

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
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ALBANY, NY 12231-0001
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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

August 29, 2017

Cindy Urtz
Clerk
138 N. Court St.
PO Box 635
Wampsville NY 13163

RE: County of Madison, Local Law 3 2017, filed on August 14, 2017

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.

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



NEW YORK
STATE OF
OPPORTUNITY.

Department
of State



MADISON COUNTY BOARD OF SUPERVISORS

John M. Becker, Chairman
Mark Scimone, County Administrator
Cindy Urtz, Clerk

138 N. Court St., PO Box 635
Wampsville, NY 13163
Phone: 315/366-2201
Fax: 315/366-2502

August 9, 2017

State Records and Law Bureau
One Commerce Plaza
99 Washington Ave.
Albany, New York 12231

RE: Local Law No. 3 of 2017 – Repeal Wireless Surcharge E911

Dear Sir/Madam:

Enclosed please find the original of Local Law No. 3 of 2017 for filing, which was adopted by the Madison County Board of Supervisors on August 8, 2017.

If you have any questions regarding this local law, please call me at (315) 366-2201.

Thank you in advance for your assistance.

Very truly yours,

Cindy Urtz, Clerk

cu/
enclosure

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 2017

A Local Law Repealing the Wireless Communications Surcharge Authorized by.
(Insert Title)
 Article Six of the County Law of the State of New York.

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 Page

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

PROPOSED LOCAL LAW FOR THE YEAR 2017

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

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

SECTION 1. LOCAL LAW NO. 4 OF THE YEAR 2004 entitled: "A Local Law Imposing a Surcharge on Wireless Communication Devices, Whose Place of Primary Use is Within Madison County, to Defray Costs of the Public Safety Communications System Servicing Madison County and Repealing Local Law No. 2 of the Year 2003", is hereby REPEALED.

SECTION 2. Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law § 186-g, 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 thirty cents 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 thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) 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 paragraph (8) of 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 to surcharges imposed by this LOCAL 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. Net collections received by this COUNTY 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, as provided in paragraph (9) of Tax Law § 186-g, 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. Effective date. This LOCAL LAW shall take effect December 1, 2017.

(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 17 of the (County)(City)(Town)(Village) of Madison was duly passed by the Board of Supervisors on August 8, 20 17 in accordance with the applicable (Name of Legislative Body) provisions of law.

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.

Candy White Clark

Clerk of the county legislative body (City, Town or Village Clerk or officer designated by local legislative body)

Date: August 9, 2017

(Seal)