

E2SSB 5916 - H COMM AMD

By Committee on Technology, Energy & Communications

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares the
4 following:

5 (1) The deployment and adoption of high-speed internet services and
6 technology advancements enhance economic development and public safety
7 for the state's communities, and offers improved health care, access to
8 consumer and legal services, increased educational and civic
9 participation opportunities, and a better quality of life for the
10 state's residents.

11 (2) Improvements in the deployment and adoption of high-speed
12 internet services and the strategic inclusion of technology
13 advancements and technology education are critical to ensuring that
14 Washington remains competitive and continues to provide a skilled
15 workforce, attract businesses, and stimulate job growth.

16 (3) 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
19 information technology for state residents and businesses. This
20 includes ensuring digital inclusion in internet access, computer
21 literacy, and information content, so that all Washingtonians are able
22 to obtain and utilize broadband fully, regardless of location, economic
23 status, literacy level, age, disability, size of business, or business
24 entity structure.

25 (4) In light of the importance of broadband deployment and adoption
26 to the economy, health, safety, and welfare of the people of
27 Washington, it is essential that the legislature authorize a broadband
28 programs management structure and an advisory council capable of
29 developing and ensuring the implementation of statewide broadband
30 strategies.

1 **Sec. 2.** RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read
2 as follows:

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

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

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

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

26 (2) Grant applicants must:

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

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

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

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

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

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

8 (g) Comply with such other requirements as the administrator
9 establishes.

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

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

16 **Sec. 3.** RCW 28B.32.020 and 2008 c 262 s 7 are each amended to read
17 as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Administrator" means the community technology opportunity
21 program administrator designated by the (~~Washington State University~~
22 ~~extension~~) department.

23 (2) "Community technology programs" means (~~a program, including a~~
24 ~~digital inclusion program, engaged in diffusing information and~~
25 ~~communications technology in local communities, particularly in~~
26 ~~underserved areas. These programs may include, but are not limited to,~~
27 ~~programs that provide education and skill building opportunities,~~
28 ~~hardware and software, internet connectivity, and development of~~
29 ~~locally relevant content and delivery of vital services through~~
30 ~~technology~~) programs that are engaged in diffusing information and
31 communications technology in local communities, particularly in
32 unserved and underserved areas of the state. These programs may
33 include, but are not limited to, programs that provide education and
34 skill-building opportunities, hardware and software, internet
35 connectivity, development of locally relevant content, and delivery of
36 vital services through technology. Community technology programs are
37 usually provided by nonprofit or public agencies in public community

1 settings, including youth and community centers, small business and
2 workforce training centers, mutual assistance associations and
3 settlement houses, low-income housing units, libraries, or schools
4 opened for community programs.

5 (3) "Department" means the department of information services.

6 **Sec. 4.** RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read
7 as follows:

8 The Washington community technology opportunity account is
9 established in the state treasury. Donated funds from private and
10 public sources may be deposited into the account. Expenditures from
11 the account may be used only for the operation of the community
12 technology opportunity program as provided in RCW 28B.32.010 (as
13 recodified by this act). Only the administrator or the administrator's
14 designee may authorize expenditures from the account.

15 NEW SECTION. **Sec. 5.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Broadband" means a high-speed, high capacity transmission
18 medium, using land-based, satellite, wireless, or any other mechanism,
19 that can carry either signals or transmit data, or both, over long
20 distances by using a wide range of frequencies with a minimum download
21 speed greater than or equal to seven hundred sixty-eight kilobits per
22 second and an upload speed greater than two hundred kilobits per
23 second.

24 (2) "Council" means the advisory council on digital inclusion
25 created in section 7 of this act.

26 (3) "Department" means the department of information services.

27 (4) "High-speed internet" means broadband.

28 (5) "Underserved areas" means: (a) Areas in which high-speed
29 internet download speeds are less than seven hundred sixty-eight
30 kilobits per second and upload speeds are less than two hundred
31 kilobits per second; (b) any census tract that is located in a
32 federally designated empowerment zone, enterprise community, renewal
33 community, or low-income community; (c) an area with a significant
34 population of economically disadvantaged residents; or (d) an area in
35 which a significant population of the residents are not able to adopt

1 broadband because of disability, affordability of computers or
2 software, or a lack of technological literacy.

3 NEW SECTION. **Sec. 6.** (1) The authority for overseeing broadband
4 adoption and deployment efforts in the state is vested in the
5 department of information services.

6 (a) The department is the single eligible entity in the state to
7 receive a grant under the federal broadband data improvement act, P.L.
8 110-385.

9 (b) Funding received by the department under the federal broadband
10 data improvement act, P.L. 110-385, must be used in accordance with the
11 requirements of that act and, subject to those requirements, may be
12 distributed by the department on a competitive basis to other entities
13 in the state to achieve the purposes of that act.

14 (2) The department may apply for and oversee implementation of
15 federally funded or mandated broadband programs and may adopt rules to
16 administer the programs. These programs may include but are not
17 limited to the following:

18 (a) Contracting for and purchasing a completed map of privately
19 controlled or owned broadband infrastructure. The map may include, but
20 is not limited to, adoption information, availability information,
21 types of technology used, the physical location of broadband
22 infrastructure, and available speed tiers for high-speed internet;

23 (b) Engaging in periodic statewide surveys of residents,
24 businesses, and nonprofit organizations concerning their use and
25 adoption of high-speed internet and related information technology for
26 the purpose of identifying barriers to adoption;

27 (c) Working with communities to identify barriers to the adoption
28 of broadband service and related information technology services by
29 individuals, nonprofit organizations, and businesses;

30 (d) Identifying broadband demand opportunities in communities by
31 working cooperatively with local organizations, government agencies,
32 and businesses;

33 (e) Creating, implementing, and administering programs to improve
34 computer ownership, technology literacy, and high-speed internet access
35 for populations not currently served or underserved in the state. This
36 may include programs to provide low-income families, community-based

1 nonprofit organizations, nonprofit entities, and public entities that
2 work in partnership with nonprofit entities to provide increased access
3 to computers and broadband, with reduced cost internet access;

4 (f) Administering the community technology opportunity program
5 under chapter 28B.32 RCW (as recodified by this act); and

6 (g) Creating additional programs to spur the development of high-
7 speed internet resources in the state, which may include, but is not
8 limited to:

9 (i) Applying for and receiving funding in the form of grants or
10 donations which may be deposited into the Washington community
11 technology opportunity account created in RCW 28B.32.030 (as recodified
12 by this act);

13 (ii) Establishing technology literacy and digital inclusion
14 programs and establishing low-cost hardware and software purchasing
15 programs;

16 (iii) Developing last-mile technology loan programs targeting small
17 businesses or businesses located in unserved and underserved areas; and

18 (iv) Including community technology organizations in state hardware
19 and software purchasing programs.

20 NEW SECTION. **Sec. 7.** (1) The department shall reconvene the high-
21 speed internet work group previously established by chapter 262, Laws
22 of 2008. The work group is renamed the advisory council on digital
23 inclusion, and is an advisory group to the department. The council
24 must include, but is not limited to, volunteer representatives from
25 community technology organizations, telecommunications providers,
26 higher education institutions, K-12 education institutions, public
27 health institutions, public housing entities, local governments, and
28 governmental entities that are engaged in community technology
29 activities.

30 (2) The council shall prepare a report by January 15th of each year
31 and submit it to the department, the governor, and the appropriate
32 committees of the legislature. The report must contain:

33 (a) An analysis of how support from public and private sector
34 partnerships, the philanthropic community, and other not-for-profit
35 organizations in the community, along with strong relationships with
36 the state board for community and technical colleges, the higher

1 education coordinating board, and higher education institutions, could
2 establish a variety of high-speed internet access alternatives for
3 citizens;

4 (b) Proposed strategies for continued broadband deployment and
5 adoption efforts, as well as further development of advanced
6 telecommunications applications;

7 (c) Recommendations on methods for maximizing the state's research
8 and development capacity at universities and in the private sector for
9 developing advanced telecommunications applications;

10 (d) An identification of barriers that hinder the advancement of
11 technology entrepreneurship in the state and recommendations on
12 incentives to stimulate the demand for and development of these
13 applications and services; and

14 (e) An evaluation of programs designed to advance digital literacy
15 and computer access that are made available by the federal government,
16 local agencies, telecommunications providers, and business and
17 charitable entities.

18 **Sec. 8.** RCW 43.105.350 and 2008 c 262 s 3 are each amended to read
19 as follows:

20 (1) For purposes of compliance with section 2, chapter 262, Laws of
21 2008 or any subsequent high-speed internet deployment and adoption
22 initiative, the department (~~(of information services)~~), the department
23 of community, trade, and economic development, the utilities and
24 transportation commission, and any other government agent or agency
25 (~~(shall not)~~) engaged in the high-speed internet mapping, deployment,
26 or adoption activities prescribed in this chapter may gather or request
27 any information related to high-speed internet infrastructure or
28 service from providers of telecommunications or high-speed internet
29 services that is classified by the provider as proprietary or
30 competitively sensitive, as long as the proprietary or competitively
31 sensitive components of such information is maintained in a
32 confidential manner solely by a nongovernmental third-party mapping
33 entity as described in this chapter and as long as the relevant
34 aggregated information is made available to the department or
35 government agent or agency.

36 (2) Nothing in this section may be construed as limiting the

1 authority of a state agency or local government to gather or request
2 information from providers of telecommunications or high-speed internet
3 services for other purposes pursuant to its statutory authority.

4 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
5 conflict with federal requirements that are a prescribed condition to
6 the allocation of federal funds to the state, the conflicting part of
7 this act is inoperative solely to the extent of the conflict and with
8 respect to the agencies directly affected, and this finding does not
9 affect the operation of the remainder of this act in its application to
10 the agencies concerned. Rules adopted under this act must meet federal
11 requirements that are a necessary condition to the receipt of federal
12 funds by the state.

13 NEW SECTION. **Sec. 10.** Sections 1, 5, 6, 7, and 9 of this act
14 constitute a new chapter in Title 43 RCW.

15 NEW SECTION. **Sec. 11.** RCW 28B.32.010, 28B.32.020, 28B.32.030,
16 28B.32.900, and 28B.32.901 are each recodified as a new chapter in
17 Title 43 RCW.

18 NEW SECTION. **Sec. 12.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 July 1, 2009.

26 NEW SECTION. **Sec. 14.** If specific funding for the purposes of
27 this act, referencing this act by bill or chapter number, is not
28 provided by June 30, 2009, in the omnibus appropriations act, this act
29 is null and void."

30 Correct the title.

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