

1 **2023 NYSAC Fall Seminar**
2 **Standing Committee on Public Safety**
3 **Resolution #4**

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5 **Resolution calling on the Legislature to pass S.4560 (Martinez)/A.6290**
6 **(Jean-Pierre) Amending the Tax Law in relation to the Public Safety**
7 **Surcharge Fund and for Governor Kathy Hochul to sign into Law**

8
9 **WHEREAS**, today’s cell phone bills have a Public Safety Surcharge of \$1.20 on each
10 contract cellphone device. At the inception of this surcharge, the legislative intent was
11 for revenues to cover all costs associated with providing 9-1-1 services and operating
12 PSAPs; and

13
14 **WHEREAS**, the fee is now known as the “Public Safety Surcharge”. Under Section 186-
15 f of the NYS Tax Law, \$.50 of this \$1.20 is swept into the state’s general fund and isn’t
16 dedicated to public safety. The remaining \$.70 goes to a variety of public safety
17 programs, including state agencies, to supplant general fund appropriations; and

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19 **WHEREAS**, due to the state sweeping public safety funds – we as a state are
20 prohibited from applying for any 911 funding that may be available at the federal level;
21 and

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23 **WHEREAS**, in 2021 the state collected over \$247 million dollars for the Public Safety
24 Surcharge – from the \$247 million counties only see \$75 million of that broken down
25 into two formula-based grants: The Statewide Interoperable Communications Grant
26 which provides \$65,000,000 and the Public Safety Answering Points Grants which
27 provides \$10,000,000; and

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29 **WHEREAS**, this funding is expected to be provided annually, however, it has been
30 historically delayed over a year and a half and counties have been required to stretch out
31 this funding to support 911 services; and

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33 **WHEREAS**, S.4560 (Martinez)/A.6290 (Jean-Pierre) would prohibit the state from
34 moving public safety surcharge funds into the state general fund and increase the \$75
35 million currently available to \$100 million for grants or reimbursements to counties for
36 the development, consolidation, or operation of public safety communications systems
37 or networks designed to support statewide interoperable communications for first
38 responders; and

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40 **WHEREAS**, today, 911 centers face a wide range of challenges, including funding,
41 hiring staff, high call volumes, helping people with special needs and the proliferation of
42 the use of new communications technologies, all without adequate state funding; and

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44 **WHEREAS**, it is expected the FCC will soon mandate 911 centers to support Next
45 Generation 911 (NG911). NG911 involves the latest 911 technology, including upgrades
46 for pinpointing the exact location of cell phone callers, translating text messages at a 911

1 Center, and ensuring counties have back up resources with other similar counties. The
2 estimated price tag in New York State for NG 911 is expected to be upwards of \$2 billion
3 over the next 10 years.

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5 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
6 Counties (NYSAC) hereby urges the State Legislature to enact S.4560 (Martinez) /
7 A.6290 (Jean-Pierre) to provide additional resources from the public safety surcharge to
8 counties; and

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10 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
11 of New York State encouraging member counties to enact similar resolutions; and

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13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
14 Governor Kathy Hochul, the New York State Legislature and all others deemed
15 necessary and proper.