

GEORGE E. PATAKI
GOVERNOR

October 20, 2003

RANDY A. DANIELS
SECRETARY OF STATE

Steuben County Legislature
Office of the Clerk
County Office Building
3 East Pulteney Square
Bath, NY 14810-1510

RE: County of Steuben, Local Law 7, 2003, filed on 10/06/2003

Local Law No. SEVEN of the year 2003

A local law AUTHORIZING THE IMPOSITION OF A THIRTY-CENT WIRELESS
(Insert Title)
SURCHARGE TO UNDERWRITE MAINTENANCE COSTS ASSOCIATED WITH
THE E-911 SYSTEM.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County
~~XXX~~ of STEUBEN as follows:
~~XXXX~~
~~XXXXX~~

**COUNTY OF STEUBEN COUNTY
LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2003**

SECTION 1: LEGISLATIVE INTENT

The purpose of this Local Law is to authorize the County to impose a \$0.30 surcharge per month on wireless communications providers as is authorized by recent amendment to the County Law of the State of New York.

SECTION 2: ESTABLISHMENT OF COUNTY OF STEUBEN WIRELESS SURCHARGE

There is hereby imposed a surcharge in the amount of \$0.30 per month on wireless communications service in the County of Steuben. 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 section, 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.

SECTION 3: IMPLEMENTATION DATE.

December 1, 2003, is the date upon which the wireless communications service supplier shall begin to add such surcharge to the billings of its customers.

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

SECTION 4: WIRELESS COMMUNICATIONS SERVICE SUPPLIERS

(a) Each wireless communications service supplier service the County of Steuben shall act as collection agent for such county and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this section to the County Treasurer of the County of Steuben every month. Such funds shall be remitted no later than 30 days after the last business day of the month.

(b) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to 2% of its collections of a surcharge imposed under the provisions of this section.

(c) Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

(d) Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Steuben for the surcharge until it has been paid to the County of Steuben except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

(e) No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Steuben, it shall also provide the county of Steuben with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this sections and shall state the amount of such surcharge remaining unpaid.

(f) Each wireless communications service supplier shall annually provide to the County of Steuben an accounting of the surcharge amounts billed and collected.

SECTION 5: REMITTANCE OF FUNDS

All surcharge monies remitted to the County of Steuben by a wireless communications service supplier shall be expended only upon authorization of the Legislature and only for payment of eligible wireless 911 service costs as defined in subdivision 16 of section 325 of the County Law of the State of New York. The County of Steuben 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 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

The within Local Law shall be effective immediately upon passage and implementation of the wireless surcharge fee to commence December 1, 2003.

(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. SEVEN of 20 03 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of STEUBEN was duly passed by the LEGISLATURE on 9/22 2003, in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, 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) (repassed after disapproval) by the _____ on _____ 20 _____. 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) (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.)~~

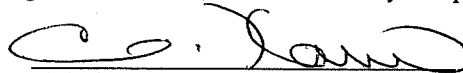
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

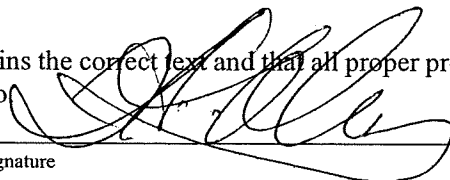
(Seal)

Date: September 29, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto



Signature

COUNTY ATTORNEY

Title

County

~~XXIX~~ of STEUBEN

~~TOWN~~

~~VILLAGE~~

Date: September 29, 2003