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

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I N A S S E M B L Y

April 27, 2012

Introduced by M. of A. SMARDZ, BURLING, CERETTO, McLAUGHLIN, SAYWARD, FINCH, GRAF -- Multi-Sponsored by -- M. of A. CORWIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to legislative term limits and leader tenure limits; to amend the retirement and social security law, in relation to pension forfeiture; and to amend the legislative law, in relation to bills that refer to taxes

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

Section 1. This act shall be known and may be cited as the "People's Government Reform Act".

S 2. The legislative law is amended by adding a new section 2-a to read as follows:

S 2-A. LEGISLATIVE TERM LIMITS. MEMBERS OF THE LEGISLATURE SHALL NOT SERVE MORE THAN FOUR CONSECUTIVE TWO YEAR TERMS IN EITHER THE SENATE OR THE ASSEMBLY. IN NO EVENT MAY A LEGISLATOR SERVE MORE THAN EIGHT CONSECUTIVE YEARS IN EITHER THE SENATE OR ASSEMBLY.

S 3. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. LIMITATION ON TENURE OF LEGISLATORS TO SERVE AS A LEGISLATIVE LEADER. 1. NO MEMBER OF THE LEGISLATURE MAY BE ELECTED TO SERVE MORE THAN SIX YEARS AS THE TEMPORARY PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE ASSEMBLY OR THE CHAIRPERSON OF ANY SENATE OR ASSEMBLY COMMITTEE.

2. ANY MEMBER HAVING SERVED AS THE SPEAKER OF THE ASSEMBLY SHALL NOT BE ELECTED TO SERVE AS THE MAJORITY LEADER IN THE YEAR IMMEDIATELY FOLLOWING SUCH MEMBER'S TENURE AS SPEAKER OF THE ASSEMBLY.

S 4. The opening paragraph of paragraph (a) of subdivision 6 of section 156 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

"Public official" shall mean any of the following individuals who [were not] ARE members of any retirement system [prior to the effective date of the chapter of the laws of two thousand eleven which added this

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

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article but who have become members of a covered retirement system on or after the effective date of the chapter of the laws of two thousand eleven which added this article]:

S 5. Subdivision 1 of section 157 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

1. Notwithstanding any other law to the contrary, it shall be a term and condition of membership for every public official who [becomes] IS a member of any retirement system [on or after the effective date of the chapter of the laws of two thousand eleven which added this article], that such public official's rights to a pension in a retirement system that accrue in such retirement system after his or her date of initial membership in the retirement system shall be subject to the provisions of this article.

S 6. The legislative law is amended by adding a new section 54-c to read as follows:

S 54-C. BILLS THAT REFER TO TAXES. NO BILL SHALL BE INTRODUCED THAT REFERS TO A TAX BY ANY WORD OR WORDS OTHER THAN "TAX". AS USED IN THIS SECTION, "TAX" MEANS ANY LEVY, CHARGE, FEE, TOLL, OR EXACTION OF ANY KIND IMPOSED BY THE STATE, EXCEPT THE FOLLOWING:

1. A CHARGE IMPOSED FOR A SPECIFIC BENEFIT CONFERRED OR PRIVILEGE GRANTED DIRECTLY TO THE PAYOR THAT IS NOT PROVIDED TO THOSE NOT CHARGED, AND WHICH DOES NOT EXCEED THE REASONABLE COSTS TO THE STATE OF CONFERRING THE BENEFIT OR GRANTING THE PRIVILEGE TO THE PAYOR.

2. A CHARGE IMPOSED FOR A SPECIFIC GOVERNMENT SERVICE OR PRODUCT PROVIDED DIRECTLY TO THE PAYOR THAT IS NOT PROVIDED TO THOSE NOT CHARGED, AND WHICH DOES NOT EXCEED THE REASONABLE COSTS TO THE STATE OF PROVIDING THE SERVICE OR PRODUCT TO THE PAYOR.

3. A CHARGE IMPOSED FOR THE REASONABLE REGULATORY COSTS TO THE STATE INCIDENT TO ISSUING LICENSES AND PERMITS; PERFORMING INVESTIGATIONS, INSPECTIONS, AND AUDITS; AND ENFORCING ORDERS AND FOR THE ADMINISTRATIVE ENFORCEMENT AND ADJUDICATION THEREOF.

4. A CHARGE IMPOSED FOR ENTRANCE TO OR USE OF THE STATE'S PROPERTY OR THE PURCHASE, RENTAL, OR LEASE OF THE STATE'S PROPERTY.

5. A FINE, PENALTY, OR OTHER MONETARY CHARGE IMPOSED BY THE JUDICIAL BRANCH OF GOVERNMENT OR THE STATE, AS A RESULT OF A VIOLATION OF LAW.

S 7. This act shall take effect immediately.