

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

March 26, 2020

Cindy Urtz  
Cerk  
138 N. Court Street, PO Box 635  
Wampsville NY 13163

**RE: County of Madison, Local Law 3 2020, filed on March 13 2020**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



Department  
of State

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

X County

- ~~City~~ of \_\_\_\_\_ Madison \_\_\_\_\_
- ~~Town~~
- ~~Village~~

Local Law No. 3 of the year 2020

A Local Law Amending Local Law #4 of 2017 and Imposing an Additional Wireless  
(Insert Title)  
 Communications Surcharge to pay the Costs of Operating and Maintaining an  
 Enhanced 911 (E911) System in Madison County.

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

X County

- ~~City~~ of \_\_\_\_\_ Madison \_\_\_\_\_ as follows:
- ~~Town~~
- ~~Village~~

See attached pages

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**PROPOSED LOCAL LAW NO. 3 FOR THE YEAR 2020**

**A LOCAL LAW AMENDING LOCAL LAW #4 OF 2017 AND IMPOSING AN ADDITIONAL WIRELESS COMMUNICATIONS SURCHARGE TO PAY THE COSTS OF OPERATING AND MAINTAINING AN ENHANCED 911 (E911) SYSTEM IN MADISON COUNTY**

Be it enacted by the BOARD OF SUPERVISORS of the COUNTY of MADISON, as follows:

**SECTION 1.** LOCAL LAW NO. 4 OF THE YEAR 2017 entitled: "A Local Law Repealing the Wireless Communications Surcharge Authorized by Article Six of the County Law of the State of New York and Imposing the Wireless Communications Surcharges Pursuant to the Authority of Tax Law §186-g" is hereby AMENDED as follows:

**SECTION 2.** IMPOSITION OF ADDITIONAL WIRELESS COMMUNICATIONS SURCHARGES:

(a) Pursuant to the authority of County Law §336, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Madison on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of Sixty-Five Cents (\$.65) per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such COUNTY, at the rate of Sixty-Five Cents (\$.65) per retail sale, whether or not any tangible personal property is sold therewith. These surcharges shall be in addition to the current surcharges, pursuant to the authority of Tax Law §186-g, of Thirty Cents (\$.30) per month.

(b) The surcharge established pursuant to this Local Law shall be imposed on a per line basis on all current bills rendered for local exchange access service within the 911 service area.

(c) Service suppliers shall begin to add such surcharge to the billings of its customers commencing April 1, 2020; provided, however, that any service supplier which has imposed a surcharge pursuant to this Local Law 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.

(d) No such surcharge under this Local Law shall be imposed upon more than seventy-five exchange access lines per customer per location.

(e) Lifeline customers, a public safety agency, and the County of Madison shall be exempt from the surcharge imposed under this Local Law.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this LOCAL LAW, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

**SECTION 3.** ADMINISTRATION OF SURCHARGES: The surcharges imposed by this LOCAL LAW shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Tax Law §186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

**SECTION 4.** APPLICABILITY OF STATE LAW: All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

**SECTION 5. USE AND PURPOSE:** Net collections received by the County of Madison from the surcharges imposed by this Local Law shall be expended only upon authorization of the Board of Supervisors of the County of Madison 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 County, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The 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.

**SECTION 6. LEGISLATIVE INTENT:** This additional surcharge will generate money for Madison County to help maintain and upgrade its E911 system. Additionally, it will help the County with future maintenance and upgrades with the implementation of next generation 911 technology. This is important to protecting public safety in Madison County.

**SECTION 7. EXISTING LAW:** Any portion of Local Law #4 of 2017 not otherwise modified or superseded by this Local Law shall remain in full force and effect.

**SECTION 8. SEVERABILITY:** If any clause, sentence, paragraph, section, subdivision or other party of this Local Law or its applications shall be adjudged by a court of competent jurisdiction to be invalidated or unconstitutional, provided that such judgment does not invalidate this Local Law or prohibit its administration, such order or judgment shall not affect, impair or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect.

**SECTION 9. EFFECTIVE DATE:** This Local Law shall take effect immediately upon filing with the Secretary of State. This Local Law shall expire and be deemed repealed ten (10) years after such date.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 20 of the (County)~~(City)(Town)(Village)~~ of Madison was duly passed by the Board of Supervisors on March 10, 20 20 in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 2 \_\_\_\_\_ in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 2 \_\_\_\_\_ *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_ in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_ in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)** \_\_\_\_\_

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 11, 2020

(Seal)