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

4476

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 Finance

AN ACT to amend the state finance law and the civil service law, in relation to government employee benefit payments

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

Section 1. 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.

S 2. The state finance law is amended by adding a new section 92-o to read as follows:

S 92-O. STATE GOVERNMENT EMPLOYEE BENEFIT FUND. 1. THERE IS HEREBY CREATED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE PRESIDENT

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

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OF THE STATE CIVIL SERVICE COMMISSION, A STATE GOVERNMENT EMPLOYEE BENEFIT FUND.

2. SUCH FUND SHALL CONSIST OF THE REVENUES DERIVED FROM THE GOVERNMENT EMPLOYEE BENEFIT FEE COLLECTED BY THE STATE OF NEW YORK PURSUANT TO ARTICLE THIRTEEN-A OF THE CIVIL SERVICE LAW, TOGETHER WITH SUCH ADDITIONAL VOLUNTARY PAYMENTS MADE TO THE FUND PURSUANT TO ARTICLE THIRTEEN-A OF THE CIVIL SERVICE LAW.

3. FOLLOWING THE APPROPRIATION OF THE LEGISLATURE, 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 STATE. 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, DIRECTLY TO THE STATE, PURSUANT TO DIRECTION OF THE APPROPRIATION MADE BY THE LEGISLATURE. IN NO EVENT SHALL THE STATE COMPTROLLER MAKE ANY PAYMENT FROM THE FUND, IF THE MONIES CONTAINED IN SUCH FUND, DO NOT EXCEED THE AMOUNT OF THE PAYMENT OR PAYMENTS TO BE MADE TO THE PROVIDER OR PROVIDERS OF THE EMPLOYEE BENEFITS.

S 3. The civil service law is amended by adding a new article 13-A to read as follows:

ARTICLE 13-A

GOVERNMENT EMPLOYEE BENEFIT PAYMENTS

SECTION 190. GOVERNMENT EMPLOYEE BENEFIT FEE.

S 190. GOVERNMENT EMPLOYEE BENEFIT FEE. 1. THE STATE OF NEW YORK SHALL HEREBY ESTABLISH A GOVERNMENT EMPLOYEE BENEFIT FEE. SUCH FEE IS TO BE DEDUCTED FROM EACH EMPLOYEE OF THE STATE 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 BENEFIT PROVIDED TO SUCH PUBLIC EMPLOYEE AS RECOGNIZED BY THE PRESIDENT PURSUANT TO REGULATION. SUCH FEE, WHICH SHALL BE IN ADDITION TO ANY OTHER DEDUCTIONS OR FEES CURRENTLY ALLOWED BY LAW, SHALL BE DETERMINED PURSUANT TO REGULATION ESTABLISHED BY THE PRESIDENT. SUCH FEE 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. UPON THE ISSUANCE OF THE REGULATION OF THE PRESIDENT DETERMINING THE AMOUNT OF THE GOVERNMENT EMPLOYEE BENEFIT FEE, THE PRESIDENT SHALL NOTIFY THE STATE COMPTROLLER, 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 STATE COMPTROLLER SHALL PROVIDE FOR THE QUARTERLY TRANSFER OF ALL MONIES COLLECTED FROM SUCH FEE, TO THE STATE GOVERNMENT EMPLOYEE BENEFIT FUND FOR DEPOSIT IN THE SPECIAL STATE ACCOUNT FOR DEPOSIT WITHIN SUCH FUND. THE STATE, UPON APPROPRIATION BY THE LEGISLATURE, MAY ALSO TRANSFER ADDITIONAL MONIES, IN EXCESS OF THE MONIES COLLECTED FROM THE GOVERNMENT EMPLOYEE BENEFIT FEE, TO THE STATE COMPTROLLER, FOR DEPOSIT IN THE STATE'S SPECIAL ACCOUNT WITHIN THE STATE GOVERNMENT EMPLOYEE BENEFIT FUND.

3. THE PRESIDENT MAY, IN WRITING, DIRECT THE STATE COMPTROLLER TO PAY SPECIFIED EMPLOYEE BENEFIT COSTS INCURRED BY THE STATE, FROM THE STATE'S SPECIAL ACCOUNT WITHIN THE STATE GOVERNMENT EMPLOYEE BENEFIT FUND, TO

THE PROVIDER OR PROVIDERS OF SUCH NON-WAGE 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 BY THE STATE COMPTROLLER 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 STATE, 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 THIS CHAPTER.

S 4. This act shall take effect immediately.