
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438

State of Washington

60th Legislature

2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kohl-Welles, Rockefeller, Oemig, Honeyford, Murray, Delvin, and Pridemore)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to a statewide high-speed internet deployment and
2 adoption initiative; adding new sections to chapter 43.105 RCW;
3 creating a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.105 RCW
6 to read as follows:

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

1 information technology for state residents and businesses, and do so
2 through formalized and structured arrangements like the highly
3 successful K-20 educational network.

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

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

13 (b) Achieve improved technology literacy, increased computer
14 ownership, and high-speed internet use among state residents, nonprofit
15 organizations, and businesses;

16 (c) Establish and empower local technology planning teams and
17 partnerships to plan for improved technology use across multiple
18 community sectors;

19 (d) Establish and sustain an environment ripe for
20 telecommunications and technology investment statewide, including
21 solicitation and receipt of grants, loans, and other financial
22 mechanisms; and

23 (e) Create and regularly update a geographic statewide inventory of
24 high-speed internet service and other relevant telecommunications and
25 information technology services through a method of geographic
26 information system mapping and geographic information system analysis
27 at the census block level, consistent with any federal data reporting
28 requirements.

29 (3) By June 1, 2008, the department shall convene an initial work
30 group of representatives of the department of community, trade, and
31 economic development and the utilities and transportation commission,
32 and representatives of public, private, and nonprofit agencies and
33 organizations representing economic development, local community
34 development, community planning, technology planning, education, health
35 care, and other relevant entities as well as representatives of
36 telecommunications providers, technology companies, telecommunications
37 unions, community-based organizations, and relevant private sector
38 entities.

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

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

8 (i) Identify geographic gaps in high-speed internet service through
9 a method of geographic information system mapping of service
10 availability and geographic information system analysis at the census
11 block level;

12 (ii) Provide a baseline assessment of statewide high-speed internet
13 deployment in terms of percentage of households and businesses with
14 high-speed internet availability;

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

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

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

23 (c) Build and facilitate local technology planning teams and
24 partnerships with members representing cross-sections of the community,
25 including but not limited to representatives of business,
26 telecommunications unions, K-12 education, health care, libraries,
27 higher education, community-based organizations, local government,
28 tourism, parks and recreation, and agriculture. Local technology
29 planning teams shall benchmark technology use across relevant community
30 sectors, set goals for improving technology use within each sector, and
31 develop tactical business plans for achieving identified goals, with
32 specific recommendations for online application development and demand
33 creation;

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

1 (e) Establish programs to improve computer ownership, technology
2 literacy, and internet access for disenfranchised populations across
3 the state.

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

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

13 (b) A strategic plan to structure and appropriately scale and phase
14 development and implementation of the effort so as to link to,
15 leverage, and otherwise synchronize with other relevant and related
16 funding, technology, capital initiatives, investments, and
17 opportunities;

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

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

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

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

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

34 (7) The department shall contract with a nonprofit organization to
35 accomplish the objectives set forth in this act. The nonprofit
36 organization shall:

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

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

3 (c) Have a board of directors that is not composed of a majority of
4 individuals who are also employed by, or otherwise associated with, any
5 federal, state, or local government or any federal, state, or local
6 agency;

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

10 (e) Have an established competency working directly with high-speed
11 internet providers in the handling, storage, and use of proprietary and
12 competitively sensitive data for the purposes set forth in this act;
13 and

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

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

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

30 (1) By January 1, 2009, the department, in consultation with the
31 utilities and transportation commission and other relevant agencies,
32 shall identify and make publicly available a web directory of public
33 facilities that provide community technology programs throughout the
34 state.

35 (2) For the purposes of this section, "community technology
36 program," also known as a digital inclusion program, means a program
37 engaged in diffusing information and communications technology in local

1 communities, particularly in unserved areas. These programs may
2 include, but are not limited to, programs that provide education and
3 skill-building opportunities, hardware and software ownership, internet
4 connectivity, and development of locally relevant content and delivery
5 of vital services through technology.

6 NEW SECTION. **Sec. 3.** Nothing in this act shall be construed as
7 giving the department of information services or any other entities any
8 additional authority, regulatory or otherwise, over providers of
9 telecommunications and information technology.

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