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

4475

2011-2012 Regular Sessions

I N S E N A T E

April 6, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the state finance law, in relation to establishing the real property tax relief and local government mandate reform act

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 "real property tax relief and local government mandate reform act".

S 2. Legislative findings and declarations. The legislature hereby finds and determines that real property taxes in New York state are too high, and that the burden that they place upon our citizens, homeowners and businesses, is making it difficult for New York state to thrive, prosper and succeed.

The legislature further finds and determines that the only way to realistically reduce the real property tax burden upon our citizens, homeowners and businesses, is to place a comprehensive approach in state law which controls costs and spending for local governments, and provides significant mandate relief with respect to their fiscal obligations.

The legislature additionally finds and determines that a comprehensive approach of capping property taxes, controlling governmental employee benefit costs, and providing significant mandate relief to local governments will promote the controlling of the cost and spending for local governments, as well as helping to provide significant mandate relief with respect to their future fiscal obligations.

The legislature finally finds and determines that this act seeks to be a part of a comprehensive approach to reduce real property taxes across the state by controlling of governmental employee benefit costs and the provision of significant mandate relief to local governments.

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

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S 3. The general municipal law is amended by adding a new section 3-c to read as follows:

S 3-C. GOVERNMENT EMPLOYEE BENEFIT FEE. 1. EVERY COUNTY, TOWN, CITY AND VILLAGE IS HEREBY AUTHORIZED, BY LOCAL LAW OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT, TO ESTABLISH A GOVERNMENT EMPLOYEE BENEFIT FEE. SUCH FEE SHALL BE DEDUCTED FROM EACH EMPLOYEE OF THE LOCAL GOVERNMENT WHO RECEIVES ANY NON-WAGE BENEFIT FROM THEIR EMPLOYMENT. FOR PURPOSES OF THIS SECTION, THE TERM NON-WAGE BENEFIT SHALL INCLUDE HEALTH CARE BENEFITS, INSURANCE BENEFITS, PENSION BENEFITS, PARKING BENEFITS, DAY CARE BENEFITS, EDUCATIONAL BENEFITS OR ANY OTHER NON-WAGE BENEFIT PROVIDED TO SUCH PUBLIC EMPLOYEE AS RECOGNIZED BY THE PRESIDENT OF THE STATE CIVIL SERVICE COMMISSION PURSUANT TO REGULATION. SUCH FEE, WHICH SHALL BE IN ADDITION TO ANY OTHER DEDUCTIONS OR FEES CURRENTLY ALLOWED BY LAW, SHALL NOT BE IN EXCESS OF FIVE PERCENT OF THE GOVERNMENT EMPLOYEE'S GROSS WAGES, AND SHALL BE DEDUCTED IN EQUAL AMOUNTS PER PAY PERIOD.

2. IN THE EVENT THAT A LOCAL GOVERNMENT AUTHORIZES THE ESTABLISHMENT OF A GOVERNMENT EMPLOYEE BENEFIT FEE, SUCH LOCAL GOVERNMENT SHALL NOTIFY THE STATE COMPTROLLER AND THE PRESIDENT OF THE STATE CIVIL SERVICE COMMISSION, IN WRITING, OF THE ESTABLISHMENT OF SUCH FEE. UPON THE ESTABLISHMENT OF SUCH FEE, COMMENCING ON THE FIRST OF JANUARY AFTER THE ESTABLISHMENT OF SUCH FEE, AND THEN EVERY NINETY DAYS THEREAFTER, THE LOCAL GOVERNMENT SHALL PROVIDE FOR THE QUARTERLY TRANSFER OF ALL MONIES COLLECTED FROM SUCH FEE TO THE CUSTODY OF THE STATE COMPTROLLER FOR DEPOSIT IN THE LOCAL GOVERNMENT'S SPECIAL ACCOUNT WITHIN THE GOVERNMENT EMPLOYEE BENEFIT FUND, PURSUANT TO SECTION NINETY-TWO-O OF THE STATE FINANCE LAW. THE GOVERNING BODY OF THE LOCAL GOVERNMENT, MAY BY LOCAL LAW, ALSO TRANSFER ADDITIONAL MONIES, IN EXCESS OF THE MONIES COLLECTED FROM THE GOVERNMENT EMPLOYEE BENEFIT FEE, TO THE STATE COMPTROLLER, FOR DEPOSIT IN THE LOCAL GOVERNMENT'S SPECIAL ACCOUNT WITHIN THE GOVERNMENT EMPLOYEE BENEFIT FUND.

3. A LOCAL GOVERNMENT WHICH HAS ESTABLISHED A GOVERNMENT EMPLOYEE BENEFIT FEE PURSUANT TO THIS SECTION, AND WHICH HAS TRANSFERRED THE MONIES FROM THE COLLECTION OF SUCH FEE TO THE STATE COMPTROLLER FOR DEPOSIT IN ITS SPECIAL ACCOUNT WITHIN THE LOCAL GOVERNMENT EMPLOYEE BENEFIT FUND, MAY BY APPROPRIATION RESOLUTION, DIRECT THE STATE COMPTROLLER TO PAY SPECIFIED EMPLOYEE BENEFIT COSTS TO THE PROVIDER OR PROVIDERS OF SUCH NON-WAGE EMPLOYEE BENEFITS. IN NO EVENT SHALL THE STATE COMPTROLLER MAKE ANY PAYMENT FROM THE SPECIAL ACCOUNT, IF THE MONIES CONTAINED WITHIN SUCH SPECIAL ACCOUNT, DO NOT EXCEED THE AMOUNT OF THE PAYMENT OR PAYMENTS TO BE MADE TO THE PROVIDER OR PROVIDERS OF THE EMPLOYEE BENEFITS.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY GOVERNMENT EMPLOYEE BENEFIT FEE ESTABLISHED PURSUANT TO THIS SECTION, AND ANY COLLECTION OF SUCH FEE BY THE LOCAL GOVERNMENT, SHALL NOT BE DEEMED TO CONSTITUTE, BE SUBJECT TO, OR BE IN VIOLATION OF, ANY TERM OR CONDITION OF EMPLOYMENT, WITH RESPECT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

S 4. The state finance law is amended by adding a new section 92-o to read as follows:

S 92-O. LOCAL GOVERNMENT EMPLOYEE BENEFIT FUND. 1. THERE IS HEREBY CREATED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE PRESIDENT OF THE STATE CIVIL SERVICE COMMISSION, A LOCAL GOVERNMENT EMPLOYEE BENEFIT FUND. WITHIN SUCH FUND, THERE IS HEREBY CREATED A SPECIAL ACCOUNT FOR EACH COUNTY, CITY, TOWN, AND VILLAGE OPERATING WITHIN THE STATE.

2. SUCH FUND SHALL CONSIST OF THE REVENUES DERIVED FROM THE GOVERNMENT EMPLOYEE BENEFIT FEE COLLECTED BY EACH COUNTY, CITY, TOWN, AND VILLAGE

OPERATING WITHIN THE STATE, PURSUANT TO SECTION THREE-C OF THE GENERAL MUNICIPAL LAW, TOGETHER WITH SUCH ADDITIONAL VOLUNTARY PAYMENTS MADE TO THE FUND PURSUANT TO SECTION THREE-C OF THE GENERAL MUNICIPAL LAW.

3. FOLLOWING THE APPROPRIATION OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT OF A COUNTY, CITY, TOWN OR VILLAGE, MONIES FROM THE FUND SHALL BE USED, UPON CERTIFICATION BY THE STATE COMPTROLLER, FOR THE PAYMENT OF ANY PUBLIC EMPLOYEE BENEFIT EXPENSE INCURRED BY THE LOCAL GOVERNMENT. FOR THE PURPOSES OF THIS SECTION, AN EMPLOYEE BENEFIT EXPENSE SHALL INCLUDE ANY EXPENSE DERIVED FROM THE PROVISION OF ANY NON-WAGE BENEFIT, INCLUDING HEALTH CARE BENEFITS, INSURANCE BENEFITS, PENSION BENEFITS, PARKING BENEFITS, DAY CARE BENEFITS, EDUCATIONAL BENEFITS OR ANY OTHER BENEFIT PROVIDED TO A PUBLIC EMPLOYEE AS RECOGNIZED BY THE PRESIDENT OF THE STATE CIVIL SERVICE COMMISSION PURSUANT TO REGULATION. PAYMENT OF THE MONIES OF THE FUND SHALL BE MADE BY THE STATE COMPTROLLER, FROM THE SPECIAL ACCOUNT OF THE COUNTY, CITY, TOWN OR VILLAGE, DIRECTLY TO THE ENTITY PROVIDING THE EMPLOYEE BENEFIT, PURSUANT TO DIRECTION OF THE APPROPRIATION MADE BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT. IN NO EVENT SHALL THE STATE COMPTROLLER MAKE ANY PAYMENT FROM THE SPECIAL ACCOUNT, IF THE MONIES CONTAINED IN SUCH SPECIAL ACCOUNT, DO NOT EXCEED THE AMOUNT OF THE PAYMENT OR PAYMENTS TO BE MADE TO THE PROVIDER OR PROVIDERS OF THE EMPLOYEE BENEFITS.

S 5. This act shall take effect immediately.