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

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I N A S S E M B L Y

February 10, 2010

Introduced by M. of A. P. RIVERA -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BRENNAN, BROOK-KRASNY, CAMARA, CASTRO, CLARK, CRESPO, CUSICK, ESPAILLAT, GIBSON, JEFFRIES, V. LOPEZ, MENG, ORTIZ, PEOPLES-STOKES, PERALTA, PERRY, POWELL, RAMOS, J. RIVERA, N. RIVERA, SKARTADOS -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting the placement and operation of wireless communication facilities on school property

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 409-k to read as follows:

S 409-K. PROHIBITION OF WIRELESS COMMUNICATION FACILITIES. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "SCHOOL" SHALL MEAN ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

(B) "SCHOOL PROPERTY" SHALL MEAN ANY SCHOOL BUILDING USED FOR INSTRUCTIONAL PURPOSES AND ITS SURROUNDING GROUNDS, SITES AND OTHER GROUNDS TO BE USED FOR PLAYGROUNDS, ATHLETICS AND OTHER INSTRUCTIONAL PURPOSES, AND ANY ADMINISTRATIVE OFFICES.

(C) "WIRELESS COMMUNICATION FACILITY" SHALL MEAN AN UNSTAFFED FACILITY USED IN THE RECEIPT AND TRANSMISSION OF WIRELESS TELEPHONE SERVICE INCLUDING, BUT NOT LIMITED TO, ANTENNAS, ANCILLARY TELECOMMUNICATIONS EQUIPMENT, AND TELECOMMUNICATIONS TOWERS AND POLES.

2. NO WIRELESS COMMUNICATION FACILITY SHALL BE PLACED OR OPERATED UPON SCHOOL PROPERTY. NOR SHALL ANY SCHOOL NEGOTIATE FOR OR ENTER INTO A CONTRACT FOR THE PLACEMENT OR OPERATION OF ANY WIRELESS COMMUNICATION FACILITY UPON SCHOOL PROPERTY.

3. ANY SCHOOL WHICH IS IN VIOLATION OF SUBDIVISION TWO OF THIS SECTION ON THE EFFECTIVE DATE OF THIS SECTION, SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH DATE, TERMINATE ALL CONTRACTS FOR THE PLACEMENT AND/OR OPERATION OF A WIRELESS COMMUNICATION FACILITY UPON SCHOOL PROPERTY, AND/OR REMOVE ANY AND ALL WIRELESS COMMUNICATION FACILITIES UPON SCHOOL PROPERTY.

S 2. This act shall take effect immediately.

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

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