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

(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:

Section 1. Legislative findings and intent. The legislature finds and declares all of the following:

(a) Thousands of citizens in New York have disabilities (including blindness or visual impairment) that prevent them from using conventional print material.

(b) The state fulfills an important responsibility by providing books and magazines prepared in Braille, audio and large-type formats made available to eligible blind and disabled persons.

(c) The technology, transcription methods and means of distribution used for these materials are labor-intensive and cannot support rapid dissemination to individuals in rural and urban areas throughout the state.

(d) Lack of direct and prompt access to information included in newspapers, magazines, newsletters, schedules, announcements and other time-sensitive materials, limits educational opportunities, literacy and full participation in society by blind and disabled persons.

(e) This limitation can best be overcome through use of high-speed computer and telecommunications technology, combined with customized software, providing a practical and cost-effective means to convert electronic text-based information (including daily newspapers) into synthetic speech suitable for statewide distribution with modern telecommunications technology.

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

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

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

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

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

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

S 92-G. ACCESSIBLE ELECTRONIC INFORMATION; BLIND AND DISABLED PERSONS. 1. THE NATIONAL FEDERATION OF THE BLIND OF NEW YORK SHALL PROVIDE AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR ELIGIBLE BLIND AND DISABLED PERSONS. THIS SERVICE SHALL BE PLANNED FOR CONTINUATION FROM YEAR TO YEAR AND MAKE MAXIMUM USE OF FEDERAL AND OTHER FUNDS AVAILABLE BY OBTAINING GRANT OR IN-KIND SUPPORT FROM APPROPRIATE PROGRAMS AND SECURING ACCESS TO LOW-COST INTERSTATE RATES FOR TELECOMMUNICATIONS BY REIMBURSEMENT OR OTHERWISE.

2. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS, UNLESS OTHERWISE INDICATED:

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

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

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

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

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

(II) PROVIDES A MEANS OF PROGRAM ADMINISTRATION AND READER REGISTRATION ON THE INTERNET.

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

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

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

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

3. THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND SHALL BE ADMINISTERED BY THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE DIRECTOR OF THE NATIONAL FEDERATION OF THE BLIND OF NEW YORK, IN ACCORDANCE WITH THIS SECTION.

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

5. THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE DIRECTOR OF THE NATIONAL FEDERATION OF THE BLIND OF NEW YORK SHALL ANNUALLY DETERMINE THE AMOUNT OF THE SURCHARGE BASED ON THE AMOUNT OF FUNDING NECESSARY TO SUPPORT THE PROGRAM DESCRIBED IN SECTION NINETY-TWO-G OF THE PUBLIC SERVICE LAW.

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

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

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

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

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