

# STATE OF NEW YORK

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5165

2023-2024 Regular Sessions

## IN SENATE

February 23, 2023

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Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the New York state urban development corporation act, in relation to the provision of grant funding for broadband services in non-competitive locations

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

1 Section 1. Subdivision 2 of section 16-gg of section 1 of chapter 174  
2 of the laws of 1968, constituting the New York state urban development  
3 corporation act, as added by section 2 of part MMM of chapter 58 of the  
4 laws of 2022, is amended by adding a new paragraph (i) to read as  
5 follows:

6 (i) "Non-competitive location" means a broadband-serviceable location,  
7 as determined by the division, that has access to only one wired or  
8 fixed wireless broadband service provider that offers high-speed inter-  
9 net service, as such term is defined in section 224-c of the public  
10 service law.

11 § 2. Subdivision 7 of section 16-gg of section 1 of chapter 174 of the  
12 laws of 1968, constituting the New York state urban development corpo-  
13 ration act, as added by section 2 of part MMM of chapter 58 of the laws  
14 of 2022, is amended to read as follows:

15 7. ConnectAll deployment program. The ConnectAll deployment program is  
16 hereby established to provide grant funding to construct infrastructure  
17 necessary to provide broadband services to unserved and underserved  
18 locations in the state, and to the extent that appropriations are avail-  
19 able, to non-competitive locations in the state. Grants issued pursuant  
20 to this program shall facilitate projects that, at a minimum, provide  
21 reliable internet service with consistent speeds of at least 100 mega-  
22 bits per second for download and at least 20 megabits per second for  
23 upload, unless this requirement is waived for a specific project or

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

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1 location and a different speed level is approved by the division, but  
2 under no circumstances less than 25 megabits per second download and 3  
3 megabits per second upload; provided further that applicants for grant  
4 funding under this section may include incorporated organizations,  
5 Native American tribes or tribal organizations, local units of govern-  
6 ment, or a group of any of the above entities; provided further that an  
7 applicant for grant funding under this section shall demonstrate suit-  
8 able fiscal, technical, operational, and management capabilities as  
9 determined by the division; provided further that an applicant for grant  
10 funding under this section shall provide certifications as to compliance  
11 with relevant safety standards as determined by the division, including  
12 the National Electrical Safety Code; provided further that an applicant  
13 for grant funding under this section shall provide certifications as to  
14 compliance with relevant workplace protections as determined by the  
15 division including the Occupational Safety and Health Act, the Fair  
16 Labor Standards Act, Title VII of the Civil Rights Act of 1964, and New  
17 York State labor and employment laws; provided further that an applicant  
18 for grant funding under this section shall submit to the division a  
19 workforce plan in a format determined by the division which, to the  
20 extent practicable, shall include: (a) information relating to whether  
21 the construction workforce will be directly employed or subcontracted;  
22 (b) the anticipated size of the workforce required to carry out the  
23 proposed work; (c) a description of plans to maximize use of local or  
24 regional workforce; and (d) a description of the expected workforce  
25 safety standards and training to ensure the project is completed at a  
26 high standard. The division shall establish the procedures to solicit,  
27 receive and evaluate applications for the program consistent with rules,  
28 regulations, or guidelines established by the commissioner; provided  
29 that preference shall be given to applications that: (a) are capable of  
30 delivering speeds of 1 gigabit per second download and 1 gigabit per  
31 second upload to the end user; (b) provide service to locations in  
32 unserved areas as determined by the division; (c) commit not to impose  
33 caps on data usage on the service provided to the end-user or to block,  
34 throttle, or prioritize internet content in the general course of busi-  
35 ness; and (d) have and commit to maintaining high standards of workplace  
36 safety practices, training, certification or licensure for all relevant  
37 workers, and compliance with state and federal workplace protections.

38 § 3. This act shall take effect immediately.