SUBSTITUTE HOUSE BILL 2313

State of Washington 68th Legislature 2024 Regular Session

By House Innovation, Community & Economic Development, & Veterans (originally sponsored by Representatives Gregerson, Ryu, Reed, Ortiz-Self, Morgan, Davis, Ormsby, Bergquist, Simmons, Street, Pollet, Shavers, and Doglio)

READ FIRST TIME 01/31/24.

AN ACT Relating to furthering digital equity and opportunity in Washington; amending RCW 43.330.532, 43.330.534, 43.330.539, 43.330.5393, 43.330.5395, 43.330.412, 28A.650.065, and 43.060.010; reenacting and amending RCW 43.330.530; adding a new section to chapter 43.06D RCW; and recodifying RCW 43.330.539 and 43.330.5395.

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

7 Sec. 1. RCW 43.330.530 and 2022 c 265 s 301 and 2022 c 237 s 2 8 are each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this section and 10 RCW 43.330.532 through ((43.330.538,)) <u>43.330.5393 and</u> 43.330.412(($_{\tau}$ 11 <u>43.330.5393</u>, and <u>43.330.5395</u>)) unless the context clearly requires 12 otherwise.

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

(b) "Advanced telecommunications capability" does not include access to a technology that delivers transmission speeds below the minimum download and upload speeds provided in the definition of broadband in this section. 1 (2) "Aging individual" means an individual 55 years of age or 2 older.

3 (3) "Board" means the public works board established in RCW 4 43.155.030.

5 (4) "Broadband" or "broadband service" means any service 6 providing advanced telecommunications capability and internet access 7 with transmission speeds that, at a minimum, provide 100 megabits per 8 second download and 20 megabits per second upload.

9 (5) "Broadband adoption" means the process by which an individual 10 obtains daily access <u>and ability</u> to <u>use</u> the internet:

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

14 (b) Providing individuals with the digital skills necessary to 15 participate <u>fully and safely</u> online;

16 (c) On a device connected to the internet and other advanced 17 telecommunications services via a secure and convenient network, with 18 associated end-user broadband infrastructure equipment such as wifi 19 mesh router or repeaters to enable the device to adequately use the 20 internet network; and

(d) With technical support and digital navigation assistance toenable continuity of service and equipment use and utilization.

(6) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services to end users.

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(7) "Department" means the department of commerce.

(8) "Digital equity" means the condition in which individuals and communities in Washington have the information technology capacity that is needed for full participation in society, <u>democracy</u>, and the economy.

32 (9)(a) "Digital inclusion" means the activities that are 33 necessary to ensure that all individuals in Washington have access 34 to, and the use of, affordable information and communication 35 technologies including, but not limited to:

36 (i) Reliable broadband internet service;

37 (ii) Internet-enabled devices that meet the needs of the user; 38 and

39 (iii) Applications and online content designed to enable and 40 encourage self-sufficiency, participation, and collaboration.

1 (b) "Digital inclusion" also includes obtaining access to digital 2 literacy training, the provision of quality technical support, and 3 obtaining basic awareness of measures to ensure online privacy and 4 cybersecurity.

5 (10) "Digital literacy" means the skills associated with using 6 technology to enable users to use information and communications 7 technologies to find, evaluate, organize, create, and communicate 8 information.

9 (11) "Last mile infrastructure" means broadband infrastructure 10 that serves as the final connection from a broadband service 11 provider's network to the end-use customer's on-premises 12 telecommunications equipment.

13 (12) "Local government" includes cities, towns, counties, 14 municipal corporations, public port districts, public utility 15 districts, quasi-municipal corporations, special purpose districts, 16 and multiparty entities comprised of public entity members.

(13) "Low-income" means households ((as defined by the department of social and health services, provided that the definition may not exceed the higher of 80 percent of area median household income or)) with a household income that does not exceed 200 percent of the federal poverty level or that does not exceed the self-sufficiency standard as determined by the University of Washington's selfsufficiency calculator.

24 (14) "Middle mile infrastructure" means broadband infrastructure 25 that links a broadband service provider's core network infrastructure 26 to last mile infrastructure.

27 (15) "Office" means the governor's statewide broadband office 28 established in RCW 43.330.532.

(16) "Tribe" means any federally recognized Indian tribe whosetraditional lands and territories included parts of Washington.

(17) "Underserved population" means any of the following:

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

33 (b) Aging individuals;

34 (c) Incarcerated individuals;

35 (d) Veterans;

36 (e) Individuals with disabilities;

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

39 (g) Individuals who are members of a racial or ethnic minority 40 group; 1 2

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

(i) ((Children and youth)) <u>Dependents</u> in foster care; or

(j) Individuals experiencing housing instability.

4 (18) "Unserved areas" means areas of Washington in which
5 households and businesses lack access to <u>adequate</u>, <u>reliable</u>, <u>and</u>
6 <u>affordable</u> broadband service, as defined by the office.

7 Sec. 2. RCW 43.330.532 and 2022 c 265 s 302 are each amended to 8 read as follows:

9 (1) The governor's statewide broadband office is established. The 10 director of the office must be appointed by the governor. The office 11 may employ staff necessary to carry out the office's duties as 12 prescribed by chapter 365, Laws of 2019, subject to the availability 13 of amounts appropriated for this specific purpose.

14 (2) The purpose of the office is to encourage, foster, develop,
 15 and improve affordable, quality broadband <u>and broadband adoption and</u>
 16 <u>digital equity</u> within the state in order to:

17 (a) Drive job creation, promote innovation, improve economic18 vitality, and expand markets for Washington businesses;

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

(c) Improve broadband accessibility and adoption for unserved andunderserved communities and populations.

25 Sec. 3. RCW 43.330.534 and 2022 c 265 s 303 are each amended to 26 read as follows:

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

(a) Serve as the central broadband planning body for the state ofWashington;

30 (b) Coordinate with <u>relevant state agencies</u>, local governments, 31 tribes, public and private entities, public housing agencies, 32 nonprofit organizations, and consumer-owned and investor-owned 33 utilities to develop strategies and plans promoting deployment of 34 broadband infrastructure and greater broadband access <u>and broadband</u> 35 <u>adoption</u>, while protecting proprietary information;

36 (c) Review existing broadband initiatives, policies, and public 37 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)) 100 megabits per second download and
8 ((three)) 20 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:

(a) Partnerships between communities, tribes, nonprofit
 organizations, local governments, consumer-owned and investor-owned
 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

(d) Requiring minimum broadband service of ((twenty-five)) <u>100</u>
 megabits per second download and ((three)) <u>20</u> megabits per second
 upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160, the digital equity opportunity program created in RCW 43.330.412, and the digital equity planning grant program created in RCW 43.330.5393 with seeking federal funding or matching grants and other grant opportunities for 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)) must 7 collaborate with federally recognized tribes and all relevant state agencies including, but not limited to, the utilities and 8 transportation commission, ((the office of the chief information 9 10 officer,)) the department of commerce, the community economic 11 revitalization board, the department of transportation, the public 12 works board, the state librarian, ((and all other relevant state agencies)) the Washington state office of equity, the office of the 13 superintendent of public instruction, and the consolidated technology 14 15 services agency.

16 Sec. 4. RCW 43.330.539 and 2022 c 265 s 201 are each amended to 17 read as follows:

18 (1) The office shall coordinate an outreach effort to hard-toreach communities and low-income communities across the state to 19 provide information about broadband and digital equity programs 20 available to consumers of these communities and assist consumers in 21 22 enrolling in these programs. The outreach effort must include, but is 23 not limited to, providing information to applicable communities about 24 the federal lifeline program and other low-income broadband benefit programs. The outreach effort must be reviewed by the office 25 26 annually. The office may coordinate or contract with other public or private entities to conduct outreach to communities and assist 27 consumers in program enrollment as provided under this subsection. 28

29 <u>(2)</u> The office, in consultation with the digital equity forum, 30 the utilities and transportation commission, ((and)) <u>the statewide</u> 31 <u>broadband office</u>, the department of social and health services, <u>and</u> 32 <u>other relevant state agencies</u>, must develop <u>and monitor</u> 33 <u>implementation of</u> a state digital equity plan.

(a) ((The office must seek any available federal funding for
purposes of developing and implementing the state digital equity
plan.)) The development of the state digital equity plan must build
upon the progress made by the statewide broadband office in
developing a state digital equity plan.

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

3 (((2))) <u>(3)</u> In developing the plan, the office must identify 4 measurable objectives for documenting and promoting digital equity 5 among underserved communities located in the state.

6 (((3))) <u>(4)</u> By December 1, ((2023)) <u>2024</u>, the office must submit 7 a report to the governor and the appropriate committees of the 8 legislature, including the following:

9 (a) The digital equity plan described in subsection (((1))) <u>(2)</u> 10 of this section and measurable objectives described in subsection 11 (((2))) <u>(3)</u> of this section;

12 (b) A description of how the office collaborated with the 13 membership of the digital equity forum, state agencies, and key 14 ((stakeholders)) partners to develop the plan including, but not 15 limited to, the following:

16 (i) Community anchor institutions;

17 (ii) Local governments;

18 (iii) Local educational agencies;

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

20 (v) Broadband service providers;

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

(d) <u>An evaluation of existing state digital equity initiatives,</u>
 policies, and public and private investments, including a recommended
 model for future infrastructure and outreach investments; and

(e) Recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents. This may include recommendations of ongoing subsidies that the state can provide to low-income individuals and <u>community</u> anchor institutions, as well as identification of revenue sources that other states or jurisdictions have developed to fund such subsidies or discounted rates.

35 (((4) For the purpose of this section, "office" means the 36 statewide broadband office established in RCW 43.330.532.)) (5) The 37 office must make publicly available, on an ongoing basis, an overview 38 of the progress made in promoting digital equity among underserved 39 communities located in the state, according to the measurable 40 objectives identified in the digital equity plan. The overview must 1 <u>include a description of the successes and remaining challenges of</u> 2 promoting digital equity among specific types of underserved

3 populations, as defined in RCW 43.330.530.

4 Sec. 5. RCW 43.330.5393 and 2022 c 265 s 305 are each amended to 5 read as follows:

6 (1) Subject to the availability of funds appropriated for this 7 specific purpose, the department shall establish a digital equity 8 planning grant program.

9 (2)(a) This program must provide grants to local governments, 10 institutions of higher education, workforce development councils, or 11 other entities to fund the development of a digital equity plan for a 12 discrete geographic region of the state. Only the director or the 13 director's designee may authorize expenditures.

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(b) Priority must be given for grant applications:

15 (i) Accompanied by express support from community or 16 neighborhood-based nonprofit organizations, public development authorities, federally recognized Indian tribes in the state, 17 or 18 other community partners and partners from the categories of institutions identified in RCW 43.330.421; and 19

20 (ii) That intend to use community-based participatory action 21 research methods as a part of the proposed plan.

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

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

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(5))) The department must:

(a) Pursuant to subsection (2)(b) of this section, evaluate and rank applications ((using)) in accordance with program guidelines, developed in consultation with the Washington state office of equity, that use objective criteria such as the number of underserved populations served and subjective criteria such as the degree of support and engagement evidenced by the community who will be served; and

36 (b) ((Consider the input provided by the forum, as provided in 37 subsection (4) of this section, in awarding grants under the digital 38 equity planning grant program; and

1 (c)) Consider the extent to which the mix of grants awarded 2 would increase in the number of prekindergarten through 12th grade 3 students gaining access to greater levels of digital inclusion as a 4 factor in awarding grants under the digital equity planning grant 5 program.

6 (((-6))) (5) The department shall develop criteria for what the 7 digital equity plans must include.

8 (((7))) <u>(6)</u> The department may adopt rules to implement this 9 section.

10 Sec. 6. RCW 43.330.5395 and 2022 c 265 s 306 are each amended to 11 read as follows:

(1) The Washington digital equity forum is established for the 12 13 purpose of developing recommendations to advance digital connectivity, broadband adoption, and digital equity in Washington 14 15 state ((and advising the statewide broadband office on the digital 16 equity opportunity program as provided under RCW 43.330.412 and the digital equity planning grant program as provided under RCW 17 18 43.330.5393)).

(2) In developing its recommendations to advance digital
connectivity, broadband adoption, and digital equity, the forum must:
(a) Develop goals that are consistent with the goals of the
governor's statewide broadband office, as provided in RCW 43.330.536;
(b) Strengthen public-private partnerships, cooperatives, and

24 <u>other partnerships that promote digital connectivity</u>, broadband 25 <u>adoption</u>, and digital equity;

26 (c) Solicit public input through public hearings or informational27 sessions;

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

30 (e) Recommend <u>opportunities for sustainable digital equity</u>
 31 <u>funding, including</u> reforms to current universal service mechanisms.

32 (3) The directors of the governor's statewide broadband office 33 and the Washington state office of equity are responsible for 34 appointing participating members of the digital equity forum and no 35 appointment may be made unless each director concurs in the 36 appointment. In making appointments, the directors must prioritize 37 appointees representing:

38 (a) Federally recognized tribes;

39 (b) State <u>and local</u> agencies involved in digital equity; and

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

3 (4) A majority of the ((participating)) members appointed by the
4 directors ((must)) may appoint an administrative chair or cochairs
5 for the forum.

6 (5) In addition to members appointed by the directors, four 7 legislators may serve on the digital equity forum in an ex officio 8 capacity. Legislative participants must be appointed as follows:

9 (a) The speaker of the house of representatives must appoint one 10 member from each of the two largest caucuses of the house of 11 representatives; and

12 (b) The president of the senate must appoint one member from each 13 of the two largest caucuses of the senate.

14 (6) (a) Funds appropriated to the forum may be used to compensate, 15 for any work done in connection with the forum, additional persons 16 who have lived experience navigating barriers to digital connectivity 17 and digital equity.

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

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

28 Sec. 7. RCW 43.330.412 and 2022 c 265 s 304 are each amended to 29 read as follows:

The digital equity opportunity program is created to advance broadband adoption and digital equity and inclusion throughout the state. The digital equity opportunity program must be administered by the department. The department may contract for services in order to carry out the department's obligations under this section.

(1) In implementing the digital equity opportunity program the
 director must, to the extent funds are appropriated for this purpose:
 (a) Provide organizational and capacity building support to
 digital equity programs throughout the state and additional support

39 for the purpose of:

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

3 (ii) Developing, cataloging, disseminating, and promoting the 4 exchange of best practices, with respect to and independent of the 5 covered programs, in order to achieve digital equity. After July 1, 6 2024, no more than 15 percent of funds received by the director for 7 the program may be expended on these functions;

8 (b) Establish a competitive grant program and provide grants to 9 ((community technology)) <u>digital equity</u> programs to advance digital 10 equity and digital inclusion by providing:

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(i) Training and skill-building opportunities;

12 (ii) Access to hardware and software, including online service 13 costs such as application and software;

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(iii) Internet connectivity;

15 (iv) Digital media literacy and cybersecurity training;

16 (v) Assistance in the adoption of information and communication 17 technologies for low-income and underserved populations of the state;

18 (vi) Development of locally relevant content and delivery of 19 vital services through technology; and

20 (vii) Technical support;

(c) Collaborate with <u>the Washington state office of equity and</u> broadband ((stakeholders)) <u>partners</u>, including broadband action teams across the state, in implementing the program as provided under this subsection; and

25 (d) For the purposes of this section, include wireless meshed 26 network technology.

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(2) Grant applicants must:

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

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

32 (c) Include in the application the results of a needs assessment 33 addressing, in the geographic area or among the population to be 34 served: The impact of inadequacies in technology access or knowledge, 35 barriers faced, and services needed;

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

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

6 (f) Comply with such other requirements as the director 7 establishes.

8 (3) ((The digital equity forum shall review grant applications 9 and provide input to the director regarding the prioritization of 10 applications in awarding grants among eligible applicants under the 11 program.

12 (4)) In awarding grants under the digital equity opportunity 13 program created in this section, the director must:

14 (a) Consider the ((input provided by the digital equity forum, as 15 provided in subsection (3) of this section, in awarding grants)) 16 opportunity to leverage additional federal and private investment; 17 and

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

(((5))) <u>(4)</u> The director may use no more than 10 percent of funds received for the digital equity opportunity program to cover administrative expenses.

25 (((6))) <u>(5)</u> The director must establish expected program outcomes 26 for each grant recipient and must require grant recipients to provide 27 an annual accounting of program outcomes.

28 Sec. 8. RCW 28A.650.065 and 2021 c 301 s 4 are each amended to 29 read as follows:

(1) Subject to the availability of amounts appropriated for this
 specific purpose, the office of the superintendent of public
 instruction shall develop and administer a technology grant program,
 as described in this section, to advance the following objectives:

34 (a) Attain <u>or maintain</u> a universal 1:1 student to learning device 35 ratio;

36 (b) Expand technical support and training of school and district
 37 staff in using technology to support student learning; and

1 (c) Develop district-based and school-based capacity to assist 2 students and their families in accessing and using technology to 3 support student learning.

4 (2) The following entities, individually or in cooperation, may
5 apply to the office of the superintendent of public instruction for a
6 grant under this section: A public school as defined in RCW
7 28A.150.010; a school district; an educational service district; the
8 Washington center for deaf and hard of hearing youth; and the state
9 school for the blind.

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(3) At a minimum, grant applications must include:

(a) The applicant's technology plan for accomplishing the goals of the grant program, the applicant's student demographics, including the percent of students eligible for free and reduced-price meals, and any specialized technology needs of the applicant's students, such as students with disabilities and English learners who may need adaptive or assistive technologies; and

(b) A description of preexisting programs and funding sources used by the applicant to provide learning devices to students, staff, or both.

20 (((4) When ranking and selecting applicants, the office of the 21 superintendent of public instruction must prioritize both of the 22 following:

23 (a) Applicants without preexisting programs to provide a device 24 for every student and that have 30 percent or more students eligible 25 for free and reduced-price meals; and

26 (b) Applicants with students who have specialized technology 27 needs.))

28 **Sec. 9.** RCW 43.06D.010 and 2020 c 332 s 2 are each amended to 29 read as follows:

30 The definitions in this section apply throughout this chapter 31 unless the context clearly requires otherwise.

32 (1) "Agency" means every state executive office, agency,33 department, or commission.

34 (2) "Aging individual" has the meaning defined in RCW 43.330.530.

35 <u>(3) "Broadband" or "broadband service" have the meanings defined</u> 36 in RCW 43.330.530.

37 <u>(4) "Broadband adoption" has the meaning defined in RCW</u> 38 <u>43.330.530.</u>

1 (5) "Community anchor institution" means a public school, a public housing authority, a library, a medical or health care 2 provider, a community college or other institution of higher 3 education, a state library agency, or other nonprofit or governmental 4 community support organization for purposes of broadband connectivity 5 6 or facilitating use of broadband service by underserved populations. (6) "Digital equity" has the meaning defined in RCW 43.330.530. 7 (7) "Director" means the director of the Washington state office 8 9 of equity. (((3))) (8) "Disaggregated data" means data that has been broken 10 11 down by appropriate subcategories. 12 ((((++))) (9) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration 13 status and language access, to evaluate the equitable impacts of an 14 agency's policy or program. 15 16 ((((5))) (10) "Local government" has the meaning defined in RCW 17 43.330.530. (11) "Low-income" has the meaning defined in RCW 43.330.530. 18 19 (12) "Office" means the Washington state office of equity. (13) "Underserved population" has the meaning defined in RCW 20 21 43.330.530.

22 <u>NEW SECTION.</u> Sec. 10. RCW 43.330.539 and 43.330.5395 are 23 recodified as sections in chapter 43.06D RCW.

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