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

251

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MONTGOMERY, HASSELL-THOMPSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting certain telecommunications contracts

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

Section 1. The education law is amended by adding a new section 2040-b to read as follows:

S 2040-B. PROHIBITED CONTRACTS. 1. FOR PURPOSES OF THIS SECTION, "TELECOMMUNICATIONS" MEANS THE ELECTRONIC MOVEMENT OF INFORMATION IN ANY FORM INCLUDING THE ELECTRONIC MOVEMENT OF INFORMATION BY CABLE, FIBER OPTICS, INSTRUCTIONAL TELEVISION FIXED SERVICE, MICROWAVE, RADIO, SATELLITE, COMPUTER, TELEPHONE OR TELEVISION.

2. NO SCHOOL BOARD SHALL DO ANY OF THE FOLLOWING:

(A) ENTER INTO A CONTRACT THAT GRANTS EXCLUSIVE ADVERTISING RIGHTS TO A PERSON;

(B) ENTER INTO A CONTRACT THAT PROHIBITS THE SCHOOL BOARD, A SCHOOL BOARD MEMBER, A SCHOOL DISTRICT EMPLOYEE OR A PUPIL FROM DISPARAGING THE GOODS OR SERVICES OF THE PERSON CONTRACTING WITH THE SCHOOL BOARD; OR

(C) ENTER INTO A CONTRACT FOR TELECOMMUNICATIONS GOODS OR SERVICES IF THE CONTRACT REQUIRES THE DISSEMINATION OF ADVERTISING TO PUPILS OR IF THE GOODS OR SERVICES ARE PROVIDED TO THE SCHOOL DISTRICT AT A PRICE BELOW MARKET VALUE WITH THE EXPECTATION THAT THE GOODS OR SERVICES WILL BE USED TO DISSEMINATE ADVERTISING TO PUPILS.

S 2. This act shall take effect immediately and shall apply to contracts entered into, modified, extended or renewed on and after such date.

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

LBD01413-01-1