

3948

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CLARK -- read once and referred 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 2040-b
2 to read as follows:
3 S 2040-B. PROHIBITED CONTRACTS. 1. FOR PURPOSES OF THIS SECTION,
4 "TELECOMMUNICATIONS" MEANS THE ELECTRONIC MOVEMENT OF INFORMATION IN ANY
5 FORM INCLUDING THE ELECTRONIC MOVEMENT OF INFORMATION BY CABLE, FIBER
6 OPTICS, INSTRUCTIONAL TELEVISION FIXED SERVICE, MICROWAVE, RADIO, SATEL-
7 LITE, COMPUTER, TELEPHONE OR TELEVISION.
8 2. NO SCHOOL BOARD SHALL DO ANY OF THE FOLLOWING:
9 (A) ENTER INTO A CONTRACT THAT GRANTS EXCLUSIVE ADVERTISING RIGHTS TO
10 A PERSON;
11 (B) ENTER INTO A CONTRACT THAT PROHIBITS THE SCHOOL BOARD, A SCHOOL
12 BOARD MEMBER, A SCHOOL DISTRICT EMPLOYEE OR A PUPIL FROM DISPARAGING THE
13 GOODS OR SERVICES OF THE PERSON CONTRACTING WITH THE SCHOOL BOARD; OR
14 (C) ENTER INTO A CONTRACT FOR TELECOMMUNICATIONS GOODS OR SERVICES IF
15 THE CONTRACT REQUIRES THE DISSEMINATION OF ADVERTISING TO PUPILS OR IF
16 THE GOODS OR SERVICES ARE PROVIDED TO THE SCHOOL DISTRICT AT A PRICE
17 BELOW MARKET VALUE WITH THE EXPECTATION THAT THE GOODS OR SERVICES WILL
18 BE USED TO DISSEMINATE ADVERTISING TO PUPILS.
19 S 2. This act shall take effect immediately and shall apply to
20 contracts entered into, modified, extended or renewed on and after such
21 date.

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

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