

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438**

Chapter 262, Laws of 2008

60th Legislature  
2008 Regular Session

TECHNOLOGY OPPORTUNITIES--HIGH-SPEED INTERNET

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 12, 2008  
YEAS 45 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 11, 2008  
YEAS 95 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 31, 2008, 11:25 a.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

April 1, 2008

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE SENATE BILL 6438

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AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

**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; adding  
3 a new chapter to Title 28B RCW; and creating new sections.

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

5            NEW SECTION.    **Sec. 1.** (1) The legislature finds and declares the  
6 following:

7            (a) The deployment and adoption of high-speed internet services and  
8 information technology has resulted in enhanced economic development  
9 and public safety for the state's communities, improved health care and  
10 educational opportunities, and a better quality of life for the state's  
11 residents;

12            (b) Continued progress in the deployment and adoption of high-speed  
13 internet services and other advanced telecommunications services, both  
14 land-based and wireless, is vital to ensuring Washington remains  
15 competitive and continues to create business and job growth; and

16            (c) That the state must encourage and support strategic  
17 partnerships of public, private, nonprofit, and community-based sectors  
18 in the continued growth and development of high-speed internet services  
19 and information technology for state residents and businesses.

1 (2) Therefore, in order to begin advancing the state towards  
2 further growth and development of high-speed internet in the state, and  
3 to ensure a better quality of life for all state residents, it is the  
4 legislature's intent to conduct a statewide needs assessment of  
5 broadband internet resources through an open dialogue with all  
6 interested parties, including providers, unions, businesses, community  
7 organizations, local governments, and state agencies. The legislature  
8 intends to use this needs assessment in guiding future plans on how to  
9 ensure that every resident in Washington state may gain access to  
10 high-speed internet services and, as part of this effort, to address  
11 digital literacy and technology training needs of low-income and  
12 technology underserved residents of the state through state support of  
13 community technology programs.

14 NEW SECTION. **Sec. 2.** (1) After the broadband study authorized by  
15 the legislature in 2007 has been completed, or by July 15, 2008, the  
16 department of information services, in coordination with the department  
17 of community, trade, and economic development and the utilities and  
18 transportation commission, shall convene a work group to develop a  
19 high-speed internet deployment and adoption strategy for the state.

20 (2) The department of information services shall invite  
21 representatives from the following organizations to participate in the  
22 work group:

23 (a) Representatives of public, private, and nonprofit agencies and  
24 organizations representing economic development, local community  
25 development, local government, community planning, technology planning,  
26 education, and health care;

27 (b) Representatives of telecommunications providers, technology  
28 companies, telecommunications unions, public utilities, and relevant  
29 private sector entities;

30 (c) Representatives of community-based organizations; and

31 (d) Representatives of other relevant entities as the department of  
32 information services may deem appropriate.

33 (3) The department of information services shall, in consultation  
34 with the work group, develop a high-speed internet deployment and  
35 adoption strategy to accomplish the following objectives:

36 (a) Create and regularly update a detailed, geographic information  
37 system map at the census block level of the high-speed internet

1 services and other relevant telecommunications and information  
2 technology services owned or leased by public entities in the state  
3 with instructions on how proprietary and competitively sensitive data  
4 will be handled, stored, and used. Development of this geographic  
5 information system map may include collaboration with students and  
6 faculty at community colleges and universities in the state. The  
7 statewide inventory must, at a minimum, detail:

8 (i) The physical location of all high-speed internet infrastructure  
9 owned or leased by public entities;

10 (ii) The amount of excess capacity available; and

11 (iii) Whether the high-speed internet infrastructure is active or  
12 inactive;

13 (b) Work collaboratively with telecommunications providers and  
14 internet service providers to assess, create, and regularly update a  
15 geographic information system map at the census block level of the  
16 privately owned high-speed internet infrastructure in the state, with  
17 instructions on how proprietary and competitively sensitive data will  
18 be handled, stored, and used;

19 (c) Combine the geographic information system map of high-speed  
20 internet infrastructure owned by public entities with the geographic  
21 information system map of high-speed internet infrastructure owned by  
22 private entities to create and regularly update a statewide inventory  
23 of all high-speed internet infrastructure in the state;

24 (d) Use the geographic information system map of all high-speed  
25 internet infrastructure in the state, both public and privately owned  
26 or leased, to identify and regularly update the geographic gaps in  
27 high-speed internet service, including an assessment of the population  
28 located in each of the geographic gaps;

29 (e) Spur the development of high-speed internet resources in the  
30 state, which may include, but is not limited to, soliciting funding in  
31 the form of grants or donations; establishing technology literacy  
32 programs in conjunction with institutions of higher education;  
33 establishing low-cost hardware and software purchasing programs; and  
34 developing loan programs targeting small businesses or businesses  
35 located in underserved areas;

36 (f) Track statewide residential and business adoption of high-speed  
37 internet, computers, and related information technology, including an  
38 identification of barriers to adoption;

1 (g) Build and facilitate local technology planning teams and  
2 partnerships with members representing cross-sections of the community,  
3 which may include participation from the following organizations:  
4 Representatives of business, telecommunications unions, K-12 education,  
5 community colleges, local economic development organizations, health  
6 care, libraries, universities, community-based organizations, local  
7 governments, tourism, parks and recreation, and agriculture;

8 (h) Use the local technology planning teams and partnerships to:

9 (i) Conduct a needs assessment; and

10 (ii) Work collaboratively with high-speed internet providers and  
11 technology companies across the state to encourage deployment and use,  
12 especially in unserved areas, through use of local demand aggregation,  
13 mapping analysis, and creation of market intelligence to improve the  
14 investment rationale and business case; and

15 (i) Work with Washington State University extension pursuant to  
16 section 6 of this act to establish low-cost programs to improve  
17 computer ownership, technology literacy, and high-speed internet access  
18 for disenfranchised or unserved populations across the state.

19 (4) By September 1, 2008, the department of information services  
20 shall provide a status update to the telecommunications committees in  
21 the house of representatives and the senate, outlining the progress  
22 made to date by the work group and the issues remaining to be  
23 considered.

24 (5) By December 1, 2008, the department of information services  
25 shall complete the high-speed internet deployment and adoption strategy  
26 and provide a report to the fiscal and telecommunications committees in  
27 the house of representatives and the senate, the governor, and the  
28 office of financial management. The main objective of the report is to  
29 outline, based on the efforts of the work group, what legislation is  
30 needed in order to implement the high-speed internet deployment and  
31 adoption strategy, including a range of potential funding requests to  
32 accompany the legislation. Specifically, the report shall include the  
33 following:

34 (a) Benchmarks, performance measures, milestones, deliverables,  
35 timelines, and such other indicators of performance and progress as are  
36 necessary to guide development and implementation of the high-speed  
37 internet deployment and adoption strategy, both short term and long  
38 term, including an assessment of the amount of funding needed to

1 accomplish a baseline assessment of the high-speed internet  
2 infrastructure owned by public and private entities of the state in an  
3 eighteen-month period; and

4 (b) Ways to structure and appropriately scale and phase development  
5 and implementation of the high-speed internet deployment and adoption  
6 strategy so as to link to, leverage, and otherwise synchronize with  
7 other relevant and related funding, technology, capital initiatives,  
8 investments, and opportunities.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW  
10 to read as follows:

11 (1) For purposes of compliance with section 2 of this act or any  
12 subsequent high-speed internet deployment and adoption initiative, the  
13 department of information services, the department of community, trade,  
14 and economic development, the utilities and transportation commission,  
15 and any other government agent or agency shall not gather or request  
16 any information related to high-speed internet infrastructure or  
17 service from providers of telecommunications or high-speed internet  
18 services that is classified by the provider as proprietary or  
19 competitively sensitive.

20 (2) Nothing in this section may be construed as limiting the  
21 authority of a state agency or local government to gather or request  
22 information from providers of telecommunications or high-speed internet  
23 services for other purposes pursuant to its statutory authority.

24 NEW SECTION. **Sec. 4.** Nothing in this act may be construed as  
25 giving the department of information services or any other entities any  
26 additional authority, regulatory or otherwise, over providers of  
27 telecommunications and information technology.

28 NEW SECTION. **Sec. 5.** 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  
31 Washington State University, shall identify and make publicly available  
32 a web directory of public facilities that provide community technology  
33 programs throughout the state.

34 (2) For the purposes of this section, "community technology  
35 program" has the same meaning as in section 7 of this act.

1        NEW SECTION.    **Sec. 6.**    The community technology opportunity program  
2 is created to support the efforts of community technology programs  
3 throughout the state.    The community technology opportunity program  
4 must be administered by the Washington State University extension, in  
5 consultation with the department of information services.    The  
6 Washington State University extension may contract for services in  
7 order to carry out the extension's obligations under this section.

8        (1) In implementing the community technology opportunity program  
9 the administrator must, to the extent funds are appropriated for this  
10 purpose:

11        (a) Provide organizational and capacity building support to  
12 community technology programs throughout the state, and identify and  
13 facilitate the availability of other public and private sources of  
14 funds to enhance the purposes of the program and the work of community  
15 technology programs.    No more than fifteen percent of funds received by  
16 the administrator for the program may be expended on these functions;

17        (b) Establish a competitive grant program and provide grants to  
18 community technology programs to provide training and skill-building  
19 opportunities; access to hardware and software; internet connectivity;  
20 assistance in the adoption of information and communication  
21 technologies in low-income and underserved areas of the state; and  
22 development of locally relevant content and delivery of vital services  
23 through technology.

24        (2) Grant applicants must:

25        (a) Provide evidence that the applicant is a nonprofit entity or a  
26 public entity that is working in partnership with a nonprofit entity;

27        (b) Define the geographic area or population to be served;

28        (c) Include in the application the results of a needs assessment  
29 addressing, in the geographic area or among the population to be  
30 served: The impact of inadequacies in technology access or knowledge,  
31 barriers faced, and services needed;

32        (d) Explain in detail the strategy for addressing the needs  
33 identified and an implementation plan including objectives, tasks, and  
34 benchmarks for the applicant and the role that other organizations will  
35 play in assisting the applicant's efforts;

36        (e) Provide evidence of matching funds and resources, which are  
37 equivalent to at least one-quarter of the grant amount committed to the  
38 applicant's strategy;

1 (f) Provide evidence that funds applied for, if received, will be  
2 used to provide effective delivery of community technology services in  
3 alignment with the goals of this program and to increase the  
4 applicant's level of effort beyond the current level; and

5 (g) Comply with such other requirements as the administrator  
6 establishes.

7 (3) The administrator may use no more than ten percent of funds  
8 received for the community technology opportunity program to cover  
9 administrative expenses.

10 (4) The administrator must establish expected program outcomes for  
11 each grant recipient and must require grant recipients to provide an  
12 annual accounting of program outcomes.

13 NEW SECTION. **Sec. 7.** The definitions in this section apply  
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Administrator" means the community technology opportunity  
16 program administrator designated by the Washington State University  
17 extension.

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

26 NEW SECTION. **Sec. 8.** The Washington community technology  
27 opportunity account is established in the state treasury. Donated  
28 funds from private and public sources may be deposited into the  
29 account. Expenditures from the account may be used only for the  
30 operation of the community technology opportunity program as provided  
31 in section 6 of this act. Only the administrator or the  
32 administrator's designee may authorize expenditures from the account.

33 NEW SECTION. **Sec. 9.** Sections 6 through 8 of this act constitute  
34 a new chapter in Title 28B RCW.

1        NEW SECTION.    **Sec. 10.**    If sections 1 through 5 of this act become  
2 null and void, the department of information services shall include  
3 high-speed internet adoption and deployment in its 2009-2011 strategic  
4 plan.

5        NEW SECTION.    **Sec. 11.**    If specific funding for the purposes of  
6 sections 1 through 5 of this act, referencing sections 1 through 5 of  
7 this act by bill or chapter number, is not provided by June 30, 2008,  
8 in the omnibus appropriations act, sections 1 through 5 of this act are  
9 null and void.

      Passed by the Senate March 12, 2008.

      Passed by the House March 11, 2008.

      Approved by the Governor March 31, 2008.

      Filed in Office of Secretary of State April 1, 2008.