

**E2SSB 6438** - H AMD TO H AMD (H5984.4) **1544**  
By Representative McCoy

ADOPTED 03/11/2008

1 Beginning on page 1, line 3 of the amendment, strike everything  
2 through "other authority." on page 6 and insert the 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, and  
20 to ensure a better quality of life for all state residents, it is the  
21 legislature's intent to conduct a statewide needs assessment of  
22 broadband internet resources through an open dialogue with all  
23 interested parties, including providers, unions, businesses, community  
24 organizations, local governments, and state agencies. The legislature  
25 intends to use this needs assessment in guiding future plans on how to  
26 ensure that every resident in Washington state may gain access to  
27 high-speed internet services and, as part of this effort, to address  
28 digital literacy and technology training needs of low-income and  
29 technology underserved residents of the state through state support of  
30 community technology programs.

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

7        (2) The department of information services shall invite  
8 representatives from the following organizations to participate in the  
9 work group:

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

14        (b) Representatives of telecommunications providers, technology  
15 companies, telecommunications unions, public utilities, and relevant  
16 private sector entities;

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

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

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

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

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

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

35        (iii) Whether the high-speed internet infrastructure is active or  
36 inactive;

37        (b) Work collaboratively with telecommunications providers and  
38 internet service providers to assess, create, and regularly update a

1 geographic information system map at the census block level of the  
2 privately owned high-speed internet infrastructure in the state, with  
3 instructions on how proprietary and competitively sensitive data will  
4 be handled, stored, and used;

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

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

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

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

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

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

33 (i) Conduct a needs assessment; and

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

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

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

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

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

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

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

35 (1) For purposes of compliance with section 2 of this act or any  
36 subsequent high-speed internet deployment and adoption initiative, the  
37 department of information services, the department of community, trade,

1 and economic development, the utilities and transportation commission,  
2 and any other government agent or agency shall not gather or request  
3 any information related to high-speed internet infrastructure or  
4 service from providers of telecommunications or high-speed internet  
5 services that is classified by the provider as proprietary or  
6 competitively sensitive.

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

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

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

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

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

23 NEW SECTION. **Sec. 6.** The community technology opportunity program  
24 is created to support the efforts of community technology programs  
25 throughout the state. The community technology opportunity program  
26 must be administered by the Washington State University extension, in  
27 consultation with the department of information services. The  
28 Washington State University extension may contract for services in  
29 order to carry out the extension's obligations under this section.

30 (1) In implementing the community technology opportunity program  
31 the administrator must, to the extent funds are appropriated for this  
32 purpose:

33 (a) Provide organizational and capacity building support to  
34 community technology programs throughout the state, and identify and  
35 facilitate the availability of other public and private sources of

1 funds to enhance the purposes of the program and the work of community  
2 technology programs. No more than fifteen percent of funds received by  
3 the administrator for the program may be expended on these functions;

4 (b) Establish a competitive grant program and provide grants to  
5 community technology programs to provide training and skill-building  
6 opportunities; access to hardware and software; internet connectivity;  
7 assistance in the adoption of information and communication  
8 technologies in low-income and underserved areas of the state; and  
9 development of locally relevant content and delivery of vital services  
10 through technology.

11 (2) Grant applicants must:

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

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

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

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

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

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

30 (g) Comply with such other requirements as the administrator  
31 establishes.

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

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

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

3        (1) "Administrator" means the community technology opportunity  
4 program administrator designated by the Washington State University  
5 extension.

6        (2) "Community technology program" means a program, including a  
7 digital inclusion program, engaged in diffusing information and  
8 communications technology in local communities, particularly in  
9 underserved areas. These programs may include, but are not limited to,  
10 programs that provide education and skill-building opportunities,  
11 hardware and software, internet connectivity, and development of  
12 locally relevant content and delivery of vital services through  
13 technology.

14        NEW SECTION.    **Sec. 8.** The Washington community technology  
15 opportunity account is established in the state treasury. Donated  
16 funds from private and public sources may be deposited into the  
17 account. Expenditures from the account may be used only for the  
18 operation of the community technology opportunity program as provided  
19 in section 6 of this act. Only the administrator or the  
20 administrator's designee may authorize expenditures from the account.

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

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

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

32        Correct the title.

EFFECT:        Retains the language of the striking amendment that

passed the House (H5984.4), except for section 3. Replaces section 3 with language specifying that the prohibition on the collection of information related to high-speed internet infrastructure or service applies only for the purpose of the high-speed internet strategy or initiative. Clarifies that this prohibition is not to be interpreted so as to prevent a state agency or local government from acquiring information pursuant to its statutory authority.

Adds provisions related to community technology programs that were contained in 2SSB 6775, which establish a Community Technology Opportunity Program at Washington State University.

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