STATE OF NEW YORK

3711

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to establish the internet media freedom task force; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative Findings. The twenty-first century has seen an increasing reliance upon social media as a source of news and information. Social media platforms allow third-party users to post content on an unlimited number of issues, and, unfortunately, though not solely designed or intended for such use, more and more people have come to rely on these third-party postings as their main source of news. Some social media platforms have recently taken it upon themselves to act as arbiters of truth, and have even gone so far as to block access to the President of the United States. Given the expanding use of, and reliance on, these social media platforms as a source of news, it is imperative that use of such platforms be open and maintained for all people to ensure that no perspective or piece of information is barred or blocked from view by the public at large who has come to rely on such platforms for information.

§ 2. Legislative task force on internet media freedom. A legislative task force on internet media freedom is hereby established to study the practices and policies of social media companies that allow the posting of third-party content by users, as well as other issues relating to dissemination of such content, including but not limited to, forms of censorship employed by social media companies. The task force will also examine the impact social media has on elections, including the ability of candidates and political parties to access and use the platform and the use of censorship to unfairly benefit one candidate over another.

§ 3. Composition. (a) The task force shall consist of eight members to be appointed as follows: two members appointed by the speaker of the

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

LBD08035-01-1

Assembly, two members appointed by the temporary president of the Senate, two members appointed by the minority leader of the Assembly, and two members appointed by the minority leader of the Senate. All appointments made by legislative leaders to the task force shall, to the extent practicable, have backgrounds in news publishing, including online media publishing, and/or the study of law.

(b) Members of the task force shall serve without compensation.

(c) The members of the task force shall elect, by a majority vote, one of its appointed members to serve as a chair.

§ 4. Organization. (a) The task force shall meet for the first time on May first, two thousand twenty-two, at which time they shall elect a member to serve as a chair of the task force pursuant to subdivision (c) of section three of this act.

(b) The first meeting of the task force shall be held in the State Capitol, in offices made available to it by the Legislature. The location of subsequent meetings shall be at the discretion of the chair of the task force.

(c) The task force shall create and maintain a website that provides access to written submissions received by it, as well as means by which individuals can submit testimony and view live and archived meetings and hearings of the task force.

§ 5. Hearings. The task force shall be authorized to hold public hearings and meetings, and to consult with any organization, educational institution, or other government entity or person, to enable it to accomplish its duties. The task force shall hold at least two public hearings for the purpose of soliciting public comment.

§ 6. Duties and powers. (a) To effectuate the purposes of this act, the task force may request and shall receive from any department, division, board, bureau, commission or other agency of the state or any state public authority such assistance, information and data as will enable the task force to properly carry out its powers and duties.

(b) The task force may hire any necessary staff to assist in the discharge of its duties, and may utilize funds appropriated to it for necessary expenses related to the discharge of its duties.

(c) The task force shall undertake an examination of existing state and federal policies relating to publishing third-party content on the internet, including, but not limited to:

(i) use of social media platforms, including, but not limited to, who uses them, for what purposes are they used, and a review of usage in past political campaigns;

(ii) safeguards that exist to ensure accuracy of information posted online;

(iii) use of censorship to restrict publication of third-party created content online;

(iv) statutory protections that currently exist to ensure access to social media platforms; and

(v) liability shields that protect platform operators.

§ 7. Report. The task force shall draft a final report detailing its findings, as well as any recommendations it has on changes to state or federal law, and to executive agency policies, actions, and procedures relating to the use of and access to social media. Such report shall be completed and delivered to the Governor, the speaker of the Assembly, the temporary president of the Senate, the minority leader of the Assembly, the minority leader of the Senate, and each member of the New York State Congressional Delegation on or before December 31, 2022. The

report shall also be made publicly available and posted on the websites of the State Assembly and Senate.

§ 8. Dissolution. Upon completion of a final report and delivery as directed by this act, the legislative task force shall be dissolved; provided, however, that dissolution of this task force shall occur on or before January 1, 2023.

§ 9. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2023.