STATE OF NEW YORK

9269--A

IN ASSEMBLY

February 9, 2022

Introduced by M. of A. McDONALD, FAHY -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law and the tax law, in relation to communication service surcharges applied to Albany 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:

Section 1. The county law is amended by adding a new section 338 to read as follows:

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

2. Any such local law shall state the amount of the surcharge, the date on which the service supplier shall begin to add such surcharge to the billings of its customers and, to the extent practicable, the date on which such E911 service is to begin. Such local law may authorize the service supplier to begin billing its customers for such surcharge prior to the date the E911 system service is to begin.

3. Any service supplier within a municipality which has imposed a surcharge pursuant to the provisions of this section shall be given a minimum of forty-five days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to 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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4. The surcharge established pursuant to the provisions of this section shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.

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

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

§ 2. Subdivision 2 of section 186-g of the tax law is amended by adding a new paragraph (d) to read as follows:

(d) In addition to the surcharge on wireless communications service authorized to be imposed under paragraph (b) of this subdivision and the surcharge on the retail sale of each prepaid wireless communications service authorized to be imposed under paragraph (c) of this subdivision, the county of Albany may impose an additional surcharge at the rate of: (i) ninety-five cents per month for surcharges authorized under paragraph (b) of this subdivision; and (ii) ninety-five cents per retail sale for surcharges authorized under paragraph (c) of this subdivision.

§ 3. This act shall take effect immediately; provided, however, that this act shall expire and be deemed repealed 10 years after such date.