
SUBSTITUTE HOUSE BILL 2521

State of Washington

60th Legislature

2008 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Hudgins, McCoy, and Hasegawa)

READ FIRST TIME 01/23/08.

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 43.105.020; adding new sections to chapter 43.105 RCW; and creating new
4 sections.

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, disabilities, education level, ethnic or racial group, or
2 geographic location could deepen and reinforce the divisions that
3 already exist in 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 public broadband resources in the state and determine
8 what steps may be taken to bridge the digital divide, increase access
9 to broadband services for all citizens in Washington state, and prepare
10 for a more competitive and digitally connected future.

11 **Sec. 2.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
12 as follows:

13 ~~((As used in this chapter, unless the context indicates otherwise,~~
14 ~~the following definitions shall apply:)) The definitions in this
15 section apply throughout this chapter unless the context clearly
16 requires otherwise.~~

17 (1) "Department" means the department of information services((+)).

18 (2) "Board" means the information services board((+)).

19 (3) "Committee" means the state interoperability executive
20 committee((+)).

21 (4) "Local governments" includes all municipal and quasi municipal
22 corporations and political subdivisions, and all agencies of such
23 corporations and subdivisions authorized to contract separately((+)).

24 (5) "Director" means the director of the department((+)).

25 (6) "Purchased services" means services provided by a vendor to
26 accomplish routine, continuing, and necessary functions. This term
27 includes, but is not limited to, services acquired for equipment
28 maintenance and repair, operation of a physical plant, security,
29 computer hardware and software installation and maintenance,
30 telecommunications installation and maintenance, data entry, keypunch
31 services, programming services, and computer time-sharing((+)).

32 (7) "Backbone network" means the shared high-density portions of
33 the state's telecommunications transmission facilities. It includes
34 specially conditioned high-speed communications carrier lines,
35 multiplexors, switches associated with such communications lines, and
36 any equipment and software components necessary for management and
37 control of the backbone network((+)).

1 (8) "Telecommunications" means the transmission of information by
2 wire, radio, optical cable, electromagnetic, or other means((+)).
3 (9) "Information" includes, but is not limited to, data, text,
4 voice, and video((+)).
5 (10) "Information processing" means the electronic capture,
6 collection, storage, manipulation, transmission, retrieval, and
7 presentation of information in the form of data, text, voice, or image
8 and includes telecommunications and office automation functions((+)).
9 (11) "Information services" means data processing,
10 telecommunications, office automation, and computerized information
11 systems((+)).
12 (12) "Equipment" means the machines, devices, and transmission
13 facilities used in information processing, such as computers, word
14 processors, terminals, telephones, wireless communications system
15 facilities, cables, and any physical facility necessary for the
16 operation of such equipment((+)).
17 (13) "Information technology portfolio" or "portfolio" means a
18 strategic management process documenting relationships between agency
19 missions and information technology and telecommunications
20 investments((+)).
21 (14) "Oversight" means a process of comprehensive risk analysis and
22 management designed to ensure optimum use of information technology
23 resources and telecommunications((+)).
24 (15) "Proprietary software" means that software offered for sale or
25 license((+)).
26 (16) "Video telecommunications" means the electronic
27 interconnection of two or more sites for the purpose of transmitting
28 and/or receiving visual and associated audio information. Video
29 telecommunications shall not include existing public television
30 broadcast stations as currently designated by the department of
31 community, trade, and economic development under chapter 43.330
32 RCW((+)).
33 (17) "K-20 educational network board" or "K-20 board" means the K-
34 20 educational network board created in RCW 43.105.800((+)).
35 (18) "K-20 network technical steering committee" or "committee"
36 means the K-20 network technical steering committee created in RCW
37 43.105.810((+)).

1 (19) "K-20 network" means the network established in RCW
2 43.105.820((+)).

3 (20) "Educational sectors" means those institutions of higher
4 education, school districts, and educational service districts that use
5 the network for distance education, data transmission, and other uses
6 permitted by the K-20 board.

7 (21) "Broadband" means the transmission of information, between or
8 among points specified by the user, with or without change in the form
9 or content of the information as sent and received, at minimum rates of
10 transmission of one megabits per second downstream and five hundred
11 twelve kilobits per second upstream, or at those synchronous upstream
12 and downstream transmission rates as may be recommended by the
13 department by rule, or as defined by the federal communications
14 commission.

15 (22) "Commission" means the Washington utilities and transportation
16 commission.

17 (23) "Community action agency" means local community action
18 agencies or local community service agencies designated by the
19 department of community, trade, and economic development under chapter
20 43.63A RCW.

21 (24) "Community technology program," also known as a digital
22 inclusion program, means a program engaged in diffusing information and
23 communications technology in local communities, particularly in
24 underserved areas. These programs may include, but are not limited to,
25 programs that provide education and skill-building opportunities,
26 hardware and software, internet connectivity, and development of
27 locally relevant content and delivery of vital services through
28 technology.

29 (25) "Telecommunications infrastructure" includes conduits, ducts,
30 poles, wires, fiberoptic cable or lines, coaxial cable, copper twisted
31 pair telephone lines, receivers, transmitters, broadcast radio
32 frequency bandwidth, lasers and multiplexers, instruments, machines,
33 appliances and all devices, real estate, easements, apparatus,
34 property, and routes used or operated by the state.

35 NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW
36 to read as follows:
37

1 (1) Except as provided in subsection (8) of this section, the
2 department, in consultation with the commission, must conduct a
3 detailed survey of the telecommunications infrastructure owned by the
4 state. The survey must be used to create a map of all broadband
5 resources owned by the state.

6 (2) In conducting the survey, the department must report, in
7 detail:

8 (a) The physical location of all telecommunications infrastructure
9 owned by the state; and

10 (b) The amount of excess capacity available.

11 (3) The survey must specifically set forth the areas for broadband
12 services by census tract and by block, lot, or other uniquely
13 identifiable administrative characteristic.

14 (4) State agencies shall respond to any requests for information
15 from the department in a reasonable and timely manner.

16 (5) The department, in consultation with the commission, must
17 identify the excess capacity and bandwidth owned by the state that
18 could be leased on a nondiscriminatory and commercially reasonable
19 basis by public entities, community technology programs, and community
20 action agencies.

21 (6) By December 1, 2008, the department shall provide a status
22 update to the appropriate committees of the legislature, which shall
23 include recommendations for moving forward towards full implementation
24 of a state broadband initiative.

25 (7) By December 1st of each year, the department must update this
26 survey to track the expansion and progress of broadband access and
27 submit a report to the legislature.

28 (8) This section does not apply to telecommunications
29 infrastructure owned, leased, or controlled by law enforcement.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105 RCW
31 to read as follows:

32 (1) By December 1, 2008, the department, in consultation with the
33 commission, must compile a database and web page listing all of the
34 major, free wireless internet services that are available to the public
35 in the state. The database and web page must describe the location for
36 each wireless access point, and may include any log-in information,

1 such as passwords, that may be required for gaining access. The
2 database must be updated dynamically on at least a semiannual basis.

3 (2) By December 1, 2008, the department, in consultation with the
4 commission, shall identify and make publicly available a web directory
5 of facilities providing community technology programs throughout the
6 state. This directory must be updated at least annually.

7 NEW SECTION. **Sec. 5.** The code reviser is directed to put the
8 defined terms in RCW 43.105.020 in alphabetical order.

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