

E2SHB 1723 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/04/2022

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

3 **"PART 1**
4 **INTRODUCTION**

5 NEW SECTION. **Sec. 101.** This act may be known and cited as the
6 digital equity act.

7 NEW SECTION. **Sec. 102.** (1) The legislature finds that:

8 (a) Access to the internet is essential to participating in
9 modern day society including, but not limited to, attending school
10 and work, accessing health care, paying for basic services,
11 connecting with family and friends, civic participation, and economic
12 survival.

13 (b) For too many people in both rural and urban areas, the cost
14 of being online is unaffordable. The legislature recognizes that
15 building the last mile of broadband to the home is prohibitively
16 expensive and that urban areas that are home to people earning low
17 incomes continue to face digital redlining. Across the state there is
18 a lack of affordable plans, barriers to enrolling in appropriate
19 broadband plans, and barriers to fully utilize the opportunities that
20 broadband offers.

21 (c) The COVID-19 pandemic has further highlighted the need for
22 affordable access, devices, and skills to use the internet.

23 (d) The need for more accessible and affordable internet is felt
24 more acutely among specific sectors of the population, especially
25 Washington residents in rural areas, people who are currently earning
26 low incomes, seniors and others who lack the skills necessary to get
27 online, people with first languages other than English, immigrant
28 communities, and people with disabilities.

1 (e) The federal government is allocating considerable sums for
2 investment in digital equity that the state broadband office will
3 help to leverage for residents across Washington. Continued
4 comprehensive efforts, including coordination with tribal partners,
5 are needed to ensure truly equitable access. The legislature
6 recognizes that there will be a need for ongoing development and
7 maintenance of broadband infrastructure. The legislature also
8 recognizes that there is a need for ongoing outreach by community-
9 based partnerships to provide enrollment assistance to lower the cost
10 of internet subscriptions and devices.

11 (2) Therefore, the legislature intends to broaden access to the
12 internet, the appropriate devices, and the skills to operate online
13 safely and effectively so that all people in Washington can fully
14 participate in our society, democracy, and economy by expanding
15 assistance and support programs offered in the state and establishing
16 the governor's statewide broadband office as a central access point
17 to such programs.

18 **PART 2**
19 **STATE DIGITAL EQUITY PLAN**

20 NEW SECTION. **Sec. 201.** A new section is added to chapter 43.330
21 RCW to read as follows:

22 (1) The office, in consultation with the digital equity forum,
23 the utilities and transportation commission, and the department of
24 social and health services, must develop a state digital equity plan.

25 (a) The office must seek any available federal funding for
26 purposes of developing and implementing the state digital equity
27 plan.

28 (b) The state digital equity plan must include such elements as
29 the office determines are necessary to leverage federal funding.

30 (2) In developing the plan, the office must identify measurable
31 objectives for documenting and promoting digital equity among
32 underserved communities located in the state.

33 (3) By December 1, 2023, the office must submit a report to the
34 governor and the appropriate committees of the legislature, including
35 the following:

36 (a) The digital equity plan described in subsection (1) of this
37 section and measurable objectives described in subsection (2) of this
38 section;

1 (b) A description of how the office collaborated with the
2 membership of the digital equity forum, state agencies, and key
3 stakeholders to develop the plan including, but not limited to, the
4 following:

5 (i) Community anchor institutions;

6 (ii) Local governments;

7 (iii) Local educational agencies;

8 (iv) Entities that carry out workforce development programs; and

9 (v) Broadband service providers;

10 (c) A description of federal funding available to advance digital
11 equity in the state, including any available information on the
12 extent to which state residents have enrolled in the affordable
13 connectivity program through an approved provider; and

14 (d) Recommendations of additional state law or policy that can be
15 targeted to help improve broadband adoption and affordability for
16 state residents. This may include recommendations of ongoing
17 subsidies that the state can provide to low-income individuals and
18 anchor institutions, as well as identification of revenue sources
19 that other states or jurisdictions have developed to fund such
20 subsidies or discounted rates.

21 (4) For the purpose of this section, "office" means the statewide
22 broadband office established in RCW 43.330.532.

23 PART 3

24 DIGITAL EQUITY OPPORTUNITY PROGRAM

25 **Sec. 301.** RCW 43.330.530 and 2019 c 365 s 2 are each amended to
26 read as follows:

27 The definitions in this section apply throughout this section and
28 RCW 43.330.532 through 43.330.538, 43.330.412, and sections 305 and
29 306 of this act unless the context clearly requires otherwise.

30 (1) "Board" means the public works board established in RCW
31 43.155.030.

32 (2) "Broadband" or "broadband service" means any service
33 providing advanced telecommunications capability and internet access
34 with transmission speeds that, at a minimum, provide twenty-five
35 megabits per second download and three megabits per second upload.

36 (3) "Broadband infrastructure" means networks of deployed
37 telecommunications equipment and technologies necessary to provide

1 high-speed internet access and other advanced telecommunications
2 services to end users.

3 (4) "Department" means the department of commerce.

4 (5) "Last mile infrastructure" means broadband infrastructure
5 that serves as the final connection from a broadband service
6 provider's network to the end-use customer's on-premises
7 telecommunications equipment.

8 (6) "Local government" includes cities, towns, counties,
9 municipal corporations, public port districts, public utility
10 districts, quasi-municipal corporations, special purpose districts,
11 and multiparty entities comprised of public entity members.

12 (7) "Middle mile infrastructure" means broadband infrastructure
13 that links a broadband service provider's core network infrastructure
14 to last mile infrastructure.

15 (8) "Office" means the governor's statewide broadband office
16 established in RCW 43.330.532.

17 (9) "Tribe" means any federally recognized Indian tribe whose
18 traditional lands and territories included parts of Washington.

19 (10) "Unserved areas" means areas of Washington in which
20 households and businesses lack access to broadband service, as
21 defined by the office, except that the state's definition for
22 broadband service may not be actual speeds less than twenty-five
23 megabits per second download and three megabits per second upload.

24 (11)(a) "Advanced telecommunications capability" means, without
25 regard to any transmission media or technology, high-speed, switched,
26 broadband telecommunications capability that enables users to
27 originate and receive high quality voice, data, graphics, and video
28 telecommunications using any technology.

29 (b) "Advanced telecommunications capability" does not include
30 access to a technology that delivers transmission speeds below the
31 minimum download and upload speeds provided in the definition of
32 broadband in this section.

33 (12) "Aging individual" means an individual 55 years of age or
34 older.

35 (13) "Broadband adoption" means the process by which an
36 individual obtains daily access to the internet:

37 (a) At a speed, quality, price, and capacity necessary for the
38 individual to accomplish common tasks, such that the access qualifies
39 as an advanced telecommunications capability;

1 (b) Providing individuals with the digital skills necessary to
2 participate online;

3 (c) On a device connected to the internet and other advanced
4 telecommunications services via a secure and convenient network, with
5 associated end-user broadband infrastructure equipment such as wifi
6 mesh router or repeaters to enable the device to adequately use the
7 internet network; and

8 (d) With technical support and digital navigation assistance to
9 enable continuity of service and equipment use and utilization.

10 (14) "Digital equity" means the condition in which individuals
11 and communities in Washington have the information technology
12 capacity that is needed for full participation in society and the
13 economy.

14 (15)(a) "Digital inclusion" means the activities that are
15 necessary to ensure that all individuals in Washington have access
16 to, and the use of, affordable information and communication
17 technologies including, but not limited to:

18 (i) Reliable broadband internet service;

19 (ii) Internet-enabled devices that meet the needs of the user;

20 and

21 (iii) Applications and online content designed to enable and
22 encourage self-sufficiency, participation, and collaboration.

23 (b) "Digital inclusion" also includes obtaining access to digital
24 literacy training, the provision of quality technical support, and
25 obtaining basic awareness of measures to ensure online privacy and
26 cybersecurity.

27 (16) "Digital literacy" means the skills associated with using
28 technology to enable users to use information and communications
29 technologies to find, evaluate, organize, create, and communicate
30 information.

31 (17) "Low-income" means households as defined by the department
32 of social and health services, provided that the definition may not
33 exceed the higher of 80 percent of area median household income or
34 the self-sufficiency standard as determined by the University of
35 Washington's self-sufficiency calculator.

36 (18) "Underserved population" means any of the following:

37 (a) Individuals who live in low-income households;

38 (b) Aging individuals;

39 (c) Incarcerated individuals;

40 (d) Veterans;

1 (e) Individuals with disabilities;

2 (f) Individuals with a language barrier, including individuals
3 who are English learners or who have low levels of literacy;

4 (g) Individuals who are members of a racial or ethnic minority
5 group;

6 (h) Individuals who primarily reside in a rural area;

7 (i) Children and youth in foster care; or

8 (j) Individuals experiencing housing instability.

9 **Sec. 302.** RCW 43.330.532 and 2021 c 258 s 2 are each amended to
10 read as follows:

11 (1) The governor's statewide broadband office is established. The
12 director of the office must be appointed by the governor. The office
13 may employ staff necessary to carry out the office's duties as
14 prescribed by chapter 365, Laws of 2019, subject to the availability
15 of amounts appropriated for this specific purpose.

16 (2) The purpose of the office is to encourage, foster, develop,
17 and improve affordable, quality broadband within the state in order
18 to:

19 (a) Drive job creation, promote innovation, improve economic
20 vitality, and expand markets for Washington businesses;

21 (b) Serve the ongoing and growing needs of Washington's education
22 systems, health care systems, public safety systems, transportation
23 systems, industries and business, governmental operations, and
24 citizens; and

25 (c) Improve broadband accessibility and adoption for unserved and
26 underserved communities and populations.

27 **Sec. 303.** RCW 43.330.534 and 2021 c 258 s 3 are each amended to
28 read as follows:

29 (1) The office has the power and duty to:

30 (a) Serve as the central broadband planning body for the state of
31 Washington;

32 (b) Coordinate with local governments, tribes, public and private
33 entities, public housing agencies, nonprofit organizations, and
34 consumer-owned and investor-owned utilities to develop strategies and
35 plans promoting deployment of broadband infrastructure and greater
36 broadband access, while protecting proprietary information;

37 (c) Review existing broadband initiatives, policies, and public
38 and private investments;

1 (d) Develop, recommend, and implement a statewide plan to
2 encourage cost-effective broadband access and to make recommendations
3 for increased usage, particularly in rural and other unserved areas;

4 (e) Update the state's broadband goals and definitions for
5 broadband service in unserved areas as technology advances, except
6 that the state's definition for broadband service may not be actual
7 speeds less than twenty-five megabits per second download and three
8 megabits per second upload; and

9 (f) Encourage public-private partnerships to increase deployment
10 and adoption of broadband services and applications.

11 (2) When developing plans or strategies for broadband deployment,
12 the office must consider:

13 (a) Partnerships between communities, tribes, nonprofit
14 organizations, local governments, consumer-owned and investor-owned
15 utilities, and public and private entities;

16 (b) Funding opportunities that provide for the coordination of
17 public, private, state, and federal funds for the purposes of making
18 broadband infrastructure or broadband services available to rural and
19 unserved areas of the state;

20 (c) Barriers to the deployment, adoption, and utilization of
21 broadband service, including affordability of service and project
22 coordination logistics; and

23 (d) Requiring minimum broadband service of twenty-five megabits
24 per second download and three megabits per second upload speed, that
25 is scalable to faster service.

26 (3) The office may assist applicants for the grant and loan
27 program created in RCW 43.155.160, the digital equity opportunity
28 program created in RCW 43.330.412, and the digital equity planning
29 grant program created in section 305 of this act with seeking federal
30 funding or matching grants and other grant opportunities for
31 deploying or increasing adoption of broadband services.

32 (4) The office may take all appropriate steps to seek and apply
33 for federal funds for which the office is eligible, and other grants,
34 and accept donations, and must deposit these funds in the statewide
35 broadband account created in RCW 43.155.165.

36 (5) The office shall coordinate an outreach effort to hard-to-
37 reach communities and low-income communities across the state to
38 provide information about broadband programs available to consumers
39 of these communities. The outreach effort must include, but is not
40 limited to, providing information to applicable communities about the

1 federal lifeline program and other low-income broadband benefit
2 programs. The outreach effort must be reviewed by the office of
3 equity annually. The office may contract with other public or private
4 entities to conduct outreach to communities as provided under this
5 subsection.

6 (6) In carrying out its purpose, the office may collaborate with
7 the utilities and transportation commission, the office of the chief
8 information officer, the department of commerce, the community
9 economic revitalization board, the department of transportation, the
10 public works board, the state librarian, and all other relevant state
11 agencies.

12 **Sec. 304.** RCW 43.330.412 and 2011 1st sp.s. c 43 s 607 are each
13 amended to read as follows:

14 The ~~((community technology opportunity program is created to~~
15 ~~support the efforts of community technology programs throughout the~~
16 ~~state. The community technology)) digital equity opportunity program~~
17 is created to advance broadband adoption and digital equity and
18 inclusion throughout the state. The digital equity opportunity
19 program must be administered by the department. The department may
20 contract for services in order to carry out the department's
21 obligations under this section.

22 (1) In implementing the ~~((community technology)) digital equity~~
23 ~~opportunity program the director must, to the extent funds are~~
24 ~~appropriated for this purpose:~~

25 (a) Provide organizational and capacity building support to
26 ~~((community technology)) digital equity programs throughout the~~
27 ~~state((, and identify and facilitate the availability of other public~~
28 ~~and private sources of funds to enhance the purposes of the program~~
29 ~~and the work of community technology programs. No more than fifteen))~~
30 and additional support for the purpose of:

31 (i) Evaluating the impact and efficacy of activities supported by
32 grants awarded under the covered programs; and

33 (ii) Developing, cataloging, disseminating, and promoting the
34 exchange of best practices, with respect to and independent of the
35 covered programs, in order to achieve digital equity. After July 1,
36 2024, no more than 15 percent of funds received by the director for
37 the program may be expended on these functions;

38 (b) Establish a competitive grant program and provide grants to
39 community technology programs to ~~((provide training and skill-~~

1 ~~building opportunities; access to hardware and software; internet~~
2 ~~connectivity; digital media literacy; assistance in the adoption of~~
3 ~~information and communication technologies in low-income and~~
4 ~~underserved areas of the state; and development of locally relevant~~
5 ~~content and delivery of vital services through)) advance digital
6 equity and digital inclusion by providing:~~

7 (i) Training and skill-building opportunities;

8 (ii) Access to hardware and software, including online service
9 costs such as application and software;

10 (iii) Internet connectivity;

11 (iv) Digital media literacy and cybersecurity training;

12 (v) Assistance in the adoption of information and communication
13 technologies for low-income and underserved populations of the state;

14 (vi) Development of locally relevant content and delivery of
15 vital services through technology; and

16 (vii) Technical support;

17 (c) Collaborate with broadband stakeholders, including broadband
18 action teams across the state, in implementing the program as
19 provided under this subsection; and

20 (d) For the purposes of this section, include wireless meshed
21 network technology.

22 (2) Grant applicants must:

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

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

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

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

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

38 ~~(f))~~ Provide evidence that funds applied for, if received, will
39 be used to provide effective delivery of community technology

1 services in alignment with the goals of this program and to increase
2 the applicant's level of effort beyond the current level; and

3 ~~((f))~~ (f) Comply with such other requirements as the director
4 establishes.

5 (3) The digital equity forum shall review grant applications and
6 provide input to the director regarding the prioritization of
7 applications in awarding grants among eligible applicants under the
8 program.

9 (4) In awarding grants under the digital equity opportunity
10 program created in this section, the director must:

11 (a) Consider the input provided by the digital equity forum, as
12 provided in subsection (3) of this section, in awarding grants; and

13 (b) Consider the extent to which the mix of grants awarded would
14 increase in the number of prekindergarten through 12th grade students
15 gaining access to greater levels of digital inclusion as a factor in
16 awarding grants.

17 (5) The director may use no more than ~~((ten))~~ 10 percent of funds
18 received for the ~~((community technology))~~ digital equity opportunity
19 program to cover administrative expenses.

20 ~~((4))~~ (6) The director must establish expected program outcomes
21 for each grant recipient and must require grant recipients to provide
22 an annual accounting of program outcomes.

23 NEW SECTION. Sec. 305. A new section is added to chapter 43.330
24 RCW to read as follows:

25 (1) Subject to the availability of funds appropriated for this
26 specific purpose, the department shall establish a digital equity
27 planning grant program.

28 (2)(a) This program must provide grants to local governments,
29 institutions of higher education, workforce development councils, or
30 other entities to fund the development of a digital equity plan for a
31 discrete geographic region of the state. Only the director or the
32 director's designee may authorize expenditures.

33 (b) Priority must be given for grant applications:

34 (i) Accompanied by express support from community or
35 neighborhood-based nonprofit organizations, public development
36 authorities, federally recognized Indian tribes in the state, or
37 other community partners and partners from the categories of
38 institutions identified in RCW 43.330.421; and

1 (ii) That intend to use community-based participatory action
2 research methods as a part of the proposed plan.

3 (3) An applicant must submit an application to the department in
4 order to be eligible for funding under this section.

5 (4) The digital equity forum shall review grant applications and
6 provide input to the department regarding the prioritization of
7 applications in awarding grants among eligible applicants under the
8 program.

9 (5) The department must:

10 (a) Pursuant to subsection (2)(b) of this section, evaluate and
11 rank applications using objective criteria such as the number of
12 underserved populations served and subjective criteria such as the
13 degree of support and engagement evidenced by the community who will
14 be served;

15 (b) Consider the input provided by the forum, as provided in
16 subsection (4) of this section, in awarding grants under the digital
17 equity planning grant program; and

18 (c) Consider the extent to which the mix of grants awarded would
19 increase in the number of prekindergarten through 12th grade students
20 gaining access to greater levels of digital inclusion as a factor in
21 awarding grants under the digital equity planning grant program.

22 (6) The department shall develop criteria for what the digital
23 equity plans must include.

24 (7) The department may adopt rules to implement this section.

25 NEW SECTION. **Sec. 306.** A new section is added to chapter 43.330
26 RCW to read as follows:

27 (1) The Washington digital equity forum is established for the
28 purpose of developing recommendations to advance digital connectivity
29 in Washington state and advising the statewide broadband office on
30 the digital equity opportunity program as provided under RCW
31 43.330.412 and the digital equity planning grant program as provided
32 under section 305 of this act.

33 (2) In developing its recommendations to advance digital
34 connectivity, the forum must:

35 (a) Develop goals that are consistent with the goals of the
36 governor's statewide broadband office, as provided in RCW 43.330.536;

37 (b) Strengthen public-private partnerships;

38 (c) Solicit public input through public hearings or informational
39 sessions;

1 (d) Work to increase collaboration and communication between
2 local, state, and federal governments and agencies; and

3 (e) Recommend reforms to current universal service mechanisms.

4 (3) The directors of the governor's statewide broadband office
5 and the Washington state office of equity are responsible for
6 appointing participating members of the digital equity forum and no
7 appointment may be made unless each director concurs in the
8 appointment. In making appointments, the directors must prioritize
9 appointees representing:

10 (a) Federally recognized tribes;

11 (b) State agencies involved in digital equity; and

12 (c) Underserved and unserved communities, including historically
13 disadvantaged communities.

14 (4) A majority of the participating members appointed by the
15 directors must appoint an administrative chair for the forum.

16 (5) In addition to members appointed by the directors, four
17 legislators may serve on the digital equity forum in an ex officio
18 capacity. Legislative participants must be appointed as follows:

19 (a) The speaker of the house of representatives must appoint one
20 member from each of the two largest caucuses of the house of
21 representatives; and

22 (b) The president of the senate must appoint one member from each
23 of the two largest caucuses of the senate.

24 (6) (a) Funds appropriated to the forum may be used to compensate,
25 for any work done in connection with the forum, additional persons
26 who have lived experience navigating barriers to digital connectivity
27 and digital equity.

28 (b) Each member of the digital equity forum shall serve without
29 compensation but may be reimbursed for travel expenses as authorized
30 in RCW 43.03.050 and 43.03.060.

31 (7) Staff for the digital equity forum must be provided by the
32 governor's statewide broadband office and the Washington state office
33 of equity. The governor's statewide broadband office and the
34 Washington state office of equity are jointly responsible for
35 transmitting the recommendations of the digital equity forum to the
36 legislature, consistent with RCW 43.01.036, by October 28, 2025, and
37 every odd-numbered year thereafter.

38 **PART 4**

39 **DIGITAL EQUITY ACCOUNT**

ADOPTED 03/04/2022

1 On page 1, line 3 of the title, after "training;" strike the
2 remainder of the title and insert "amending RCW 43.330.530,
3 43.330.532, 43.330.534, and 43.330.412; adding new sections to
4 chapter 43.330 RCW; adding a new section to chapter 80.36 RCW;
5 creating new sections; and providing an effective date."

EFFECT: Adds intent language specifying the legislature intends to broaden access to the internet, devices, and skills to operate online by expanding assistance and support programs offered in the state and establishing the Governor's Statewide Broadband Office as a central access point to such programs.

Requires the Statewide Broadband Office, in consultation with the Digital Equity Forum, the Utilities and Transportation Commission, and the Department of Social and Health Services, to develop a state digital equity plan and seek any available federal funding for purposes of developing and implementing the state digital equity plan.

Requires the office, in developing the state digital equity plan, to identify measurable objectives for documenting and promoting digital equity among underserved communities located in the state.

Requires the office to submit a report on the state digital equity plan and identified measurable objectives to the Governor and the appropriate committees of the Legislature by December 1, 2023.

Removes the provisions related to the Washington Broadband Assistance Program and the Anchor Institution Digital Equity Program.

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