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

2916--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 22, 2013

Introduced by M. of A. PRETLOW, LUPARDO -- Multi-Sponsored by -- M. of A. CLARK -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

S 92-H. ACCESSIBLE ELECTRONIC INFORMATION; BLIND AND DISABLED PERSONS. 1. A QUALIFIED NOT-FOR-PROFIT ENTITY CAPABLE OF PROVIDING SUCH SERVICE 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, STATE, PRIVATE AND OTHER FUNDS AVAILABLE, INCLUDING 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:

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

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(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 SELECTED NOT-FOR-PROFIT ENTITY;

(D) "QUALIFIED ENTITY" MEANS A NOT-FOR-PROFIT ENTITY WITHIN THIS STATE CAPABLE OF PROVIDING ACCESSIBLE ELECTRONIC INFORMATION SERVICES 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-v to read as follows:

S 99-V. 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. FUNDING FOR THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND SHALL BE OBTAINED FROM:

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

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

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

4. THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND SHALL BE ADMINISTERED BY THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE DIRECTOR AND THE COMMISSIONER, IN ACCORDANCE WITH THIS SECTION.

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

S 5. This act shall take effect on the ninetieth 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.