

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438

Chapter 262, Laws of 2008

60th Legislature
2008 Regular Session

TECHNOLOGY OPPORTUNITIES--HIGH-SPEED INTERNET

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 12, 2008
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 11, 2008
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 31, 2008, 11:25 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 1, 2008

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington **60th Legislature** **2008 Regular Session**

By Senate Ways & Means (originally sponsored by Senators Kohl-Welles, Rockefeller, Oemig, Honeyford, Murray, Delvin, and Pridemore)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to a statewide high-speed internet deployment and
2 adoption initiative; adding new sections to chapter 43.105 RCW; adding
3 a new chapter to Title 28B RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares the
6 following:

7 (a) The deployment and adoption of high-speed internet services and
8 information technology has resulted in enhanced economic development
9 and public safety for the state's communities, improved health care and
10 educational opportunities, and a better quality of life for the state's
11 residents;

12 (b) Continued progress in the deployment and adoption of high-speed
13 internet services and other advanced telecommunications services, both
14 land-based and wireless, is vital to ensuring Washington remains
15 competitive and continues to create business and job growth; and

16 (c) That the state must encourage and support strategic
17 partnerships of public, private, nonprofit, and community-based sectors
18 in the continued growth and development of high-speed internet services
19 and information technology for state residents and businesses.

1 (2) Therefore, in order to begin advancing the state towards
2 further growth and development of high-speed internet in the state, and
3 to ensure a better quality of life for all state residents, it is the
4 legislature's intent to conduct a statewide needs assessment of
5 broadband internet resources through an open dialogue with all
6 interested parties, including providers, unions, businesses, community
7 organizations, local governments, and state agencies. The legislature
8 intends to use this needs assessment in guiding future plans on how to
9 ensure that every resident in Washington state may gain access to
10 high-speed internet services and, as part of this effort, to address
11 digital literacy and technology training needs of low-income and
12 technology underserved residents of the state through state support of
13 community technology programs.

14 NEW SECTION. **Sec. 2.** (1) After the broadband study authorized by
15 the legislature in 2007 has been completed, or by July 15, 2008, the
16 department of information services, in coordination with the department
17 of community, trade, and economic development and the utilities and
18 transportation commission, shall convene a work group to develop a
19 high-speed internet deployment and adoption strategy for the state.

20 (2) The department of information services shall invite
21 representatives from the following organizations to participate in the
22 work group:

23 (a) Representatives of public, private, and nonprofit agencies and
24 organizations representing economic development, local community
25 development, local government, community planning, technology planning,
26 education, and health care;

27 (b) Representatives of telecommunications providers, technology
28 companies, telecommunications unions, public utilities, and relevant
29 private sector entities;

30 (c) Representatives of community-based organizations; and

31 (d) Representatives of other relevant entities as the department of
32 information services may deem appropriate.

33 (3) The department of information services shall, in consultation
34 with the work group, develop a high-speed internet deployment and
35 adoption strategy to accomplish the following objectives:

36 (a) Create and regularly update a detailed, geographic information
37 system map at the census block level of the high-speed internet

1 services and other relevant telecommunications and information
2 technology services owned or leased by public entities in the state
3 with instructions on how proprietary and competitively sensitive data
4 will be handled, stored, and used. Development of this geographic
5 information system map may include collaboration with students and
6 faculty at community colleges and universities in the state. The
7 statewide inventory must, at a minimum, detail:

8 (i) The physical location of all high-speed internet infrastructure
9 owned or leased by public entities;

10 (ii) The amount of excess capacity available; and

11 (iii) Whether the high-speed internet infrastructure is active or
12 inactive;

13 (b) Work collaboratively with telecommunications providers and
14 internet service providers to assess, create, and regularly update a
15 geographic information system map at the census block level of the
16 privately owned high-speed internet infrastructure in the state, with
17 instructions on how proprietary and competitively sensitive data will
18 be handled, stored, and used;

19 (c) Combine the geographic information system map of high-speed
20 internet infrastructure owned by public entities with the geographic
21 information system map of high-speed internet infrastructure owned by
22 private entities to create and regularly update a statewide inventory
23 of all high-speed internet infrastructure in the state;

24 (d) Use the geographic information system map of all high-speed
25 internet infrastructure in the state, both public and privately owned
26 or leased, to identify and regularly update the geographic gaps in
27 high-speed internet service, including an assessment of the population
28 located in each of the geographic gaps;

29 (e) Spur the development of high-speed internet resources in the
30 state, which may include, but is not limited to, soliciting funding in
31 the form of grants or donations; establishing technology literacy
32 programs in conjunction with institutions of higher education;
33 establishing low-cost hardware and software purchasing programs; and
34 developing loan programs targeting small businesses or businesses
35 located in underserved areas;

36 (f) Track statewide residential and business adoption of high-speed
37 internet, computers, and related information technology, including an
38 identification of barriers to adoption;

1 (g) Build and facilitate local technology planning teams and
2 partnerships with members representing cross-sections of the community,
3 which may include participation from the following organizations:
4 Representatives of business, telecommunications unions, K-12 education,
5 community colleges, local economic development organizations, health
6 care, libraries, universities, community-based organizations, local
7 governments, tourism, parks and recreation, and agriculture;

8 (h) Use the local technology planning teams and partnerships to:

9 (i) Conduct a needs assessment; and

10 (ii) Work collaboratively with high-speed internet providers and
11 technology companies across the state to encourage deployment and use,
12 especially in unserved areas, through use of local demand aggregation,
13 mapping analysis, and creation of market intelligence to improve the
14 investment rationale and business case; and

15 (i) Work with Washington State University extension pursuant to
16 section 6 of this act to establish low-cost programs to improve
17 computer ownership, technology literacy, and high-speed internet access
18 for disenfranchised or unserved populations across the state.

19 (4) By September 1, 2008, the department of information services
20 shall provide a status update to the telecommunications committees in
21 the house of representatives and the senate, outlining the progress
22 made to date by the work group and the issues remaining to be
23 considered.

24 (5) By December 1, 2008, the department of information services
25 shall complete the high-speed internet deployment and adoption strategy
26 and provide a report to the fiscal and telecommunications committees in
27 the house of representatives and the senate, the governor, and the
28 office of financial management. The main objective of the report is to
29 outline, based on the efforts of the work group, what legislation is
30 needed in order to implement the high-speed internet deployment and
31 adoption strategy, including a range of potential funding requests to
32 accompany the legislation. Specifically, the report shall include the
33 following:

34 (a) Benchmarks, performance measures, milestones, deliverables,
35 timelines, and such other indicators of performance and progress as are
36 necessary to guide development and implementation of the high-speed
37 internet deployment and adoption strategy, both short term and long
38 term, including an assessment of the amount of funding needed to

1 accomplish a baseline assessment of the high-speed internet
2 infrastructure owned by public and private entities of the state in an
3 eighteen-month period; and

4 (b) Ways to structure and appropriately scale and phase development
5 and implementation of the high-speed internet deployment and adoption
6 strategy so as to link to, leverage, and otherwise synchronize with
7 other relevant and related funding, technology, capital initiatives,
8 investments, and opportunities.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW
10 to read as follows:

11 (1) For purposes of compliance with section 2 of this act or any
12 subsequent high-speed internet deployment and adoption initiative, the
13 department of information services, the department of community, trade,
14 and economic development, the utilities and transportation commission,
15 and any other government agent or agency shall not gather or request
16 any information related to high-speed internet infrastructure or
17 service from providers of telecommunications or high-speed internet
18 services that is classified by the provider as proprietary or
19 competitively sensitive.

20 (2) Nothing in this section may be construed as limiting the
21 authority of a state agency or local government to gather or request
22 information from providers of telecommunications or high-speed internet
23 services for other purposes pursuant to its statutory authority.

24 NEW SECTION. **Sec. 4.** Nothing in this act may be construed as
25 giving the department of information services or any other entities any
26 additional authority, regulatory or otherwise, over providers of
27 telecommunications and information technology.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.105 RCW
29 to read as follows:

30 (1) By January 1, 2009, the department, in consultation with
31 Washington State University, shall identify and make publicly available
32 a web directory of public facilities that provide community technology
33 programs throughout the state.

34 (2) For the purposes of this section, "community technology
35 program" has the same meaning as in section 7 of this act.

1 NEW SECTION. **Sec. 6.** The community technology opportunity program
2 is created to support the efforts of community technology programs
3 throughout the state. The community technology opportunity program
4 must be administered by the Washington State University extension, in
5 consultation with the department of information services. The
6 Washington State University extension may contract for services in
7 order to carry out the extension's obligations under this section.

8 (1) In implementing the community technology opportunity program
9 the administrator must, to the extent funds are appropriated for this
10 purpose:

11 (a) Provide organizational and capacity building support to
12 community technology programs throughout the state, and identify and
13 facilitate the availability of other public and private sources of
14 funds to enhance the purposes of the program and the work of community
15 technology programs. No more than fifteen percent of funds received by
16 the administrator for the program may be expended on these functions;

17 (b) Establish a competitive grant program and provide grants to
18 community technology programs to provide training and skill-building
19 opportunities; access to hardware and software; internet connectivity;
20 assistance in the adoption of information and communication
21 technologies in low-income and underserved areas of the state; and
22 development of locally relevant content and delivery of vital services
23 through technology.

24 (2) Grant applicants must:

25 (a) Provide evidence that the applicant is a nonprofit entity or a
26 public entity that is working in partnership with a nonprofit entity;

27 (b) Define the geographic area or population to be served;

28 (c) Include in the application the results of a needs assessment
29 addressing, in the geographic area or among the population to be
30 served: The impact of inadequacies in technology access or knowledge,
31 barriers faced, and services needed;

32 (d) Explain in detail the strategy for addressing the needs
33 identified and an implementation plan including objectives, tasks, and
34 benchmarks for the applicant and the role that other organizations will
35 play in assisting the applicant's efforts;

36 (e) Provide evidence of matching funds and resources, which are
37 equivalent to at least one-quarter of the grant amount committed to the
38 applicant's strategy;

1 (f) Provide evidence that funds applied for, if received, will be
2 used to provide effective delivery of community technology services in
3 alignment with the goals of this program and to increase the
4 applicant's level of effort beyond the current level; and

5 (g) Comply with such other requirements as the administrator
6 establishes.

7 (3) The administrator may use no more than ten percent of funds
8 received for the community technology opportunity program to cover
9 administrative expenses.

10 (4) The administrator must establish expected program outcomes for
11 each grant recipient and must require grant recipients to provide an
12 annual accounting of program outcomes.

13 NEW SECTION. **Sec. 7.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Administrator" means the community technology opportunity
16 program administrator designated by the Washington State University
17 extension.

18 (2) "Community technology program" means a program, including a
19 digital inclusion program, engaged in diffusing information and
20 communications technology in local communities, particularly in
21 underserved areas. These programs may include, but are not limited to,
22 programs that provide education and skill-building opportunities,
23 hardware and software, internet connectivity, and development of
24 locally relevant content and delivery of vital services through
25 technology.

26 NEW SECTION. **Sec. 8.** The Washington community technology
27 opportunity account is established in the state treasury. Donated
28 funds from private and public sources may be deposited into the
29 account. Expenditures from the account may be used only for the
30 operation of the community technology opportunity program as provided
31 in section 6 of this act. Only the administrator or the
32 administrator's designee may authorize expenditures from the account.

33 NEW SECTION. **Sec. 9.** Sections 6 through 8 of this act constitute
34 a new chapter in Title 28B RCW.

1 NEW SECTION. **Sec. 10.** If sections 1 through 5 of this act become
2 null and void, the department of information services shall include
3 high-speed internet adoption and deployment in its 2009-2011 strategic
4 plan.

5 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
6 sections 1 through 5 of this act, referencing sections 1 through 5 of
7 this act by bill or chapter number, is not provided by June 30, 2008,
8 in the omnibus appropriations act, sections 1 through 5 of this act are
9 null and void.

 Passed by the Senate March 12, 2008.

 Passed by the House March 11, 2008.

 Approved by the Governor March 31, 2008.

 Filed in Office of Secretary of State April 1, 2008.