

2SSB 6438 - S AMD 145

By Senators Kohl-Welles, Rockefeller, and Honeyford

ADOPTED 02/19/2008

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.105
4 RCW to read as follows:

5 (1) The legislature finds that the deployment and adoption of
6 high-speed internet services and information technology has resulted in
7 enhanced economic development and public safety for the state's
8 communities, improved health care and educational opportunities, and a
9 better quality of life for the state's residents. Further, continued
10 progress in the deployment and adoption of high-speed internet services
11 and other advanced telecommunications services, both land-based and
12 wireless, is vital to ensuring Washington remains competitive and
13 continues to create business and job growth. The legislature finds
14 that the state must encourage and support strategic partnerships of
15 public, private, nonprofit, and community-based sectors in the
16 continued growth and development of high-speed internet services and
17 information technology for state residents and businesses, and do so
18 through formalized and structured arrangements like the highly
19 successful K-20 educational network.

20 (2) The department, as the state agency responsible for
21 coordinating with the education sectors on the K-20 educational
22 network, shall work to coordinate the development of a comprehensive,
23 statewide high-speed internet deployment and adoption initiative that
24 will be implemented through a public-private partnership with a
25 nonprofit organization, as set forth in subsection (7) of this section,
26 to accomplish the following goals:

27 (a) Ensure that all state residents and businesses have access to
28 affordable and reliable high-speed internet services;

29 (b) Achieve improved technology literacy, increased computer

1 ownership, and high-speed internet use among state residents, nonprofit
2 organizations, and businesses;

3 (c) Establish and empower local technology planning teams and
4 partnerships to plan for improved technology use across multiple
5 community sectors;

6 (d) Establish and sustain an environment ripe for
7 telecommunications and technology investment statewide, including
8 solicitation and receipt of grants, loans, and other financial
9 mechanisms; and

10 (e) Create and regularly update a geographic statewide inventory of
11 high-speed internet service and other relevant telecommunications and
12 information technology services through a method of geographic
13 information system mapping and geographic information system analysis
14 at the census block level, consistent with any federal data reporting
15 requirements.

16 (3) By June 1, 2008, the department shall convene an initial work
17 group of representatives of the department of community, trade, and
18 economic development and the utilities and transportation commission,
19 and representatives of public, private, and nonprofit agencies and
20 organizations representing economic development, local community
21 development, community planning, technology planning, education, health
22 care, and other relevant entities as well as representatives of
23 telecommunications providers, technology companies, telecommunications
24 unions, community-based organizations, and relevant private sector
25 entities.

26 (4) By September 1, 2008, the department and the work group in
27 subsection (3) of this section shall develop a high-speed internet
28 deployment and adoption strategy for implementation by a nonprofit
29 organization to accomplish the following goals:

30 (a) Create and regularly update a geographic statewide inventory of
31 high-speed internet service and other relevant telecommunications and
32 information technology services. The inventory must:

33 (i) Identify geographic gaps in high-speed internet service through
34 a method of geographic information system mapping of service
35 availability and geographic information system analysis at the census
36 block level;

37 (ii) Provide a baseline assessment of statewide high-speed internet

1 deployment in terms of percentage of households and businesses with
2 high-speed internet availability;

3 (iii) Provide updates to these data every six months; and

4 (iv) Build upon the initial utilities and transportation commission
5 broadband disparity study authorized by the legislature in 2007;

6 (b) Track statewide residential and business adoption of high-speed
7 internet, computers, and related information technology through data
8 collected directly from end-users through telephone surveys or similar
9 methods; identify barriers to adoption; and measure progress on these
10 data annually;

11 (c) Build and facilitate local technology planning teams and
12 partnerships with members representing cross-sections of the community,
13 including but not limited to representatives of business,
14 telecommunications unions, K-12 education, health care, libraries,
15 higher education, community-based organizations, local government,
16 tourism, parks and recreation, and agriculture. Local technology
17 planning teams shall benchmark technology use across relevant community
18 sectors, set goals for improving technology use within each sector, and
19 develop tactical business plans for achieving identified goals, with
20 specific recommendations for online application development and demand
21 creation;

22 (d) Work collaboratively with high-speed internet providers and
23 technology companies across the state to encourage deployment and use,
24 through use of local demand aggregation, mapping analysis, and creation
25 of market intelligence to improve the investment rationale and business
26 case for providers to deploy; and

27 (e) Establish programs to improve computer ownership, technology
28 literacy, and internet access for disenfranchised populations across
29 the state.

30 (5) The department and the work group in subsection (3) of this
31 section shall provide a report to the fiscal and telecommunications
32 committees in the senate and the house of representatives on or before
33 December 1, 2008. The report shall identify and make recommendations
34 as appropriate for:

35 (a) Benchmarks, performance measures, milestones, deliverables,
36 timelines, and such other indicators of performance and progress as are
37 necessary to guide development and implementation of the statewide
38 high-speed internet deployment and adoption effort;

1 (b) A strategic plan to structure and appropriately scale and phase
2 development and implementation of the effort so as to link to,
3 leverage, and otherwise synchronize with other relevant and related
4 funding, technology, capital initiatives, investments, and
5 opportunities;

6 (c) Budget and legislation to be considered before the 2009
7 legislature in order to implement the strategic high-speed internet
8 deployment and adoption strategy;

9 (d) Safeguards to protect proprietary and confidential information
10 from unintended disclosure under chapter 42.56 RCW, which may be based
11 upon existing models developed by other state broadband efforts to
12 protect proprietary information;

13 (e) A plan to complete baseline mapping of high-speed internet
14 resources in the state in an eighteen-month period, subject to approval
15 of the plan and appropriation by the legislature; and

16 (f) A plan to launch community teams across the state.

17 (6) The department shall provide an annual progress report together
18 with any recommendations for strengthening the program to the fiscal
19 and telecommunications committees in the senate and the house of
20 representatives not later than December 1st, beginning in 2009, and
21 cover the preceding fiscal year.

22 (7) The department shall contract with a nonprofit organization to
23 accomplish the objectives set forth in this act. The nonprofit
24 organization shall:

25 (a) Be qualified under section 501(c)(3) of the internal revenue
26 code of 1986 and exempt from tax under section 501(a) of such code;

27 (b) Have no part of the net earnings inure to the benefit of any
28 member, founder, contributor, or individual;

29 (c) Have a board of directors that is not composed of a majority of
30 individuals who are also employed by, or otherwise associated with, any
31 federal, state, or local government or any federal, state, or local
32 agency;

33 (d) Have an established competency in working on a statewide basis
34 with public and private sectors to accomplish the deployment and
35 adoption of high-speed internet services and information technology;

36 (e) Have an established competency working directly with high-speed
37 internet providers in the handling, storage, and use of proprietary and

1 competitively sensitive data for the purposes set forth in this act;
2 and

3 (f) Enter into voluntary nondisclosure agreements as necessary to
4 prevent the unauthorized disclosure of confidential and proprietary
5 information provided by broadband service providers and other entities.
6 Private entities submitting data in connection with efforts to develop
7 the high-speed internet deployment strategy referenced in this act may
8 elect to provide such data to the extent and in the format the data is
9 maintained in the normal course of business. Any information
10 designated by the providing entity as confidential or proprietary shall
11 be treated as such, and governed by an appropriate nondisclosure
12 agreement. To the extent any data which is submitted pursuant to this
13 act would otherwise be deemed a public record, the data is excepted
14 from disclosure under chapter 42.56 RCW if designated as confidential
15 by the providing entity.

16 (8) This section expires June 30, 2011.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW
18 to read as follows:

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

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

32 NEW SECTION. **Sec. 3.** Nothing in this act shall be construed as
33 giving the department of information services or any other entities any
34 additional authority, regulatory or otherwise, over providers of
35 telecommunications and information technology."

ADOPTED 02/19/2008

1 On page 1, line 2 of the title, after "initiative;" strike the
2 remainder of the title and insert "adding new sections to chapter
3 43.105 RCW; creating a new section; and providing an expiration date."

EFFECT: Washington Department of Information Services (DIS) must convene a workgroup of affected interests by June 1, 2008, develop a high-speed internet deployment and adoption strategy by September 1, 2008, and publish a web directory of community technology programs by January 1, 2009.

DIS must report to the legislature by December 1, 2008, with recommendations on benchmarks and performance measures, budget and legislative needs, safeguards to protect proprietary and confidential information, and a plan for community technology teams.

DIS must contract with a nonprofit organization to accomplish the objectives of the act. Provides for nondisclosure under the state public records act of private entity data collected by the nonprofit organization in the course of its contractual duties with DIS.

Provides an expiration date of June 30, 2011, for the deployment and adoption effort.

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