
HOUSE BILL 2365

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By Representatives Gregerson, Ryu, Berry, Obras, Zahn, Scott, Ormsby, Macri, Parshley, and Pollet

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1 AN ACT Relating to advancing digital opportunities for all;
2 amending RCW 43.330.532, 43.330.534, 43.330.539, 43.330.5395, and
3 43.330.412; and reenacting and amending RCW 43.330.530.

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

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

7 The definitions in this section apply throughout this section and
8 RCW 43.330.532 through 43.330.538, 43.330.412, 43.330.5393, and
9 43.330.5395 unless the context clearly requires otherwise.

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

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

19 (2) "Aging individual" means an individual 55 years of age or
20 older.

1 (3) "Board" means the public works board established in RCW
2 43.155.030.

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

7 (5) "Broadband adoption" means the process by which an individual
8 obtains daily access and the ability to use the internet:

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

12 (b) Providing individuals with the digital skills necessary to
13 participate fully and safely online;

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

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

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

25 (7) "Community anchor institution" means an entity, such as a
26 school, library, health clinic, health center, hospital or other
27 medical provider, public safety entity, institution of higher
28 education, public housing organization, or community support
29 organization, which facilitates greater use of broadband service by
30 underserved populations.

31 (8) "Department" means the department of commerce.

32 ~~((+8))~~ (9) "Digital equity" means the condition in which
33 individuals and communities in Washington have the information
34 technology capacity that is needed for full participation in society,
35 democracy, and the economy.

36 ~~((+9))~~ (10)(a) "Digital inclusion" means the activities that are
37 necessary to ensure that all individuals in Washington have access
38 to, and the use of, affordable information and communication
39 technologies including, but not limited to:

40 (i) Reliable broadband internet service;

1 (ii) Internet-enabled devices that meet the needs of the user;
2 and

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

5 (b) "Digital inclusion" also includes obtaining access to digital
6 literacy training, the provision of quality technical support, and
7 obtaining basic awareness of measures to ensure online privacy and
8 cybersecurity.

9 ~~((10))~~ (11) "Digital literacy" means the skills associated with
10 using technology to enable users to use information and
11 communications technologies to find, evaluate, organize, create, and
12 communicate information.

13 ~~((11))~~ (12) "Last mile infrastructure" means broadband
14 infrastructure that serves as the final connection from a broadband
15 service provider's network to the end-use customer's on-premises
16 telecommunications equipment.

17 ~~((12))~~ (13) "Local government" includes cities, towns,
18 counties, municipal corporations, public port districts, public
19 utility districts, quasi-municipal corporations, special purpose
20 districts, and multiparty entities comprised of public entity
21 members.

22 ~~((13))~~ (14) "Low-income" means households ~~((as defined by the~~
23 ~~department of social and health services, provided that the~~
24 ~~definition may not exceed the higher of 80 percent of area median~~
25 ~~household income or the self-sufficiency standard as determined by~~
26 ~~the University of Washington's self-sufficiency calculator.~~

27 ~~(14))~~ with a household income that does not exceed the higher
28 level of 200 percent of the federal poverty level or the self-
29 sufficiency standard produced by the University of Washington, as
30 determined by household size and location.

31 (15) "Middle mile infrastructure" means broadband infrastructure
32 that links a broadband service provider's core network infrastructure
33 to last mile infrastructure.

34 ~~((15))~~ (16) "Office" means the governor's statewide broadband
35 office established in RCW 43.330.532.

36 ~~((16))~~ (17) "Tribe" means any federally recognized Indian tribe
37 whose traditional lands and territories included parts of Washington.

38 ~~((17))~~ (18) "Underserved population" means any of the
39 following:

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

- 1 (b) Aging individuals;
2 (c) Incarcerated individuals;
3 (d) Veterans;
4 (e) Individuals with disabilities;
5 (f) Individuals with a language barrier, including individuals
6 (~~who are English learners~~) with limited English proficiency or who
7 have low levels of literacy;
8 (g) Individuals who are members of a racial or ethnic minority
9 group;
10 (h) Individuals who primarily reside in a rural area;
11 (i) (~~Children and youth~~) Dependents in foster care; or
12 (j) Individuals experiencing housing instability.
13 (~~(18)~~) (19) "Unserved areas" means areas of Washington in which
14 households and businesses lack access to adequate, reliable, and
15 affordable broadband service, as defined by the office.

16 **Sec. 2.** RCW 43.330.532 and 2022 c 265 s 302 are each amended to
17 read as follows:

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

23 (2) The purpose of the office is to encourage, foster, develop,
24 and improve affordable(~~(7)~~) and quality broadband, broadband
25 adoption, and digital equity within the state in order to:

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

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

32 (c) Improve broadband accessibility and adoption for unserved and
33 underserved communities and populations.

34 **Sec. 3.** RCW 43.330.534 and 2024 c 54 s 53 are each amended to
35 read as follows:

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

37 (a) Serve as the central broadband planning body for the state of
38 Washington;

1 (b) Coordinate with relevant state agencies, local governments,
2 tribes, public and private entities, public housing agencies,
3 community anchor institutions, nonprofit organizations, and consumer-
4 owned and investor-owned utilities to develop strategies and plans
5 promoting deployment of broadband infrastructure and greater
6 broadband access and broadband adoption, while protecting proprietary
7 information;

8 (c) Review existing broadband initiatives, policies, and public
9 and private investments;

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

13 (e) Update the state's broadband goals and definitions for
14 broadband service in unserved areas as technology advances, except
15 that the state's definition for broadband service may not be actual
16 speeds less than (~~twenty-five~~) 100 megabits per second download and
17 (~~three~~) 20 megabits per second upload; and

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

20 (2) When developing plans or strategies for broadband deployment
21 and adoption, the office must consider:

22 (a) Partnerships between communities, tribes, nonprofit
23 organizations, local governments, consumer-owned and investor-owned
24 utilities, and public and private entities;

25 (b) Funding opportunities that provide for the coordination of
26 public, private, state, and federal funds for the purposes of making
27 broadband infrastructure or broadband services available to rural and
28 unserved areas of the state;

29 (c) Barriers to the deployment, adoption, and utilization of
30 broadband service, including affordability of service and project
31 coordination logistics; and

32 (d) Requiring minimum broadband service of (~~twenty-five~~) 100
33 megabits per second download and (~~three~~) 20 megabits per second
34 upload speed, that is scalable to faster service.

35 (3) The office may assist applicants for the grant and loan
36 program created in RCW 43.155.160, the digital (~~equity~~) opportunity
37 program created in RCW 43.330.412, and the digital equity planning
38 grant program created in RCW 43.330.5393 with seeking federal funding
39 or matching grants and other grant opportunities for deploying or
40 increasing adoption of broadband services.

1 (4) The office may take all appropriate steps to seek and apply
2 for federal funds for which the office is eligible, and other grants,
3 and accept donations, and must deposit these funds in the statewide
4 broadband account created in RCW 43.155.165 or in the digital equity
5 account created in RCW 80.36.710 as appropriate to the funding
6 purposes.

7 (5) The office shall coordinate an outreach effort to hard-to-
8 reach communities and low-income communities across the state to
9 provide information about broadband programs available to consumers
10 of these communities. The outreach effort must include, but is not
11 limited to, providing information to applicable communities about the
12 federal lifeline program and other low-income broadband benefit
13 programs, including updated information regarding eligibility and
14 enrollment. To assist with the outreach effort, the office shall
15 request that broadband internet service providers report their three
16 lowest cost tiers of retail internet service, unless this information
17 is already publicly available elsewhere. Cost information that is
18 received must be provided in the outreach materials available. The
19 outreach effort must be reviewed by the ((office of equity)) digital
20 equity forum annually. The office may contract with other public or
21 private entities to conduct outreach to communities as provided under
22 this subsection. For purposes of this subsection, "hard-to-reach
23 communities" include rural and frontier geographic areas where
24 distance or terrain are barriers, as well as other areas where
25 underserved populations are harder to reach due to language or
26 disability barriers.

27 (6) In carrying out its purpose, the office ((may collaborate
28 with)) shall consider collaborating with federally recognized tribes
29 and all relevant state agencies, including, but not limited to, the
30 utilities and transportation commission, Washington technology
31 solutions, the department of commerce, the community economic
32 revitalization board, the department of transportation, the public
33 works board, the state librarian, ((and all other relevant state
34 agencies)) the department of social and health services, and the
35 office of the superintendent of public instruction.

36 **Sec. 4.** RCW 43.330.539 and 2022 c 265 s 201 are each amended to
37 read as follows:

38 (1) The office, in consultation with the digital equity forum,
39 the utilities and transportation commission, ((and)) the department

1 of social and health services, ~~((must develop))~~ and other relevant
2 state agencies, must develop, coordinate implementation of, and
3 monitor progress in implementing a state digital equity plan.

4 (a) The office must seek any available federal or other funding
5 for purposes of developing and implementing the state digital equity
6 plan.

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

10 (2) In developing and implementing the plan, the office must
11 identify measurable objectives for documenting and promoting digital
12 equity among underserved communities located in the state.

13 (3) By ~~((December 1, 2023))~~ January 1, 2027, and every two years
14 thereafter, the office must submit a report to the governor and the
15 appropriate committees of the legislature, including the following:

16 (a) The digital equity plan described in subsection (1) of this
17 section and measurable objectives described in subsection (2) of this
18 section in accordance with the following:

19 (i) The digital equity plan submitted by January 1, 2027, must be
20 based on the 2024 internet for all in Washington digital equity plan
21 developed by the office; and

22 (ii) After January 1, 2027, the office shall review and update
23 the state digital equity plan before every report submission;

24 (b) A description of how the office ~~((collaborated))~~ is
25 collaborating with the membership of the digital equity forum, state
26 agencies, and key ~~((stakeholders))~~ partners to develop and implement
27 the plan including, but not limited to, the following:

28 (i) Community anchor institutions;

29 (ii) Local governments;

30 (iii) Local educational agencies;

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

32 (v) Broadband service providers;

33 (c) A description of ~~((federal))~~ current and foreseeable future
34 funding available to advance digital equity in the state~~((, including~~
35 ~~any available information on the extent to which state residents have~~
36 ~~enrolled in the affordable connectivity program through an approved~~
37 ~~provider)); ~~((and))~~~~

38 (d) An evaluation of progress made in implementing the state
39 digital equity plan, including an assessment of existing state
40 digital equity initiatives, policies, programs, funding needs, and

1 public and private investments, including a recommended model for
2 future program, infrastructure, and outreach investments; and

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

10 (4) The report required by this section may be combined with the
11 report required by RCW 43.330.538.

12 (5) For the purpose of this section, "office" means the statewide
13 broadband office established in RCW 43.330.532.

14 **Sec. 5.** RCW 43.330.5395 and 2022 c 265 s 306 are each amended to
15 read as follows:

16 (1) The Washington digital equity forum is established for the
17 purpose of developing recommendations to advance digital
18 connectivity, broadband adoption, and digital equity in Washington
19 state (~~(and advising the statewide broadband office on the digital~~
20 ~~equity opportunity program as provided under RCW 43.330.412 and the~~
21 ~~digital equity planning grant program as provided under RCW~~
22 ~~43.330.5393)).~~

23 (2) In developing its recommendations to advance digital
24 connectivity, broadband adoption, and digital equity, the forum must:

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

27 (b) Strengthen public-private partnerships, cooperatives, and
28 other partnerships that promote digital connectivity, broadband
29 adoption, and digital equity;

30 (c) Solicit public input and increase awareness of digital equity
31 needs and resources through public hearings or informational
32 sessions;

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

35 ~~(e) Recommend)), tribal governments, and other partners;~~

36 (e) Recommend opportunities for sustainable digital equity
37 funding, including reforms to current universal service mechanisms;

38 (f) Consider related issues within its scope brought by members
39 of the forum or the public;

1 (g) Consult with the statewide broadband office and other
2 agencies on the state digital equity plan and the plan implementation
3 in accordance with RCW 43.330.539;

4 (h) Annually review the outreach effort coordinated by the office
5 pursuant to RCW 43.330.534; and

6 (i) Provide feedback on the digital equity planning grant
7 program, the digital opportunity program, or other digital equity
8 grant programs.

9 (3) (a) The director((s)) of the governor's statewide broadband
10 office ((and the Washington state office of equity are)), in
11 consultation with the digital equity forum chair or cochairs and the
12 Washington state office of equity, is responsible for appointing
13 participating members of the digital equity forum ((and no
14 appointment may be made unless each director concurs in the
15 appointment)).

16 (b) In making appointments, the director((s)) must prioritize
17 appointees representing:

18 ~~((a))~~ (i) Federally recognized tribes;

19 ~~((b))~~ (ii) State and local agencies involved in digital equity;
20 and

21 ~~((c))~~ (iii) Underserved and unserved communities, including
22 historically disadvantaged communities.

23 (c) The director must also consider appointees representing
24 broadband providers, the technology industry, and philanthropy, as
25 well as appointees representing the health industry and legal and
26 justice system.

27 (4) A majority of the ~~((participating))~~ members appointed by the
28 director(~~s must~~) may appoint an administrative chair or cochairs
29 for the forum.

30 (5) In addition to members appointed by the director((s)), four
31 legislators may serve on the digital equity forum in an ex officio
32 capacity. Legislative participants must be appointed as follows:

33 (a) The speaker of the house of representatives must appoint one
34 member from each of the two largest caucuses of the house of
35 representatives; and

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

38 ~~((a) Funds appropriated to the forum may be used to~~
39 ~~compensate, for any work done in connection with the forum,~~

1 additional persons who have lived experience navigating barriers to
2 digital connectivity and digital equity.

3 ~~(b) Each member of the digital equity forum shall serve without~~
4 ~~compensation but may be reimbursed for travel expenses as authorized~~
5 ~~in RCW 43.03.050 and 43.03.060))~~ Members of the forum may receive a
6 stipend in order to implement the principles of equity described in
7 RCW 43.06D.020, provided that the individuals are not otherwise
8 compensated for their attendance at meetings.

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

16 (b) The digital equity forum may provide additional
17 recommendations or comment on related matters under the scope of the
18 digital equity forum, according to its adopted charter and discretion
19 of the chair or cochairs.

20 **Sec. 6.** RCW 43.330.412 and 2022 c 265 s 304 are each amended to
21 read as follows:

22 The digital ~~((equity))~~ opportunity program is created to advance
23 broadband adoption and digital equity and inclusion throughout the
24 state. The digital ~~((equity))~~ opportunity program must be
25 administered by the department. The department may focus on outreach
26 and prioritize elements of this program based on funding levels and
27 the goals of the state digital equity plan. The department may
28 contract for services in order to carry out the department's
29 obligations under this section.

30 (1) In implementing the digital ~~((equity))~~ opportunity program
31 the director must, to the extent funds are appropriated for this
32 purpose:

33 (a) Provide organizational and capacity building support to
34 digital equity programs and regional coalitions supporting digital
35 equity advancement throughout the state and additional support for
36 the purpose of:

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

1 (ii) Enabling local and regional directories of digital equity
2 program services, community needs assessments, and tracking of lower-
3 cost broadband offerings; and

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

9 (b) Establish a competitive grant program and provide grants to
10 (~~community technology~~) digital equity programs to advance digital
11 equity and digital inclusion by providing:

12 (i) Training and skill-building opportunities;

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

15 (iii) (~~Internet connectivity;~~

16 ~~(iv) Digital media literacy and~~) Small-scale internet
17 connectivity projects, including wireless mesh installations, that
18 enable more affordable internet in low-income housing and limited
19 areas, and which do not conflict with or replicate other state
20 broadband deployment projects;

21 (iv) Fundamentals of generative artificial intelligence literacy,
22 digital media literacy, and online safety and privacy cybersecurity
23 training;

24 (v) Assistance in the adoption of information and communication
25 technologies for low-income and underserved populations of the state
26 through digital navigators, digital skills training, and related
27 approaches;

28 (vi) Development of locally relevant content and delivery of
29 vital services through technology; and

30 (vii) Technical support; and

31 (c) Collaborate with broadband (~~stakeholders~~) partners,
32 including broadband action teams across the state, in implementing
33 the program as provided under this subsection(~~;~~ ~~and~~

34 ~~(d) For the purposes of this section, include wireless meshed~~
35 ~~network technology).~~

36 (2) Grant applicants must:

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

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

1 (c) Provide evidence that the applicant is in partnership with
2 locally based organizations or governments in each local county or
3 tribal area it will serve, unless the only county or tribal area to
4 be served is where the applicant entity is located;

5 (d) Include in the application the results of a needs assessment
6 addressing, in the geographic area or among the population to be
7 served: The impact of inadequacies in technology access or knowledge,
8 barriers faced, and services needed;

9 ~~((d))~~ (e) Explain in detail the strategy for addressing the
10 needs identified and an implementation plan including objectives,
11 tasks, and benchmarks for the applicant and the role that other
12 organizations will play in assisting the applicant's efforts;

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

18 ~~((f))~~ (g) Comply with such other requirements as the director
19 establishes.

20 (3) ~~((The digital equity forum shall review grant applications~~
21 ~~and provide input to the director regarding the prioritization of~~
22 ~~applications in awarding grants among eligible applicants under the~~
23 ~~program))~~ The director must provide draft eligibility guidelines,
24 selection criteria, the application form, and outreach materials to
25 be used in promoting and awarding grants under the digital
26 opportunity program to the digital equity forum on a timely basis and
27 consider the forum's input.

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

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

32 ~~(b))~~ whether the grant award furthers the goals of the state
33 digital equity plan;

34 (b) Consider the opportunity to leverage additional federal and
35 private investment;

36 (c) Consider the requirements and intent associated with federal
37 or private funds contributed for these purposes; and

38 (d) Consider the extent to which the mix of grants awarded would
39 increase ~~((in))~~ the number of prekindergarten through 12th grade
40 students gaining access to greater levels of digital inclusion ~~((as a~~

1 ~~factor in awarding grants)), while also considering the geographic~~
2 distribution of such students.

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

6 (6) The director must establish expected program outcomes for
7 each grant recipient and must require grant recipients to provide an
8 annual accounting of program outcomes.

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