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**SUBSTITUTE HOUSE BILL 2414**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Innovation, Technology & Economic Development (originally sponsored by Representatives Gregerson, Hudgins, Callan, Frame, Peterson, Santos, Wylie, Doglio, and Morgan)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to digital equity; amending RCW 43.330.530,  
2 43.330.532, 43.330.534, 43.330.538, 43.330.412, and 43.330.421;  
3 adding a new section to chapter 43.330 RCW; and creating a new  
4 section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that broadband  
7 connection and digital literacy are increasingly critical for  
8 Washingtonians' ability to participate in society, the economy, and  
9 civic institutions.

10 (2) The legislature further finds that broadband connection and  
11 digital literacy are critical in accessing health care and essential  
12 services, obtaining an education, and building careers in Washington.

13 (3) The legislature further finds that digital exclusion carries  
14 an immense societal and economic cost for Washingtonians. Digital  
15 exclusion materially harms an individual's opportunity for economic  
16 success, educational achievement, positive health outcomes, social  
17 inclusion, and civic engagement. Digital exclusion also exacerbates  
18 existing wealth and income gaps, especially those experienced by  
19 covered populations.

1 (4) The legislature further finds that achieving digital equity  
2 in Washington requires additional and sustained investment and  
3 research efforts and is a matter of social and economic justice.

4 (5) Therefore, it is the intent of the legislature to create a  
5 digital equity capacity grant program and a digital equity  
6 competitive grant program to promote the expansion of digital equity  
7 across the state by supporting digital inclusion activities and  
8 building capacity for local jurisdictions to spur greater adoption of  
9 broadband among covered populations throughout Washington.

10 **Sec. 2.** RCW 43.330.530 and 2019 c 365 s 2 are each amended to  
11 read as follows:

12 The definitions in this section apply throughout this section and  
13 RCW 43.330.532 through 43.330.538 unless the context clearly requires  
14 otherwise.

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

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

24 (2) "Aging individual" means an individual sixty years of age or  
25 older.

26 (3) "Board" means the public works board established in RCW  
27 43.155.030.

28 ~~((2))~~ (4) "Broadband" or "broadband service" means any service  
29 providing advanced telecommunications capability and internet access  
30 with transmission speeds that, at a minimum, provide twenty-five  
31 megabits per second download and three megabits per second upload.

32 ~~((3))~~ (5) "Broadband adoption" means the process by which an  
33 individual obtains daily access to the internet that:

34 (a) Is at a speed, quality, and capacity necessary for the  
35 individual to accomplish common tasks, such that the access qualifies  
36 as an advanced telecommunications capability;

37 (b) Allows individuals the digital skills necessary to  
38 participate online; and

1 (c) Is on a personal device that is on a secure and convenient  
2 network.

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

7 ~~((4))~~ (7) "Department" means the department of commerce.

8 ~~((5))~~ (8) "Digital equity" means the condition in which  
9 individuals and communities in Washington have the information  
10 technology capacity that is needed for full participation in society  
11 and the economy.

12 (9) (a) "Digital inclusion" means the activities that are  
13 necessary to ensure that all individuals in Washington have access  
14 to, and the use of, affordable information and communication  
15 technologies, including:

16 (i) Reliable fixed and wireless broadband internet service;

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

18 and

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

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

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

29 (11) "Disability" has the same meaning as defined in RCW  
30 49.60.040.

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

35 ~~((6))~~ (13) "Local government" includes cities, towns, counties,  
36 municipal corporations, public port districts, public utility  
37 districts, quasi-municipal corporations, special purpose districts,  
38 and multiparty entities comprised of public entity members.

39 ~~((7))~~ (14) "Low-income household" means a household, the  
40 federal taxable income of which is not more than two hundred percent

1 of an amount equal to the poverty level, as determined by using  
2 criteria of poverty established by the United States bureau of the  
3 census, for the most recently completed taxable year.

4 (15) "Middle mile infrastructure" means broadband infrastructure  
5 that links a broadband service provider's core network infrastructure  
6 to last mile infrastructure.

7 ~~((8))~~ (16) "Office" means the governor's statewide broadband  
8 office established in RCW 43.330.532.

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

11 ~~((10))~~ (18) "Underserved population" means:

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

13 (b) Aging individuals;

14 (c) Incarcerated individuals;

15 (d) Veterans;

16 (e) Individuals with disabilities;

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

19 (g) Individuals who are members of a racial or ethnic minority  
20 group; and

21 (h) Individuals who primarily reside in a rural area.

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

27 **Sec. 3.** RCW 43.330.532 and 2019 c 365 s 3 are each amended to  
28 read as follows:

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

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

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

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

4 (c) Improve broadband accessibility and adoption for (~~unserved~~)  
5 underserved communities and populations.

6 **Sec. 4.** RCW 43.330.534 and 2019 c 365 s 4 are each amended to  
7 read as follows:

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

9 (a) Serve as the central broadband planning body for the state of  
10 Washington;

11 (b) Coordinate with local governments, tribes, public and private  
12 entities, nonprofit organizations, and consumer-owned and investor-  
13 owned utilities to develop strategies and plans promoting deployment  
14 of broadband infrastructure and greater broadband access, while  
15 protecting proprietary information;

16 (c) Review existing broadband initiatives, policies, and public  
17 and private investments;

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

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

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

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

30 (a) Partnerships between communities, tribes, nonprofit  
31 organizations, local governments, consumer-owned and investor-owned  
32 utilities, and public and private entities;

33 (b) Funding opportunities that provide for the coordination of  
34 public, private, state, and federal funds for the purposes of making  
35 broadband infrastructure or broadband services available to rural and  
36 unserved areas of the state;

37 (c) Barriers to the deployment, adoption, and utilization of  
38 broadband service, including affordability of service; and

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

4 (3) The office may assist applicants for the grant and loan  
5 programs created in RCW 43.155.160 and 43.330.412 and section 7 of  
6 this act with seeking federal funding or matching grants and other  
7 grant opportunities for deploying or increasing adoption of broadband  
8 services.

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

13 (5) In carrying out its purpose, the office may collaborate with  
14 the utilities and transportation commission, the office of the chief  
15 information officer, the department of commerce, the community  
16 economic revitalization board, the public works board, the state  
17 librarian, and all other relevant state agencies.

18 **Sec. 5.** RCW 43.330.538 and 2019 c 365 s 6 are each amended to  
19 read as follows:

20 (1) Beginning January 1, 2021, and biennially thereafter, the  
21 office shall report to the legislative committees with jurisdiction  
22 over broadband policy and finance on the office's activities during  
23 the previous two years.

24 (2) The report must, at a minimum, contain:

25 (a) An analysis of the current availability and use of broadband,  
26 including average broadband speeds, within the state;

27 (b) Information gathered from schools, libraries, hospitals, and  
28 public safety facilities across the state, determining the actual  
29 speed and capacity of broadband currently in use and the need, if  
30 any, for increases in speed and capacity to meet current or  
31 anticipated needs;

32 (c) An overview of incumbent broadband infrastructure within the  
33 state;

34 (d) A summary of the office's activities in coordinating  
35 broadband infrastructure development with the public works board,  
36 including a summary of funds awarded under RCW 43.155.160;

37 (e) Suggested policies, incentives, and legislation designed to  
38 accelerate the achievement of the goals under RCW 43.330.536; and

39 (f) Any proposed legislative and policy initiatives.

1 (3) Subject to funds appropriated for this specific purpose, by  
2 July 1, 2021, the office must prepare a report documenting the  
3 comparative availability and adoption of broadband across the state,  
4 including barriers to adoption. The department may use any source  
5 including, but not limited to, data collected from:

6 (a) The federal communications commission;

7 (b) The American community survey or, if necessary, other data  
8 collected by the United States bureau of the census; and

9 (c) State, local, and community reports and research on broadband  
10 adoption.

11 **Sec. 6.** RCW 43.330.412 and 2011 1st sp.s. c 43 s 607 are each  
12 amended to read as follows:

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

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

23 (a) Provide ~~((organizational and capacity building))~~ support to  
24 community technology programs throughout the state~~((, and identify~~  
25 ~~and facilitate the availability of other public and private sources~~  
26 ~~of funds to enhance the purposes of the program and the work of~~  
27 ~~community technology programs. No))~~ for the purpose of:

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

30 (ii) Developing, cataloging, disseminating, and promoting the  
31 exchange of best practices, both with respect to and independent of  
32 the covered programs, in order to achieve digital equity. After July  
33 1, 2023, no more than fifteen percent of funds received by the  
34 director for the program may be expended on these functions;

35 (b) Establish a competitive grant program and provide grants to  
36 community technology programs to ~~((provide))~~ advance digital equity  
37 and digital inclusion by providing training and skill-building  
38 opportunities; access to hardware and software; internet  
39 connectivity; digital media literacy; assistance in the adoption of

1 information and communication technologies in low-income and  
2 underserved areas and populations of the state; and development of  
3 locally relevant content and delivery of vital services through  
4 technology.

5 (2) Grant applicants must:

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

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

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

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

18 (e) Provide evidence of matching funds and resources, which are  
19 equivalent to at least (~~one-quarter~~) ten percent of the grant  
20 amount committed to the applicant's strategy;

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

25 (g) Comply with such other requirements as the director  
26 establishes.

27 (3) The director may use no more than ten percent of funds  
28 received for the (~~community technology~~) digital equity opportunity  
29 program to cover administrative expenses.

30 (4) The director must establish expected program outcomes for  
31 each grant recipient and must require grant recipients to provide an  
32 annual accounting of program outcomes.

33 (5) In establishing the digital equity opportunity program, the  
34 department shall consult with the action team established in RCW  
35 43.330.421.

36 (6) No grant under the digital equity opportunity program created  
37 under this section may be awarded based on a formula or criteria that  
38 gives preference to urban areas over rural areas, including the use  
39 of a criterion in awarding a grant that affords increased weight the  
40 greater the density of population.



1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 43.330  
2 RCW to read as follows:

3        (1) Subject to the availability of funds appropriated for this  
4 purpose, the department shall establish a digital equity planning  
5 grant program.

6        (2) This program shall provide grants to local governments,  
7 institutions of higher education, or other entities who have entered  
8 into an agreement with a local government, to fund the development of  
9 a digital equity plan for a discrete geographic region of the state.  
10 Priority must be given for grant applications accompanied by express  
11 support from nonprofit community or neighborhood-based organizations,  
12 public development authorities, federally recognized Indian tribes in  
13 the state, or other community partners and partners from the  
14 categories of institutions outlined in RCW 43.330.421. Only the  
15 director or the director's designee may authorize expenditures.

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

18        (4) The department must evaluate and rank applications using  
19 objective criteria such as the number of underserved population  
20 served and subjective criteria such as the degree of support and  
21 engagement evidenced by the community who will be served.

22        (5) No planning grant under this section may be awarded based on  
23 a formula or criteria that gives preference to urban areas over rural  
24 areas, including the use of a criterion in awarding a grant that  
25 affords increased weight the greater the density of population.

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

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

29        **Sec. 8.**    RCW 43.330.421 and 2011 1st sp.s. c 43 s 610 are each  
30 amended to read as follows:

31        (~~Subject to the availability of federal or state funding, the~~)  
32 The department may convene (~~an advisory group on digital inclusion~~  
33 ~~and technology planning. The advisory group~~) a statewide action team  
34 on broadband access and adoption. The team may include, but is not  
35 limited to, volunteer representatives from (~~community technology~~)  
36 community-based organizations, workforce training providers,  
37 telecommunications providers, higher education institutions, K-12  
38 education institutions, public health institutions, public housing  
39 entities, and local government and other governmental and community

1 entities that are engaged in community technology and digital  
2 inclusion activities. Consideration shall be given to ensuring  
3 inclusion of diverse demographics and representation of covered  
4 populations who most need broadband access and help with broadband  
5 adoption. When significant federal funding opportunities arise, the  
6 department is encouraged to tailor membership of the action team or a  
7 subset of the action team to include such members as will promote the  
8 optimal coordination in leveraging federal funds.

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