

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

5170--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. PARKER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state technology law, in relation to encouraging public-private partnerships to help spread broadband deployment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "connect New York act".
3 S 2. Statement of legislative findings. The legislature finds that the
4 deployment and adoption of broadband service has resulted in enhanced
5 economic development and public safety for the state's communities,
6 improved health care and educational opportunities, and a better quality
7 of life for the residents of the state. Further, continued progress in
8 the deployment and adoption of broadband and other advanced telecommuni-
9 cations and information technology services is vital to ensuring that
10 the state remains competitive and continues to create business and job
11 growth. The legislature finds that the state must encourage and support
12 the partnership of the public and private sectors in the continued
13 growth of broadband services for the state's residents and businesses.
14 S 3. Section 104 of the state technology law is amended by adding
15 three new subdivisions 3, 4 and 5 to read as follows:
16 3. THE MEMBERS OF THE ADVISORY COUNCIL SHALL DEVELOP A PUBLIC-PRIVATE
17 PARTNERSHIP AND IMPLEMENT A COMPREHENSIVE, STATEWIDE BROADBAND DEPLOY-
18 MENT AND ADOPTION INITIATIVE WITH THE PURPOSE OF: ESTABLISHING WIDE-
19 SPREAD ACCESS TO AFFORDABLE AND RELIABLE BROADBAND SERVICE; ACHIEVING
20 IMPROVED TECHNOLOGY LITERACY, INCREASED COMPUTER OWNERSHIP, AND
21 INCREASED BROADBAND USE AMONG STATE RESIDENTS AND BUSINESSES; ESTABLISH-

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

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1 ING AND EMPOWERING LOCAL GRASSROOTS TECHNOLOGY TEAMS IN EACH REGION OF
2 THE STATE TO PLAN FOR IMPROVED TECHNOLOGY USE ACROSS MULTIPLE COMMUNITY
3 SECTORS; AND ESTABLISHING AND SUSTAINING AN ENVIRONMENT RIFE FOR BROAD-
4 BAND AND INFORMATION TECHNOLOGY INVESTMENT STATEWIDE. THE PUBLIC-PRIVATE
5 PARTNERSHIP AS SET FORTH IN THIS SECTION SHALL INCLUDE STATE AGENCIES
6 AND BODIES REPRESENTING ECONOMIC DEVELOPMENT, LOCAL COMMUNITY DEVELOP-
7 MENT, TECHNOLOGY PLANNING, EDUCATION, HEALTHCARE, LIBRARIES, AND OTHER
8 RELEVANT ENTITIES. THE PUBLIC ENTITIES WITHIN THE PARTNERSHIP SHALL
9 COLLABORATE WITH TELECOMMUNICATIONS PROVIDERS, TECHNOLOGY COMPANIES,
10 TELECOMMUNICATION UNIONS, COMMUNITY BASED ORGANIZATIONS AND RELEVANT
11 PRIVATE SECTOR ENTITIES TO ACHIEVE SUCH PURPOSES.

12 4. THE MEMBERS OF THE COUNCIL SHALL ENSURE THAT THE BROADBAND DEPLOY-
13 MENT AND ADOPTION INITIATIVE AS SET FORTH IN THIS SECTION SHALL INCLUDE,
14 BUT NOT BE LIMITED TO:

15 (A) CREATING A GEOGRAPHIC STATEWIDE INVENTORY OF BROADBAND SERVICE AND
16 OTHER RELEVANT TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES.
17 THE INVENTORY SHALL:

18 (I) IDENTIFY GEOGRAPHIC GAPS IN BROADBAND SERVICE THROUGH A METHOD OF
19 GEOGRAPHIC INFORMATION SYSTEM MAPPING OF SERVICE AVAILABILITY BASED ON
20 THE GEOGRAPHIC BOUNDARIES OF WHERE SERVICE IS AVAILABLE OR UNAVAILABLE
21 AMONG RESIDENTIAL OR BUSINESS CUSTOMERS;

22 (II) IDENTIFY THE SPEEDS OF BROADBAND CONNECTIONS MADE AVAILABLE TO
23 INDIVIDUALS AND BUSINESSES WITHIN THE STATE, AND RELY ON THE DATA RATE
24 BENCHMARKS FOR BROADBAND SERVICE USED BY THE FEDERAL COMMUNICATIONS
25 COMMISSION TO REFLECT DIFFERENT SPEED TIERS;

26 (III) PROVIDE A BASELINE ASSESSMENT OF STATEWIDE BROADBAND DEPLOYMENT
27 IN TERMS OF PERCENTAGE OF HOUSEHOLDS WITH BROADBAND AVAILABILITY; AND

28 (IV) PROVIDE UPDATES TO SUCH DATA ANNUALLY;

29 (B) TRACKING STATEWIDE RESIDENTIAL AND BUSINESS ADOPTION OF BROADBAND,
30 COMPUTERS, AND RELATED INFORMATION TECHNOLOGY; IDENTIFYING BARRIERS TO
31 ADOPTION; PROVIDING DEMOGRAPHIC ANALYSIS OF THESE DATA; AND MEASURING
32 PROGRESS ON SUCH DATA ANNUALLY;

33 (C) LOCAL LEVEL COLLECTION AND ANALYSIS OF THE DATA SET FORTH IN PARA-
34 GRAPH (B) OF THIS SUBDIVISION, DERIVED THROUGH RESEARCH METHODS THAT
35 PRODUCE STATISTICALLY SIGNIFICANT RESULTS, WHICH SHALL BE USED FOR PLAN-
36 NING EFFORTS BY THE PUBLIC-PRIVATE PARTNERSHIP AND LOCAL TECHNOLOGY
37 PLANNING TEAMS SET FORTH IN PARAGRAPH (D) OF THIS SUBDIVISION;

38 (D) BUILDING AND FACILITATING IN EACH DESIGNATED REGION A LOCAL TECH-
39 NOLOGY PLANNING TEAM WITH MEMBERS REPRESENTING A CROSS SECTION OF THE
40 COMMUNITY, INCLUDING BUT NOT LIMITED TO REPRESENTATIVES OF BUSINESS,
41 TELECOMMUNICATIONS UNIONS, KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION,
42 HEALTH CARE, LIBRARIES, HIGHER EDUCATION, COMMUNITY-BASED ORGANIZATIONS,
43 LOCAL GOVERNMENT, TOURISM, PARKS AND RECREATION, AND AGRICULTURE. EACH
44 TEAM SHALL BENCHMARK TECHNOLOGY USE ACROSS RELEVANT COMMUNITY SECTORS,
45 SET GOALS FOR IMPROVED TECHNOLOGY USE WITHIN EACH SECTOR, AND DEVELOP A
46 TACTICAL BUSINESS PLAN FOR ACHIEVING ITS GOALS, WITH SPECIFIC RECOMMEN-
47 DATIONS FOR ONLINE APPLICATION DEVELOPMENT AND DEMAND STIMULATION;

48 (E) WORKING COLLABORATIVELY WITH TELECOMMUNICATIONS AND BROADBAND
49 PROVIDERS AND TECHNOLOGY COMPANIES ACROSS THE STATE TO ENCOURAGE DEPLOY-
50 MENT AND USE, ESPECIALLY IN UNSERVED AND UNDERSERVED AREAS, THROUGH THE
51 USE OF LOCAL DEMAND AGGREGATION, DATA ANALYSIS, AND OTHER STRATEGIES TO
52 IMPROVE THE BUSINESS CASE FOR PROVIDERS TO DEPLOY BROADBAND;

53 (F) SECURING CONTRIBUTIONS TO ESTABLISH PROGRAMS THAT IMPROVE COMPUTER
54 OWNERSHIP, TECHNOLOGY LITERACY, AND BROADBAND ACCESS FOR UNDERSERVED
55 POPULATIONS ACROSS THE STATE;

1 (G) FACILITATING INFORMATION EXCHANGE REGARDING THE USE AND DEMAND FOR
2 BROADBAND SERVICES BETWEEN PUBLIC AND PRIVATE SECTORS; AND

3 (H) IDENTIFYING SUCH ADDITIONAL PUBLIC-PRIVATE PARTNERSHIP PROJECTS
4 THAT ACHIEVE THE GOALS AS SET FORTH IN SUBDIVISION THREE OF THIS
5 SECTION, INCLUDING SECURING FUNDING FROM FEDERAL AND OTHER RESOURCES TO
6 IMPLEMENT SUCH PROJECTS.

7 5. THE MEMBERS OF THE COUNCIL SHALL CONTRACT WITH A NONPROFIT ORGAN-
8 IZATION TO ACCOMPLISH THE OBJECTIVES SET FORTH IN THIS SECTION. THE
9 NONPROFIT ORGANIZATION SHALL:

10 (A) HAVE ESTABLISHED COMPETENCY IN WORKING ON A STATEWIDE BASIS WITH
11 PUBLIC AND PRIVATE SECTORS TO ACCOMPLISH THE DEPLOYMENT AND ADOPTION OF
12 BROADBAND SERVICE;

13 (B) HAVE AN ESTABLISHED COMPETENCY WORKING DIRECTLY WITH BROADBAND
14 PROVIDERS IN THE HANDLING, STORAGE, AND USE OF PROPRIETARY AND COMPETI-
15 TIVELY SENSITIVE DATA FOR THE PURPOSES SET FORTH IN THIS SECTION; AND

16 (C) ENTER INTO VOLUNTARY NONDISCLOSURE AGREEMENTS AS NECESSARY TO
17 PREVENT THE UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL AND PROPRIETARY
18 INFORMATION PROVIDED BY BROADBAND SERVICE PROVIDERS.

19 S 4. Nothing in this act shall be construed as giving the office for
20 technology or the advisory council for technology or other entities any
21 additional authority, regulatory or otherwise, over providers of tele-
22 communications and information technology.

23 S 5. This act shall take effect on the ninetieth day after it shall
24 have become a law.