

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. MAGEE -- read once and referred to the Committee
on Local Governments

AN ACT to amend the county law, in relation to the wireless surcharge
for the county of Madison, and in relation to communication service
surcharges applied to Madison county and providing for the repeal of
certain provisions upon the expiration thereof

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

1 Section 1. Subdivision 1 of section 308-b of the county law, as added
2 by chapter 191 of the laws of 2004, is amended to read as follows:
3 1. Notwithstanding the provisions of any law to the contrary, the
4 county of Madison acting through its local county legislative body, is
5 hereby authorized and empowered to adopt, amend or repeal local laws to
6 impose a surcharge in an amount not to exceed [thirty cents] ONE DOLLAR
7 per month on wireless communications service in the county of Madison.
8 The surcharge shall be imposed on each wireless communications device
9 and shall be reflected and made payable on bills rendered for wireless
10 communications service that is provided to a customer whose place of
11 primary use is within the county. For purposes of this section, the term
12 "place of primary use" shall mean the street address that is represen-
13 tative of where the customer's use of the wireless communications
14 service primarily occurs, which address must be: (a) residential street
15 address or the primary business street address of the customer; and (b)
16 within the licensed service area of the wireless communications service
17 supplier.
18 S 2. The county law is amended by adding a new section 336 to read as
19 follows:
20 S 336. COUNTY OF MADISON ENHANCED 911 EMERGENCY TELEPHONE SYSTEM. 1.
21 NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE COUNTY OF
22 MADISON ACTING THROUGH ITS LOCAL COUNTY LEGISLATIVE BODY, IS HEREBY

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

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1 AUTHORIZED AND EMPOWERED TO ADOPT, AMEND OR REPEAL LOCAL LAWS TO IMPOSE
2 A SURCHARGE, IN ADDITION TO THE SURCHARGE ESTABLISHED AND IMPOSED UNDER
3 SECTION THREE HUNDRED THREE OF THIS CHAPTER, IN AN AMOUNT NOT TO EXCEED
4 SIXTY-FIVE CENTS PER ACCESS LINE PER MONTH ON THE CUSTOMERS OF EVERY
5 SERVICE SUPPLIER WITHIN SUCH MUNICIPALITY TO PAY FOR THE COSTS ASSOCI-
6 ATED WITH OBTAINING, OPERATING AND MAINTAINING THE TELECOMMUNICATION
7 EQUIPMENT AND TELEPHONE SERVICES NEEDED TO PROVIDE AN ENHANCED 911
8 (E911) EMERGENCY TELEPHONE SYSTEM TO SERVE SUCH COUNTY.

9 2. ANY SUCH LOCAL LAW SHALL STATE THE AMOUNT OF THE SURCHARGE, THE
10 DATE ON WHICH THE SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO
11 THE BILLINGS OF ITS CUSTOMERS AND, TO THE EXTENT PRACTICABLE, THE DATE
12 ON WHICH SUCH E911 SERVICE IS TO BEGIN. SUCH LOCAL LAW MAY AUTHORIZE THE
13 SERVICE SUPPLIER TO BEGIN BILLING ITS CUSTOMERS FOR SUCH SURCHARGE PRIOR
14 TO THE DATE THE E911 SYSTEM SERVICE IS TO BEGIN.

15 3. ANY SERVICE SUPPLIER WITHIN A MUNICIPALITY WHICH HAS IMPOSED A
16 SURCHARGE PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A
17 MINIMUM OF FORTY-FIVE DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL
18 BEGIN TO ADD SUCH SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO
19 ANY MODIFICATION TO OR CHANGE IN THE SURCHARGE AMOUNT.

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

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

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

28 S 3. This act shall take effect immediately, provided, however that:

29 (a) section two of this act shall expire and be deemed repealed 10
30 years after such date;

31 (b) the provisions of subdivision 1 of section 336 of the county law
32 as added by section two of this act shall apply to bills rendered to
33 communications service customers by a communications service supplier on
34 and after the expiration of the notice period required pursuant to the
35 provisions of subdivision three of such section; and

36 (c) a service supplier may treat the address used by such supplier for
37 any communications customer under a service contract or agreement in
38 effect on the effective date of the local law imposing such surcharge,
39 as that communications customer's place of primary use for the remaining
40 term of such service contract or agreement, excluding any extension or
41 renewal of such service contract or agreement, for purposes of determin-
42 ing the taxing jurisdiction with respect to taxes on communications
43 service.