

June 3, 2024

Operations Committee: 4-15-2024

RESOLUTION NO. 196-2024

ADOPTING LOCAL LAW C (NO.) FOR THE YEAR 2024, “A LOCAL LAW OF THE COUNTY OF ST. LAWRENCE IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-G”

By Ms. Curran, Chair, Operations Committee
Co-Sponsored by Mr. Denesha, District 6

BE IT ENACTED by the Board of Legislators of the County of St. Lawrence, 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 St. Lawrence 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, 2024.

(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.

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.

Net collections received by St. Lawrence County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Board of Legislators of the County of St. Lawrence 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. Effective date.

This Local Law shall take effect December 1, 2024.

STATE OF NEW YORK

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) ss:

COUNTY OF ST. LAWRENCE

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I, Kelly S. Bigwarfe, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY** that I have compared this Resolution No. 196-2024 Entitled "ADOPTING LOCAL LAW C (NO.) FOR THE YEAR 2024, "A LOCAL LAW OF THE COUNTY OF ST. LAWRENCE IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-G", adopted June 3, 2024, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Kelly S. Bigwarfe
Kelly S. Bigwarfe, Deputy Clerk
St. Lawrence County Board of Legislators
June 4, 2024