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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, RAMOS, CAHILL -- Multi-Sponsored by -- M. of A. BENJAMIN, CLARK, CYMBROWITZ, DIAZ, MAGEE, PERALTA, PERRY, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to the issuance and renewal of municipal franchises granted to cable television systems, requiring municipal franchise agreements to be posted on cable television system internet websites and requiring a portion of municipal cable television fees to be set aside for the creation, maintenance and operation of a public access television station

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

Section 1. Subdivision 6 of section 212 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

6. "Municipality" shall mean any village, town[,] OR city [or county not wholly contained within a city in the state].

S 2. Section 218 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

S 218. Municipal fees; taxes or charges. Nothing in this article shall be construed to limit the power of any municipality to impose upon any cable television company, a fee, tax or charge, provided that any such fee, tax or charge when added to the amount payable to the commission pursuant to section two hundred seventeen does not exceed the maximum amount permitted by applicable federal law, rules or regulations. PROVIDED, FURTHER, THAT IN EVERY MUNICIPALITY HAVING A POPULATION OF LESS THAN ONE MILLION, NOT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS OF ANY SUCH FEE, TAX OR CHARGE SHALL BE SET ASIDE EACH MUNICIPAL FISCAL YEAR TO BE EXPENDED EXCLUSIVELY FOR THE CREATION, MAINTENANCE AND OPERATION OF A PUBLIC ACCESS TELEVISION STATION SERVING THE AREA IN WHICH A FRANCHISE AGREEMENT IS IN EFFECT; PROVIDED, HOWEVER THAT UNDER NO CIRCUMSTANCES SHALL THE PROVISIONS OF THIS SENTENCE SUPERSEDE ANY MUNIC-

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

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IPAL FUNDING MECHANISM FOR SUCH PURPOSE WHICH PROVIDES A GREATER AMOUNT OF FUNDING THAN THAT OTHERWISE PROVIDED PURSUANT TO THE PROVISIONS OF THIS SENTENCE.

S 3. Subdivision 2 of section 219 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

2. A municipality shall have the power to require a franchise of any cable television system providing service within the municipality, notwithstanding that said cable television system does not occupy, use or in any way traverse a public street. The provision of any municipal charter or other law authorizing a municipality to require and grant franchises is hereby enlarged and expanded, to the extent necessary, to authorize such franchises. FURTHERMORE, EVERY CABLE TELEVISION SYSTEM SHALL MAKE AVAILABLE, BY MEANS OF A CONSPICUOUS LINK ON ITS INTERNET WEBSITE, THE ENTIRETY OF EACH FRANCHISE AGREEMENT SUCH SYSTEM HAS ENTERED INTO PURSUANT TO THIS SECTION.

S 4. Subdivision 3 of section 219 of the public service law is renumbered subdivision 5 and two new subdivisions 3 and 4 are added to read as follows:

3. (A) EVERY MUNICIPALITY SHALL, NOT LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO GRANTING, EXTENDING OR RENEWING ANY FRANCHISE PURSUANT TO THIS SECTION, ESTABLISH A MUNICIPAL CITIZENS' COMMITTEE ON CABLE TELEVISION. SUCH COMMITTEE SHALL STUDY AND MAKE RECOMMENDATIONS ON THE REQUIREMENTS OF THE MUNICIPALITY FOR THE PROVISION OF PUBLIC EDUCATION AND LOCAL GOVERNMENT PROGRAMMING BY THE CABLE TELEVISION SYSTEM.

(B) WITHIN ONE HUNDRED TWENTY DAYS OF THE ESTABLISHMENT OF A CITIZENS' COMMITTEE ON CABLE TELEVISION, SUCH COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE CHIEF EXECUTIVE OF THE MUNICIPALITY, THE LEGISLATIVE BODY OF THE MUNICIPALITY AND THE CABLE TELEVISION SYSTEM. ALL RECOMMENDATIONS OF THE COMMITTEE SHALL BE INCLUDED IN THE TERMS OF THE FRANCHISE GRANTED, EXTENDED OR RENEWED.

4. EACH CITIZENS' COMMITTEE ON CABLE TELEVISION SHALL BE COMPOSED OF FIFTEEN MEMBERS. EIGHT SUCH MEMBERS SHALL BE APPOINTED BY THE LEGISLATIVE BODY OF THE MUNICIPALITY, AND THE REMAINING SEVEN MEMBERS SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OF THE MUNICIPALITY. NEITHER SUCH LEGISLATIVE BODY NOR SUCH CHIEF EXECUTIVE SHALL EACH APPOINT MORE THAN TWO MEMBERS WHO ARE OFFICERS OR EMPLOYEES OF THE MUNICIPALITY, OR ANY AGENCY OR AUTHORITY THEREOF. NO PERSON WHO IS AN OFFICER OR EMPLOYEE OF A CABLE TELEVISION COMPANY, CABLE TELEVISION SYSTEM OR ANY SUBSIDIARY THEREOF SHALL BE APPOINTED AS A MEMBER OF A CITIZENS' COMMITTEE ON CABLE TELEVISION.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and section four of this act shall apply to cable television franchises granted, extended or renewed on or after such date.