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I N S E N A T E

February 3, 2012

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "accessible electronic information act".

3 S 2. Legislative finding. The National Federation of the Blind estab-
4 lished the NFB-NEWSLINE to increase the ability of visually impaired
5 individuals to receive information provided by newspapers, magazines,
6 journals and other print media which are traditionally unavailable in a
7 limited electronic broadcast. Since 2002, this vital service has
8 provided visually impaired New Yorkers with information on job listings,
9 self-help magazines, do-it-yourself guides, political magazines, several
10 newspapers, TV guide listings, and other literary necessities that all
11 sighted New Yorkers have enjoyed. This legislation provides a stable
12 means to bring NEWSLINE to New York.

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

15 S 92-G. ACCESSIBLE ELECTRONIC INFORMATION; BLIND AND DISABLED PERSONS.
16 1. A QUALIFIED NOT-FOR-PROFIT ENTITY CAPABLE OF PROVIDING SUCH SERVICE
17 SHALL PROVIDE AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR ELIGIBLE
18 BLIND AND DISABLED PERSONS. THIS SERVICE SHALL BE PLANNED FOR CONTINUA-
19 TION FROM YEAR TO YEAR AND MAKE MAXIMUM USE OF FEDERAL, STATE, PRIVATE
20 AND OTHER FUNDS AVAILABLE, INCLUDING OBTAINING GRANT OR IN-KIND SUPPORT
21 FROM APPROPRIATE PROGRAMS AND SECURING ACCESS TO LOW-COST INTERSTATE
22 RATES FOR TELECOMMUNICATIONS BY REIMBURSEMENT OR OTHERWISE.

23 2. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
24 ING MEANINGS, UNLESS OTHERWISE INDICATED:

25 (A) "ACCESSIBLE ELECTRONIC INFORMATION SERVICE" MEANS NEWS AND OTHER
26 TIMELY INFORMATION (INCLUDING NEWSPAPERS) PROVIDED TO ELIGIBLE INDIVID-
27 UALS FROM A MULTI-STATE SERVICE CENTER, USING HIGH-SPEED COMPUTERS AND

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

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1 TELECOMMUNICATIONS TECHNOLOGY FOR INTERSTATE ACQUISITION OF CONTENT AND
2 RAPID DISTRIBUTION IN A FORM APPROPRIATE FOR USE BY SUCH INDIVIDUALS;

3 (B) "BLIND AND DISABLED PERSONS" MEANS THOSE INDIVIDUALS WHO ARE
4 ELIGIBLE FOR LIBRARY LOAN SERVICES THROUGH THE LIBRARY OF CONGRESS AND
5 THE STATE LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED PURSUANT TO
6 36 CFR 701.10(B);

7 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE SELECTED NOT-FOR-PROFIT ENTI-
8 TY;

9 (D) "QUALIFIED ENTITY" MEANS A NOT-FOR-PROFIT ENTITY WITHIN THIS STATE
10 CAPABLE OF PROVIDING ACCESSIBLE ELECTRONIC INFORMATION SERVICES WHICH:

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

13 (II) PROVIDES A MEANS OF PROGRAM ADMINISTRATION AND READER REGISTRA-
14 TION ON THE INTERNET.

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

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

21 2. FUNDING FOR THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND
22 SHALL BE OBTAINED FROM:

23 A. THE TARGETED ACCESSIBILITY FUND, INC., ESTABLISHED BY THE PUBLIC
24 SERVICE COMMISSION IN ITS "ORDER AND OPINION 98-10" IN AN AMOUNT DEEMED
25 APPROPRIATE FOR THE PURPOSE OF PROVIDING ELECTRONIC DISTRIBUTION OF
26 NEWSPAPERS, PERIODICALS, TIME SENSITIVE MATERIALS, AND OTHER INFORMATION
27 WHICH MAY BE OF BENEFIT TO THE COMMUNITY; AND

28 B. THE NEW YORK STATE COMMISSION FOR THE BLIND IN AN AMOUNT DEEMED
29 APPROPRIATE BY THE COMMISSIONER FOR PROVIDING ELECTRONIC DISTRIBUTION OF
30 NEWSPAPERS, PERIODICALS, TIME SENSITIVE MATERIALS, AND OTHER INFORMATION
31 WHICH MAY BE OF BENEFIT TO THE COMMUNITY.

32 3. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM
33 RECEIVING GRANTS, GIFTS OR BEQUESTS AND DEPOSITING THEM INTO THE ACCE-
34 SIBLE ELECTRONIC INFORMATION SERVICE FUND ACCORDING TO LAW.

35 4. THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND SHALL BE ADMIN-
36 ISTERED BY THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE
37 DIRECTOR AND THE COMMISSIONER, IN ACCORDANCE WITH THIS SECTION.

38 5. THE PUBLIC SERVICE COMMISSION SHALL REQUIRE COMPANIES WHO PROVIDE
39 TELECOMMUNICATION SERVICES TO BLIND AND DISABLED PERSONS, AS DEFINED IN
40 PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION NINETY-TWO-G OF THE PUBLIC
41 SERVICE LAW, INCLUDING BUT NOT LIMITED TO, CERTIFIED TELECOMMUNICATION
42 CARRIERS, CABLE TELEVISION COMPANIES THAT OFFER TELEPHONE SERVICE, AND
43 OTHER COMPANIES THE PUBLIC SERVICE COMMISSION DEEMS TO BE A PROVIDER OF
44 TELECOMMUNICATION SERVICES, TO CONTRIBUTE TO THE TARGETED ACCESSIBILITY
45 FUND, INC. FOR THE PURPOSE OF INCREASING FUNDING TO COMPLY WITH PARA-
46 GRAPH (A) OF SUBDIVISION TWO OF THIS SECTION.

47 S 5. This act shall take effect on the ninetieth day after it shall
48 have become a law; provided, however, that effective immediately, the
49 addition, amendment and/or repeal of any rule or regulation necessary
50 for the implementation of this act on its effective date is authorized
51 and directed to be made and completed on or before such effective date.