

LOCAL LAW NO. "G" FOR 2009

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN THE COUNTY OF ALBANY

Introduced: 8/10/09
By Mr. Houghtaling:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Pursuant to the authority of Section 308-w of the County Law, the County of Albany hereby imposes a surcharge of thirty cents per month on wireless communications service in the County of Albany. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county. For purposes of this local law, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be (a) the residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.

A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on the effective date of this local law as that wireless communications customer's place of primary use for the remaining term of such service contract or agreement, excluding any extensions or renewal of such service contract or agreement for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of December 1, 2009.

Section 2. Each wireless communications service supplier serving the County of Albany shall act as a collection agent for the county and shall remit the funds collected pursuant to this local law to the Chief Fiscal Officer of the County of Albany every month. Such funds shall be remitted no later than thirty (30) days after the last business day of the month.

Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law.

The surcharge required to be collected by such wireless communications service

suppliers shall be added to and stated separately in their billings to customers.

Section 3. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Albany for such surcharge until it has been paid to the County of Albany, except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

Section 4. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Albany, it shall also provide the County of Albany with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 5. Each wireless communications service supplier shall annually provide to the County of Albany an accounting of the surcharge amounts billed and collected.

Section 6. All surcharge monies remitted to the County of Albany by a wireless communications service supplier shall be expended as appropriated, and only for payment of eligible wireless 911 service costs as defined in subdivision sixteen of section three hundred twenty five of the New York State County Law. The County of Albany shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceed 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 7. This law shall take effect immediately upon filing with the Secretary of State.

Referred to Public Safety Committee. 8/10/09

Favorable Recommendation – Public Safety Committee. 8/26/09

On roll call vote the following voted in favor: Messrs. Aylward, Beston, Bullock, Clay, Clenahan, Commisso, Ms. Connolly, Messrs. Cotrofeld, Domalewicz, Ethier, Gordon, Higgins, Horstmyer, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Messrs. Mayo, McCoy, Ms. McKnight, Messrs. Morse, Nichols, Rahm, Reilly, Steck, Timmins, Tunny, Ward, Ms. Willingham and Mr. Zeilman – 30.

Those opposed: Messrs. Carman, Clouse, Dawson, Hoblock, Ms. Lockart, Messrs. Mendick and Scavo - 7.

Local Law was adopted. 9/14/09