

Local Law 1 of 2017	A LOCAL LAW OF THE COUNTY OF RENSSELAER IMPOSING THE WIRLESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW 186-G AND REPEALING LOCAL LAW NO. 6 OF 2002
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Local Law Filing

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Division of Corporations, State Records and Uniform Commercial Code
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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.

County of Rensselaer

Local Law No. 1 of the year 2017

A local law of the County of Rensselaer imposing the Wireless Communications Surcharges

(Insert Title)

Pursuant to the Authority of Tax Law §186-g and repealing Local Law No. 6 of

2002

By: Danaher, Brownell, Grimm

Be it enacted by the County Legislature of the

(Name of Legislative Body)

County of Rensselaer as follows:

SECTION 1. 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 Rensselaer 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 the due date for that return and that payment.

SECTION 2. 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.

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SECTION 3. 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 4. Spending Restrictions. Net collections received by this County from the surcharges imposed by this local law shall be expended only upon authorization of the County Legislature of the County of Rensselaer 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 5. Repeal of Prior Local Law. This local law replaces Local Law number 6 of 2002, which is hereby repealed as of the effective date of this local law as hereinafter stated.

SECTION 6. Effective date. This local law shall take effect December 1, 2017.

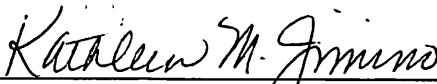
Local Law ADOPTED by the following vote:

Ayes: 16
Nays: 1 (Fleming)
Abstain: 0
August 8, 2017

Approved by the County Executive:

Dated:

August 22, 2017



Kathleen M. Jimino
County Executive

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