

E2SSB 6438 - H AMD 1468

By Representative McCoy

ADOPTED 03/06/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds and declares the
4 following:

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

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

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

18 (2) Therefore, in order to begin advancing the state towards
19 further growth and development of high-speed internet in the state,
20 it is the legislature's intent to conduct a statewide needs assessment
21 of broadband internet resources through an open dialogue with all
22 interested parties, including providers, unions, businesses, community
23 organizations, local governments, and state agencies. The legislature
24 further resolves to use this needs assessment in guiding future plans
25 on how to ensure that every resident in Washington state may gain
26 access to high-speed internet services.

27 NEW SECTION. **Sec. 2.** (1) After the broadband study authorized by
28 the legislature in 2007 has been completed, or by July 15, 2008, the
29 department of information services, in coordination with the department

1 of community, trade, and economic development and the utilities and
2 transportation commission, shall convene a work group to develop a
3 high-speed internet deployment and adoption strategy for the state.

4 (2) The department of information services shall invite
5 representatives from the following organizations to participate in the
6 work group:

7 (a) Representatives of public, private, and nonprofit agencies and
8 organizations representing economic development, local community
9 development, local government, community planning, technology planning,
10 education, and health care;

11 (b) Representatives of telecommunications providers, technology
12 companies, telecommunications unions, public utilities, and relevant
13 private sector entities;

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

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

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

20 (a) Create and regularly update a detailed, geographic information
21 system map at the census block level of the high-speed internet
22 services and other relevant telecommunications and information
23 technology services owned or leased by public entities in the state
24 with instructions on how proprietary and competitively sensitive data
25 will be handled, stored, and used. Development of this geographic
26 information system map may include collaboration with students and
27 faculty at community colleges and universities in the state. The
28 statewide inventory must, at a minimum, detail:

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

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

32 (iii) Whether the high-speed internet infrastructure is active or
33 inactive;

34 (b) Work collaboratively with telecommunications providers and
35 internet service providers to assess, create, and regularly update a
36 geographic information system map at the census block level of the
37 privately owned high-speed internet infrastructure in the state, with

1 instructions on how proprietary and competitively sensitive data will
2 be handled, stored, and used;

3 (c) Combine the geographic information system map of high-speed
4 internet infrastructure owned by public entities with the geographic
5 information system map of high-speed internet infrastructure owned by
6 private entities to create and regularly update a statewide inventory
7 of all high-speed internet infrastructure in the state;

8 (d) Use the geographic information system map of all high-speed
9 internet infrastructure in the state, both public and privately owned
10 or leased, to identify and regularly update the geographic gaps in
11 high-speed internet service, including an assessment of the population
12 located in each of the geographic gaps;

13 (e) Spur the development of high-speed internet resources in the
14 state, which may include, but is not limited to, soliciting funding in
15 the form of grants or donations; establishing technology literacy
16 programs in conjunction with institutions of higher education;
17 establishing low-cost hardware and software purchasing programs; and
18 developing loan programs targeting small businesses or businesses
19 located in underserved areas;

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

23 (g) Build and facilitate local technology planning teams and
24 partnerships with members representing cross-sections of the community,
25 which may include participation from the following organizations:
26 Representatives of business, telecommunications unions, K-12 education,
27 community colleges, local economic development organizations, health
28 care, libraries, universities, community-based organizations, local
29 governments, tourism, parks and recreation, and agriculture;

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

31 (i) Conduct a needs assessment; and

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

37 (i) Establish low-cost programs to improve computer ownership,

1 technology literacy, and high-speed internet access for disenfranchised
2 or unserved populations across the state.

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

8 (5) By December 1, 2008, the department of information services
9 shall complete the high-speed internet deployment and adoption strategy
10 and provide a report to the fiscal and telecommunications committees in
11 the house of representatives and the senate, the governor, and the
12 office of financial management. The main objective of the report is to
13 outline, based on the efforts of the work group, what legislation is
14 needed in order to implement the high-speed internet deployment and
15 adoption strategy, including a range of potential funding requests to
16 accompany the legislation. Specifically, the report shall include the
17 following:

18 (a) Benchmarks, performance measures, milestones, deliverables,
19 timelines, and such other indicators of performance and progress as are
20 necessary to guide development and implementation of the high-speed
21 internet deployment and adoption strategy, both short term and long
22 term, including an assessment of the amount of funding needed to
23 accomplish a baseline assessment of the high-speed internet
24 infrastructure owned by public and private entities of the state in an
25 eighteen-month period; and

26 (b) Ways to structure and appropriately scale and phase development
27 and implementation of the high-speed internet deployment and adoption
28 strategy so as to link to, leverage, and otherwise synchronize with
29 other relevant and related funding, technology, capital initiatives,
30 investments, and opportunities.

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

33 (1) The department of information services, the department of
34 community, trade, and economic development, the utilities and
35 transportation commission, or any other governmental agent or agency
36 shall not gather or request any information related to high-speed

1 internet infrastructure or service from providers of telecommunications
2 or high-speed internet services that could be classified as proprietary
3 or competitively sensitive.

4 (2) Nothing in this section may be construed as limiting the
5 authority of the utilities and transportation commission to gather or
6 request information from providers of telecommunications services
7 pursuant to its authority under Title 80 RCW.

8 (3) Nothing in this section may be construed as limiting the
9 authority of the department of information services to gather or
10 request information from providers of telecommunications services in
11 order to carry out the business of the department, including
12 acquisitions and procurements, contracting, other solicitations, and
13 any planning or architecture-related activities.

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

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

20 (1) By January 1, 2009, the department, in consultation with the
21 utilities and transportation commission and other relevant agencies,
22 shall identify and make publicly available a web directory of public
23 facilities that provide community technology programs throughout the
24 state.

25 (2) For the purposes of this section, "community technology
26 program," also known as a digital inclusion program, means a program
27 engaged in diffusing information and communications technology in local
28 communities, particularly in unserved areas. These programs may
29 include, but are not limited to, programs that provide education and
30 skill-building opportunities, hardware and software ownership, internet
31 connectivity, and development of locally relevant content and delivery
32 of vital services through technology.

33 NEW SECTION. **Sec. 6.** If sections 1 through 5 of this act become
34 null and void, the department of information services shall include

1 high-speed internet adoption and deployment in its 2009-2011 strategic
2 plan.

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

8 Correct the title.

EFFECT: Retains most of the provisions of the striking amendment
that passed the House Appropriations subcommittee.

Removes the following provisions:

The requirement that the Department of Information Services (DIS)
submit a request for proposals is removed.

The requirement that local technology planning teams be led by
local economic development organizations is removed.

Adds the following provisions:

Specifies that the work group will be convened after the 2007
broadband study is complete, or by July 15, 2008.

Clarifies the high-speed internet deployment and adoption strategy
is due December 1, 2008.

Adds local economic development teams to the membership of the work
group.

Specifies that the DIS, the Department of Community, Trade, and
Economic Development, the Utilities and Transportation Commission, or
any other governmental agent or agency cannot gather or request
information from telecommunications or internet service providers that
could be classified as proprietary or competitively sensitive, unless
such information is gathered or requested pursuant to other authority.

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