

2SHB 1746 - S COMM AMD
By Committee on Ways & Means

NOT CONSIDERED 05/17/2023

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

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that:

4 (1) Broadband consumers and state funders require a detailed and
5 accurate picture of fixed broadband infrastructure and availability
6 in order to ensure limited resources are deployed to maximum
7 advantage in achieving the goal of ubiquitous statewide coverage.

8 (2) The maps compiled by the federal communications commission
9 have historically lacked location specific information and glossed
10 over gaps in coverage.

11 (3) Improving these maps can result in direct benefits for
12 consumers, allowing users to have a one-stop-shop to search for their
13 address and find information about which internet service providers
14 offer service at the location, the broadband technologies they offer,
15 and the maximum download and upload speeds they advertise for each
16 technology.

17 (4) This greater transparency will create market pressures on
18 internet providers to improve their coverage and will also help
19 policymakers more accurately target investments to expand broadband
20 to unserved and underserved areas and close the digital divide.

21 Therefore, it is the intent of the legislature to incentivize
22 participation by those required to submit a biannual broadband data
23 collection filing to the federal communications commission by
24 establishing an expectation that entities who apply for state funding
25 for broadband projects, or seek to influence state funding by
26 objecting to the grant of an award, are providing key data to federal
27 and state efforts.

28 **Sec. 2.** RCW 43.155.160 and 2022 c 201 s 1 are each amended to
29 read as follows:

30 (1) The board, in collaboration with the office, shall establish
31 a competitive grant and loan program to award funding to eligible

1 applicants in order to promote the expansion of access to broadband
2 service in unserved areas of the state.

3 (2)(a) Grants and loans may be awarded under this section to
4 assist in funding acquisition, installation, and construction of
5 middle mile and last mile infrastructure that supports broadband
6 services and to assist in funding strategic planning for deploying
7 broadband service in unserved areas.

8 (b) The board may choose to fund all or part of an application
9 for funding, provided that the application meets the requirements of
10 subsection (11) of this section.

11 (3) Eligible applicants for grants and loans awarded under this
12 section include:

13 (a) Local governments;

14 (b) Tribes;

15 (c) Nonprofit organizations;

16 (d) Cooperative associations;

17 (e) Multiparty entities comprised of public entity members;

18 (f) Limited liability corporations organized for the purpose of
19 expanding broadband access; and

20 (g) Incorporated businesses or partnerships.

21 (4)(a) The board shall develop administrative procedures
22 governing the preapplication and award process. The board shall act
23 as fiscal agent for the program and is responsible for receiving and
24 reviewing applications and awarding funds under this section.

25 (b) At least sixty days prior to the first day preapplications
26 may be submitted each fiscal year, the board must publish on its
27 website the specific criteria and any quantitative weighting scheme
28 or scoring system that the board will use to evaluate or rank
29 applications and award funding.

30 (c) The board may maintain separate accounting in the statewide
31 broadband account created in RCW 43.155.165 as the board deems
32 necessary to carry out the purposes of this section.

33 (d) The board must provide a method for the allocation of loans,
34 grants, provision of technical assistance, and interest rates under
35 this section.

36 (5) An applicant for a grant or loan under this section must
37 provide the following information on the preapplication:

38 (a) The location and description of the project, including
39 detailed end-user location address information for each passing;

1 (b) Evidence regarding the unserved nature of the community in
2 which the project is to be located;

3 (c) Evidence that proposed infrastructure will be capable of
4 scaling to greater download and upload speeds;

5 (d) The number of households (~~passed~~) that will gain access to
6 broadband service as a result of the project or whose broadband
7 service will be upgraded as a result of the project;

8 (e) Evidence that before submission of the application, the
9 applicant contacted, in writing, all entities providing broadband
10 service near the proposed project area to ask each broadband service
11 provider's plan to upgrade broadband service in the project area to
12 speeds that meet or exceed the state's definition for broadband
13 service as defined in RCW 43.330.530, within the time frame specified
14 in the proposed grant or loan activities;

15 (f) If applicable, the broadband service providers' written
16 responses to the inquiry made under (e) of this subsection;

17 (g) The proposed geographic broadband service area and the
18 proposed broadband speeds in the form and manner prescribed by the
19 board;

20 (h) Evidence of community support for the project; and

21 (i) Any additional information requested by the board.

22 (6) An applicant for a grant or loan under this section must
23 provide the following information on the application:

24 (a) The final location and description of the project;

25 (b) Evidence that the proposed infrastructure will be capable of
26 scaling to greater download and upload speeds;

27 (c) The number of households passed that will gain access to
28 broadband service as a result of the project or whose broadband
29 service will be upgraded as a result of the project;

30 (d) The estimated cost of retail services to end users
31 facilitated by a project;

32 (e) The proposed actual download and upload speeds experienced by
33 end users;

34 (f) Evidence of significant community institutions that will
35 benefit from the proposed project;

36 (g) Anticipated economic, educational, health care, or public
37 safety benefits created by the project;

38 (h) If available, a description of the applicant's user adoption
39 assistance program and efforts to promote the use of newly available
40 broadband services created by the project;

1 (i) The estimated total cost of the project;

2 (j) Other sources of funding for the project that will supplement
3 any grant or loan award;

4 (k) A demonstration of the project's long-term sustainability,
5 including the applicant's financial soundness, organizational
6 capacity, and technical expertise;

7 (l) A strategic plan to maintain long-term operation of the
8 infrastructure;

9 (m) If applicable, documentation describing the outcome of the
10 broadband service providers' written responses to the inquiry made
11 prior to or during the preapplication phase; and

12 (n) Any additional information requested by the board.

13 (7)(a) The board shall publish on its website for at least 30
14 days the proposed geographic broadband service area and the proposed
15 broadband speeds for each proposed broadband project submitted in the
16 preapplication period.

17 (b) The board shall, within three business days following the
18 close of the preapplication cycle, publish on its website
19 preapplications as described in subsection (5) of this section.

20 (c) The board shall set an objection period of at least 30 days.

21 (8)(a) Any existing broadband service provider near the proposed
22 project area that has submitted broadband mapping data outlined in
23 section 4 of this act to the federal communications commission within
24 the previous year may submit in writing to the board an objection to
25 a proposed broadband project. An objection must contain information
26 demonstrating that:

27 (i) The project would result in overbuild, meaning that the
28 objecting provider currently provides, or has begun construction to
29 provide, broadband service to end users in the proposed project area
30 at speeds equal to or greater than the speeds contained in the
31 definition of broadband in RCW 43.330.530(~~((+2))~~) (4); or

32 (ii) The objecting provider commits to complete construction of
33 broadband infrastructure and provide broadband service to end users
34 in the proposed project area at speeds equal to or greater than the
35 speeds contained in the definition of broadband in RCW
36 43.330.530(~~((+2))~~) (4), no later than twenty-four months after the
37 date awards are made under this section for the grant and loan cycle
38 under which the preapplication was submitted.

39 (b) Objections submitted to the board under this subsection must
40 be certified by affidavit.

1 (c) The board may evaluate the information submitted under this
2 section by the objecting provider and must consider it in making a
3 determination on the proposed broadband project objected to. The
4 board may request clarification or additional information. The board
5 may choose to not fund a project if the board determines that the
6 objecting provider's commitment to provide broadband service that
7 meets the requirements of (a) of this subsection in the proposed
8 project area is credible. In assessing the commitment, the board may
9 consider whether the objecting provider has or will provide a bond,
10 letter of credit, or other indicia of financial commitment
11 guaranteeing the project's completion.

12 (d) If the board denies funding to an applicant as a result of a
13 broadband service provider's objection made under this section, and
14 the broadband service provider does not fulfill its commitment to
15 provide broadband service in the project area, then for the following
16 two grant and loan cycles, the board is prohibited from denying
17 funding to an applicant on the basis of a challenge by the same
18 broadband service provider, unless the board determines that the
19 broadband service provider's failure to fulfill the provider's
20 commitment was the result of factors beyond the broadband service
21 provider's control. The board is not prohibited from denying funding
22 to an applicant for reasons other than an objection by the same
23 broadband service provider.

24 (e) An applicant or broadband service provider that objected to
25 the application may request a debriefing conference regarding the
26 board's decision on the application. Requests for debriefing must be
27 coordinated by the office and must be submitted in writing in
28 accordance with procedures specified by the office.

29 (f) Confidential business and financial information submitted by
30 an objecting provider under this subsection is exempt from disclosure
31 under chapter 42.56 RCW.

32 (9)(a) In evaluating applications and awarding funds, the board
33 shall give priority to applications that are constructed in areas
34 identified as unserved.

35 (b) In evaluating applications and awarding funds, the board may
36 give priority to applications that:

37 (i) Provide assistance to public-private partnerships deploying
38 broadband infrastructure from areas currently served with broadband
39 service to areas currently lacking access to broadband services;

40 (ii) Demonstrate project readiness to proceed;

1 (iii) Construct infrastructure that is open access, meaning that
2 during the useful life of the infrastructure, service providers may
3 use network services and facilities at rates, terms, and conditions
4 that are not discriminatory or preferential between providers, and
5 employing accountable interconnection arrangements published and
6 available publicly;

7 (iv) Are submitted by tribal governments whose reservations are
8 in rural and remote areas where reliable and efficient broadband
9 services are unavailable to many or most residents;

10 (v) Bring broadband service to tribal lands, particularly to
11 rural and remote tribal lands or areas servicing rural and remote
12 tribal entities;

13 (vi) Are submitted by tribal governments in rural and remote
14 areas that have spent significant amounts of tribal funds to address
15 the problem but cannot provide necessary broadband services without
16 either additional state support, additional federal support, or both;

17 (vii) Serve economically distressed areas of the state as the
18 term "distressed area" is defined in RCW 43.168.020;

19 (viii) Offer new or substantially upgraded broadband service to
20 important community anchor institutions including, but not limited
21 to, libraries, educational institutions, public safety facilities,
22 and health care facilities;

23 (ix) Facilitate the use of telemedicine and electronic health
24 records, especially in deliverance of behavioral health services and
25 services to veterans;

26 (x) Provide technical support and train residents, businesses,
27 and institutions in the community served by the project to utilize
28 broadband service;

29 (xi) Include a component to actively promote the adoption of
30 newly available broadband services in the community;

31 (xii) Provide evidence of strong support for the project from
32 citizens, government, businesses, and community institutions;

33 (xiii) Provide access to broadband service to a greater number of
34 unserved households and businesses, including farms;

35 (xiv) Utilize equipment and technology demonstrating greater
36 longevity of service;

37 (xv) Seek the lowest amount of state investment per new location
38 served and leverage greater amounts of funding for the project from
39 other private and public sources;

40 (xvi) Include evidence of a customer service plan;

1 (xvii) Consider leveraging existing broadband infrastructure and
2 other unique solutions;

3 (xviii) Benefit public safety and fire preparedness; (~~(e)~~)

4 (xix) Are submitted by applicants who have submitted broadband
5 mapping data to the federal communications commission as outlined in
6 section 4 of this act within the previous year; or

7 (xx) Demonstrate other priorities as the board, in collaboration
8 with the office, may prescribe by rule.

9 (c) The board shall endeavor to award funds under this section to
10 qualified applicants in all regions of the state.

11 (d) The board shall consider affordability and quality of service
12 to end users in making a determination on any application.

13 (e) The board, in collaboration with the office, may develop
14 additional rules for eligibility, project preapplications, project
15 applications, the associated objection process, and funding priority,
16 as provided under this subsection and subsections (3), (5), (6), (7),
17 and (8) of this section.

18 (f) The board, in collaboration with the office, may adopt rules
19 for a voluntary nonbinding mediation between incumbent providers and
20 applicants to the grant and loan program created in this section.

21 (10) To ensure a grant or loan to a private entity under this
22 section primarily serves the public interest and benefits the public,
23 any such grant or loan must be conditioned on a guarantee that the
24 asset or infrastructure to be developed will be maintained for public
25 use for a period of at least fifteen years.

26 (11)(a) No funds awarded under this section may fund more than
27 fifty percent of the total cost of the project, except as provided in
28 (b) of this subsection.

29 (b) The board may choose to fund up to ninety percent of the
30 total cost of a project in financially distressed areas as the term
31 "distressed area" is defined in RCW 43.168.020, and in areas
32 identified as Indian country as the term "Indian country" is defined
33 in WAC 458-20-192.

34 (c) Funds awarded to a single project under this section must not
35 exceed two million dollars, except that the board may choose to fund
36 projects qualifying for the exception in (b) of this subsection up
37 to, but not to exceed, five million dollars.

38 (12) The board shall have such rights of recovery in the event of
39 default in payment or other breach of financing agreement as may be
40 provided in the agreement or otherwise by law.

1 (13) The community economic revitalization board shall facilitate
2 the timely transmission of information and documents from its
3 broadband program to the board in order to effectuate an orderly
4 transition.

5 (14)(a) Subject to rules promulgated by the board, the board may
6 make low-interest or interest-free loans or grants to eligible
7 applicants for emergency public works broadband projects. While
8 developing rules, the board shall consider prioritizing broadband
9 infrastructure projects that replace existing infrastructure impacted
10 by an emergency, as described in (b) of this subsection.

11 (b) Emergency public works broadband projects include
12 construction, repair, reconstruction, replacement, rehabilitation, or
13 improvement to critical broadband infrastructure that has been made
14 necessary by a natural disaster or damaged by unforeseen events. To
15 ensure limited resources are provided as efficiently as possible, the
16 board shall grant priority to emergency public works projects that
17 replace existing infrastructure of the provider whose facilities were
18 damaged by the unforeseen event and shall not provide funds to a new
19 provider to overbuild the existing provider. The loans or grants may
20 be used to help fund all or part of an emergency public works
21 broadband infrastructure project less any reimbursement from any of
22 the following sources: (i) Federal disaster or emergency funds,
23 including funds from the federal emergency management agency; (ii)
24 state disaster or emergency funds; (iii) insurance settlements; and
25 (iv) litigation.

26 (c) Eligible applicants for grants and loans awarded under this
27 subsection are the same as those described in subsection (3) of this
28 section.

29 (15) The definitions in RCW 43.330.530 apply throughout this
30 section unless the context clearly requires otherwise.

31 (16) For purposes of this section, a "proposed broadband project"
32 means a project that has been submitted as a preapplication to the
33 public works board.

34 **Sec. 3.** RCW 43.330.534 and 2022 c 265 s 303 are each amended to
35 read as follows:

36 (1) The office has the power and duty to:

37 (a) Serve as the central broadband planning body for the state of
38 Washington;

1 (b) Coordinate with local governments, tribes, public and private
2 entities, public housing agencies, nonprofit organizations, and
3 consumer-owned and investor-owned utilities to develop strategies and
4 plans promoting deployment of broadband infrastructure and greater
5 broadband access, while protecting proprietary information;

6 (c) Review existing broadband initiatives, policies, and public
7 and private investments;

8 (d) Develop, recommend, and implement a statewide plan to
9 encourage cost-effective broadband access and to make recommendations
10 for increased usage, particularly in rural and other unserved areas;

11 (e) Update the state's broadband goals and definitions for
12 broadband service in unserved areas as technology advances, except
13 that the state's definition for broadband service may not be actual
14 speeds less than twenty-five megabits per second download and three
15 megabits per second upload; (~~and~~)

16 (f) Encourage public-private partnerships to increase deployment
17 and adoption of broadband services and applications; and

18 (g) Assist in developing accurate mapping of broadband
19 infrastructure in accordance with section 4 of this act.

20 (2) When developing plans or strategies for broadband deployment,
21 the office must consider:

22 (a) Partnerships between communities, tribes, nonprofit
23 organizations, local governments, consumer-owned and investor-owned
24 utilities, and public and private entities;

25 (b) Funding opportunities that provide for the coordination of
26 public, private, state, and federal funds for the purposes of making
27 broadband infrastructure or broadband services available to rural and
28 unserved areas of the state;

29 (c) Barriers to the deployment, adoption, and utilization of
30 broadband service, including affordability of service and project
31 coordination logistics; and

32 (d) Requiring minimum broadband service of twenty-five megabits
33 per second download and three megabits per second upload speed, that
34 is scalable to faster service.

35 (3) The office may assist applicants for the grant and loan
36 program created in RCW 43.155.160, the digital equity opportunity
37 program created in RCW 43.330.412, and the digital equity planning
38 grant program created in RCW 43.330.5393 with seeking federal funding
39 or matching grants and other grant opportunities for deploying or
40 increasing adoption of broadband services.

1 (4) The office may take all appropriate steps to seek and apply
2 for federal funds for which the office is eligible, and other grants,
3 and accept donations, and must deposit these funds in the statewide
4 broadband account created in RCW 43.155.165.

5 (5) The office shall coordinate an outreach effort to hard-to-
6 reach communities and low-income communities across the state to
7 provide information about broadband programs available to consumers
8 of these communities. The outreach effort must include, but is not
9 limited to, providing information to applicable communities about the
10 federal lifeline program and other low-income broadband benefit
11 programs. The outreach effort must be reviewed by the office of
12 equity annually. The office may contract with other public or private
13 entities to conduct outreach to communities as provided under this
14 subsection.

15 (6) In carrying out its purpose, the office may collaborate with
16 the utilities and transportation commission, the office of the chief
17 information officer, the department of commerce, the community
18 economic revitalization board, the department of transportation, the
19 public works board, the state librarian, and all other relevant state
20 agencies.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330
22 RCW to read as follows:

23 (1) The office must make reasonable efforts to improve federal
24 mapping data. The office must:

25 (a) Maintain a license from the federal communications commission
26 for broadband deployment data, serviceable location fabric, and any
27 associated data layers that comprise the national broadband map
28 prepared pursuant to the broadband deployment accuracy and
29 technological availability act, 47 U.S.C. Sec. 641 et seq., as it
30 existed on the effective date of this section;

31 (b) Review and analyze the mapping information obtained under
32 license with the federal communications commission and consult with
33 stakeholders to identify deficiencies, discrepancies, and gaps; and

34 (c) Inform covered entities that they must submit the data
35 identified in (a) of this subsection to the federal communications
36 commission, on the dates specified by the federal communications
37 commission, and in such manner and format as specified by the
38 commission.

1 (2) The office may contract with a private entity or third-party
2 consultant to investigate and verify the availability of broadband
3 infrastructure and services in locations of the state where
4 discrepancies, deficiencies, or gaps have been identified by the
5 office, a resident, a business, an organization, a unit of local
6 government, a tribe, or a broadband action team, regarding the status
7 of an area or location, including community anchor institutions, as
8 served, unserved, or underserved, within the federal broadband map
9 and any state map, if developed. The office is encouraged to use
10 information collected under this subsection to submit bulk challenges
11 to the national broadband map.

12 (3) The office may exercise discretion in administering any state
13 grants to a covered entity that has not complied with the
14 requirements of this section during the calendar year in which
15 noncompliance was determined and the following calendar year.
16 However, nothing in this section shall be construed to affect a
17 covered entity's eligibility for a grant from the office of solely
18 federal dollars that have been appropriated through the state budget
19 to the office.

20 (4) The office may only share data with other state agencies or
21 with a contractor under an agreement that adheres to the provisions
22 and requirements of RCW 39.26.340 and 39.34.240 as applicable. The
23 office may not sell broadband mapping data submitted by covered
24 entities. In exercising discretion to share submitted broadband
25 mapping data with other state agencies, the office must consider how
26 to afford such data the greatest confidentiality protections
27 practicable.

28 (5) Subject to the availability of amounts appropriated for this
29 specific purpose, the office may develop and maintain an independent
30 state broadband map indicating the addresses of serviceable locations
31 and capability of broadband service in this state.

32 (a) The office may contract with a private entity or third-party
33 consultant to develop and maintain the state broadband map.

34 (b) Any contract entered into by the office and a private entity
35 or third-party consultant for the purpose of developing and
36 maintaining the state broadband map must specify that any mapping
37 data submitted or developed in accordance with this section for the
38 purposes of identifying broadband serviceable locations,
39 classifications of unserved, underserved, and served, or aggregated
40 data and statistics on broadband availability by different geography

1 types is not the property of the private entity or third-party
2 consultant. Such contract must also prohibit the disclosure by the
3 private entity or third-party consultant of any mapping data
4 submitted to the office in accordance with this section and require
5 the private entity or third-party consultant to only use submitted
6 mapping data to effectuate the purposes of the contract.

7 (6) Subject to the availability of amounts appropriated for this
8 specific purpose, the office may also conduct a detailed survey of
9 broadband infrastructure owned or leased by state agencies and
10 compile mapping data of broadband infrastructure owned or leased by
11 the state. State agencies responding to a survey request from the
12 office under this subsection must respond in a reasonable and timely
13 manner, not to exceed 120 days. Fiber, cable, or other infrastructure
14 routes and addresses reported to the office by state agencies are
15 confidential and not subject to disclosure. In any survey request,
16 the office may request of state agencies any information it deems
17 reasonably necessary, including but not limited to:

18 (a) The routes along which state-owned fiber optic facilities are
19 in place;

20 (b) The cost of maintaining that fiber optic infrastructure, if
21 owned, or the price paid for the broadband infrastructure, if leased;
22 and

23 (c) The leasing entity, if applicable.

24 (7) For the purpose of this section, the following definitions
25 apply:

26 (a) "Covered entity" means a broadband service provider or other
27 entity that is required to submit a biannual broadband data
28 collection filing to the federal communication commission.

29 (b) "State agency" means every state office, department,
30 division, bureau, board, or commission.

31 (8) The office may adopt rules as necessary to carry out the
32 provisions of this section.

33 **Sec. 5.** RCW 43.155.165 and 2019 c 365 s 8 are each amended to
34 read as follows:

35 (1) The statewide broadband account is created in the state
36 treasury. Moneys received from appropriations by the legislature, the
37 proceeds of bond sales when authorized by the legislature, repayment
38 of loans, or any other lawful source must be deposited into the

1 account for uses consistent with this section. Moneys in the account
2 may be spent only after appropriation.

3 (2) Expenditures from the account may be used only:

4 (a) For grant and loan awards made under RCW 43.155.160,
5 including costs incurred by the board to administer RCW 43.155.160;

6 (b) To contract for data acquisition, a statewide broadband
7 demand assessment, or gap analysis;

8 (c) To supplement revenues raised by bonds sold by local
9 governments for broadband infrastructure development; (~~or~~)

10 (d) To provide for state match requirements under federal law;

11 (e) To improve accuracy of the national broadband map and submit
12 challenges to the federal map; or

13 (f) To develop and maintain a statewide broadband map.

14 (3) The board must maintain separate accounting for any federal
15 funds in the account.

16 (4) The definitions in RCW 43.330.530 apply throughout this
17 section unless the context clearly requires otherwise.

18 **Sec. 6.** RCW 42.56.270 and 2022 c 201 s 2 and 2022 c 16 s 28 are
19 each reenacted and amended to read as follows:

20 The following financial, commercial, and proprietary information
21 is exempt from disclosure under this chapter:

22 (1) Valuable formulae, designs, drawings, computer source code or
23 object code, and research data obtained by any agency within five
24 years of the request for disclosure when disclosure would produce
25 private gain and public loss;

26 (2) Financial information supplied by or on behalf of a person,
27 firm, or corporation for the purpose of qualifying to submit a bid or
28 proposal for (a) a ferry system construction or repair contract as
29 required by RCW 47.60.680 through 47.60.750; (b) highway construction
30 or improvement as required by RCW 47.28.070; or (c) alternative
31 public works contracting procedures as required by RCW 39.10.200
32 through 39.10.905;

33 (3) Financial and commercial information and records supplied by
34 private persons pertaining to export services provided under chapters
35 43.163 and 53.31 RCW, and by persons pertaining to export projects
36 under RCW 43.23.035;

37 (4) Financial and commercial information and records supplied by
38 businesses or individuals during application for loans or program
39 services provided by chapters 43.325, 43.163, 43.160, 43.330, and

1 43.168 RCW and RCW 43.155.160, or during application for economic
2 development loans or program services provided by any local agency;

3 (5) Financial information, business plans, examination reports,
4 and any information produced or obtained in evaluating or examining a
5 business and industrial development corporation organized or seeking
6 certification under chapter 31.24 RCW;

7 (6) Financial and commercial information supplied to the state
8 investment board by any person when the information relates to the
9 investment of public trust or retirement funds and when disclosure
10 would result in loss to such funds or in private loss to the
11 providers of this information;

12 (7) Financial and valuable trade information under RCW 51.36.120;

13 (8) Financial, commercial, operations, and technical and research
14 information and data submitted to or obtained by the clean Washington
15 center in applications for, or delivery of, program services under
16 chapter 70.95H RCW;

17 (9) Financial and commercial information requested by the public
18 stadium authority from any person or organization that leases or uses
19 the stadium and exhibition center as defined in RCW 36.102.010;

20 (10)(a) Financial information, including but not limited to
21 account numbers and values, and other identification numbers supplied
22 by or on behalf of a person, firm, corporation, limited liability
23 company, partnership, or other entity related to an application for a
24 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
25 cannabis producer, processor, or retailer license, liquor license,
26 gambling license, or lottery retail license;

27 (b) Internal control documents, independent auditors' reports and
28 financial statements, and supporting documents: (i) Of house-banked
29 social card game licensees required by the gambling commission
30 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
31 by tribes with an approved tribal/state compact for class III gaming;

32 (c) Valuable formulae or financial or proprietary commercial
33 information records received during a consultative visit or while
34 providing consultative services to a licensed cannabis business in
35 accordance with RCW 69.50.561;

36 (11) Proprietary data, trade secrets, or other information that
37 relates to: (a) A vendor's unique methods of conducting business; (b)
38 data unique to the product or services of the vendor; or (c)
39 determining prices or rates to be charged for services, submitted by
40 any vendor to the department of social and health services or the

1 health care authority for purposes of the development, acquisition,
2 or implementation of state purchased health care as defined in RCW
3 41.05.011;

4 (12)(a) When supplied to and in the records of the department of
5 commerce:

6 (i) Financial and proprietary information collected from any
7 person and provided to the department of commerce pursuant to RCW
8 43.330.050(8);

9 (ii) Financial or proprietary information collected from any
10 person and provided to the department of commerce or the office of
11 the governor in connection with the siting, recruitment, expansion,
12 retention, or relocation of that person's business and until a siting
13 decision is made, identifying information of any person supplying
14 information under this subsection and the locations being considered
15 for siting, relocation, or expansion of a business; and

16 (iii) Financial or proprietary information collected from any
17 person and provided to the department of commerce pursuant to RCW
18 43.31.625 (3)(b) and (4);

19 (b) When developed by the department of commerce based on
20 information as described in (a)(i) of this subsection, any work
21 product is not exempt from disclosure;

22 (c) For the purposes of this subsection, "siting decision" means
23 the decision to acquire or not to acquire a site;

24 (d) If there is no written contact for a period of sixty days to
25 the department of commerce from a person connected with siting,
26 recruitment, expansion, retention, or relocation of that person's
27 business, information described in (a)(ii) of this subsection will be
28 available to the public under this chapter;

29 (13) Financial and proprietary information submitted to or
30 obtained by the department of ecology or the authority created under
31 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

32 (14) Financial, commercial, operations, and technical and
33 research information and data submitted to or obtained by the life
34 sciences discovery fund authority in applications for, or delivery
35 of, grants under RCW 43.330.502, to the extent that such information,
36 if revealed, would reasonably be expected to result in private loss
37 to the providers of this information;

38 (15) Financial and commercial information provided as evidence to
39 the department of licensing as required by RCW 19.112.110 or
40 19.112.120, except information disclosed in aggregate form that does

1 not permit the identification of information related to individual
2 fuel licensees;

3 (16) Any production records, mineral assessments, and trade
4 secrets submitted by a permit holder, mine operator, or landowner to
5 the department of natural resources under RCW 78.44.085;

6 (17)(a) Farm plans developed by conservation districts, unless
7 permission to release the farm plan is granted by the landowner or
8 operator who requested the plan, or the farm plan is used for the
9 application or issuance of a permit;

10 (b) Farm plans developed under chapter 90.48 RCW and not under
11 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
12 to RCW 42.56.610 and 90.64.190;

13 (18) Financial, commercial, operations, and technical and
14 research information and data submitted to or obtained by a health
15 sciences and services authority in applications for, or delivery of,
16 grants under RCW 35.104.010 through 35.104.060, to the extent that
17 such information, if revealed, would reasonably be expected to result
18 in private loss to providers of this information;

19 (19) Information gathered under chapter 19.85 RCW or RCW
20 34.05.328 that can be identified to a particular business;

21 (20) Financial and commercial information submitted to or
22 obtained by the University of Washington, other than information the
23 university is required to disclose under RCW 28B.20.150, when the
24 information relates to investments in private funds, to the extent
25 that such information, if revealed, would reasonably be expected to
26 result in loss to the University of Washington consolidated endowment
27 fund or to result in private loss to the providers of this
28 information;

29 (21) Market share data submitted by a manufacturer under RCW
30 70A.500.190(4);

31 (22) Financial information supplied to the department of
32 financial institutions, when filed by or on behalf of an issuer of
33 securities for the purpose of obtaining the exemption from state
34 securities registration for small securities offerings provided under
35 RCW 21.20.880 or when filed by or on behalf of an investor for the
36 purpose of purchasing such securities;

37 (23) Unaggregated or individual notices of a transfer of crude
38 oil that is financial, proprietary, or commercial information,
39 submitted to the department of ecology pursuant to RCW
40 90.56.565(1)(a), and that is in the possession of the department of

1 ecology or any entity with which the department of ecology has shared
2 the notice pursuant to RCW 90.56.565;

3 (24) Financial institution and retirement account information,
4 and building security plan information, supplied to the liquor and
5 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
6 69.50.345, when filed by or on behalf of a licensee or prospective
7 licensee for the purpose of obtaining, maintaining, or renewing a
8 license to produce, process, transport, or sell cannabis as allowed
9 under chapter 69.50 RCW;

10 (25) Cannabis transport information, vehicle and driver
11 identification data, and account numbers or unique access identifiers
12 issued to private entities for traceability system access, submitted
13 by an individual or business to the liquor and cannabis board under
14 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
15 69.50.345 for the purpose of cannabis product traceability.
16 Disclosure to local, state, and federal officials is not considered
17 public disclosure for purposes of this section;

18 (26) Financial and commercial information submitted to or
19 obtained by the retirement board of any city that is responsible for
20 the management of an employees' retirement system pursuant to the
21 authority of chapter 35.39 RCW, when the information relates to
22 investments in private funds, to the extent that such information, if
23 revealed, would reasonably be expected to result in loss to the
24 retirement fund or to result in private loss to the providers of this
25 information except that (a) the names and commitment amounts of the
26 private funds in which retirement funds are invested and (b) the
27 aggregate quarterly performance results for a retirement fund's
28 portfolio of investments in such funds are subject to disclosure;

29 (27) Proprietary financial, commercial, operations, and technical
30 and research information and data submitted to or obtained by the
31 liquor and cannabis board in applications for cannabis research
32 licenses under RCW 69.50.372, or in reports submitted by cannabis
33 research licensees in accordance with rules adopted by the liquor and
34 cannabis board under RCW 69.50.372;

35 (28) Trade secrets, technology, proprietary information, and
36 financial considerations contained in any agreements or contracts,
37 entered into by a licensed cannabis business under RCW 69.50.395,
38 which may be submitted to or obtained by the state liquor and
39 cannabis board;

1 (29) Financial, commercial, operations, and technical and
2 research information and data submitted to or obtained by the Andy
3 Hill cancer research endowment program in applications for, or
4 delivery of, grants under chapter 43.348 RCW, to the extent that such
5 information, if revealed, would reasonably be expected to result in
6 private loss to providers of this information;

7 (30) Proprietary information filed with the department of health
8 under chapter 69.48 RCW;

9 (31) Records filed with the department of ecology under chapter
10 70A.515 RCW that a court has determined are confidential valuable
11 commercial information under RCW 70A.515.130; (~~and~~)

12 (32) Unaggregated financial, proprietary, or commercial
13 information submitted to or obtained by the liquor and cannabis board
14 in applications for licenses under RCW 66.24.140 or 66.24.145, or in
15 any reports or remittances submitted by a person licensed under RCW
16 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis
17 board under chapter 66.08 RCW; and

18 (33) Trade secrets and financial and commercial information and
19 records including, but not limited to, fiber, cable, or other
20 infrastructure routes and addresses, supplied by businesses to the
21 statewide broadband office to assist the office in developing and
22 maintaining the state broadband map in accordance with section 4 of
23 this act.

24 NEW SECTION. Sec. 7. The following acts or parts of acts are
25 each repealed:

26 (1) RCW 43.330.400 (Broadband mapping account—Federal broadband
27 data improvement act funding—Coordination of broadband mapping
28 activities) and 2011 1st sp.s. c 43 s 603 & 2009 c 509 s 2;

29 (2) RCW 43.330.403 (Reporting availability of high-speed internet
30 —Survey of high-speed internet infrastructure owned or leased by
31 state agencies—Geographic information system map—Rules) and 2011 1st
32 sp.s. c 43 s 604 & 2009 c 509 s 3;

33 (3) RCW 43.330.406 (Procurement of geographic information system
34 map—Accountability and oversight structure—Application of public
35 records act) and 2011 1st sp.s. c 43 s 605 & 2009 c 509 s 4; and

36 (4) RCW 43.330.409 (Broadband mapping, deployment, and adoption—
37 Reports) and 2011 1st sp.s. c 43 s 606 & 2009 c 509 s 5.

1 NEW SECTION. **Sec. 8.** Section 2 of this act takes effect January
2 1, 2024."

2SHB 1746 - S COMM AMD
By Committee on Ways & Means

NOT CONSIDERED 05/17/2023

3 On page 1, line 1 of the title, after "map;" strike the remainder
4 of the title and insert "amending RCW 43.155.160, 43.330.534, and
5 43.155.165; reenacting and amending RCW 42.56.270; adding a new
6 section to chapter 43.330 RCW; creating a new section; repealing RCW
7 43.330.400, 43.330.403, 43.330.406, and 43.330.409; and providing an
8 effective date."

EFFECT: (1) Adds an intent section.

(2) Specifies any existing provider near a proposed project area may submit an objection to the project if it has submitted specified broadband data to the Federal Communications Commission (FCC), rather than the Statewide Broadband Office (SBO), within the previous year.

(3) Authorizes the Public Works Board (PWB) to prioritize applications that have submitted broadband mapping data to the FCC, rather than the SBO.

(4) Revises SBO's powers and duties by authorizing it to assist in developing accurate mapping of broadband infrastructure, rather than to develop and maintain a state broadband map and participate in federal broadband mapping.

(5) Removes the specification that Commerce, including the SBO, is the single eligible entity in the state for purposes of the federal broadband mapping activities.

(6) Removes the requirement for the SBO to develop and maintain a state broadband map.

(7) Requires the SBO to make certain efforts to improve federal mapping, including maintaining a license from the FCC for broadband deployment data and informing covered entities that they must submit mapping data to the FCC.

(8) Encourages, rather than requires, the SBO to use information collected to submit bulk challenges to the national broadband map.

(9) Removes the requirement for covered entities to submit data concerning broadband deployment to the SBO.

(10) Authorizes the SBO, subject to appropriations, to develop and maintain an independent state broadband map indicating the addresses of serviceable locations and capability of broadband service in Washington.

(11) Removes SBO authority to consult other state agencies and incorporate other data sources into the state broadband map.

(12) Specifies expenditures in the Statewide Broadband Account may also be used to improve accuracy of the national broadband map and submit challenges to the federal map.

(13) Provides an effective date of January 1, 2024, for the section amending the Public Works Board's competitive grant and loan program.

(14) Clarifies that the legislature intends to only incentivize participation in broadband data submission of those entities that are required to submit data collection filings to the FCC.

(15) Provides discretion to the statewide broadband office in administering grants to entities that have not complied with certain requirements.

(16) Changes the definition of "covered entity" to mean a broadband service provider or other entity that is required to submit a biannual broadband data collection filing to the FCC.

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