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HOUSE BILL 2521

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Hudgins, McCoy, and Hasegawa

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1            AN ACT Relating to the mapping of internet and computer resources  
2 in the state for purposes of future economic development; amending RCW  
3 80.36.005; adding new sections to chapter 80.36 RCW; and creating a new  
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** The legislature finds and declares the  
7 following:

8            (1) Access to computers and the internet is becoming increasingly  
9 important for full participation in our country's economic, political,  
10 and social life;

11            (2) Affordable, high-speed internet access is a key competitive  
12 factor for economic development and quality of life in Washington state  
13 and in our increasingly global economy;

14            (3) Universal connectivity at affordable prices is a necessity for  
15 business transactions, education and training, health care, information  
16 exchange, government services, communication, artistic expression, and  
17 the democratic process;

18            (4) Unequal access to computer technology and internet connectivity

1 by income, education level, ethnic or racial group, or geographic  
2 location could deepen and reinforce the divisions that already exist in  
3 our society; and

4 (5) Other states are surveying their access to computer and  
5 internet resources in order to better compete in the digital future.

6 Therefore, it is the intent of the legislature to survey the  
7 availability of broadband access in the state and determine what steps  
8 may be taken to bridge the digital divide, increase access to broadband  
9 services for all citizens in Washington state, and prepare for a more  
10 competitive and digitally connected future.

11 **Sec. 2.** RCW 80.36.005 and 2003 c 134 s 1 are each amended to read  
12 as follows:

13 The definitions in this section apply throughout RCW 80.36.410  
14 through 80.36.475(~~(7)~~) and sections 3 through 5 of this act unless the  
15 context clearly requires otherwise.

16 (1) "Broadband" means the transmission of information, between or  
17 among points specified by the user, with or without change in the form  
18 or content of the information as sent and received, at minimum rates of  
19 transmission of two megabits per second downstream and one megabit per  
20 second upstream, or at those synchronous upstream and downstream  
21 transmission rates as may be recommended by the commission by rule,  
22 whichever is fastest in speed.

23 (2) "Commission" means the Washington state utilities and  
24 transportation commission.

25 (3) "Community action agency" means local community action agencies  
26 or local community service agencies designated by the department of  
27 community, trade, and economic development under chapter 43.63A RCW.

28 (4) "Community agency" means local community agencies that  
29 administer community service voice mail programs.

30 (~~(+2)~~) (5) "Community service voice mail" means a computerized  
31 voice mail system that provides low-income recipients with: (a) An  
32 individually assigned telephone number; (b) the ability to record a  
33 personal greeting; and (c) a private security code to retrieve  
34 messages.

35 (~~(+3)~~) (6) "Community technology program" means a program engaged  
36 in diffusing information and communications technology in local  
37 communities, particularly in underserved areas. These programs may

1 include, but are not limited to, programs that provide education and  
2 skill-building opportunities, hardware and software, internet  
3 connectivity, and development of locally relevant content and delivery  
4 of vital services through technology.

5 (7) "Department" means the department of social and health  
6 services.

7 ~~((4))~~ (8) "Public entity" includes the state, a county, or a  
8 municipal corporation.

9 (9) "Service year" means the period between July 1st and June 30th.

10 ~~((5) "Community action agency" means local community action~~  
11 ~~agencies or local community service agencies designated by the~~  
12 ~~department of community, trade, and economic development under chapter~~  
13 ~~43.63A RCW.))~~

14 (10) "Telecommunications infrastructure" includes conduits, ducts,  
15 poles, wires, fiberoptic cable or lines, coaxial cable, copper twisted  
16 pair telephone lines, receivers, transmitters, broadcast radio  
17 frequency bandwidth, lasers and multiplexers, instruments, machines,  
18 appliances and all devices, real estate, easements, apparatus,  
19 property, and routes used or operated by public entities.

20 NEW SECTION. Sec. 3. A new section is added to chapter 80.36 RCW  
21 to read as follows:

22 (1) The commission, in consultation with the department of  
23 information services, must conduct a detailed study of the  
24 telecommunications infrastructure and radio frequency bandwidth owned,  
25 licensed, or otherwise controlled by public entities in the state. The  
26 study must be used to create a map of all public broadband resources  
27 available in the state.

28 (2) In conducting the study, the commission must report, in detail:

29 (a) The physical location of all telecommunications infrastructure  
30 owned, licensed, or otherwise controlled by public entities in the  
31 state;

32 (b) The amount of excess capacity available; and

33 (c) How the public telecommunications infrastructure overlaps with  
34 the telecommunications infrastructure owned, leased, or controlled by  
35 the private sector.

36 (3) The study must set forth specifically the areas for broadband

1 services by census tract and by block, lot, or other uniquely  
2 identifiable administrative characteristic. For areas that do not have  
3 public broadband infrastructure, the commission must estimate:

4 (a) The amount of broadband connectivity that would need to be  
5 built or offered in such areas to meet the unmet demand; and

6 (b) Possible reasons for why there is not coverage in a given area,  
7 to the extent feasible.

8 (4) The commission, in consultation with the department of  
9 information services, must identify the excess capacity and bandwidth  
10 that could be leased on a nondiscriminatory and commercially reasonable  
11 basis by public entities.

12 (5) By December 1st of each year, the commission must update this  
13 study to track the expansion and progress of broadband access and  
14 submit a report to the legislature.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 80.36 RCW  
16 to read as follows:

17 (1) The commission, in consultation with the department of  
18 information services, must conduct a detailed survey of the actual  
19 retail availability of wireline, wireless, and fixed-wireless broadband  
20 communications services across the state. This survey must be used to  
21 create a map of all broadband resources available in the state.

22 (2) In conducting the survey required under subsection (1) of this  
23 section, the commission must collect data and organize it by census  
24 tract. The survey must determine:

25 (a) The availability of broadband in the state;

26 (b) The average cost of service in those areas where broadband is  
27 available;

28 (c) The top three communities in the state that have the largest  
29 number of broadband providers available at the lowest cost, and the top  
30 three communities in the state that have the smallest number of  
31 broadband providers at the highest cost; and

32 (d) The areas in which broadband is not generally and readily  
33 commercially available in the state.

34 (3) The survey must specifically set forth the unmet demand for  
35 broadband services by census tract and by block, lot, or other uniquely  
36 identifiable administrative characteristic. For areas that do not have

1 generally and readily commercially available retail access to broadband  
2 services, the commission must estimate:

3 (a) The amount of broadband connectivity that would need to be  
4 built or offered in such areas to meet the unmet demand; and

5 (b) Possible reasons for why there is not coverage in a given area,  
6 to the extent feasible.

7 (4) By December 1st of each year, the commission must update this  
8 survey to track the expansion and progress of broadband access and  
9 report to the legislature.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 80.36 RCW  
11 to read as follows:

12 (1) By December 1, 2008, the commission, in consultation with the  
13 department of information services, must compile a database and web  
14 page listing all of the free wireless internet services that are  
15 publicly available in the state. The database and web page must  
16 describe the exact location for each wireless access point, and any  
17 log-in information, such as passwords, that may be required for gaining  
18 access. The database must be updated dynamically on at least a monthly  
19 basis.

20 (2) By December 1, 2008, the commission, in consultation with the  
21 department of information services, shall identify and make publicly  
22 available a web directory of facilities providing community technology  
23 programs throughout the state. This directory must be updated at least  
24 annually.

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