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

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2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

Section 1. Short title. This act shall be known and may be cited as the "connect New York act of 2009".

S 2. Statement of legislative findings. The legislature finds that the deployment and adoption of broadband service has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the residents of the state. Further, continued progress in the deployment and adoption of broadband and other advanced telecommunications and information technology services is vital to ensuring that the state remains competitive and continues to create business and job growth. The legislature finds that the state must encourage and support the partnership of the public and private sectors in the continued growth of broadband services for the state's residents and businesses.

S 3. Section 104 of the state technology law is amended by adding three new subdivisions 3, 4 and 5 to read as follows:

3. THE MEMBERS OF THE ADVISORY COUNCIL SHALL DEVELOP A PUBLIC-PRIVATE PARTNERSHIP AND IMPLEMENT A COMPREHENSIVE, STATEWIDE BROADBAND DEPLOYMENT AND ADOPTION INITIATIVE WITH THE PURPOSE OF: ESTABLISHING WIDESPREAD ACCESS TO AFFORDABLE AND RELIABLE BROADBAND SERVICE; ACHIEVING IMPROVED TECHNOLOGY LITERACY, INCREASED COMPUTER OWNERSHIP, AND INCREASED BROADBAND USE AMONG STATE RESIDENTS AND BUSINESSES; ESTABLISHING AND EMPOWERING LOCAL GRASSROOTS TECHNOLOGY TEAMS IN EACH REGION OF THE STATE TO PLAN FOR IMPROVED TECHNOLOGY USE ACROSS MULTIPLE COMMUNITY SECTORS; AND ESTABLISHING AND SUSTAINING AN ENVIRONMENT RIPE FOR BROAD-

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

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BAND AND INFORMATION TECHNOLOGY INVESTMENT STATEWIDE. THE PUBLIC-PRIVATE PARTNERSHIP AS SET FORTH IN THIS SECTION SHALL INCLUDE STATE AGENCIES AND BODIES REPRESENTING ECONOMIC DEVELOPMENT, LOCAL COMMUNITY DEVELOPMENT, TECHNOLOGY PLANNING, EDUCATION, HEALTHCARE, LIBRARIES, AND OTHER RELEVANT ENTITIES. THE PUBLIC ENTITIES WITHIN THE PARTNERSHIP SHALL COLLABORATE WITH TELECOMMUNICATIONS PROVIDERS, TECHNOLOGY COMPANIES, TELECOMMUNICATION UNIONS, COMMUNITY BASED ORGANIZATIONS AND RELEVANT PRIVATE SECTOR ENTITIES TO ACHIEVE SUCH PURPOSES.

4. THE MEMBERS OF THE COUNCIL SHALL ENSURE THAT THE BROADBAND DEPLOYMENT AND ADOPTION INITIATIVE AS SET FORTH IN THIS SECTION SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

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

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

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

(IV) PROVIDE UPDATES TO SUCH DATA ANNUALLY;

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

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

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

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

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

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

(H) IDENTIFYING SUCH ADDITIONAL PUBLIC-PRIVATE PARTNERSHIP PROJECTS THAT ACHIEVE THE GOALS AS SET FORTH IN SUBDIVISION THREE OF THIS

SECTION, INCLUDING SECURING FUNDING FROM FEDERAL AND OTHER RESOURCES TO IMPLEMENT SUCH PROJECTS.

5. THE MEMBERS OF THE COUNCIL SHALL CONTRACT WITH A NONPROFIT ORGANIZATION TO ACCOMPLISH THE OBJECTIVES SET FORTH IN THIS SECTION. THE NONPROFIT ORGANIZATION SHALL:

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

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

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

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

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