

# STATE OF NEW YORK

5523

2019-2020 Regular Sessions

## IN SENATE

May 6, 2019

Introduced by Sens. MAY, METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to establishing the municipal broadband fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The state finance law is amended by adding a new section  
2 99-hh to read as follows:

3 § 99-hh. Municipal broadband fund. 1. There is hereby established in  
4 the joint custody of the state comptroller and the chair of the public  
5 service commission a fund to be known as the "municipal broadband fund".

6 2. Such fund shall consist of all monies appropriated for its purpose,  
7 all other monies credited or transferred to such fund pursuant to law,  
8 and all monies required by this section or any other provision of law to  
9 be paid into or credited to such fund.

10 3. Moneys of such fund shall be made available to the chair of the  
11 public service commission and shall be used for grants to municipal  
12 corporations, as that term is defined in section two of the general  
13 municipal law, for broadband projects and services that are funded whol-  
14 ly or partially by such municipal corporations. To qualify for such  
15 grants, a municipal corporation shall: (a) incorporate the best practi-  
16 cable technology for the region to be served by such broadband; (b)  
17 demonstrate how such municipal corporation will ensure equitable inter-  
18 net access to all areas within the service region, with a focus on  
19 providing service to underserved areas; and (c) demonstrate the long-  
20 term viability and sustainability of broadband services to residents of  
21 the municipal corporation.

22 4. Following appropriation by the legislature, monies of the fund  
23 shall be available only for distribution to municipal corporations for  
24 eligible broadband projects and services.

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

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1 5. The chair of the public service commission shall promulgate rules  
2 and regulations necessary for the implementation of this act, including  
3 the application and distribution of funds pursuant to this section,  
4 provided that such rules and regulations shall set forth a plan that  
5 will ensure equitable internet access to all areas within a service  
6 region as required by paragraph (b) of subdivision three of this  
7 section.

8 § 2. This act shall take effect on the ninetieth day after it shall  
9 have become a law. Effective immediately, the addition, amendment and/or  
10 repeal of any rule or regulation necessary for the implementation of  
11 this act on its effective date are authorized to be made and completed  
12 on or before such date.