

**HOME RULE MESSAGE REQUESTING THE STATE OF
NEW YORK TO AUTHORIZE THE COUNTY OF SUFFOLK
TO ESTABLISH A WIRELESS SURCHARGE (SENATE BILL
S.5488 AND ASSEMBLY BILL A.7336)**

WHEREAS, wireless communication has become commonplace in Suffolk County and throughout the State and nation; and

WHEREAS, with the increase in availability and use of wireless communication devices, there has been a corresponding increase in the number and frequency of emergency response line, or 911, calls; and

WHEREAS, the increased volume on 911 lines has increased the costs of operating an emergency response system for municipalities; and

WHEREAS, the State of New York has authorized, and numerous counties around the state have enacted, a surcharge on wireless services to offset the costs associated with providing enhanced wireless 911 service; and

WHEREAS, legislation has been introduced in the New York State Assembly and New York State Senate that would authorize Suffolk County to establish a wireless surcharge, not to exceed thirty cents (\$0.30) per month; and

WHEREAS, the revenues generated by such a surcharge would be used to pay the actual costs related to the design, installation or maintenance of a system to provide enhanced wireless 911 services; now therefore be it

1st **RESOLVED**, that this Legislature hereby requests the State of New York to enact Senate Bill S.5488 and Assembly Bill A.7336 to authorize the County of Suffolk to establish a wireless surcharge; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: May 12, 2009



Tuesday, May 12, 2009

Text - S05488

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

S T A T E O F N E W Y O R K

5488

2009-2010 Regular Sessions

I N S E N A T E

May 11, 2009

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The county law is amended by adding a new section 308-x to
 2 read as follows:
 3 S 308-X. ESTABLISHMENT OF COUNTY OF SUFFOLK WIRELESS SURCHARGE. 1.
 4 NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, THE COUNTY OF
 5 SUFFOLK, ACTING THROUGH ITS LOCAL COUNTY LEGISLATIVE BODY, IS HEREBY
 6 AUTHORIZED AND EMPOWERED TO ADOPT, AMEND OR REPEAL LOCAL LAWS TO IMPOSE
 7 A SURCHARGE IN AN AMOUNT NOT TO EXCEED THIRTY CENTS PER MONTH ON WIRE-
 8 LESS COMMUNICATIONS SERVICE IN THE COUNTY OF SUFFOLK. THE SURCHARGE
 9 SHALL BE IMPOSED ON EACH WIRELESS COMMUNICATIONS DEVICE AND SHALL BE
 10 REFLECTED AND MADE PAYABLE ON BILLS RENDERED FOR WIRELESS COMMUNICATIONS
 11 SERVICE THAT IS PROVIDED TO A CUSTOMER WHOSE PLACE OF PRIMARY USE IS
 12 WITHIN THE COUNTY. FOR PURPOSES OF THIS SECTION, THE TERM "PLACE OF
 13 PRIMARY USE" SHALL MEAN THE STREET ADDRESS THAT IS REPRESENTATIVE OF
 14 WHERE THE CUSTOMER'S USE OF THE WIRELESS COMMUNICATIONS SERVICE PRIMARI-
 15 LY OCCURS, WHICH ADDRESS MUST BE: (A) RESIDENTIAL STREET ADDRESS OR THE
 16 PRIMARY BUSINESS STREET ADDRESS OF THE CUSTOMER; AND (B) WITHIN THE
 17 LICENSED SERVICE AREA OF THE WIRELESS COMMUNICATIONS SERVICE SUPPLIER.
 18 2. ANY LOCAL LAW ADOPTED PURSUANT TO THIS SECTION SHALL STATE THE
 19 AMOUNT OF THE SURCHARGE AND THE DATE ON WHICH THE WIRELESS COMMUNI-
 20 CATIONS SERVICE SUPPLIER SHALL BEGIN TO ADD SUCH SURCHARGE TO THE BILL-
 21 INGS OF ITS CUSTOMERS. ANY WIRELESS COMMUNICATIONS SERVICE SUPPLIER
 22 WITHIN THE COUNTY OF SUFFOLK WHICH HAS IMPOSED A SURCHARGE PURSUANT TO
 23 THE PROVISIONS OF THIS SECTION SHALL BE GIVEN A MINIMUM OF FORTY-FIVE
 24 DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL BEGIN TO ADD SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10414-02-9

S. 5488

2

1 SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO ANY MODIFICATION
2 TO OR CHANGE IN THE SURCHARGE AMOUNT.

3 3. (A) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SERVING THE COUN-
4 TY OF SUFFOLK SHALL ACT AS COLLECTION AGENT FOR THE COUNTY AND SHALL
5 REMIT THE FUNDS COLLECTED PURSUANT TO A SURCHARGE IMPOSED UNDER THE
6 PROVISIONS OF THIS SECTION TO THE CHIEF FISCAL OFFICER OF THE COUNTY OF
7 SUFFOLK EVERY MONTH. SUCH FUNDS SHALL BE REMITTED NO LATER THAN THIRTY
8 DAYS AFTER THE LAST BUSINESS DAY OF THE MONTH.

9 (B) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE ENTITLED TO
10 RETAIN, AS AN ADMINISTRATIVE FEE, AN AMOUNT EQUAL TO TWO PERCENT OF ITS
11 COLLECTIONS OF A SURCHARGE IMPOSED UNDER THE PROVISIONS OF THIS SECTION.

12 (C) ANY SURCHARGE REQUIRED TO BE COLLECTED BY A WIRELESS COMMUNI-
13 CATIONS SERVICE SUPPLIER SHALL BE ADDED TO AND STATED SEPARATELY IN ITS
14 BILLINGS TO CUSTOMERS.

15 (D) EACH WIRELESS COMMUNICATIONS SERVICE CUSTOMER WHO IS SUBJECT TO
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28 (F) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ANNUALLY
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41 SHALL BE RESERVED AND CARRIED OVER FOR THE PAYMENT OF THOSE COSTS IN THE
42 FOLLOWING FISCAL YEAR.

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45 added by section one of this act shall apply to bills rendered to wire-
46 less communications service customers by a wireless communications
47 service supplier on and after the expiration of the notice period
48 required pursuant to the provisions of subdivision 2 of such section
49 308-x; provided further, that a wireless service supplier may treat the
50 address used by such supplier for any wireless communications customer
51 under a service contact or agreement in effect on the effective date of
52 the local law imposing such surcharge, as that wireless communications
53 customer's place of primary use for the remaining term of such service
54 contract or agreement, excluding any extension or renewal of such

55 service contract or agreement, for purposes of determining the taxing
56 jurisdiction with respect to taxes on wireless communications service.

Contact Webmaster

Page display time = 0.0247 sec



Tuesday, May 12, 2009

Text - A07336

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

S T A T E O F N E W Y O R K

7336

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Ways and Means

AN ACT to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10414-02-9

A. 7336

2

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56 jurisdiction with respect to taxes on wireless communications service.

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Page display time = 0.0242 sec

HR 7



Thursday, April 16, 2009

Summary - S04026

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

S04026 Summary:

BILL NO S04026

SAME AS Same as A 7336

SPONSOR FOLEY

COSPNSR

MLTSPNSR

Add S308-x, County L

Authorizes the local county legislative body of the county of Suffolk to establish a wireless surcharge not to exceed thirty cents per month on wireless communications service in the county of Suffolk; provides such surcharge moneys may be used for the payment of eligible wireless service costs as defined in the county law.

S04026 Actions:

BILL NO S04026

04/07/2009 REFERRED TO LOCAL GOVERNMENT

S04026 Votes:

S04026 Memo:

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Page display time = 0.0231 sec

HR7



Thursday, April 16, 2009

Text - S04026

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

STATE OF NEW YORK

4026

2009-2010 Regular Sessions

IN SENATE

April 7, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

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HR7

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LBD10414-02-9

S. 4026

2

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HR7

55 service contract or agreement, for purposes of determining the taxing
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Page display time = 0.0239 sec

HR7



Thursday, April 16, 2009

Summary - A07336

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Text](#)

A07336 Summary:

BILL NO A07336

SAME AS Same as S 4026

SPONSOR Sweeney

COSPNSR

MLTSPNSR

Add S308-x, County L

Authorizes the local county legislative body of the county of Suffolk to establish a wireless surcharge not to exceed thirty cents per month on wireless communications service in the county of Suffolk; provides such surcharge moneys may be used for the payment of eligible wireless service costs as defined in the county law.

A07336 Actions:

BILL NO A07336

03/31/2009 referred to ways and means

A07336 Votes:

A07336 Memo:

BILL NUMBER: A7336

TITLE OF BILL: An act to amend the county law, in relation to authorizing the county of Suffolk to establish a wireless surcharge

PURPOSE OF THE BILL: Authorizes the county of Suffolk to establish a

surcharge on wireless communication service.

HR 7

SUMMARY OF PROVISIONS: Section 1 of the bill amends the county law by adding a new section 308-x as it relates to the establishment of wireless surcharges for the county of Suffolk.

Paragraph 2 relates to providing written notice forty five days prior to the imposition of the surcharge.

Paragraph 3 relates to the wireless communication service supplier obligations.

Paragraph 4 of the bill is amended as it relates surcharge monies shall only be expendable for costs associated with public safety communication networks in Suffolk County.

JUSTIFICATION: This legislation will assist Suffolk County in paying for costs associated with establishing and maintaining an enhanced emergency telephone service system.

PRIOR LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS FOR STATE: None.

EFFECTIVE DATE: This act shall take effect immediately.

Contact Webmaster

Page display time = 0.0239 sec

HR7



Thursday, April 16, 2009

Text - A07336

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

STATE OF NEW YORK

7336

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Ways and Means

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 24 DAYS WRITTEN NOTICE PRIOR TO THE DATE IT SHALL BEGIN TO ADD SUCH

AL1

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10414-02-9

A. 7336

2

1 SURCHARGE TO THE BILLINGS OF ITS CUSTOMERS OR PRIOR TO ANY MODIFICATION
2 TO OR CHANGE IN THE SURCHARGE AMOUNT.

3 3. (A) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SERVING THE COUN-
4 TY OF SUFFOLK SHALL ACT AS COLLECTION AGENT FOR THE COUNTY AND SHALL
5 REMIT THE FUNDS COLLECTED PURSUANT TO A SURCHARGE IMPOSED UNDER THE
6 PROVISIONS OF THIS SECTION TO THE CHIEF FISCAL OFFICER OF THE COUNTY OF
7 SUFFOLK EVERY MONTH. SUCH FUNDS SHALL BE REMITTED NO LATER THAN THIRTY
8 DAYS AFTER THE LAST BUSINESS DAY OF THE MONTH.

9 (B) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE ENTITLED TO
10 RETAIN, AS AN ADMINISTRATIVE FEE, AN AMOUNT EQUAL TO TWO PERCENT OF ITS
11 COLLECTIONS OF A SURCHARGE IMPOSED UNDER THE PROVISIONS OF THIS SECTION.

12 (C) ANY SURCHARGE REQUIRED TO BE COLLECTED BY A WIRELESS COMMUNI-
13 CATIONS SERVICE SUPPLIER SHALL BE ADDED TO AND STATED SEPARATELY IN ITS
14 BILLINGS TO CUSTOMERS.

15 (D) EACH WIRELESS COMMUNICATIONS SERVICE CUSTOMER WHO IS SUBJECT TO
16 THE PROVISIONS OF THIS SECTION SHALL BE LIABLE TO THE COUNTY OF SUFFOLK
17 FOR THE SURCHARGE UNTIL IT HAS BEEN PAID TO THE COUNTY OF SUFFOLK EXCEPT
18 THAT PAYMENT TO A WIRELESS COMMUNICATIONS SERVICE SUPPLIER IS SUFFICIENT
19 TO RELIEVE THE CUSTOMER FROM FURTHER LIABILITY FOR SUCH SURCHARGE.

20 (E) NO WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL HAVE A LEGAL
21 OBLIGATION TO ENFORCE THE COLLECTION OF ANY SURCHARGE IMPOSED UNDER THE
22 PROVISIONS OF THIS SECTION, PROVIDED, HOWEVER, THAT WHENEVER THE WIRE-
23 LESS COMMUNICATIONS SERVICE SUPPLIER REMITS THE FUNDS COLLECTED TO THE
24 COUNTY OF SUFFOLK, IT SHALL ALSO PROVIDE THE COUNTY OF SUFFOLK WITH THE
25 NAME AND ADDRESS OF ANY CUSTOMER REFUSING OR FAILING TO PAY A SURCHARGE
26 IMPOSED UNDER THE PROVISIONS OF THIS SECTION AND SHALL STATE THE AMOUNT
27 OF SUCH SURCHARGE REMAINING UNPAID.

28 (F) EACH WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL ANNUALLY
29 PROVIDE TO THE COUNTY OF SUFFOLK AN ACCOUNTING OF THE SURCHARGE AMOUNTS
30 BILLED AND COLLECTED.

31 4. ALL SURCHARGE MONIES REMITTED TO THE COUNTY OF SUFFOLK BY A WIRE-
32 LESS COMMUNICATIONS SERVICE SUPPLIER SHALL BE EXPENDED ONLY UPON AUTHOR-
33 IZATION OF THE LOCAL COUNTY LEGISLATIVE BODY AND ONLY FOR PAYMENT OF
34 ELIGIBLE WIRELESS 911 SERVICE COSTS AS DEFINED IN SUBDIVISION SIXTEEN OF
35 SECTION THREE HUNDRED TWENTY-FIVE OF THIS CHAPTER. THE COUNTY OF SUFFOLK
36 SHALL SEPARATELY ACCOUNT FOR AND KEEP ADEQUATE BOOKS AND RECORDS OF THE
37 AMOUNT AND SOURCE OF ALL SUCH MONIES AND OF THE AMOUNT AND OBJECT OR
38 PURPOSE OF ALL EXPENDITURES THEREOF. IF, AT THE END OF ANY FISCAL YEAR,
39 THE TOTAL AMOUNT OF ALL SUCH MONIES EXCEEDS THE AMOUNT NECESSARY FOR
40 PAYMENT OF THE ABOVE MENTIONED COSTS IN SUCH FISCAL YEAR, SUCH EXCESS
41 SHALL BE RESERVED AND CARRIED OVER FOR THE PAYMENT OF THOSE COSTS IN THE
42 FOLLOWING FISCAL YEAR.

43 S 2. This act shall take effect immediately; provided, however, that
44 the provisions of subdivision 1 of section 308-x of the county law, as
45 added by section one of this act shall apply to bills rendered to wire-
46 less communications service customers by a wireless communications
47 service supplier on and after the expiration of the notice period
48 required pursuant to the provisions of subdivision 2 of such section
49 308-x; provided further, that a wireless service supplier may treat the
50 address used by such supplier for any wireless communications customer
51 under a service contact or agreement in effect on the effective date of
52 the local law imposing such surcharge, as that wireless communications
53 customer's place of primary use for the remaining term of such service
54 contract or agreement, excluding any extension or renewal of such

HR7

55 service contract or agreement, for purposes of determining the taxing
56 jurisdiction with respect to taxes on wireless communications service.

Contact Webmaster

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OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



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WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

MEMORANDUM

DATE: April 16, 2009

TO: Tim Laube, Clerk of the Legislature

FROM: George Nolan, Counsel to the Legislature GN

RE: Home Rule Message Requesting the State of New York to Authorize the County of Suffolk to Establish a Wireless Surcharge (Senate Bill S.4026 and Assembly Bill A.7336)

Pursuant to the request of Legislator Horsley, enclosed please find the above referenced home rule message for immediate filing.

GN:js
Enclosure

cc: Hon. Wayne R. Horsley, County Legislator, 14th District

s:\let\cl-4-16-hr-wireless-surcharge

HAUPPAUGE
SUFFOLK COUNTY, N.Y.
COUNTY LEGISLATURE

2009 APR 16 P 4: 11

RECEIVED

Intro. Res. HR7 Res. No.

May 12, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Brian BEEDENBENDER		/			
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Cameron ALDEN		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	13	5			

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED


 Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____