

5882--B

2009-2010 Regular Sessions

I N   S E N A T E

June 15, 2009

---

Introduced by Sens. WINNER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law, in relation to communication service surcharges applied to Tompkins county and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. The county law is amended by adding a new section 335 to  
2     read as follows:  
3     S 335. COUNTY OF TOMPKINS ENHANCED 911 EMERGENCY TELEPHONE SYSTEM. 1.  
4     NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE COUNTY OF  
5     TOMPKINS ACTING THROUGH ITS LOCAL COUNTY LEGISLATIVE BODY, IS HEREBY  
6     AUTHORIZED AND EMPOWERED TO ADOPT, AMEND OR REPEAL LOCAL LAWS TO IMPOSE  
7     A SURCHARGE, IN ADDITION TO THE SURCHARGE ESTABLISHED AND IMPOSED UNDER  
8     SECTION THREE HUNDRED THREE OF THE COUNTY LAW, IN AN AMOUNT NOT TO  
9     EXCEED SIXTY-FIVE CENTS PER ACCESS LINE PER MONTH ON THE CUSTOMERS OF  
10    EVERY SERVICE SUPPLIER WITHIN SUCH MUNICIPALITY TO PAY FOR THE COSTS  
11    ASSOCIATED WITH OBTAINING, OPERATING AND MAINTAINING THE TELECOMMUNI-  
12    CATION EQUIPMENT AND TELEPHONE SERVICES NEEDED TO PROVIDE AN ENHANCED  
13    911 (E911) EMERGENCY TELEPHONE SYSTEM TO SERVE SUCH COUNTY.  
14    2. ANY SUCH LOCAL LAW SHALL STATE THE AMOUNT OF THE SURCHARGE, THE  
15    DATE ON WHICH THE SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO  
16    THE BILLINGS OF ITS CUSTOMERS AND, TO THE EXTENT PRACTICABLE, THE DATE  
17    ON WHICH SUCH E911 SERVICE IS TO BEGIN. SUCH LOCAL LAW MAY AUTHORIZE THE  
18    SERVICE SUPPLIER TO BEGIN BILLING ITS CUSTOMERS FOR SUCH SURCHARGE PRIOR  
19    TO THE DATE THE E911 SYSTEM SERVICE IS TO BEGIN.  
20    3. ANY SERVICE SUPPLIER WITHIN A MUNICIPALITY WHICH HAS IMPOSED A  
21    SURCHARGE PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A

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

LBD14319-05-9

1 MINIMUM OF FORTY-FIVE DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL  
2 BEGIN TO ADD SUCH SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO  
3 ANY MODIFICATION TO OR CHANGE IN THE SURCHARGE AMOUNT.

4 4. THE SURCHARGE ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS  
5 SECTION SHALL BE IMPOSED ON A PER ACCESS LINE BASIS ON ALL CURRENT BILLS  
6 RENDERED FOR LOCAL EXCHANGE ACCESS SERVICE WITHIN THE 911 SERVICE AREA.

7 5. NO SUCH SURCHARGE SHALL BE IMPOSED UPON MORE THAN SEVENTY-FIVE  
8 EXCHANGE ACCESS LINES PER CUSTOMER PER LOCATION.

9 6. LIFELINE CUSTOMERS, A PUBLIC SAFETY AGENCY AND ANY MUNICIPALITY  
10 WHICH HAS ENACTED A LOCAL LAW PURSUANT TO THE PROVISIONS OF THIS SECTION  
11 SHALL BE EXEMPT FROM ANY SURCHARGE IMPOSED UNDER THIS SECTION.

12 S 2. This act shall take effect immediately provided, however that:

13 (a) this act shall expire and be deemed repealed 10 years after such  
14 date;

15 (b) the provisions of subdivision one of section 335 of the county law  
16 as added by section one of this act shall apply to bills rendered to  
17 communications service customers by a communications service supplier on  
18 and after the expiration of the notice period required pursuant to the  
19 provisions of subdivision three of such section; and

20 (c) a service supplier may treat the address used by such supplier for  
21 any communications customer under a service contract or agreement in  
22 effect on the effective date of the local law imposing such surcharge,  
23 as that communications customer's place of primary use for the remaining  
24 term of such service contract or agreement, excluding any extension or  
25 renewal of such service contract or agreement, for purposes of determin-  
26 ing the taxing jurisdiction with respect to taxes on communications  
27 service.