

3572

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. P. RIVERA -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BARRON, BENEDETTO, BOYLAND, BRENNAN, BROOK-KRASNY, BURLING, CAMARA, CASTRO, CLARK, COLTON, CONTE, COOK, CRESPO, CUSICK, FINCH, GABRYSZAK, GIBSON, HOOPER, JAFFEE, JEFFRIES, V. LOPEZ, McDO- NOUGH, MENG, M. MILLER, ORTIZ, PEOPLES-STOKES, PERRY, RAMOS, J. RIVERA, N. RIVERA, ROBINSON, SCARBOROUGH, TOBACCO, WEISENBERG -- 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:

1 Section 1. The education law is amended by adding a new section 409-1
2 to read as follows:
3 S 409-L. PROHIBITION OF WIRELESS COMMUNICATION FACILITIES. 1. FOR THE
4 PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
5 MEANINGS:
6 (A) "SCHOOL" SHALL MEAN ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE
7 EDUCATIONAL SERVICES.
8 (B) "SCHOOL PROPERTY" SHALL MEAN ANY SCHOOL BUILDING USED FOR INSTRU-
9 TIONAL PURPOSES AND ITS SURROUNDING GROUNDS, SITES AND OTHER GROUNDS TO
10 BE USED FOR PLAYGROUNDS, ATHLETICS AND OTHER INSTRUCTIONAL PURPOSES, AND
11 ANY ADMINISTRATIVE OFFICES.
12 (C) "WIRELESS COMMUNICATION FACILITY" SHALL MEAN AN UNSTAFFED FACILITY
13 USED IN THE RECEIPT AND TRANSMISSION OF WIRELESS TELEPHONE SERVICE
14 INCLUDING, BUT NOT LIMITED TO, ANTENNAS, ANCILLARY TELECOMMUNICATIONS
15 EQUIPMENT, AND TELECOMMUNICATIONS TOWERS AND POLES.
16 2. NO WIRELESS COMMUNICATION FACILITY SHALL BE PLACED OR OPERATED UPON
17 SCHOOL PROPERTY. NOR SHALL ANY SCHOOL NEGOTIATE FOR OR ENTER INTO A
18 CONTRACT FOR THE PLACEMENT OR OPERATION OF ANY WIRELESS COMMUNICATION
19 FACILITY UPON SCHOOL PROPERTY.

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

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

7 S 2. This act shall take effect immediately.