

STATE OF NEW YORK

9964--A

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. RIVERA -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to providing an exemption against certain fiber optic cable assessments for municipal fiber optic broadband companies in Erie 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 real property tax law is amended by adding a new
2 section 431 to read as follows:

3 § 431. Fiber optic cable in Erie county. 1. For the purposes of this
4 section the following terms shall have the following meanings:

5 (a) "Municipal fiber optic broadband company" shall mean a local
6 authority as defined in section two of the public authorities law or a
7 municipal corporation as defined in section two of the general municipal
8 law engaged in the construction, operation, marketing and sale of fiber
9 optic broadband infrastructure and services and located in Erie county.

10 (b) "Municipal fiber optic network" shall mean municipal fiber optic
11 cable and infrastructure owned by a municipal fiber optic broadband
12 company.

13 (c) "Municipal fiber optic cable and infrastructure" shall mean fiber
14 optic cable and related equipment which is owned and installed by or
15 caused to be installed by a municipal fiber optic broadband company to
16 transmit, or facilitate the transmission, of broadband data, applica-
17 tions, and services to end users located in Erie county.

18 2. Notwithstanding any other provision of law to the contrary, all
19 municipal fiber optic networks and municipal fiber optic cable and
20 infrastructure owned by a municipal fiber optic broadband company,
21 whether located on public or private property, and installed for the
22 purpose of distributing broadband technology and services, shall be
23 exempt from real property taxes, levies and assessments.

24 3. In any contracting for the construction, operation, and management
25 of a municipal fiber optic network, the municipal broadband company

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

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1 shall prioritize applicants that have and commit to maintaining high
2 standards of workplace safety practices, training, certification or
3 licensure for all relevant workers, and compliance with state and feder-
4 al workplace protections; ensure that persons, companies, or entities
5 seeking to contract with the municipal broadband company demonstrate
6 suitable fiscal, technical, operational, and management capabilities;
7 ensure that applicants for funding provide certifications as to compli-
8 ance with relevant safety standards, including the National Electrical
9 Safety Code; ensure that applicants for funding provide certifications
10 as to compliance with relevant workplace protections as determined by
11 the department of labor including the Occupational Safety and Health
12 Act, the Fair Labor Standards Act, Title VII of the Civil Rights Act of
13 1964, and New York State labor and employment laws; ensure that appli-
14 cants for funding submit to the municipal broadband company a workforce
15 plan which shall include: (a) information regarding whether the
16 construction workforce will be directly employed or subcontracted and
17 what entity employs the workforce; (b) the anticipated size of the work-
18 force required to carry out the proposed work; (c) a description of
19 plans to maximize use of local or regional workforce; and (d) a
20 description of the expected workforce safety standards and training to
21 ensure the project is completed at a high standard. The municipal broad-
22 band company shall publish workforce plans publicly on its website.

23 4. Municipal fiber optic networks shall be subject to prevailing wage
24 requirements in accordance with article eight of the labor law.

25 5. The commissioner is hereby authorized and directed to promulgate
26 rules and regulations necessary to implement the provisions of this
27 section.

28 § 2. This act shall take effect immediately and shall expire and be
29 deemed repealed 2 years after such date and shall apply to assessment
30 rolls prepared on the basis of taxable status dates occurring on or
31 after such date.