



Tompkins County Legislature

Governor Daniel D. Tompkins Building
Ithaca, NY 14850

Meeting: 07/20/17 03:30 PM

Department: Legislature Office

Category: Public Safety

Functional Category: Fees or Memberships, Public Hearing

SCHEDULED

RESOLUTION NO. *DOC ID: 7151*

1 **Authorizing a Public Hearing on Proposed Local Law No. ___ of 2017-**
2 **A Local Law Repealing and Replacing Local Law No. 9 of 2002 and**
3 **Imposing Wireless Communications Surcharges**

4 WHEREAS, the 2017-18 New York State Budget authorizes counties to collect a public safety surcharge of
5 \$.30 on the sale of all prepaid wireless communications devices in its jurisdiction, and
6

7 WHEREAS, by Resolution No. 246 of 2002, the County established a similar surcharge on postpaid wireless
8 communications devices through Local Law No. 9 of 2002, as then authorized under Article 6 of the County Law, and
9

10 WHEREAS, authority to impose the surcharge under Article 6 of the County Law has been repealed effective
11 December 1, 2017, and continuance of the current surcharge and expansion for prepaid devices will require the locality
12 to repeal Local Law No. 9 of 2002 and impose the new and continued surcharges effective December 1, 2017, under
13 the authority of Tax Law Section 186-g, now therefore be it
14

15 RESOLVED, on recommendation of the Public Safety and the Budget, Capital, and Personnel Committees,
16 That a public hearing be held before the Tompkins County Legislature in Legislative Chambers of the Governor
17 Daniel D. Tompkins Building, 121 East Court Street, Ithaca, New York on Tuesday, August 15, 2017, at 5:30 o'clock
18 in the evening thereof concerning proposed Local Law No. ___ of 2017- A Local Law Repealing and Replacing Local
19 Law No. 9 of 2002 and Imposing Wireless Communications Surcharges. At such time and place all persons interested
20 in the subject matter will be heard concerning the same.
21

22 RESOLVED, further, That the Clerk of the Board is hereby authorized and directed to place proper notice of
23 such public hearing in the official newspaper of the County.

24 **SEQR ACTION: TYPE II-20**



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2 Regarding Local Law to Repeal and Replace Local Law and Impose Surcharge on Wireless Devices:

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- Wireless surcharge of 30 cents per **post paid** device was imposed in 2002

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- **Pre paid** devices (TRAC phones) have not been subject to surcharge

5

- Wireless revenues approximate \$240,000 per year in Tompkins, post paid only

6

- **Pre paid** devices are estimated to account for 20-30% of the wireless market

7

- State Budget 2017-18 authorizes extension of surcharge to prepaid devices at 30 cents per sale

8

- Additional estimated **pre paid** revenue of \$40-60,000 will offset some losses of rapidly diminishing landline surcharge

9

10

- New state legislation repeals authority for wireless surcharge originally granted under County Law Article 6 (effective 12/01/17) and requires County to adopt new law under Section 186-g of the Tax Law in order to continue the wireless surcharge AND to impose a new surcharge on postpaid devices

12

13

14

- The two surcharges (pre paid and post paid) cannot be separated- all or nothing

15

- Must adopt by Local Law, as original surcharge was imposed by Local Law

16

17

- Must be adopted and filed prior to September 1, 2017 if wireless surcharge is to be imposed without interruption

18

19

- Surcharges will be remitted to the Commissioner of Taxation and Finance and then paid to the County in the same manner as sales tax; we will no longer receive the surcharges directly.