Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to the enhanced 911 emergency telephone system surcharge.

Sponsors: Daniel R. Garodnick, (by request of the Mayor)

Indexes:

Attachments: 1. Int. No. 214 - 5/12/10, 2. Memo In Support, 3. Committee Report 6/11/10, 4. Hearing Transcript 6/11/10, 5. Hearing Testimony 6/11/10, 6. Committee Assignment Change 6/24/10, 7. Committee Report 6/29/10, 8. Hearing Transcript 6/29/10, 9. Fiscal Impact Statement, 10. Hearing Transcript - Stated Meeting 6/29/10, 11. Mayor's Letter, 12. Local Law 30

Date	Ver.	Action By	Action	Result
5/12/2010	*	City Council	Introduced by Council	
5/12/2010	*	City Council	Referred to Comm by Council	
6/11/2010	*	Committee on Technology	Hearing Held by Committee	
6/11/2010	*	Committee on Technology	Laid Over by Committee	
6/28/2010	A	City Council	Re-referred to Committee by Council	
6/29/2010	*	Committee on Finance	Amendment Proposed by Comm	
6/29/2010	*	Committee on Finance	Amended by Committee	
6/29/2010	A	Committee on Finance	Approved by Committee	Pass
6/29/2010	*	Committee on Finance	Hearing Held by Committee	
6/29/2010	A	City Council	Approved by Council	Pass
6/29/2010	A	City Council	Sent to Mayor by Council	
7/12/2010	A	Mayor	Hearing Held by Mayor	
7/12/2010	A	Mayor	Signed Into Law by Mayor	
7/13/2010	A	City Council	Recved from Mayor by Council	

Int. No. 214-A

By Council Member Garodnick (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the enhanced 911 emergency telephone system surcharge.

Be it enacted by the Council as follows:

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Section 1. Section 11-2322 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended by adding new subdivisions (f) and (i) and amending existing subdivisions (f) and (g) to read as follows:

(f) "Public safety agency" means a public safety agency as defined in subdivision five of section three hundred one of the county law.

[(f)](g) "Service supplier" [means a telephone corporation which provides local exchange access service within the 911 service area] means a service supplier as defined in subdivision seven of section three hundred one of the county law that provides service within the 911 service area.

[(g)](h) "System costs" means the costs associated with obtaining and maintaining the telecommunication equipment, all operations and maintenance costs and the telephone services costs necessary to establish and provide an E911 system.

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

§2. Section 11-2323 of the administrative code of the city of New York, subdivisions (a) and (c) as amended by local law number 16 for the year 2002 and subdivision (b) as added by local law number 94 for the year 1991, is amended to read as follows:

§11-2323 Establishment of surcharge for E911 system. (a) In accordance with the provisions of article six of the county law, as amended, there is hereby established a surcharge of one dollar per telephone access line, or equivalent, per month on the customers of every [telephone] service supplier within the city of New York.

(b) The surcharge imposed by subdivision (a) of this section shall be used to pay for the costs associated

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with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to [service] serve the city of New York.

(c) All [telephone] service suppliers [which] that provide local access service within the 911 service area in the city of New York shall begin to add the monthly surcharge of one dollar per telephone access line per month as provided in subdivision (a) of this section to all service bills no later than the forty-fifth day after the effective date of the local law that increased such surcharge to one dollar per telephone access line per month. Notwithstanding the foregoing sentence, all providers of voice over internet protocol service that provide such service within the 911 service area shall begin to add the monthly surcharge of one dollar per telephone access line, or equivalent, per month as provided in subdivision (a) of this section to all service bills no later than the forty-fifth day after the effective date of the local law that added this sentence.

§3. Subdivision (b) of section 11-2324 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended to read as follows:

(b) No such surcharge shall be imposed upon:

(1) more than seventy-five exchange access lines per customer per location;

(2) any lifeline customers of a local telephone service supplier; [or]

(3) [the access lines of the] a public safety agency; or

(4) any municipality, as defined in subdivision (e) of section 11-2322 of this chapter.

§4. Subdivision (a) of section 11-2326 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended to read as follows:

(a) Each service supplier customer who is subject to the provisions of this chapter shall be liable to the city for the surcharge until it has been paid to the city, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

§5. Subdivision (b) of section 11-2327 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended to read as follows:

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(b) If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary [and expended] for payment of system costs in such fiscal year, such [unencumbered cash surplus] excess shall be reserved and carried over for the payment of system costs in the following fiscal year in conformance with applicable law. However, if at the end of any fiscal year such [unencumbered cash surplus] E911 reserved fund balance exceeds an amount equal to five per cent of that necessary for the payment of system costs in such fiscal year, the council shall by local law reduce the surcharge for the following fiscal year to a level [which] that more adequately reflects the system cost requirements of its E911 system. The council may also reestablish or increase such surcharge, subject to the provisions of section three hundred three of the county law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

§6. This local law shall take effect 10 days after it shall have become a law, provided, however, that the commissioner of finance may, prior to such date, take any actions necessary to implement this local law on such date.