

Requesting That The Federal Government And The State Of New York Enact Legislation Allowing Counties And Municipalities Receiving 911 Calls To Impose A Surcharge On All Devices And Technology Capable Of Transmitting Voice And/Or Data To A 911 Center

The Criminal Justice and Safety Committee (Chairman Dart and Legislators Distel, Gregorius, R.A. Parete, Zimet, Aiello and Every) offers the following:

WHEREAS, Ulster County enacted Local Law Number 3 of 1990 imposing a 911 surcharge of \$0.35 on each telephone exchange access line, and Local Law Number 2 of 2002 imposing a 911 surcharge of \$0.30 on each wireless communications device, and

WHEREAS, advances in technology allowing voice and data communications to pass through wire and wireless networks, transmitting not only voice, but data in the form of text, pictures, video, telemetry and other media in a manner not even considered just a few short years ago, and

WHEREAS, there is no federal or state statute requiring internet based phone providers (such as voice over internet protocol – VOIP), or other internet communication technologies such as BlackBerry devices to charge a 911 surcharge, and

WHEREAS, these enhancements in technology must be managed at county and municipal 911 centers through the establishment of new technical protocols and the purchase of additional equipment capable of handling the wide array of technology commonly referred to as Next Generation or NG 911, and

WHEREAS, it is inherently unfair that people using legacy technology are paying a disproportionate share of 911 center operating expenses through existing tariffs while no statutes exist requiring these emerging technologies to pay an equitable share.

RESOLVED, that the Ulster County Legislature urges the Congress of the United States and the New York State Legislature to enact legislation that would allow counties and municipalities receiving 911 calls to impose a surcharge on ALL devices and technology capable of transmitting voice and/or data to a 911 center (whether the equipment is owned by the consumer, the service is subscriber-based as in the case of OnStar like automatic crash detection technology, or whether the service is prepaid /pay-as-you-go as in Trac Phone type systems),

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to President George W. Bush, Governor Eliot Spitzer, New York State Comptroller's Office, United States Senators Hillary

Resolution No. 321 September 11, 2007

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Rodham Clinton and Charles Schumer, United States Congressman Maurice Hinchey, Senate Majority Leader Joseph Bruno, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Daniel L. Hooker and Thomas Kirwan, the National Association of Counties and the New York State Association of Counties,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Every, Felicello and Kraft)

FINANCIAL IMPACT:
NONE

0902

* It must be noted that some of the trademark manufacturers or service providers referenced in this resolution are *voluntarily* charging their customers, and remitting to the County, a wireless surcharge.