

# STATE OF NEW YORK

5683

2017-2018 Regular Sessions

## IN ASSEMBLY

February 14, 2017

Introduced by M. of A. KOLB, OAKS, LUPINACCI, MONTESANO, RAIA, GRAF, BLANKENBUSH, McLAUGHLIN, GIGLIO, DiPIETRO -- Multi-Sponsored by -- M. of A. CROUCH, HAWLEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to excise tax on telecommunications services (Part A); and to amend the tax law, in relation to temporary municipal assistance sales and compensating use taxes for cities of one million or more on telecommunications services (Part B)

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

1 Section 1. This act enacts into law components of legislation relating  
2 to the "mobile tax freedom act". Each component is wholly contained  
3 within a Part identified as Parts A through B. The effective date for  
4 each particular provision contained within such Part is set forth in the  
5 last section of such Part. Any provision in any section contained within  
6 a Part, including the effective date of the Part, which makes a refer-  
7 ence to a section "of this act", when used in connection with that  
8 particular component, shall be deemed to mean and refer to the corre-  
9 sponding section of the Part in which it is found. Section three of this  
10 act sets forth the general effective date of this act.

11 PART A

12 Section 1. Subdivision (cc) of section 1115 of the tax law, as added  
13 by section 11 of part S of chapter 85 of the laws of 2002, is amended to  
14 read as follows:

15 (cc) Notwithstanding any other provision of law to the contrary,  
16 receipts from the sale of mobile telecommunications service [~~by a home~~  
17 ~~service provider~~] shall be exempt from the taxes imposed by subparagraph  
18 (B) of paragraph one and paragraph two of subdivision (b) of section  
19 eleven hundred five of this article [~~if the mobile telecommunications~~  
20 ~~customer's place of primary use is within a taxing jurisdiction outside~~  
21 ~~this state~~].

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

LBD03459-01-7

1 § 2. Paragraphs (a) and (h) of subdivision 1 and paragraph (a) of  
2 subdivision 2 of section 186-e of the tax law, paragraph (a) of subdivi-  
3 sion 1 as amended by section 2 and paragraph (h) of subdivision 1 as  
4 added by section 3 of part S of chapter 85 of the laws of 2002, and  
5 paragraph (a) of subdivision 2 as amended by section 2 of part P of  
6 chapter 59 of the laws of 2015, are amended to read as follows:

7 (a) [~~(1)~~] "Gross receipt" means the amount received in or by reason of  
8 any sale, conditional or otherwise, of telecommunication services or in  
9 or by reason of the furnishing of telecommunication services. [~~Gross  
10 receipt from the sale of mobile telecommunications service provided by a  
11 home service provider shall include "charges for mobile telecommuni-  
12 cations service" as described in paragraph one of subdivision (1) of  
13 section eleven hundred eleven of this chapter, regardless of where the  
14 mobile telecommunications service originates, terminates or passes  
15 through.~~] Gross receipt is expressed in money, whether paid in cash,  
16 credit or property of any kind or nature, and shall be determined with-  
17 out any deduction therefrom on account of the cost of the service sold  
18 or the cost of materials, labor or services used or other costs, inter-  
19 est or discount paid, or any other expenses whatsoever except that there  
20 shall, however, be allowed a deduction for bad debts with respect to  
21 charges previously subjected to the tax hereunder when the debt has  
22 become worthless in accordance with generally accepted accounting prin-  
23 ciples consistently applied by the taxpayer. "Amount received" for the  
24 purpose of the definition of gross receipt, as the term gross receipt is  
25 used throughout this article, means the amount charged for the provision  
26 of a telecommunication service.

27 [~~(2) (A) Any charge for a service or property billed by or for a  
28 mobile telecommunications customer's home service provider shall be  
29 deemed to be provided by such mobile telecommunications customer's home  
30 service provider.~~

31 ~~(B) Charges for mobile telecommunications service that are provided or  
32 deemed to be provided by a mobile telecommunications customer's home  
33 service provider shall be sourced to the taxing jurisdiction where the  
34 mobile telecommunications customer's place of primary use is located,  
35 regardless of where the mobile telecommunications service originates,  
36 terminates or passes through.]~~

37 [~~(h) For the purpose of applying the provisions of this section to  
38 mobile telecommunications service, the following terms when used in  
39 relation to mobile telecommunications service shall be defined as such  
40 terms are defined in section eleven hundred one of this chapter: "mobile  
41 telecommunications service," "mobile telecommunications customer," "home  
42 service provider," "licensed service area," "reseller," "serving carrier,"  
43 "place of primary use" and "taxing jurisdiction".]~~

44 (a) [~~(1)~~] There is hereby imposed an excise tax on the sale of tele-  
45 communication services[, ~~except for the sale of mobile telecommunication  
46 services that are subject to tax under subparagraph two of this para-  
47 graph, by any person which is a provider of telecommunication services,~~]  
48 to be paid by such person, at the rate of three and one-half percent  
49 prior to October first, nineteen hundred ninety-eight, three and one-  
50 quarter percent from October first, nineteen hundred ninety-eight  
51 through December thirty-first, nineteen hundred ninety-nine, and two and  
52 one-half percent on and after January first, two thousand of gross  
53 receipt from: (i) any intrastate telecommunication services; (ii) any  
54 interstate and international telecommunication services (other than  
55 interstate and international private telecommunication services) which  
56 originate or terminate in this state and which telecommunication

1 services are charged to a service address in this state, regardless of  
2 where the amounts charged for such services are billed or ultimately  
3 paid; and (iii) interstate and international private telecommunication  
4 services, the gross receipt to which the tax shall apply shall be deter-  
5 mined as prescribed in subdivision three of this section.

6 ~~[(2) There is hereby imposed an excise tax on the sale of mobile tele-~~  
7 ~~communication services, by any person which is a provider of telecommu-~~  
8 ~~nication services, to be paid by such person, at the rate of two and~~  
9 ~~nine-tenths percent on and after May first, two thousand fifteen of~~  
10 ~~gross receipts from any mobile telecommunications service provided by a~~  
11 ~~home service provider where the mobile telecommunications customer's~~  
12 ~~place of primary use is within this state.]~~

13 § 3. Paragraph (b) of subdivision 2 of section 186-e of the tax law is  
14 amended by adding a new subparagraph 5 to read as follows:

15 (5) Mobile telecommunications exclusion. The sale of mobile telecommu-  
16 nication service shall in no event constitute a telecommunications  
17 service, and the receipts from the sale of such service are without the  
18 scope of the tax imposed by this section.

19 § 4. Paragraph (b) of subdivision 1 of section 186-c of the tax law,  
20 as amended by section 1 of part P of chapter 59 of the laws of 2015, is  
21 amended to read as follows:

22 (b) ~~[(1)]~~ In addition to the surcharge imposed by paragraph (a) of  
23 this subdivision, there is hereby imposed a surcharge on the gross  
24 receipts from telecommunication services~~[, except for the gross receipts~~  
25 ~~from mobile telecommunication services that are subject to tax under~~  
26 ~~subparagraph two of this paragraph,]~~ relating to the metropolitan commu-  
27 ter transportation district at the rate of seventeen percent of the  
28 state tax rate under section one hundred eighty-six-e of this article.  
29 All the definitions and other provisions of section one hundred eighty-  
30 six-e of this article shall apply to the tax imposed by this subpara-  
31 graph with such modification and limitation as may be necessary (includ-  
32 ing substituting the words "metropolitan commuter transportation  
33 district" for "state" where appropriate) in order to adapt the language  
34 of such section one hundred eighty-six-e of this article to the  
35 surcharge imposed by this subparagraph within such metropolitan commuter  
36 transportation district so as to include (i) any intra-district telecom-  
37 munication services, (ii) any inter-district telecommunication services  
38 which originate or terminate in such district and are charged to a  
39 service address therein regardless of where the amounts charged for such  
40 services are billed or ultimately paid, and (iii) as apportioned to such  
41 district, private telecommunication services. Provided however, such tax  
42 surcharge shall be calculated as if the tax imposed under section one  
43 hundred eighty-six-e of this article were imposed at a rate of three and  
44 one-half percent.

45 ~~[(2) In addition to the surcharge imposed by paragraph (a) of this~~  
46 ~~subdivision, there is hereby imposed a surcharge on the gross receipts~~  
47 ~~from mobile telecommunication services relating to the metropolitan~~  
48 ~~commuter transportation district at the rate of seven-tenths and two-~~  
49 ~~hundredths and one-thousandth percent on and after May first, two thou-~~  
50 ~~sand fifteen. All the definitions and other provisions of section one~~  
51 ~~hundred eighty six e of this article shall apply to the tax imposed by~~  
52 ~~this subparagraph with such modification and limitation as may be neces-~~  
53 ~~sary (including substituting the words "metropolitan commuter transpor-~~  
54 ~~tation district" for "state" where appropriate) in order to adapt the~~  
55 ~~language of such section one hundred eighty six e of this article to the~~  
56 ~~surcharge imposed by this subparagraph within such metropolitan commuter~~

~~1 transportation district so as to include any mobile telecommunications  
2 service provided by a home service provider where the mobile telecommu-  
3 nications customer's place of primary use is within such metropolitan  
4 commuter transportation district.]~~

5 § 5. This act shall take effect on the first day of the sales tax  
6 quarterly period, as described in subdivision (b) of section 1136 of the  
7 tax law, beginning at least ninety days after the date this act shall  
8 have become a law and shall apply in accordance with the applicable  
9 transitional provisions of sections 1106 and 1217 of the tax law.

10 PART B

11 Section 1. Subdivision (b) of section 1107 of the tax law is amended  
12 by adding a new clause 12 to read as follows:

13 (12) Except as otherwise provided by law, the exemption provided in  
14 subdivision (cc) of section eleven hundred fifteen of this article  
15 relating to mobile telecommunication services shall be applicable pursu-  
16 ant to a local law, ordinance or resolution adopted by a city subject to  
17 the provisions of this section. Such city is empowered to adopt or  
18 repeal such a local law, ordinance or resolution. Such adoption or  
19 repeal shall also be deemed to amend any local law, ordinance or resol-  
20 ution enacted by such a city imposing taxes pursuant to the authority of  
21 subdivision (a) of section twelve hundred ten of this chapter.

22 § 2. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as  
23 amended by section 2 of part WW of chapter 60 of the laws of 2016, is  
24 amended to read as follows:

25 (1) Either, all of the taxes described in article twenty-eight of this  
26 chapter, at the same uniform rate, as to which taxes all provisions of  
27 the local laws, ordinances or resolutions imposing such taxes shall be  
28 identical, except as to rate and except as otherwise provided, with the  
29 corresponding provisions in such article twenty-eight, including the  
30 definition and exemption provisions of such article, so far as the  
31 provisions of such article twenty-eight can be made applicable to the  
32 taxes imposed by such city or county and with such limitations and  
33 special provisions as are set forth in this article. The taxes author-  
34 ized under this subdivision may not be imposed by a city or county  
35 unless the local law, ordinance or resolution imposes such taxes so as  
36 to include all portions and all types of receipts, charges or rents,  
37 subject to state tax under sections eleven hundred five and eleven  
38 hundred ten of this chapter, except as otherwise provided. (i) Any local  
39 law, ordinance or resolution enacted by any city of less than one  
40 million or by any county or school district, imposing the taxes author-  
41 ized by this subdivision, shall, notwithstanding any provision of law to  
42 the contrary, exclude from the operation of such local taxes all sales  
43 of tangible personal property for use or consumption directly and  
44 predominantly in the production of tangible personal property, gas,  
45 electricity, refrigeration or steam, for sale, by manufacturing, proc-  
46 essing, generating, assembly, refining, mining or extracting; and all  
47 sales of tangible personal property for use or consumption predominantly  
48 either in the production of tangible personal property, for sale, by  
49 farming or in a commercial horse boarding operation, or in both; and,  
50 unless such city, county or school district elects otherwise, shall omit  
51 the provision for credit or refund contained in clause six of subdivi-  
52 sion (a) or subdivision (d) of section eleven hundred nineteen of this  
53 chapter. (ii) Any local law, ordinance or resolution enacted by any  
54 city, county or school district, imposing the taxes authorized by this

1 subdivision, shall omit the residential solar energy systems equipment  
2 and electricity exemption provided for in subdivision (ee), the commer-  
3 cial solar energy systems equipment and electricity exemption provided  
4 for in subdivision (ii), the commercial fuel cell electricity generating  
5 systems equipment and electricity generated by such equipment exemption  
6 provided for in subdivision (kk) and the clothing and footwear exemption  
7 provided for in paragraph thirty of subdivision (a) of section eleven  
8 hundred fifteen of this chapter, unless such city, county or school  
9 district elects otherwise as to such residential solar energy systems  
10 equipment and electricity exemption, such commercial solar energy  
11 systems equipment and electricity exemption, commercial fuel cell elec-  
12 tricity generating systems equipment and electricity generated by such  
13 equipment exemption or such clothing and footwear exemption. Any local  
14 law, ordinance or resolution enacted by any city, county or school  
15 district, imposing the taxes authorized by this subdivision, shall omit  
16 the mobile telecommunication services exemption provided for in subdivi-  
17 sion (cc) of section eleven hundred fifteen of this chapter, unless such  
18 city, county or school district elects otherwise; provided that if such  
19 a city having a population of one million or more enacts the resolution  
20 described in subdivision (p) of this section or repeals such resolution,  
21 such resolution or repeal shall also be deemed to amend any local law,  
22 ordinance or resolution enacted by such a city imposing such taxes  
23 pursuant to the authority of this subdivision, whether or not such taxes  
24 are suspended at the time such city enacts its resolution pursuant to  
25 subdivision (p) of this section or at the time of such repeal; provided,  
26 further, that any such local law, ordinance or resolution and section  
27 eleven hundred seven of this chapter, as deemed to be amended in the  
28 event a city of one million or more enacts a resolution pursuant to the  
29 authority of subdivision (p) of this section, shall be further amended,  
30 as provided in section twelve hundred eighteen of this subpart, so that  
31 the wireless telecommunications services exemption in any such local  
32 law, ordinance or resolution or in such section eleven hundred seven of  
33 this chapter is the same as the mobile telecommunication services  
34 exemption in subdivision (cc) of section eleven hundred fifteen of this  
35 chapter. (iii) Any local law, ordinance or resolution enacted by any  
36 city, county or school district, imposing the taxes authorized by this  
37 subdivision, shall omit the residential solar energy systems equipment  
38 and electricity exemption provided for in subdivision (ee), the commer-  
39 cial solar energy systems equipment and electricity exemption provided  
40 for in subdivision (ii) and the clothing and footwear exemption provided  
41 for in paragraph thirty of subdivision (a) of section eleven hundred  
42 fifteen of this chapter, unless such city, county or school district  
43 elects otherwise as to either such residential solar energy systems  
44 equipment and electricity exemption, such commercial solar energy  
45 systems equipment and electricity exemption or such clothing and foot-  
46 wear exemption.

47 § 3. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as  
48 amended by section 2 of part WW of chapter 60 of the laws of 2016 and  
49 subparagraph (i) as separately amended by section 5 of part Z of chapter  
50 60 of the laws of 2016, is amended to read as follows:

51 (1) Either, all of the taxes described in article twenty-eight of this  
52 chapter, at the same uniform rate, as to which taxes all provisions of  
53 the local laws, ordinances or resolutions imposing such taxes shall be  
54 identical, except as to rate and except as otherwise provided, with the  
55 corresponding provisions in such article twenty-eight, including the  
56 definition and exemption provisions of such article, so far as the

1 provisions of such article twenty-eight can be made applicable to the  
2 taxes imposed by such city or county and with such limitations and  
3 special provisions as are set forth in this article. The taxes author-  
4 ized under this subdivision may not be imposed by a city or county  
5 unless the local law, ordinance or resolution imposes such taxes so as  
6 to include all portions and all types of receipts, charges or rents,  
7 subject to state tax under sections eleven hundred five and eleven  
8 hundred ten of this chapter, except as otherwise provided. (i) Any  
9 local law, ordinance or resolution enacted by any city of less than one  
10 million or by any county or school district, imposing the taxes author-  
11 ized by this subdivision, shall, notwithstanding any provision of law to  
12 the contrary, exclude from the operation of such local taxes all sales  
13 of tangible personal property for use or consumption directly and  
14 predominantly in the production of tangible personal property, gas,  
15 electricity, refrigeration or steam, for sale, by manufacturing, proc-  
16 essing, generating, assembly, refining, mining or extracting; and all  
17 sales of tangible personal property for use or consumption predominantly  
18 either in the production of tangible personal property, for sale, by  
19 farming or in a commercial horse boarding operation, or in both; and all  
20 sales of fuel sold for use in commercial aircraft and general aviation  
21 aircraft; and, unless such city, county or school district elects other-  
22 wise, shall omit the provision for credit or refund contained in clause  
23 six of subdivision (a) or subdivision (d) of section eleven hundred  
24 nineteen of this chapter. (ii) Any local law, ordinance or resolution  
25 enacted by any city, county or school district, imposing the taxes  
26 authorized by this subdivision, shall omit the residential solar energy  
27 systems equipment and electricity exemption provided for in subdivision  
28 (ee), the commercial solar energy systems equipment and electricity  
29 exemption provided for in subdivision (ii), the commercial fuel cell  
30 electricity generating systems equipment and electricity generated by  
31 such equipment exemption provided for in subdivision (kk) and the cloth-  
32 ing and footwear exemption provided for in paragraph thirty of subdivi-  
33 sion (a) of section eleven hundred fifteen of this chapter, unless such  
34 city, county or school district elects otherwise as to such residential  
35 solar energy systems equipment and electricity exemption, such commer-  
36 cial solar energy systems equipment and electricity exemption, commer-  
37 cial fuel cell electricity generating systems equipment and electricity  
38 generated by such equipment exemption or such clothing and footwear  
39 exemption. Any local law, ordinance or resolution enacted by any city,  
40 county or school district, imposing the taxes authorized by this subdivi-  
41 vision, shall omit the mobile telecommunication services exemption  
42 provided for in subdivision (cc) of section eleven hundred fifteen of  
43 this chapter, unless such city, county or school district elects other-  
44 wise; provided that if such a city having a population of one million or  
45 more enacts the resolution described in subdivision (p) of this section  
46 or repeals such resolution, such resolution or repeal shall also be  
47 deemed to amend any local law, ordinance or resolution enacted by such a  
48 city imposing such taxes pursuant to the authority of this subdivision,  
49 whether or not such taxes are suspended at the time such city enacts its  
50 resolution pursuant to subdivision (p) of this section or at the time of  
51 such repeal; provided, further, that any such local law, ordinance or  
52 resolution and section eleven hundred seven of this chapter, as deemed  
53 to be amended in the event a city of one million or more enacts a resol-  
54 ution pursuant to the authority of subdivision (p) of this section,  
55 shall be further amended, as provided in section twelve hundred eighteen  
56 of this subpart, so that the wireless telecommunications services

exemption in any such local law, ordinance or resolution or in such section eleven hundred seven of this chapter is the same as the mobile telecommunication services exemption in subdivision (cc) of section eleven hundred fifteen of this chapter. (iii) Any local law, ordinance or resolution enacted by any city, county or school district, imposing the taxes authorized by this subdivision, shall omit the residential solar energy systems equipment and electricity exemption provided for in subdivision (ee), the commercial solar energy systems equipment and electricity exemption provided for in subdivision (ii) and the clothing and footwear exemption provided for in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, unless such city, county or school district elects otherwise as to either such residential solar energy systems equipment and electricity exemption, such commercial solar energy systems equipment and electricity exemption or such clothing and footwear exemption.

§ 4. Subdivision (d) of section 1210 of the tax law, as amended by section 4 of part WW of chapter 60 of the laws of 2016, is amended to read as follows:

(d) A local law, ordinance or resolution imposing any tax pursuant to this section, increasing or decreasing the rate of such tax, repealing or suspending such tax, exempting from such tax the energy sources and services described in paragraph three of subdivision (a) or of subdivision (b) of this section or changing the rate of tax imposed on such energy sources and services or providing for the credit or refund described in clause six of subdivision (a) of section eleven hundred nineteen of this chapter, or electing or repealing the exemption for residential solar equipment and electricity in subdivision (ee) of section eleven hundred fifteen of this ~~[article]~~ chapter, or the exemption for commercial solar equipment and electricity in subdivision (ii) of section eleven hundred fifteen of this ~~[article]~~ chapter, or electing or repealing the exemption for commercial fuel cell electricity generating systems equipment and electricity generated by such equipment in subdivision (kk) of section eleven hundred fifteen of this article must go into effect only on one of the following dates: March first, June first, September first or December first; provided, that a local law, ordinance or resolution providing for the exemption described in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter or repealing any such exemption or a local law, ordinance or resolution providing for a refund or credit described in subdivision (d) of section eleven hundred nineteen of this chapter or repealing such provision so provided must go into effect only on March first; provided, further, that a local law, ordinance or resolution providing for the exemption described in subdivision (cc) of section eleven hundred fifteen of this chapter or repealing any such exemption so provided and a resolution enacted pursuant to the authority of subdivision (p) of this section providing such exemption or repealing such exemption so provided may go into effect immediately. No such local law, ordinance or resolution shall be effective unless a certified copy of such law, ordinance or resolution is mailed by registered or certified mail to the commissioner at the commissioner's office in Albany at least ninety days prior to the date it is to become effective. However, the commissioner may waive and reduce such ninety-day minimum notice requirement to a mailing of such certified copy by registered or certified mail within a period of not less than thirty days prior to such effective date if the commissioner deems such action to be consistent with the commissioner's duties under section twelve hundred fifty of this article and the

1 commissioner acts by resolution. Where the restriction provided for in  
2 section twelve hundred twenty-three of this article as to the effective  
3 date of a tax and the notice requirement provided for therein are appli-  
4 cable and have not been waived, the restriction and notice requirement  
5 in section twelve hundred twenty-three of this article shall also apply.

6 § 5. Section 1210 of the tax law is amended by adding a new subdivi-  
7 sion (q) to read as follows:

8 (g) Notwithstanding any other provision of state or local law, ordi-  
9 nance or resolution to the contrary: (1) Any city having a population of  
10 one million or more in which the taxes imposed by section eleven hundred  
11 seven of this chapter are in effect, acting through its local legisla-  
12 tive body, is hereby authorized and empowered to elect to provide the  
13 exemption from such taxes for the same mobile communications services  
14 exempt from state sales and compensating use taxes described in subdivi-  
15 sion (cc) of section eleven hundred fifteen of this chapter by enacting  
16 a resolution in the form set forth in paragraph two of this subdivision;  
17 whereupon, upon compliance with the provisions of subdivisions (d) and  
18 (e) of this section, such enactment of such resolution shall be deemed  
19 to be an amendment to such section eleven hundred seven and such section  
20 eleven hundred seven shall be deemed to incorporate such exemption as if  
21 it had been duly enacted by the state legislature and approved by the  
22 governor.

23 (2) Form of resolution: Be it enacted by the (insert proper title of  
24 local legislative body) as follows:

25 Section one. Receipts from sales of and consideration given or  
26 contracted to be given for purchases of mobile telecommunications  
27 services exempt from state sales and compensating use taxes pursuant to  
28 subdivision (cc) of section eleven hundred fifteen of the tax law shall  
29 also be exempt from sales and compensating use taxes imposed in this  
30 jurisdiction.

31 Section two. This resolution shall take effect, (insert the date) and  
32 shall apply to sales made and uses occurring on and after that date  
33 although made or occurring under a prior contract.

34 § 6. The commissioner of taxation and finance is hereby authorized to  
35 implement the provisions of this act with respect to the elimination of  
36 the imposition of sales tax, additional taxes, and supplemental taxes on  
37 wireless telecommunications services and all other taxes so addressed by  
38 this act.

39 § 7. This act shall take effect on the first day of the sales tax  
40 quarterly period, as described in subdivision (b) of section 1136 of the  
41 tax law, beginning at least ninety days after the date this act shall  
42 have become a law and shall apply in accordance with the applicable  
43 transitional provisions of sections 1106 and 1217 of the tax law;  
44 provided, however, that section three of this act shall take effect on  
45 the same date and in the same manner as section 5 of part Z of chapter  
46 60 of the laws of 2016 takes effect.

47 § 2. Severability. If any clause, sentence, paragraph, section or part  
48 of this act shall be adjudged by any court of competent jurisdiction to  
49 be invalid and after exhaustion of all further judicial review, the  
50 judgment shall not affect, impair, or invalidate the remainder thereof,  
51 but shall be confined in its operation to the clause, sentence, para-  
52 graph, section or part of this act directly involved in the controversy  
53 in which the judgment shall have been rendered.

54 § 3. This act shall take effect immediately provided, however, that  
55 the applicable effective date of Parts A through B of this act shall be  
56 as specifically set forth in the last section of such Parts.