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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. MORELLE, KOON, DelMONTE, HOYT -- Multi-Sponsored by -- M. of A. COOK, DESTITO, QUINN -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing an exemption against fiber optic cable assessments for telecommunications companies

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

Section 1. The real property tax law is amended by adding a new section 431 to read as follows:

S 431. FIBER OPTIC CABLE. 1. FOR PURPOSES OF THIS SECTION, THE TERM "TELECOMMUNICATIONS COMPANY" SHALL MEAN A COMPANY ENGAGED IN THE CREATION, DISPLAY, MANAGEMENT, STORAGE, PROCESSING, TRANSMISSION OR DISTRIBUTION, FOR COMPENSATION, OF IMAGES, TEXT, VOICE OR DATA BY WIRE OR BY WIRELESS MEANS, OR ENGAGED IN THE CONSTRUCTION, DESIGN, DEVELOPMENT, MANUFACTURE, MAINTENANCE OR DISTRIBUTION, FOR COMPENSATION, OF DEVICES, PRODUCTS, SOFTWARE OR STRUCTURES FOR USE IN CONNECTION WITH SUCH IMAGES, TEXT, VOICE OR DATA.

2. ALL FIBER OPTIC CABLES OWNED BY A TELECOMMUNICATION COMPANY, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, AND INSTALLED FOR PURPOSES OF DISTRIBUTING BROADBAND TECHNOLOGY SHALL BE EXEMPT FROM REAL PROPERTY TAXES, LEVIES AND ASSESSMENTS AS FOLLOWS:

(I) FOR THE FIRST THROUGH FIFTH YEAR THAT SUCH CABLE IS INSTALLED, SUCH EXEMPTION SHALL BE ONE HUNDRED PERCENT OF THE ASSESSED VALUE OF THE PROPERTY;

(II) FOR THE SIXTH YEAR THAT SUCH CABLE IS INSTALLED, SUCH EXEMPTION SHALL BE EIGHTY PERCENT OF THE ASSESSED VALUE OF THE PROPERTY;

(III) FOR THE SEVENTH YEAR THAT SUCH CABLE IS INSTALLED, SUCH EXEMPTION SHALL BE SIXTY PERCENT OF THE ASSESSED VALUE OF THE PROPERTY;

(IV) FOR THE EIGHTH YEAR THAT SUCH CABLE IS INSTALLED, SUCH EXEMPTION SHALL BE FORTY PERCENT OF THE ASSESSED VALUE OF THE PROPERTY;

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

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(V) FOR THE NINTH YEAR THAT SUCH CABLE IS INSTALLED, SUCH EXEMPTION SHALL BE TWENTY PERCENT OF THE ASSESSED VALUE OF THE PROPERTY;

(VI) FOR THE TENTH AND SUBSEQUENT YEARS THAT SUCH CABLE IS INSTALLED, THERE SHALL BE NO SUCH EXEMPTION.

3. THE OFFICE OF REAL PROPERTY SERVICES IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

S 2. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date and shall apply to fiber optic cables installed during the period beginning on such effective date and ending December 31, 2018.