful employment under subsection (c) of section six hundred six of this
30 article and the earned income credit under subsection (d) of section six
31 hundred six of this article and the enhanced earned income credit under
32 subsection (d-1) of section six hundred six of this article, or pursuant
33 to a local law enacted by a city having a population of one million or
34 more pursuant to subsection (f) of section thirteen hundred ten of this
35 chapter, only to the extent necessary to calculate qualified state
36 expenditures under paragraph seven of subdivision (a) of section four
37 hundred nine of the federal social security act or to document the prop-
38 er expenditure of federal temporary assistance for needy families funds
39 under section four hundred three of such act. The office of temporary
40 and disability assistance may redisclose such information to the United
41 States department of health and human services only to the extent neces-
42 sary to calculate such qualified state expenditures or to document the
43 proper expenditure of such federal temporary assistance for needy fami-
44 lies funds. Nothing herein shall be construed to prohibit the delivery
45 by the commissioner to a commissioner of jurors, appointed pursuant to
46 section five hundred four of the judiciary law, or, in counties within
47 cities having a population of one million or more, to the county clerk
48 of such county, OR TO THE CLERK OF THE COURT OR JURY ADMINISTRATOR OF A
49 UNITED STATES DISTRICT COURT APPOINTED PURSUANT TO TITLE TWENTY-EIGHT OF
50 THE UNITED STATES CODE, SECTION 1836(B)(2), of a mailing list of indi-
51 viduals to whom income tax forms are mailed by the commissioner for the
52 sole purpose of compiling a list of prospective jurors as provided in
53 article sixteen of the judiciary law OR TITLE TWENTY-EIGHT OF THE UNITED
54 STATES CODE. Provided, however, such delivery shall only be made pursu-
55 ant to an order of the chief administrator of the courts, appointed
56 pursuant to section two hundred ten of the judiciary law OR AN ORDER OF

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

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

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

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

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

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

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

36 6. The department is directed to seek appropriate approvals from
37 federal officials to permit commissioners of jurors AND CLERKS OF THE
38 COURT OR JURY ADMINISTRATORS OF ANY UNITED STATES DISTRICT COURT IN NEW
39 YORK STATE APPOINTED PURSUANT TO TITLE TWENTY-EIGHT OF THE UNITED STATES
40 CODE, SECTION 1836(B)(2) in each social services district to obtain the
41 names and addresses of persons applying for or receiving aid to depend-
42 ent children, medicaid, or home relief authorized by this chapter for
43 purposes of identifying prospective jurors. Upon receiving such approval
44 or upon determining that no approval is necessary, notwithstanding
45 sections one hundred thirty-six and three hundred sixty-nine of this
46 chapter, the department shall provide lists of such persons to the chief
47 administrator of the courts, appointed pursuant to section two hundred
48 ten of the judiciary law, OR THE CHIEF JUDGE OF ANY UNITED STATES
49 DISTRICT COURT in New York State APPOINTED PURSUANT TO TITLE
50 TWENTY-EIGHT OF THE UNITED STATES CODE. The lists shall be provided for
51 the sole purpose of integration into lists of prospective jurors as
52 provided by section five hundred six of the judiciary law OR TITL TWEN-
53 TY-EIGHT OF THE UNITED STATES CODE. The chief administrator of the
54 courts shall upon request provide information from the lists to the
55 commissioner of jurors in each county or, in a county within a city
56 having a population of one million or more, the county clerk of said

1 county, solely for the purpose of compiling lists of prospective jurors
2 for the appropriate county. THE CHIEF JUDGE OF SUCH UNITED STATES
3 DISTRICT COURT SHALL MAKE LISTS AVAILABLE TO SUCH CLERK OF THE COURT OR
4 JURY ADMINISTRATOR OF A UNITED STATES DISTRICT COURT SOLELY FOR THE
5 PURPOSE OF COMPILING LISTS OF PROSPECTIVE JURORS FOR THE UNITED STATES
6 DISTRICT COURT. The lists shall be provided only pursuant to a cooper-
7 ative agreement between the chief administrator of the courts OR, IN THE
8 CASE OF A UNITED STATES DISTRICT COURT, THE CHIEF JUDGE OF SUCH UNITED
9 STATES DISTRICT COURT and the commissioner that guarantees that all
10 necessary steps shall be taken by the chief administrator of the courts,
11 THE CHIEF JUDGE OF SUCH UNITED STATES DISTRICT COURT, the commissioners
12 of jurors and the county clerks OR THE CLERK OF THE COURT OR JURY ADMIN-
13 ISTRATOR OR COURT CLERK OF THE UNITED STATES DISTRICT COURT to ensure
14 that the lists are kept confidential and that there is no unauthorized
15 use or disclosure of such lists. Furthermore, the lists will be provided
16 only if the chief administrator of the courts OR THE CHIEF JUDGE OF THE
17 UNITED STATES DISTRICT COURT determines that the lists are needed for
18 integration into lists of prospective jurors in one or more counties OR
19 THE DISTRICT OF SUCH UNITED STATES DISTRICT COURT. Commissioners of
20 jurors and county clerks, AND CLERKS OF THE COURT OR JURY ADMINISTRATORS
21 OR CLERK OF ANY UNITED STATES DISTRICT COURT receiving such lists shall
22 not use any information derived from such [list] LISTS for any purpose
23 other than for the selection of jurors and shall take appropriate steps
24 to see that the confidentiality of such information is maintained.
25 S 4. This act shall take effect immediately.