

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231-0001

(Use this form to file a local law with the Secretary of State.)

**FILED
STATE RECORDS**

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. **JAN 24 2011**

County of Rensselaer

DEPARTMENT OF STATE

Local Law No. 1 of the year 2011

A local law Amending Local Law No. 3 of 1990 and Re-Enacting and Re-Adopting a Law
(Insert Title)
to Impose an Enhanced Emergency Telephone System Surcharge, Including Voice
Over Internet Protocol Telephones, Pursuant to County Law Section 303

By: Stammel, Walsh, Manny

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Title.

This law shall be known as the "Local Law Imposing a Surcharge on the Customers of Every Telephone and Voice Over Internet Protocol Service Supplier Providing Local Exchange Service within Rensselaer County to Pay the Costs Associated with an Enhanced 911 Emergency Telephone System Servicing Rensselaer County."

Section 2. Declaration of Intent.

The County Legislature recognizes the paramount importance of the health, safety and welfare of the residents of the County and that when the lives or property of its residents are in imminent danger that timely and appropriate assistance must be rendered. The Legislature has determined that the enhanced emergency telephone system known as "E911" provides substantial benefits beyond basic 911 systems through the provisions of selective routing and automatic number and location identification and that these enhancements not only significantly reduce the response time of emergency services but also represent the state of the art in fail-safe emergency telephone system technology, and has entered into an agreement with New York Telephone Company for such service.

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

(1)

The New York State Legislature has recognized that the cost of implementing, maintaining and upgrading an E911 system is costly and has adopted Chapters 756 and 757 of the Laws of 1989 and Chapters amending the County Law and the Tax Law to provide counties with a funding mechanism to assist in the payment of the costs associated with establishing and maintaining and E911 system. It is the intent of the County Legislature to fulfill its obligation to provide for the health, safety and welfare of the residents of Rensselaer County by adopting this Local Law imposing a surcharge on the customers of every telephone service supplier within the County to pay for the costs associated with obtaining and maintaining telecommunication equipment and telephone services needed to provide and maintain an enhanced 911 emergency telephone system to serve Rensselaer County.

Section 3. Establishment of County Surcharge for Enhanced Emergency Telephone System.

The County of Rensselaer here by adopts the applicable provisions of Article Six of the County Law as they pertain to the County and its emergency telephone system and hereby imposes a surcharge in an amount of Thirty-Five Cents (\$.35) per access line, per month, on the customers of every telephone service supplier within the County of Rensselaer to pay for the costs associated with obtaining and maintaining the telecommunication equipment and telephone services need to provide an enhanced 911 emergency telephone system to service Rensselaer County.

Section 4. Definitions.

All words and phrases used in this Local Law shall have the same meaning as defined in Article Six of the County Law and as specifically defined in this Local Law as follows:

- a) "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public service answering point and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
- b) "911 service areas" means the area within the geographic boundaries of Rensselaer County.
- c) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within the 911 service area.

- d) "Voice over internet protocol service" or "VOIP service" shall mean that any service that (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol compatible customer premises equipment (CPE); and (iv) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

Section 5. Effective date of Imposition of Surcharge.

All telephone service suppliers which provide local exchange access services within the 911 service area shall impose and add such surcharge to the billing of its customers commencing March 15, 2011. All providers of voice over internet protocol service which provide such service within the 911 area shall impose and add such surcharge to the billing of its customers commencing March 15, 2010.

Section 6. Applications; Limitations; Exemptions.

- a) The surcharge established pursuant to this Local Law and Article Six of the County Law shall be imposed on a per access line basis on all current bills rendered for local exchange access service within the 911 service area.
- b) No surcharge shall be imposed upon more than seventy-five (75) exchange access lines per customer per location.
- c) Lifeline customers and Rensselaer County shall be exempt from the surcharge imposed under this local Law.

Section 7. Collection of Surcharge.

- a) The appropriate service supplier or suppliers serving the 911 service area shall act as collection agents for the County and shall remit the funds collected as the surcharge to the Rensselaer County Chief Fiscal Officer every month. Such funds shall be remitted no later than thirty (30) days after the last business day of such period.
- b) The service supplier shall be entitled to retain as an administrative fee an amount equal to two percent (2%) of its collections of the surcharge.
- c) The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.
- d) The service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

Section 8. Liability for Surcharge.

- a) Each service supplier customer who is subject to the provisions of this Local Law shall be liable to the County for the surcharge until it has been paid to the County, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.
- b) The service supplier shall have no obligation to take any legal action to enforce the collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the County, it shall also provide the County 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 9. System Revenues: Adjustment of Surcharge.

All surcharge monies remitted to the County by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County shall be expended only upon authorization of the County Legislature and only for payment of system costs as permitted by Article Six of the County Law. The County shall separately account for, and keep adequate books and records of, the amount and source of all such revenues 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 revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year; such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent (5%) of that necessary for the payment of system costs in such fiscal year, the County Legislature shall, by Local Law, reduce the surcharge for the following fiscal year to a level which more adequately reflects the system cost requirements of its E911 system. The County Legislature may also, by Local Law, reestablish or increase such surcharge, subject to the provisions of Article Six of the County Law and this Local Law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

Section 10. Effective Date.

This Local Law shall take effect upon its filing, pursuant to Municipal Home Rule Law Section 27, with the Secretary of State.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

December 21, 2010

Approved by the County Executive:

Dated: 1/5/2011



Kathleen M. Jimino
County Executive

(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. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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. 1 of 20 11 of the (County)(City)(Town)(Village) of Rensselaer was duly passed by the County Legislature on December 21 20 10, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the County Executive and was deemed duly adopted *(Elective Chief Executive Officer*)* on January 5 20 11, 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 _____ 20 _____.
(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.)

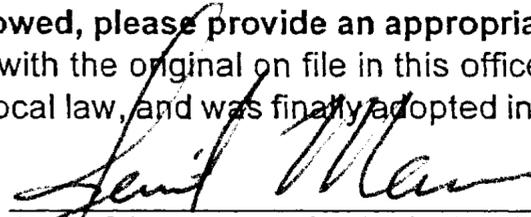
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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



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

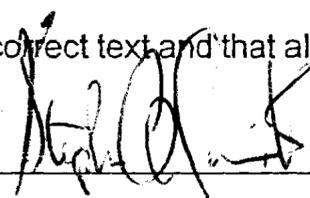
Date: January 7, 2011

(Seal)

(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 Rensselaer

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
 City of Rensselaer
 Town
 Village

Date: January 7, 2011