

# STATE OF NEW YORK

5698

2019-2020 Regular Sessions

## IN SENATE

May 13, 2019

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to communications service surcharges applied to Madison 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 county law is amended by adding a new section 336 to  
2 read as follows:

3 § 336. County of Madison enhanced 911 emergency telephone system. 1.  
4 Notwithstanding the provisions of any law to the contrary, the county of  
5 Madison acting through its local county legislative body, is hereby  
6 authorized and empowered to adopt, amend or repeal local laws to impose  
7 a surcharge, in addition to the surcharge established and imposed under  
8 section three hundred three of this chapter, in an amount not to exceed  
9 sixty-five cents per access line and wireless communications service  
10 line per month on the customers of every service supplier within such  
11 municipality to pay for the costs associated with obtaining, operating  
12 and maintaining the telecommunication equipment and telephone services  
13 needed to provide an enhanced 911 (E911) emergency telephone system to  
14 serve such county.

15 2. Any such local law shall state the amount of the surcharge and the  
16 date on which the service supplier shall begin to add such surcharge to  
17 the billings of its customers.

18 3. Any service supplier within a municipality which has imposed a  
19 surcharge pursuant to the provisions of this section shall be given a  
20 minimum of forty-five days written notice prior to the date it shall  
21 begin to add such surcharge to the billings of its customers or prior to  
22 any modification to or change in the surcharge amount.

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

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1 4. The surcharge established pursuant to the provisions of this  
2 section shall be imposed on a per access line basis on all current bills  
3 rendered for local exchange access service within the 911 service area.

4 5. No such surcharge shall be imposed upon more than seventy-five  
5 exchange access lines per customer per location.

6 6. Lifeline customers, a public safety agency and any municipality  
7 which has enacted a local law pursuant to the provisions of this section  
8 shall be exempt from any surcharge imposed under this section.

9 § 2. This act shall take effect immediately provided, however that:

10 (a) this act shall expire and be deemed repealed 10 years after such  
11 date;

12 (b) the provisions of subdivision 1 of section 336 of the county law,  
13 as added by section one of this act, shall apply to bills rendered to  
14 communications service customers by a communications service supplier on  
15 and after the expiration of the notice period required pursuant to the  
16 provisions of subdivision 3 of such section; and

17 (c) a service supplier may treat the address used by such supplier for  
18 any communications customer under a service contract or agreement in  
19 effect on the effective date of the local law imposing such surcharge,  
20 as that communications customer's place of primary use for the remaining  
21 term of such service contract or agreement, excluding any extension or  
22 renewal of such service contract or agreement, for purposes of determin-  
23 ing the taxing jurisdiction with respect to taxes on communications  
24 service.