

FINAL BILL REPORT

E2SHB 1701

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Synopsis as Enacted

Brief Description: Authorizing the department of information services to engage in high-speed internet activities.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hudgins, McCoy and Hasegawa).

House Committee on Technology, Energy & Communications
House Committee on Ways & Means
Senate Committee on Economic Development, Trade & Innovation
Senate Committee on Ways & Means

Background:

Federal Broadband Efforts.

In 2008 the U.S. Congress passed the Broadband Data Improvement Act (BDIA). Part of the BDIA directed the Secretary of Commerce to make competitive grants available to states to support identification and tracking of availability and adoption of broadband services. Any competitive grants awarded would require a 20 percent match of non-federal funding.

The BDIA also required the Federal Communications Commission (FCC) to provide eligible entities with electronic access to aggregate data collected by the FCC from broadband service providers. "Eligible entity" is defined as an entity that is: (1) either a state agency or instrumentality of the state, a nonprofit organization, or certain independent agencies; and (2) the single eligible entity designated by the state to receive such a grant.

The American Reinvestment and Recovery Act (ARRA) of 2009 provides \$4.7 billion in broadband funding through the Broadband Technology Opportunities Program (Program). The Program specifically provides: \$3.9 billion for infrastructure; \$250 million for competitive grants to encourage sustainable adoption of broadband service; \$200 million for expanding public computer center capacity; and \$350 million for the BDIA grant program and development of a national broadband inventory map. In addition, the ARRA provides \$2.5 billion for distance learning, telemedicine, and a broadband grant program.

State Broadband Efforts.

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 2008 the Department of Information Services (DIS) was directed to convene a High-Speed Internet Strategy Work Group (Work Group) to identify and develop strategies for high-speed internet deployment and adoption. The DIS and the Work Group released its strategy in December of 2008. The strategy included several recommendations, including recommendations that the state: (1) authorize the DIS to coordinate implementation of the high-speed internet deployment and adoption strategy; and (2) provide initial funding to support implementation.

Legislation in 2008 created the Community Technology Opportunity Program (CTOP). The Program is administered by the Washington State University Extension. The CTOP administrator provides organizational, capacity-building, and fund-raising support for community technology programs throughout the state. A minimum of 75 percent of the CTOP funds are to be distributed through a competitive grant program. The grants are to be used by community technology programs to provide assistance in use of information and communication technologies among low-income and underserved residents, training, and other information technology-related services.

Summary:

The Governor may take all appropriate steps to carry out the purposes of the American Recovery and Reinvestment Act (ARRA) and to maximize investment in broadband deployment and adoption in the state. Such steps may include designating a broadband coordinator, reviewing and prioritizing grant applications, disbursing block grant funding, and providing direction to state agencies to carry out broadband programs.

The Department of Information Services (DIS) may oversee implementation of federally funded or mandated broadband programs for the state and adopt rules to administer the programs. Subject to the availability of federal or state funding, the DIS may: (1) develop an interactive website to allow residents to self-report where high-speed internet is available; and (2) conduct a survey of high-speed internet owned or leased by state agencies and create a geographic information system map.

The DIS is designated as an eligible entity for purposes of the federal Broadband Data Improvement Act. The DIS may receive federal funds for broadband. Any funds received must be spent consistent with federal and state law and any conditions on the grant of those funds.

Based on publicly available data collected by the Federal Communications Commission (FCC), the DIS is authorized to conduct a competitive bidding process to procure a geographic information system map of high-speed internet infrastructure, service availability, and adoption. The DIS may procure this map by purchasing a completed map from a third party or working directly with the FCC to accept publicly available high-speed internet data. In contracting for the purchase of the map, the DIS may not impose any condition on a third party that causes any record submitted by a broadband service provider to the third party to meet the standard of a public record.

In coordination with the Department of Community, Trade and Economic Development (DCTED) and the Utilities and Transportation Commission (UTC), the DIS may prepare reports that identify: (1) the geographic areas of greatest priority for the deployment of advanced telecommunications infrastructure in the state; (2) how federal broadband funding received for mapping, deployment and adoption will be or has been used; and (3) how nonfederal sources may be used for broadband activities in the state.

Subject to the availability of federal or state funding, the DIS may reconvene the 2008 High-Speed Internet Strategy Work Group (Work Group). The Work Group is renamed the Council on Digital Inclusion (Council). The Council must prepare a report by January 15 of each year on: (1) how a variety of high-speed internet access alternatives could be established; (2) strategies for continued broadband deployment and adoption efforts and development of advanced telecommunications applications; (3) methods to maximize the state's capacity for development of advanced telecommunications applications and methods to stimulate demand for them; (4) barriers to the advancement of technology entrepreneurship; and (5) the performance of digital literacy and computer access programs.

The Community Technology Opportunity Program is transferred from Washington State University to the DIS.

The Community Technology Opportunity Account is expanded to accept federal broadband funding authorized under the American Recovery and Reinvestment Act of 2009, legislative appropriations, and donated funds from private and public sources for purposes related to broadband deployment and adoption.

The Broadband Mapping Account is created in the custody of the State Treasurer. The DIS must deposit into the Broadband Mapping Account legislative appropriations, federal grants authorized under the federal BDIA, and donated funds from private and public sources.

Provisions that restrict the DIS or other government entities from collecting certain high-speed internet infrastructure information are repealed.

Votes on Final Passage:

House	93	2	
Senate	45	0	(Senate amended)
House			(House refuses to concur)
Senate			(Senate insists)
House	96	0	(House concurred)

Effective: July 1, 2009