STATE OF NEW YORK

5165

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

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:

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

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

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

7. ConnectAll deployment program. The ConnectAll deployment program is hereby established to provide grant funding to construct infrastructure necessary to provide broadband services to unserved and underserved locations in the state**, and to the extent that appropriations are available, to non-competitive locations in the state**. Grants issued pursuant to this program shall facilitate projects that, at a minimum, provide reliable internet service with consistent speeds of at least 100 megabits per second for download and at least 20 megabits per second for 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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location and a different speed level is approved by the division, but under no circumstances less than 25 megabits per second download and 3 megabits per second upload; provided further that applicants for grant funding under this section may include incorporated organizations, Native American tribes or tribal organizations, local units of government, or a group of any of the above entities; provided further that an applicant for grant funding under this section shall demonstrate suitable fiscal, technical, operational, and management capabilities as determined by the division; provided further that an applicant for grant funding under this section shall provide certifications as to compliance with relevant safety standards as determined by the division, including the National Electrical Safety Code; provided further that an applicant for grant funding under this section shall provide certifications as to compliance with relevant workplace protections as determined by the division including the Occupational Safety and Health Act, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, and New York State labor and employment laws; provided further that an applicant for grant funding under this section shall submit to the division a workforce plan in a format determined by the division which, to the extent practicable, shall include: (a) information relating to whether the construction workforce will be directly employed or subcontracted; (b) the anticipated size of the workforce required to carry out the proposed work; (c) a description of plans to maximize use of local or regional workforce; and (d) a description of the expected workforce safety standards and training to ensure the project is completed at a high standard. The division shall establish the procedures to solicit, receive and evaluate applications for the program consistent with rules, regulations, or guidelines established by the commissioner; provided that preference shall be given to applications that: (a) are capable of delivering speeds of 1 gigabit per second download and 1 gigabit per second upload to the end user; (b) provide service to locations in unserved areas as determined by the division; (c) commit not to impose caps on data usage on the service provided to the end-user or to block, throttle, or prioritize internet content in the general course of business; and (d) have and commit to maintaining high standards of workplace safety practices, training, certification or licensure for all relevant workers, and compliance with state and federal workplace protections.

§ 3. This act shall take effect immediately.