

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, GALEF -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law and the state finance law, in relation to enacting the accessible electronic information act

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

- 1 Section 1. Legislative findings and intent. The legislature finds and
2 declares all of the following:
- 3 (a) Thousands of citizens in New York have disabilities (including
4 blindness or visual impairment) that prevent them from using conven-
5 tional print material.
- 6 (b) The state fulfills an important responsibility by providing books
7 and magazines prepared in Braille, audio and large-type formats made
8 available to eligible blind and disabled persons.
- 9 (c) The technology, transcription methods and means of distribution
10 used for these materials are labor-intensive and cannot support rapid
11 dissemination to individuals in rural and urban areas throughout the
12 state.
- 13 (d) Lack of direct and prompt access to information included in news-
14 papers, magazines, newsletters, schedules, announcements and other time-
15 sensitive materials, limits educational opportunities, literacy and full
16 participation in society by blind and disabled persons.
- 17 (e) This limitation can best be overcome through use of high-speed
18 computer and telecommunications technology, combined with customized
19 software, providing a practical and cost-effective means to convert
20 electronic text-based information (including daily newspapers) into
21 synthetic speech suitable for statewide distribution with modern tele-
22 communications technology.

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

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1 (f) Low cost interstate telecommunications rates make distribution of
2 electronic text-based information to eligible users both efficient and
3 cost-effective for the state.

4 (g) Federal funds have been used to develop the technology and infras-
5 tructure needed for statewide toll-free access to daily newspapers and
6 other timely information of local, state and national interest through a
7 service known as NFB-NEWSLINE, providing an efficient and cost-effective
8 means of reader registration, content acquisition and interstate tele-
9 communications support.

10 (h) Use of this accessible electronic information service will enhance
11 the state's current efforts to meet the needs of blind and disabled
12 citizens for access to information which is otherwise available in
13 print, thereby reducing isolation and supporting full integration and
14 equal access for such individuals.

15 S 2. Short title. This act shall be known and may be cited as the
16 "accessible electronic information act".

17 S 3. The public service law is amended by adding a new section 92-g to
18 read as follows:

19 S 92-G. ACCESSIBLE ELECTRONIC INFORMATION; BLIND AND DISABLED PERSONS.

20 1. THE NATIONAL FEDERATION OF THE BLIND OF NEW YORK SHALL PROVIDE AN
21 ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR ELIGIBLE BLIND AND DISA-
22 BLED PERSONS. THIS SERVICE SHALL BE PLANNED FOR CONTINUATION FROM YEAR
23 TO YEAR AND MAKE MAXIMUM USE OF FEDERAL AND OTHER FUNDS AVAILABLE BY
24 OBTAINING GRANT OR IN-KIND SUPPORT FROM APPROPRIATE PROGRAMS AND SECUR-
25 ING ACCESS TO LOW-COST INTERSTATE RATES FOR TELECOMMUNICATIONS BY
26 REIMBURSEMENT OR OTHERWISE.

27 2. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
28 ING MEANINGS, UNLESS OTHERWISE INDICATED:

29 (A) "ACCESSIBLE ELECTRONIC INFORMATION SERVICE" MEANS NEWS AND OTHER
30 TIMELY INFORMATION (INCLUDING NEWSPAPERS) PROVIDED TO ELIGIBLE INDIVID-
31 UALS FROM A MULTI-STATE SERVICE CENTER, USING HIGH-SPEED COMPUTERS AND
32 TELECOMMUNICATIONS TECHNOLOGY FOR INTERSTATE ACQUISITION OF CONTENT AND
33 RAPID DISTRIBUTION IN A FORM APPROPRIATE FOR USE BY SUCH INDIVIDUALS.

34 (B) "BLIND AND DISABLED PERSONS" MEANS THOSE INDIVIDUALS WHO ARE
35 ELIGIBLE FOR LIBRARY LOAN SERVICES THROUGH THE LIBRARY OF CONGRESS AND
36 THE STATE LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED PURSUANT TO
37 36 CFR 701.10(B).

38 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE NATIONAL FEDERATION OF THE
39 BLIND OF NEW YORK.

40 (D) "QUALIFIED ENTITY" MEANS THE NATIONAL FEDERATION OF THE BLIND OF
41 NEW YORK WHICH:

42 (I) PROVIDES INTERSTATE ACCESS FOR ELIGIBLE PERSONS TO READ DAILY
43 NEWSPAPERS PRODUCING AUDIO EDITIONS BY COMPUTER, AND

44 (II) PROVIDES A MEANS OF PROGRAM ADMINISTRATION AND READER REGISTRA-
45 TION ON THE INTERNET.

46 S 4. The state finance law is amended by adding a new section 99-q to
47 read as follows:

48 S 99-Q. ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND. 1. THERE IS
49 HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL
50 REVENUE FUND TO BE KNOWN AS THE "ACCESSIBLE ELECTRONIC INFORMATION
51 SERVICE FUND".

52 2. SUCH FUND SHALL CONSIST OF THE MONEYS TRANSFERRED THERETO FROM THE
53 ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND BY THE COMPTROLLER PURSU-
54 ANT TO SECTION NINETY-FIVE OF THIS ARTICLE. NOTHING CONTAINED IN THIS
55 SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS
56 FOR THE PURPOSES OF THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND

1 AND DEPOSITING THEM INTO THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE
2 FUND ACCORDING TO LAW.

3 3. THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND SHALL BE ADMIN-
4 ISTERED BY THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE
5 DIRECTOR OF THE NATIONAL FEDERATION OF THE BLIND OF NEW YORK, IN ACCORD-
6 ANCE WITH THIS SECTION.

7 4. IN ORDER TO SUPPORT THE PROGRAM DESCRIBED IN SECTION NINETY-TWO-G
8 OF THE PUBLIC SERVICE LAW, THE PUBLIC SERVICE COMMISSION SHALL REQUIRE
9 ALL LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES TO IMPOSE A PERIODIC
10 SURCHARGE ON BILLS RENDERED TO ALL LOCAL EXCHANGE TELECOMMUNICATIONS
11 COMPANY SUBSCRIBERS.

12 5. THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE DIRECTOR OF
13 THE NATIONAL FEDERATION OF THE BLIND OF NEW YORK SHALL ANNUALLY DETER-
14 MINE THE AMOUNT OF THE SURCHARGE BASED ON THE AMOUNT OF FUNDING NECES-
15 SARY TO SUPPORT THE PROGRAM DESCRIBED IN SECTION NINETY-TWO-G OF THE
16 PUBLIC SERVICE LAW.

17 6. THE AMOUNT OF THE SURCHARGE WILL BE ONE CENT PER ACCESS LINE PER
18 MONTH AS DETERMINED BY THE DIRECTOR OF THE NATIONAL FEDERATION OF THE
19 BLIND OF NEW YORK IN CONSULTATION WITH THE PUBLIC SERVICE COMMISSION.

20 7. LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES SHALL REMIT THE AMOUNT
21 RECEIVED FROM THE SURCHARGE TO THE DIRECTOR OF THE NATIONAL FEDERATION
22 OF THE BLIND OF NEW YORK LESS ANY AMOUNT ALLOWED FOR ADMINISTRATION, IN
23 ACCORDANCE WITH A SCHEDULE DETERMINED BY THE PUBLIC SERVICE COMMISSION
24 IN CONSULTATION WITH SUCH DIRECTOR.

25 S 5. Subdivision 3 of section 95 of the state finance law, as amended
26 by chapter 516 of the laws of 1992, is amended to read as follows:

27 3. Whenever the amount of moneys in the abandoned property fund as of
28 the last day of any month shall exceed the greater of the sum of six
29 million dollars or an amount which in the comptroller's sole discretion
30 is necessary to satisfy claims against such fund during the immediately
31 succeeding month, the comptroller shall draw a warrant or voucher upon
32 such special fund for the amount in excess of such sum and shall pay
33 such amount into the state treasury to the credit of the [general fund]
34 ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND, ESTABLISHED IN SECTION
35 NINETY-NINE-Q OF THIS ARTICLE. Notwithstanding the foregoing, the comp-
36 troller and the director of the budget or their respective designees
37 shall review the balance remaining in the abandoned property fund as of
38 the last day of the months of March, June, September and December in
39 each year, as soon as practicable after each such date, and may mutually
40 agree upon an amount to be paid from such fund into the state treasury
41 to the credit of the [general fund] ACCESSIBLE ELECTRONIC INFORMATION
42 SERVICE FUND, ESTABLISHED IN SECTION NINETY-NINE-Q OF THIS ARTICLE,
43 which may cause the balance in such fund to fall below six million
44 dollars; provided, however, in no event shall the amount of moneys in
45 the abandoned property fund exceed seven hundred fifty thousand dollars
46 at the end of the last day of the fiscal year.

47 S 6. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law. Provided, however, that effective imme-
49 diately, the addition, amendment and/or repeal of any rule or regulation
50 necessary for the implementation of this act on its effective date is
51 authorized and directed to be made and completed on or before such
52 effective date.