STATE OF NEW YORK

4589

2019-2020 Regular Sessions

IN SENATE

March 15, 2019

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the tax law, in relation to the allocation of the funds from wireless communications surcharges imposed by a county containing a city having a population of one hundred twenty-five thousand or more persons

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

Section 1. Subdivision 9 of section 186-g of the tax law, as added by section 3 of part EEE of chapter 59 of the laws of 2017, is amended to read as follows:

9. **(a)** All surcharge monies remitted to the commissioner under this section shall be expended only upon authorization of the legislative body of a city or county that imposes the surcharges pursuant to the authority of subdivision two of this section, and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such city or county, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. Such city or county shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a county that includes a city having a population of one hundred twenty-five thousand or more people shall distribute a portion of the

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

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surcharge funds allocated to the county to such city for the purposes of the payment of costs related to maintaining such city's public safety communications network. The amount of such portion shall be calculated by determining what the percentage of the actual, annual number of 911 calls handled by such city is to the actual, annual number of 911 calls handled by the county, and allocating the funding accordingly.

§ 2. This act shall take effect immediately.