

Intro. Res. No. 1727-2009

Laid on Table 8/4/2009

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 818 -2009, ADOPTING LOCAL LAW  
NO. 33 -2009, A LOCAL LAW TO AMEND THE SUFFOLK  
COUNTY EMERGENCY TELEPHONE SYSTEM SURCHARGE  
PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on August 4, 2009, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE SUFFOLK COUNTY EMERGENCY TELEPHONE SYSTEM SURCHARGE PROGRAM**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 33 -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO AMEND THE SUFFOLK COUNTY  
EMERGENCY TELEPHONE SYSTEM SURCHARGE PROGRAM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK, as follows:**

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the enhanced emergency telephone service known as "enhanced 911" operating in the County of Suffolk is vital to maintaining the health, welfare and safety of residents thereof.

This Legislature further finds that there is a high cost involved in upgrading and maintaining telecommunication equipment and services necessary to provide such system.

This Legislature further finds and determines that pursuant to § 303 of the New York State County Law, there is imposed a charge in the amount of .35 per line to fund the enhanced 911 service. Such surcharge is currently only levied against subscribers to telephone services provided by telephone companies.

This Legislature further finds and determines that advances in technology since § 303 was enacted has caused a migration of telephone users from traditional land based telephone services to internet based telephone services. Internet based telephone services were not covered by § 303 resulting in a depletion of the surcharge revenues necessary to fund the enhanced 911 service. To combat these declining revenues, the New York State Legislature recently expanded the definition of "service supplier" as used in § 303 to include suppliers of telephone service over the internet, known as voice over internet protocol ("**VOIP**") services.

Therefore, the purpose of this law is to expand Chapter 278 of the Suffolk County Regulatory Local Laws to make such law applicable to those supplying voice VOIP services and their customers, in accordance with the recent amendments to the New York State Law.

**Section 2. Amendments.**

Chapter 278 of the Suffolk County Regulatory Local Laws, is hereby amended to read as follows:

**Chapter 278  
Emergency Telephone System**

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**§ 278-2 Definitions.**

SERVICE SUPPLIER- (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 a 911 service area.

VOICE OVER INTERNET PROTOCOL SERVICE or VOIP SERVICE- Any service that (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires a broadband connection from the user's location; (iv) requires internet protocol compatible customer premises equipment (CPE); and (v) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

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**§ 278-4. Surcharge authorization; limitations; exemptions.**

A.) The service supplier is hereby authorized, empowered and directed, in accordance with state law, to impose a thirty-five-cent surcharge per access line per month on each [telephone] service supplier's subscriber in Suffolk County to pay for the costs associated with implementing, installing and maintaining said systems. On the date of the passage of this chapter, the service supplier [telephone company] shall be authorized to begin to add such surcharge to the billings of its customers. Within thirty (30) months from the date of the passage of this chapter, enhanced 911 services are authorized to begin.

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**Section 3. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 4. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c) (20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

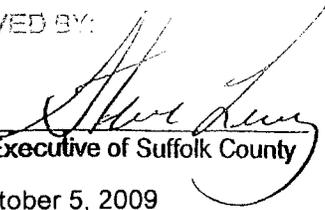
**Section 5. Effective Date.**

This law shall take on January 1, 2010.

[ ] Brackets denote deletion of existing language  
— Underlining denotes addition of new language

DATED: September 17, 2009

APPROVED BY:

  
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County Executive of Suffolk County

Date: October 5, 2009

After a public hearing duly held on September 29, 2009  
Filed with the Secretary of State on October 15, 2009

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the*  
of the County of Suffolk, have compared the foregoing copy of resolution with the  
original resolution now on file in this office, and which was duly adopted by the  
County Legislature of said County, on September 17, 2009, and signed by the  
County Executive on October 5, 2009, after a public hearing duly held on  
September 29, 2009 and filed with the Secretary of State on October 15, 2009  
and that the same is a true and correct transcript of said resolution and of the whole  
thereof.

*In Witness Whereof,* I have hereunto set my hand and the official  
Seal of the County Legislature of the County of Suffolk on

*Tim Laube*

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Clerk of the County Legislature