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

5329

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. P. RIVERA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring parental notification of the proposed construction of a wireless communication facility upon 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-l to read as follows:

S 409-L. NOTIFICATION OF PROPOSED CONSTRUCTION OF WIRELESS COMMUNICATION FACILITY. 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. IMMEDIATELY UPON THE RECEIPT OF A SOLICITATION TO NEGOTIATE FOR OR UPON SOLICITING TO NEGOTIATE FOR THE CONSTRUCTION OR INSTALLATION OF ANY WIRELESS COMMUNICATION FACILITY UPON SCHOOL PROPERTY, THE SCHOOL SHALL PROVIDE WRITTEN NOTIFICATION, BY FIRST CLASS MAIL, TO EACH PERSON IN PARENTAL RELATION TO EACH STUDENT ATTENDING SUCH SCHOOL. THE WRITTEN NOTIFICATION SHALL INCLUDE ALL THE TERMS, CONDITIONS AND FINANCIAL PROVISIONS OF THE AGREEMENT PROVIDING FOR THE CONSTRUCTION AND/OR INSTALLATION OF THE WIRELESS COMMUNICATION FACILITY, AND THE IMMEDIATE AND POTENTIAL HEALTH RISKS POSED BY SUCH FACILITY.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

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