

STATE OF NEW YORK

10749

IN ASSEMBLY

May 16, 2018

Introduced by M. of A. PELLEGRINO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to public safety communications surcharge and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 5 and 6 of 186-f of the tax law are REPEALED
2 and a new subdivision 5 is added to read as follows:

3 5. Deposits of surcharge monies collected and received. Notwithstand-
4 ing any provision of law to the contrary, all surcharge monies collected
5 and received by the commissioner under this section must be deposited
6 daily to the credit of the comptroller with those responsible banks,
7 banking houses or trust companies the comptroller may designate. Those
8 deposits must be kept separate and apart from all other monies in the
9 possession of the comptroller. The comptroller must require adequate
10 security from all such depositories. Of the total revenue collected or
11 received under this section, the comptroller must retain in the comp-
12 troller's hands an amount determined by the commissioner to be necessary
13 for refunds under this section, out of which the comptroller will pay
14 any refunds to which taxpayers are entitled under the provisions of this
15 section. The comptroller, after reserving the amount to pay refunds,
16 must, on or before the tenth day of each month, pay all surcharge monies
17 collected and received under this section and remaining to the comp-
18 troller's credit as follows:

19 (a) The amount retained by wireless communications suppliers pursuant
20 to paragraph (d) of subdivision two of this section;

21 (b) The sum of twenty-five million five hundred thousand dollars must
22 be allocated to the division of state police pursuant to appropriation
23 by the legislature annually;

24 (c) The sum of one million five hundred thousand dollars must be
25 deposited into the New York state emergency services revolving loan fund
26 annually; provided, however, that such sums shall not be deposited for
27 state fiscal years two thousand eleven--two thousand twelve, two thou-

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

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1 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
2 fifteen, two thousand fifteen--two thousand sixteen, two thousand
3 sixteen--two thousand seventeen, two thousand seventeen--two thousand
4 eighteen, two thousand eighteen--two thousand nineteen and two thousand
5 nineteen--two thousand twenty;

6 (d) Up to the sum of seventy-five million dollars annually may be used
7 for the provision of grants or reimbursements to counties for the devel-
8 opment, consolidation, or operation of public safety communications
9 systems or networks designed to support statewide interoperable communi-
10 cations for first responders, to be distributed pursuant to standards
11 and guidelines issued by the state. Annual grants may consider costs
12 borne by a municipality related to the issuance of local public safety
13 communications bonds pursuant to section twenty-four hundred thirty-two
14 of the public authorities law, when the municipality has qualified as an
15 approved participant in a statewide interoperable communications system
16 under the standards and guidelines issued by the state, and maintains
17 compliance with such standards and guidelines. The grant amount will be
18 prescribed pursuant to an agreement with the municipality, and may not
19 exceed thirty percent of the annual cost borne by the municipality in
20 relation to such bonds;

21 (e) The amount required to provide the costs of debt service for bonds
22 and notes issued to finance expedited deployment funding pursuant to the
23 provisions of section three hundred thirty-three of the county law and
24 section sixteen hundred eighty-nine-h of the public authorities law;

25 (f) The amount approved by the legislature for services and expenses
26 that support the operations and mission of the division of homeland
27 security and emergency services;

28 (g) The sum of ten million dollars annually shall be used for the
29 provision of grants to counties for costs related to the operations of
30 public safety dispatch centers, to be distributed pursuant to a plan
31 developed by the commissioner of homeland security and emergency
32 services and approved by the director of the budget. Such plan may
33 consider such factors as population density and emergency call volume;
34 and

35 (h) The balance of the revenues collected under this section shall be
36 returned to the counties from which the surcharge was collected. Such
37 funds returned to a county shall be used for the development, consol-
38 idation, or operation of public safety communications.

39 § 2. This act shall take effect on the first of April next succeeding
40 the date on which it shall have become a law. Effective immediately, the
41 addition, amendment and/or repeal of any rule or regulation necessary
42 for the implementation of this act on its effective date are authorized
43 and directed to be made and completed on or before such effective date.