HOUSE BILL REPORT
HB 2521

As Reported by House Committee On:
Technology, Energy & Communications

Title: An act relating to the mapping of internet and computer resources in the state for purposes of future economic development.

Brief Description: Mapping internet and computer resources in the state.

Sponsors: Representatives Hudgins, McCoy and Hasegawa.

Brief History:
Committee Activity:
Technology, Energy & Communications: 1/15/08, 1/22/08 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Information Services (DIS) to conduct a survey of the telecommunications infrastructure owned by the state.
- Requires the DIS to compile a database and webpage listing of all the major, free wireless Internet services that are available to the public.
- Requires the DIS to create a webpage directory of facilities providing community technology programs.

HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Hankins, Herrera, Hudgins, Hurst, Kelley, Morris, Takko and Van De Wege.

Minority Report: Do not pass. Signed by 1 member: Representative Ericksen.

Staff: Kara Durbin (786-7133).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In the Telecommunications Act of 1996, Congress directed the Federal Communications Commission (FCC) and state regulatory commissions to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans."

The term "advanced telecommunications capability" is used by the FCC to describe services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer) transmission speed exceeding 200 kilobits per second (kbps). The FCC uses the term "high-speed" for those services with over 200 kbps capability in at least one direction.

The term "broadband service" generally refers to the high-speed transmission of electronic information. Several different types of technologies can be used to provide broadband service, including digital subscriber line (DSL), cable modem, satellite, remote DSL, broadband over power lines, wireless Internet service providers, and Wi-Fi networks.

National Broadband Surveys: According to a 2006 survey by the U.S. Government Accountability Office (GAO), a variety of characteristics related to households and services influences whether consumers purchase broadband services. The GAO found that households with higher incomes were more likely to adopt broadband than lower-income households, and those households with a college-education head of household were more likely to purchase broadband than those households headed by someone who did not graduate from college. While the GAO found that rural households are less likely to adopt broadband, their findings indicate that this difference may be related in part to the lower availability of broadband in rural areas. In addition, the GAO identified the price of broadband service as a barrier to adoption for some consumers.

State Study: The Utilities and Transportation Commission (UTC) received an appropriation of $160,000 in the 2007-2009 Operating Budget (Budget) to conduct a survey to "identify factors preventing the widespread availability and use of broadband technologies." Specifically, the Budget directed the UTC to collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. In conducting the study, the UTC must consult with appropriate stakeholders in designing the survey. The UTC must report its findings to the Legislature by December 31, 2007.

Summary of Substitute Bill:

Survey of State-owned Broadband: The Department of Information Services (DIS), in consultation with the UTC, must conduct a detailed survey of telecommunications infrastructure owned by the state.

The survey must include: (1) the physical location of all telecommunications infrastructure owned by the state; and (2) the amount of excess capacity available. The survey must also indicate what broadband services are available by census tract and by block, lot, or other uniquely identifiable administrative characteristic.

The DIS, in consultation with the UTC, must also identify any excess capacity and bandwidth that could be leased on a nondiscriminatory and commercially reasonable basis by public entities, community technology programs, and community action agencies.

State agencies must respond to any requests for information from the DIS in a reasonable and timely manner. Telecommunications infrastructure owned, leased, or controlled by law enforcement are exempt.

Status Report: By December 1, 2008, the DIS must provide a status update to the Legislature, which must include recommendations for moving forward towards full implementation of a state broadband initiative.

Updates: By December 1 of each year, the DIS must update the survey to track the expansion and progress of broadband access in the state and submit a report to the Legislature.

Availability of Wireless Internet Services: By December 1, 2008, the DIS, in consultation with the UTC, must compile a database and a webpage listing of the major, free wireless Internet services that are available to the public in the state. This database and webpage must describe the exact location of each wireless access point, and may include any login information that may be required for gaining access. The database must be updated semi-annually.

Availability of Community Technology Programs: The DIS, in consultation with the UTC, must identify and make publicly available by December 1, 2008, a webpage directory of facilities providing community technology programs throughout the state. This directory must be updated annually.

"Community technology program" is defined as a program engaged in diffusing information and communications technology in local communities, particularly in underserved areas.

Substitute Bill Compared to Original Bill:

The substitute bill changes the lead agency in charge of the mapping survey from the UTC to the DIS. The scope of the substitute bill is limited to telecommunication infrastructure owned by the state. The webpage and database of wireless Internet services is limited to only major, free wireless Internet services. The definition of broadband is changed in the substitute bill to the transmission of information at minimum rates of transmission of one megabyte downstream and 512 upstream, or at those rates that may be recommended by the DIS by rule, or as defined by the Federal Communications Commission. The substitute bill requires the DIS to provide a status update to the Legislature by December 1, 2008, which must include recommendations on how to move the state forward towards full implementation of a state broadband initiative.

Appropriation: None.

Fiscal Note: Available on original bill. Revised fiscal note requested on January 22, 2008.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) It is important that we build public broadband infrastructure out. This is an incremental step towards a larger broadband effort. Mapping community technology centers is extremely important. It allows disabled people to more fully participate in community life. The digital divide does exist and it is important that citizens have computer access at home. We support this mapping, but feel there needs to be more of an economic, strategic approach towards developing broadband in the state.

(With concerns) We are very interested in having a mapping project, but we have concerns about proprietary information being released. Public entities may lease broadband facilities from private entities. The definition of broadband may be problematic because defining what is broadband is more of a federal issue.

(Opposed) None.

Persons Testifying: (In support) Representative Hudgins, prime sponsor; Karen Manuel, Puget Sound Center for Teaching, Learning, and Technology; Marcus Courtney, WashTech and Communications Workers of America; Mike Corsini, STAR Center; and Betty Buckley, Communities Connect Network and Stone Soup.

(With concerns) Ron Main, Cable Association; Milt Doumit, Verizon; and Mary Taylor, CenturyTel.

Persons Signed In To Testify But Not Testifying: None.