Electronic Telecommunication Open Infrastructure Act

Summary: The Electronic Telecommunication Open Infrastructure Act, known as ETOPIA, creates a state Innovation Center to inventory the technology infrastructure of the state, encourage local governments to develop and strengthen telecommunications and data processing hardware, software and services for both government and private use, and provides matching funds to help pay for technology infrastructure development.

SECTION 1. SHORT TITLE

This Act shall be called the "Electronic Telecommunication Open Infrastructure Act" or "ETOPIA."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds that:

1. The Internet revolution is driving today's economy.
2. Information technology offers economic opportunities, higher living standards, more individual choices, and increased opportunities to participate in government and public life.
3. The past decade has brought considerable advancement in worldwide telecommunications. To remain competitive in the information-based global economy, the state, its people, and its institutions must fully utilize cutting-edge telecommunication and Internet strategies.
4. Broadband Internet access is essential to provide state residents with enhanced educational opportunities, better health care, more effective public safety and homeland security, and a stronger economy.

(B) PURPOSE—This law is enacted to support and improve education, health care, public safety and economic security by increasing access to the Internet and other new technologies.

SECTION 3. ELECTRONIC TELECOMMUNICATION OPEN INFRASTRUCTURE

(A) DEFINITIONS—In this section:

1. "Information equipment" means central processing units, front-end processing units, miniprocessors, microprocessors, and related peripheral equipment such as data storage devices, networking equipment, routers, document scanners, data entry equipment, terminal controllers, data terminal equipment, and computer-based word processing systems other than memory typewriters.
2. "Information systems" means computer-based information equipment and related services designed for the automated transmission, storage, manipulation and retrieval of data by electronic or mechanical means.
3. "Information technology" means data processing and telecommunications hardware, software, services, supplies, personnel, maintenance and training, and includes the programs and routines used to employ and control the capabilities of data processing hardware.
4. "Local government" means any county or municipality, or any of their entities.
5. "Technology infrastructure" means information equipment, information systems, information technology and facilities, lines, and services designed for or used for the

transmission, emission or reception of signs, signals, writings, images or sounds by wire, radio, microwave, or other electromagnetic or optical systems, related hardware, software, and programming, and specifically including, but not limited to, all features, facilities, equipment, systems, functions, programming, and capabilities, and technical support used in providing or related to:

a. Cable service as defined in 47 U.S.C. 522(6);
b. Telecommunications service as defined in 47 U.S.C. 153(46);
c. Information service as defined in 47 U.S.C. 153(20);
d. Advanced services as defined in 47 CFR 51.5;
e. Broadband Internet service; and
f. Internet protocol enabled services.

(B) INNOVATION CENTER

1. There is created an office within the [Department of Economic Development] called the Innovation Center. The primary responsibility of the Innovation Center is to encourage the development and implementation of technology infrastructure for public and private uses throughout the state.
2. The Innovation Center may solicit and expend any gift, grant, contribution, bequest, endowment or other money for the purposes of this section. Any transfer of endowment or other assets to the Center shall be formalized in a memorandum of agreement to assure, at a minimum, that any restrictions governing the future disposition of funds are observed.
3. The [Department of Economic Development] shall promulgate rules to create the Innovation Center and fulfill the purposes of this section.

(C) TECHNOLOGY STUDY

1. The Innovation Center shall conduct a study of technology infrastructure in the state and compare existing technology infrastructure to best practices in the United States.
2. In conducting its study, the Innovation Center shall consider resources and technical support available through other entities and agencies, both public and private, including the state college and university systems, regional planning organizations, state high technology associations, and the state Chamber of Commerce.
3. By July 1, 20XX, the Innovation Center shall issue a public report on its study. The report shall include:

a. The current condition of technology infrastructure in the state;
b. Options and strategies for upgrading technology infrastructure in the state;
c. Options and strategies for encouraging technology cooperation and partnerships among state government, local government, private business, and institutions of higher education;
d. Expected condition of technology infrastructure if the state does nothing to encourage it; and
e. Recommendations for actions by the state to encourage improvements in technology infrastructure.

(D) FINANCIAL ASSISTANCE FOR TECHNOLOGY INFRASTRUCTURE

1. The Innovation Center shall create a grant program that makes funding available to local governments to improve technology infrastructure. The grant program shall require a matching contribution from the local government of at least one dollar for every dollar granted. Local governments may secure their matching contributions from any source, including private donations.
2. In making grants for technology infrastructure, the Innovation Center shall give preference to proposals for local governments to offer wireless Internet service.
3. The Innovation Center shall provide technical assistance to agencies of state or local government. Technical assistance may also include consulting services for a fee.

(E) AUTHORITY OF LOCAL GOVERNMENTS
1. Local governments are authorized to construct, own and operate technology infrastructure.
2. Local governments shall receive cooperation from all agencies of the state for proposals to offer wireless Internet service.
3. Local governments may enter into contracts or joint ventures with private businesses to construct, own, use, acquire, deliver, grant, operate, maintain, sell, purchase, lease, and equip technology infrastructure. By written contract or lease, local governments may sell capacity in, or grant other similar rights for private entities to use, government owned or operated technology infrastructure.
4. Local governments are authorized to issue revenue bonds to pay a portion or all of the costs of improvements in technology infrastructure.

SECTION 4. EFFECTIVE DATE
This Act shall take effect on July 1, 20XX.

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