
HOUSE BILL 2414

State of Washington

66th Legislature

2020 Regular Session

By Representatives Gregerson, Hudgins, Callan, Frame, Peterson, Santos, Wylie, Doglio, and Morgan

Read first time 01/14/20. Referred to Committee on Innovation, Technology & Economic Development.

1 AN ACT Relating to digital equity; adding a new chapter to Title
2 43 RCW; and providing an effective date.

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

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

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

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

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

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

7 NEW SECTION. **Sec. 2.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires
9 otherwise.

10 (1) "Adoption of broadband" means the process by which an
11 individual obtains daily access to the internet that:

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

15 (b) Allows individuals the digital skills necessary to
16 participate online; and

17 (c) Is on a personal device that is on a secure and convenient
18 network.

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

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

26 (4) "Community anchor institution" means a public school, a
27 library, a medical or health care provider, a community college or
28 other higher education institution, a library agency, and any other
29 nonprofit or governmental community support organization.

30 (5) "Covered household" means a household, the federal taxable
31 income of which is not more than one hundred fifty percent of an
32 amount equal to the poverty level, as determined by using criteria of
33 poverty established by the United States bureau of the census, for
34 the most recently completed taxable year.

35 (6) "Covered populations" means:

36 (a) Individuals who live in covered households;

37 (b) Aging individuals;

38 (c) Incarcerated individuals;

39 (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; and

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

7 (7) "Covered programs" means the digital equity capacity grant
8 program established under section 3 of this act and the digital
9 equity competitive grant program established under section 10 of this
10 act.

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

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

15 (10)(a) "Digital inclusion" means the activities that are
16 necessary to ensure that all individuals in Washington have access
17 to, and the use of, affordable information and communication
18 technologies, including:

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

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

21 and

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

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

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

31 (12) "Disability" has the same meaning as defined in RCW
32 49.60.040.

33 (13) "Eligible local jurisdiction" means:

34 (a) With respect to planning grants made available under section
35 5(3) of this act, a local jurisdiction with respect to which the
36 department has approved an application submitted to the department
37 under section 5(3)(c) of this act; and

38 (b) With respect to capacity grants awarded under section 6 of
39 this act, a local jurisdiction with respect to which the department
40 has approved an application submitted to the department under section

1 6(2) of this act, including approval of the digital equity plan
2 developed by the local jurisdiction under section 5 of this act.

3 (14) "Gender identity" means having or being perceived as having
4 a gender identity, self-image, appearance, behavior, or expression,
5 whether or not that gender identity, self-image, appearance,
6 behavior, or expression is different from that traditionally
7 associated with the sex assigned to that person at birth.

8 (15) "Higher education institution" has the meaning provided in
9 RCW 28B.07.020 and includes postsecondary vocational institutions.

10 (16) "Indian tribe" means any federally recognized Indian tribe
11 whose traditional lands and territories included parts of Washington.

12 (17) "Local educational agency" means a public board of education
13 or other public authority legally constituted within Washington for
14 either administrative control or direction of, or to perform a
15 service function for, public elementary schools or secondary schools
16 in a city, county, township, school district, or other political
17 subdivision, or of or for a combination of school districts or
18 counties that is recognized as an administrative agency for its
19 public elementary schools or secondary schools.

20 (18) "Postsecondary vocational institution" has the meaning
21 provided in 20 U.S.C. Sec. 1002(c).

22 (19) "Socially and economically disadvantaged small business
23 concern" has the meaning provided in 15 U.S.C. Sec. 637(a)(4).

24 (20) "Veteran" has the meaning provided in RCW 41.04.007.

25 NEW SECTION. **Sec. 3.** (1) The department shall establish a
26 digital equity capacity grant program for the purposes of promoting
27 the achievement of digital equity, supporting digital inclusion
28 activities, and building capacity for efforts by local jurisdictions
29 in Washington relating to the adoption of broadband by residents of
30 those local jurisdictions. The program shall ensure that local
31 jurisdictions have the capacity to promote the achievement of digital
32 equity and support digital inclusion activities.

33 (2) Under the digital equity capacity grant program, the
34 department shall make grants to local jurisdictions in accordance
35 with the requirements under this section and sections 4 through 9 of
36 this act.

37 (3) The department shall consult with representatives of the
38 following entities in establishing the program under subsection (1)
39 of this section:

- 1 (a) The statewide broadband office;
 - 2 (b) The public works board;
 - 3 (c) The utilities and transportation commission;
 - 4 (d) The community economic revitalization board;
 - 5 (e) The office of minority and women's business enterprises;
 - 6 (f) The department of veterans affairs;
 - 7 (g) The consolidated technology services agency;
 - 8 (h) The office of financial management; and
 - 9 (i) The head of any other agency that the department determines
- 10 to be appropriate.

11 (4) The department shall ensure the program complements and
12 enhances, and does not conflict with, other broadband initiatives and
13 programs.

14 (5) The department may adopt rules as necessary to carry out this
15 section and sections 4 through 9 of this act.

16 NEW SECTION. **Sec. 4.** (1) The official of a local jurisdiction
17 that wishes to be awarded a grant under this section shall, from
18 among entities that are eligible under subsection (2) of this
19 section, select an administering entity for that local jurisdiction,
20 which shall:

21 (a) Serve as the recipient of, and administering agent for, any
22 grant awarded to the local jurisdiction under section 5 or 6 of this
23 act;

24 (b) Develop, implement, and oversee the digital equity plan for
25 the local jurisdiction described in section 5 of this act;

26 (c) Make subgrants to any entity included as a key stakeholder,
27 under section 5(1)(d) of this act, that is located in the local
28 jurisdiction in support of:

29 (i) The digital equity plan for the local jurisdiction; and

30 (ii) Digital inclusion activities in the local jurisdiction
31 generally; and

32 (d) Serve as an advocate for digital equity policy and digital
33 inclusion activities and a repository of best practice materials
34 regarding the policies and activities.

35 (2) The following entities may serve as the administering entity
36 for a local jurisdiction if the entity has demonstrated a capacity to
37 administer the digital equity competitive grant program:

1 (a) The local jurisdiction, a political subdivision, agency, or
2 other municipal or quasi-municipal corporation of the local
3 jurisdiction, or an Indian tribe located in the local jurisdiction;

4 (b) A foundation, corporation, institution, association, or
5 coalition that is a not-for-profit entity, located in the local
6 jurisdiction and not a school;

7 (c) A community anchor institution, other than a school, that is
8 located in the local jurisdiction;

9 (d) A local educational agency that is located in the local
10 jurisdiction;

11 (e) An entity located in the local jurisdiction that carries out
12 a workforce development program;

13 (f) An agency of the local jurisdiction that is responsible for
14 administering or supervising adult education and literacy activities
15 in the local jurisdiction;

16 (g) A public housing authority that is located in the local
17 jurisdiction; and

18 (h) A partnership between any of the entities described in (a)
19 through (g) of this subsection.

20 NEW SECTION. **Sec. 5.** (1) A local jurisdiction that wishes to be
21 awarded a grant under this section or section 6 of this act shall
22 develop a digital equity plan for the local jurisdiction, which shall
23 include:

24 (a) The identification of the barriers to digital equity faced by
25 covered populations in the local jurisdiction;

26 (b) Measurable objectives for documenting and promoting, among
27 covered populations in that local jurisdiction, including:

28 (i) The availability of, and affordability of access to, fixed
29 and wireless broadband technology;

30 (ii) The online accessibility and inclusivity of public resources
31 and services;

32 (iii) Digital literacy;

33 (iv) Awareness of, and the use of, measures to secure the online
34 privacy of, and cybersecurity with respect to, an individual; and

35 (v) The availability and affordability of consumer devices and
36 technical support for those devices;

37 (c) An assessment of how the objectives described in (b) of this
38 subsection will impact and interact with the local jurisdiction's:

1 (i) Economic and workforce development goals, plans, and
2 outcomes;

3 (ii) Educational outcomes;

4 (iii) Health outcomes;

5 (iv) Civic and social engagement; and

6 (v) Delivery of other essential services;

7 (d) A description of how the local jurisdiction plans to
8 collaborate with key stakeholders in the local jurisdiction in order
9 to achieve the objectives described in (b) of this subsection, which
10 may include:

11 (i) Community anchor institutions;

12 (ii) County and municipal governments;

13 (iii) Local educational agencies;

14 (iv) Where applicable, Indian tribes;

15 (v) Nonprofit organizations;

16 (vi) Organizations that represent the following:

17 (A) Individuals with disabilities, including organizations that
18 represent children with disabilities;

19 (B) Aging individuals;

20 (C) Individuals with language barriers, including individuals who
21 are English learners or who have low levels of literacy;

22 (D) Veterans; and

23 (E) Incarcerated individuals in that local jurisdiction;

24 (vii) Civil rights organizations;

25 (viii) Entities that carry out workforce development programs;

26 (ix) Agencies of the local jurisdiction that are responsible for
27 administering or supervising adult education and literacy activities
28 in the local jurisdiction;

29 (x) Public housing authorities in the local jurisdiction; and

30 (xi) A partnership between any of the entities described in
31 (d)(i) through (x) of this subsection (1); and

32 (e) A list of organizations with which the administering entity
33 for the local jurisdiction collaborated in developing and
34 implementing the digital equity plan.

35 (2)(a) The administering entity for a local jurisdiction shall
36 make the digital equity plan available for public comment for a
37 period of not less than thirty days before the date on which the
38 local jurisdiction submits an application to the department under
39 section 6(2) of this act.

1 (b) The administering entity for a local jurisdiction shall,
2 before submitting the application, consider all comments received
3 during the comment period with respect to the application and make
4 any changes to the plan that the administering entity determines to
5 be worthwhile.

6 (c) The administering entity for a local jurisdiction shall, when
7 submitting the application, describe any changes pursued by the
8 administering entity in response to comments received during the
9 comment period and include a written response to each comment
10 received during the comment period.

11 (3)(a) Subject to the availability of amounts appropriated for
12 this specific purpose, beginning July 1, 2022, the department shall,
13 in accordance with the requirements of this subsection (3), award
14 planning grants to local jurisdictions for the purpose of developing
15 the digital equity plans of those local jurisdictions.

16 (b) In order to be awarded a planning grant, a local jurisdiction
17 shall submit to the department an application under (c) of this
18 subsection. A local jurisdiction is not eligible to receive a
19 planning grant if the local jurisdiction was previously awarded a
20 planning grant under this subsection (3).

21 (c) A local jurisdiction that wishes to be awarded a planning
22 grant under this subsection (3) shall, not later than sixty days
23 after the date on which the notice of funding availability with
24 respect to the grant is released, submit to the department an
25 application, in a format to be determined by the department, that
26 contains the following materials:

27 (i) A description of the entity selected to serve as the
28 administering entity for the local jurisdiction, as described in
29 section 4 of this act;

30 (ii) A certification from the local jurisdiction that, not later
31 than one year after the date on which the department awards the
32 planning grant to the local jurisdiction, the administering entity
33 for that local jurisdiction shall develop a digital equity plan,
34 which the administering entity shall submit to the department. The
35 local jurisdiction must comply with the requirements of this
36 subsection, including the public comment requirements under
37 subsection (2)(b) of this section; and

38 (iii) The assurances required under section 7 of this act.

1 (d) (i) A planning grant awarded to an eligible local jurisdiction
2 under this subsection (3) shall be determined according to the
3 formula under section 6(3) (a) (i) of this act.

4 (A) With respect to a planning grant awarded to an eligible local
5 jurisdiction under this subsection (3), the local jurisdiction shall
6 expend the grant funds during the one-year period beginning on the
7 date on which the local jurisdiction is awarded the grant funds. The
8 department may grant an extension not longer than one hundred eighty
9 days.

10 (B) The department shall ensure that any eligible local
11 jurisdiction to which a planning grant is awarded under this
12 subsection (3) may appeal or otherwise challenge in a timely fashion
13 the amount of the grant awarded to the local jurisdiction.

14 (ii) An eligible local jurisdiction to which a planning grant is
15 awarded under this subsection (3) shall, through the administering
16 entity for that local jurisdiction, use the grant funds only for the
17 following purposes:

18 (A) To develop the digital equity plan of the local jurisdiction;
19 and

20 (B) To make subgrants to any of the entities described in
21 subsection (1) (d) of this section to assist in the development of the
22 digital equity plan of the local jurisdiction. The administering
23 entity shall, with respect to any subgrant issued, provide to the
24 local jurisdiction the assurances required under section 7 of this
25 act.

26 NEW SECTION. **Sec. 6.** (1) Subject to the availability of amounts
27 appropriated for this specific purpose, beginning not later than two
28 years after the date on which the department begins awarding planning
29 grants under section 5(3) of this act, the department shall award
30 grants to eligible local jurisdictions annually to support:

31 (a) The implementation of the digital equity plans of those local
32 jurisdictions; and

33 (b) Digital inclusion activities in those local jurisdictions.

34 (2) A local jurisdiction that wishes to be awarded a grant under
35 this section shall, not later than sixty days after the date on which
36 the notice of funding availability with respect to the grant is
37 released, submit to the department an application, in a format to be
38 determined by the department, that contains the following materials:

1 (a) A description of the entity selected to serve as the
2 administering entity for the local jurisdiction;

3 (b) The digital equity plan of that local jurisdiction;

4 (c) A certification that the local jurisdiction, acting through
5 the administering entity, shall implement the digital equity plan and
6 make grants in a manner that is consistent with the aims of the
7 digital equity plan;

8 (d) The assurances required under section 7 of this act; and

9 (e) Any amendments to the digital equity plan for a local
10 jurisdiction that has been previously awarded a grant under this
11 section. The amendments included must be compared with the digital
12 equity plan of the local jurisdiction previously submitted.

13 (3) (a) (i) Subject to the requirements set forth in (a) (ii) and
14 (iii) of this subsection (3), the department shall calculate the
15 amount of a grant awarded to an eligible local jurisdiction under
16 this subsection in accordance with the following criteria, using the
17 best available data for all local jurisdictions for the fiscal year
18 in which the grant is awarded:

19 (A) Fifty percent of the total grant amount shall be based on the
20 population of the eligible local jurisdiction in proportion to the
21 total population of all eligible local jurisdictions.

22 (B) Twenty-five percent of the total grant amount shall be based
23 on the number of individuals in the eligible local jurisdiction who
24 are covered populations in proportion to the total number of
25 individuals in all eligible local jurisdictions who are covered
26 populations.

27 (C) Twenty-five percent of the total grant amount shall be based
28 on the comparative lack of availability and adoption of broadband in
29 the eligible local jurisdiction in proportion to the lack of
30 availability and adoption of broadband of all eligible local
31 jurisdictions, which shall be determined according to data collected
32 from:

33 (I) The federal communications commission;

34 (II) The American community survey or, if necessary, other data
35 collected by the United States bureau of the census;

36 (III) The internet and computer use supplement to the current
37 population survey of the United States bureau of the census; and

38 (IV) Any other source that the department, after appropriate
39 notice and opportunity for public comment, determines to be
40 appropriate.

1 (ii) The amount of a grant awarded to an eligible local
2 jurisdiction under this subsection (3) in a fiscal year shall be not
3 less than one-half of one percent of the total amount made available
4 to award grants to eligible local jurisdictions for that fiscal year.

5 (iii) After awarding planning grants and capacity grants to
6 eligible local jurisdictions in a fiscal year, the department shall
7 distribute any remaining amounts to carry out this section to
8 eligible local jurisdictions to which the department has awarded
9 grants under this subsection (3) for that fiscal year in accordance
10 with the formula described in (a)(i) of this subsection (3).

11 (b) With respect to a grant awarded to an eligible local
12 jurisdiction under this subsection, the eligible local jurisdiction
13 shall expend the grant funds during the five-year period beginning on
14 the date on which the eligible local jurisdiction is awarded the
15 grant funds.

16 (c) The department shall ensure that any eligible local
17 jurisdiction to which a grant is awarded under this subsection (3)
18 may appeal or otherwise challenge in a timely fashion the amount of
19 the grant awarded to the local jurisdiction.

20 (d) The administering entity for an eligible local jurisdiction
21 to which a grant is awarded under this subsection (3) shall use the
22 grant amounts for the following purposes:

23 (i) To update or maintain the digital equity plan of the local
24 jurisdiction. An administering entity for an eligible local
25 jurisdiction to which a grant is awarded under this subsection may
26 use not more than twenty percent of the amount of the grant for this
27 purpose;

28 (ii) To implement the digital equity plan of the local
29 jurisdiction;

30 (iii)(A) Subject to (d)(iii)(B) of this subsection (3), to award
31 a grant to any eligible entity located in the local jurisdiction in
32 order to:

33 (I) Assist in the implementation of the digital equity plan of
34 the local jurisdiction;

35 (II) Pursue digital inclusion activities in the local
36 jurisdiction consistent with the digital equity plan of the local
37 jurisdiction; and

38 (III) Report to the local jurisdiction regarding the digital
39 inclusion activities of the entity.

1 (B) Before an administering entity for an eligible local
2 jurisdiction may award a grant under this section, the administering
3 entity shall require the entity to which the grant is awarded to
4 certify that:

5 (I) The entity shall carry out the activities required under this
6 subsection (3)(d);

7 (II) The receipt of the grant shall not result in unjust
8 enrichment of the entity; and

9 (III) The administering entity shall cooperate with any
10 evaluation carried out by or for the administering entity or the
11 department for any program that relates to a grant awarded to the
12 entity;

13 (iv) To evaluate the efficacy of the efforts funded by grants
14 made under (d)(iii) of this subsection. An administering entity for
15 an eligible local jurisdiction to which a grant is awarded under this
16 section may use not more than five percent of the amount of the grant
17 for this purpose; and

18 (v) For the administrative costs incurred in carrying out the
19 activities under this subsection (3)(d). An administering entity for
20 an eligible local jurisdiction to which a grant is awarded under this
21 section may use not more than three percent of the amount of the
22 grant for this purpose.

23 (4) A grant or subgrant awarded under this section shall
24 supplement, not supplant, other federal or state funds that have been
25 made available for this purpose.

26 NEW SECTION. **Sec. 7.** When applying for a grant under section 5
27 or 6 of this act, a local jurisdiction shall include in the
28 application assurances that:

29 (1)(a) The local government shall use the grant funds in
30 accordance with any applicable statute, regulation, and application
31 procedure.

32 (b) The administering entity for that local jurisdiction shall
33 adopt and use proper methods of administering any grant that the
34 local government is awarded, including by:

35 (i) Enforcing any obligation imposed under law on any agency,
36 institution, organization, or other entity that is responsible for
37 carrying out the program to which the grant relates;

1 (ii) Correcting any deficiency in the operation of a program to
2 which the grant relates, as identified through an audit or another
3 monitoring or evaluation procedure; and

4 (iii) Adopting written procedures for the receipt and resolution
5 of complaints alleging a violation of law with respect to a program
6 to which the grant relates.

7 (c) The administering entity for that local jurisdiction shall
8 cooperate in carrying out any evaluation of any program that relates
9 to a grant awarded to the covered recipient and that is carried out
10 by or for the department or another state official;

11 (2) The administering entity for that local jurisdiction shall:

12 (a) Use fiscal control and fund accounting procedures that ensure
13 the proper disbursement of, and accounting for, any federal or state
14 funds that the local jurisdiction is awarded under section 5 or 6 of
15 this act.

16 (b) Submit to the department any reports that may be necessary to
17 enable the department to perform the duties of the department.

18 (c) Maintain any records and provide any information to the
19 department, including those records, that the department determines
20 is necessary to enable the department to perform the duties of the
21 department under this section.

22 (d) With respect to any significant proposed change or amendment
23 to the digital equity plan for the local jurisdiction, make the
24 change or amendment available for public comment in accordance with
25 section 5(2) of this act; and

26 (3) The local jurisdiction, before submitting to the department
27 the digital equity plan of the local jurisdiction, has complied with
28 the public comment requirements of section (5)(2) of this act.

29 NEW SECTION. **Sec. 8.** (1) The department shall terminate a grant
30 awarded to an eligible local jurisdiction under this section if,
31 after notice to the local jurisdiction and opportunity for a hearing,
32 the department:

33 (a) Presents to the local jurisdiction a rationale and supporting
34 information that clearly demonstrates the grant funds are not
35 contributing to the development or execution of the digital equity
36 plan of the local jurisdiction, as applicable, and the local
37 jurisdiction is not upholding assurances made by the state to the
38 department under section 7 of this act; and

1 (b) Determines that the grant is no longer necessary to achieve
2 the original purpose for which department awarded the grant.

3 (2) The department shall redistribute unspent grant amounts,
4 resulting from the termination of a grant under subsection (1) of
5 this section, to eligible local jurisdictions to which the department
6 has awarded grants under section 5 or 6 of this act for that fiscal
7 year in accordance with the formula described under section 6(3) of
8 this act.

9 NEW SECTION. **Sec. 9.** (1)(a) The department shall require any
10 entity to which a grant, including a subgrant, is awarded under
11 section 5 or 6 of this act to publicly report, for each year during
12 the period described in section 5 or 6 of this act, as applicable,
13 with respect to the grant, and in a format specified by the
14 department. The report must include the following:

15 (i) The use of that grant by the entity;

16 (ii) The progress of the entity towards fulfilling the objectives
17 for which the grant was awarded; and

18 (iii) The implementation of the digital equity plan of the local
19 jurisdiction.

20 (b) The department shall establish appropriate mechanisms to
21 ensure that each eligible local jurisdiction to which a grant is
22 awarded under section 5 or 6 of this act uses the grant amounts in an
23 appropriate manner and complies with all terms with respect to the
24 use of the grant amounts.

25 (c) The department shall create and maintain a fully searchable
26 database, which shall be accessible on the internet at no cost to the
27 public, that contains, at a minimum:

28 (i) The application of each local jurisdiction that has applied
29 for a grant under this section;

30 (ii) The status of each application;

31 (iii) Each report submitted by an entity;

32 (iv) A record of public comments made regarding the digital
33 equity plan of a local jurisdiction and any written responses to or
34 actions taken as a result of those comments; and

35 (v) Any other information that is sufficient to allow the public
36 to understand and monitor grants awarded under this section.

37 (2) The department may establish additional reporting and
38 information requirements for any recipient of a grant under this
39 section.

1 NEW SECTION. **Sec. 10.** (1) Subject to the availability of
2 amounts appropriated for this specific purpose, not later than thirty
3 days after the date on which the department begins awarding capacity
4 grants under section 6 of this act, and not before that date, the
5 department shall establish the digital equity competitive grant
6 program, the purpose of which is to award grants to support efforts
7 to achieve digital equity, promote digital inclusion activities, and
8 spur greater adoption of broadband among covered populations.

9 (2) In establishing the program under subsection (1) of this
10 section, the department:

11 (a) May consult with local jurisdictions to identify covered
12 populations located in that local jurisdiction and allocate grant
13 funds within that local jurisdiction for projects in or affecting the
14 local jurisdiction; and

15 (b) Shall consult with representatives of the following entities:

16 (i) The statewide broadband office;

17 (ii) The public works board;

18 (iii) The utilities and transportation commission;

19 (iv) The community economic revitalization board;

20 (v) The office of minority and women's business enterprises;

21 (vi) The department of veterans affairs;

22 (vii) The consolidated technology services agency;

23 (viii) The office of financial management; and

24 (ix) The head of any other agency that the department determines
25 to be appropriate.

26 (3) The department shall ensure the program complements and
27 enhances, and does not conflict with, other broadband initiatives and
28 programs.

29 (4) The department may prescribe such rules as may be necessary
30 to carry out this section.

31 NEW SECTION. **Sec. 11.** (1) The department may award a grant
32 under the program to any of the following entities if the entity is
33 not serving, and has not served, as the administering entity for a
34 local jurisdiction under section 4(2) of this act:

35 (a) A political subdivision, agency, or other municipal or quasi-
36 municipal corporation of the local jurisdiction, including an agency
37 that is responsible for administering or supervising adult education
38 and literacy activities in the local jurisdiction;

39 (b) An Indian tribe;

1 (c) A foundation, corporation, institution, or association that
2 is a not-for-profit entity;

3 (d) A community anchor institution;

4 (e) A local educational agency;

5 (f) An entity that carries out a workforce development program;

6 (g) A partnership between any of the entities described in (a)
7 through (f) of this subsection; and

8 (h) A partnership between an entity described in (a) through (f)
9 of this subsection and an entity that the department, by rule,
10 determines to be in the public interest.

11 (2) The administering entity selected under subsection (1) of
12 this section may not be a school.

13 NEW SECTION. **Sec. 12.** (1) An entity that wishes to be awarded a
14 grant under the program shall submit to the department an application
15 at such time, in such form, and containing such information as the
16 department may require.

17 (2) The application under subsection (1) of this section must:

18 (a) Provide a detailed explanation of how the entity will use any
19 grant amounts awarded under the program to carry out the purposes of
20 the program in an efficient and expeditious manner;

21 (b) Identify the period in which the applicant will expend the
22 grant funds awarded under the program;

23 (c) Include a justification for the amount of the grant that the
24 applicant is requesting and, for each fiscal year in which the
25 applicant will expend the grant funds, a budget for the activities
26 that the grant funds will support;

27 (d) Demonstrate, to the satisfaction of the department, that the
28 entity:

29 (i) Is capable of carrying out the project or function to which
30 the application relates;

31 (ii) Is capable of carrying out activities described in section
32 17 of this act in a competent manner that is in compliance with all
33 applicable federal, state, and local laws; and

34 (iii) If the administering entity, shall appropriate or otherwise
35 unconditionally obligate from nonfederal sources funds that are
36 necessary to meet the requirements of section 14 of this act;

37 (e) Disclose to the department the source and amount of other
38 federal, state, or outside funding sources from which the entity

1 receives, or has applied for, funding for activities or projects to
2 which the application relates; and

3 (f) Provide the assurances that are required under section 15 of
4 this act. The application must also provide an assurance that the
5 entity shall follow such additional procedures as the department may
6 require to ensure that grant funds are used and accounted for in an
7 appropriate manner.

8 NEW SECTION. **Sec. 13.** (1) In deciding whether to award a grant
9 under the program, the department shall, to the extent practicable,
10 consider:

11 (a) Whether the application would, if approved:

12 (i) Increase internet access and the adoption of broadband among
13 covered populations to be served by the applicant; and

14 (ii) Not result in unjust enrichment;

15 (b) Whether the applicant is, or plans to subcontract with, a
16 socially and economically disadvantaged small business concern;

17 (c) The comparative geographic diversity of the application in
18 relation to other eligible applications; and

19 (d) The extent to which an application may duplicate or conflict
20 with another program.

21 (2) (a) In addition to the evaluation activities required under
22 (b) of this subsection, an entity to which the department awards a
23 grant under the program shall use the grant amounts to support not
24 less than one of the following activities:

25 (i) To develop and implement digital inclusion activities that
26 benefit covered populations;

27 (ii) To facilitate the adoption of broadband by covered
28 populations in order to provide educational and employment
29 opportunities to those populations;

30 (iii) To implement, consistent with the purposes of this chapter,
31 workforce development programs or other training programs for covered
32 populations that cover basic, advanced, and applied skills;

33 (iv) To make available equipment, instrumentation, networking
34 capability, hardware and software, or digital network technology for
35 broadband services to covered populations at low or no cost;

36 (v) To construct, upgrade, expend, or operate new or existing
37 public access computing centers for covered populations through
38 community anchor institutions; or

1 (vi) To undertake any other project and activity that the
2 department finds to be consistent with the purposes for which the
3 program is established.

4 (b) (i) An entity to which the department awards a grant under the
5 program shall use not more than ten percent of the grant amounts to
6 measure and evaluate the activities supported with the grant amounts.

7 (ii) An entity to which the department awards a grant under the
8 program shall annually submit to the department each measurement and
9 evaluation, in a manner specified by the department, no later than
10 fifteen months after the date on which the entity is awarded the
11 grant amounts for any year in which the entity expends grant amounts.

12 (c) An entity to which the department awards a grant under the
13 program may use not more than ten percent of the amount of the grant
14 for administrative costs in carrying out any of the activities
15 described in (a) of this subsection.

16 (d) An entity awarded a grant under this subsection shall expend
17 the grant amounts during the four year period beginning on the date
18 on which the entity is awarded the grant amounts. During the one year
19 period beginning on the date that is four years after the date on
20 which the entity is awarded the grant amounts, the entity may
21 continue to measure and evaluate the activities supported with the
22 grant amounts, as required under (b) of this subsection.

23 (3) A grant or subgrant awarded under this section shall
24 supplement, not supplant, other federal or state funds that have been
25 made available to carry out activities described in this section.

26 NEW SECTION. **Sec. 14.** (1) Except as provided in subsection (2)
27 of this section, the state share of any project for which the
28 department awards a grant under the competitive grant program
29 established under section 6 of this act may not exceed ninety
30 percent.

31 (2) The department may grant a waiver with respect to the
32 limitation on the state share of a project described in subsection
33 (1) of this section if:

34 (a) The applicant with respect to the project petitions the
35 department for the waiver; and

36 (b) The department determines that the applicant petition
37 demonstrates financial need.

1 NEW SECTION. **Sec. 15.** When applying for a grant under this
2 chapter, an entity shall include in the application for that grant
3 assurances that the entity shall:

4 (1) Use any grant funds that the entity is awarded in accordance
5 with any applicable statute, regulation, and application procedure to
6 the extent required under applicable law;

7 (2) Adopt and use proper methods of administering any grant that
8 the entity is awarded, including by:

9 (a) Enforcing any obligation imposed under law on any agency,
10 institution, organization, or other entity that is responsible for
11 carrying out a program to which the grant relates;

12 (b) Correcting any deficiency in the operation of a program to
13 which the grant relates, as identified through an audit or another
14 monitoring or evaluation procedure; and

15 (c) Adopting written procedures for the receipt and resolution of
16 complaints alleging a violation of law with respect to a program to
17 which the grant relates;

18 (3) Cooperate with respect to any evaluation of any program that
19 relates to a grant awarded to the entity, including an evaluation
20 carried out by or for the department or another state official;

21 (4) Use fiscal control and fund accounting procedures that ensure
22 the proper disbursement of, and accounting for, any state funds that
23 the entity is awarded under the program;

24 (5) Submit to the department any reports that may be necessary to
25 enable the department to perform the duties of the department under
26 the program; and

27 (6) Maintain any records and provide any information to the
28 department, including those records, that the department determines
29 is necessary to enable the department to perform the duties of the
30 department under the program.

31 NEW SECTION. **Sec. 16.** (1) In addition to other authority under
32 applicable law, the department may deobligate or terminate a grant
33 awarded to an entity under this chapter if, after notice to the
34 entity and opportunity for a hearing, the department:

35 (a) Presents to the entity a rationale and supporting information
36 that clearly demonstrates that:

37 (i) The grant funds are not being used in a manner that is
38 consistent with the application with respect to the grant submitted
39 by the entity under section 12 of this act; and

1 (ii) The entity is not upholding assurances made by the entity to
2 the department under section 15 of this act; or

3 (b) Determines that the grant is no longer necessary to achieve
4 the original purpose for which the department awarded the grant.

5 (2) The department may, with respect to any grant funds that the
6 department deobligates or terminates under subsection (1) of this
7 section, competitively award the grant funds to another applicant,
8 consistent with the requirements of this section.

9 NEW SECTION. **Sec. 17.** (1)(a) The department shall require any
10 entity to which the department awards a grant under the program to,
11 for each year during the period described in section 13(2)(d) of this
12 act with respect to the grant, submit to the department a report, in
13 a format specified by the department, regarding:

14 (i) The amount of the grant;

15 (ii) The use by the entity of the grant amounts; and

16 (iii) The progress of the entity towards fulfilling the
17 objectives for which the grant was awarded.

18 (b) The department shall establish mechanisms to ensure
19 appropriate use of, and compliance with respect to all terms
20 regarding, grant funds awarded under the program.

21 (c) The department shall create and maintain a fully searchable
22 database, which shall be accessible on the internet at no cost to the
23 public, that contains, at a minimum:

24 (i) A list of each entity that has applied for a grant under the
25 program;

26 (ii) A description of each grant application under the program,
27 including the proposed purpose of each grant described;

28 (iii) The status of each grant application under the program,
29 including whether the department has awarded a grant with respect to
30 the application and, if applicable, the amount of the grant;

31 (iv) Each report submitted by an entity under (a) of this
32 subsection; and

33 (v) Any other information that is sufficient to allow the public
34 to understand and monitor grants awarded under the program.

35 (d) The department shall ensure that any entity with respect to
36 which an award is deobligated or terminated under section 16 of this
37 act may, in a timely manner, appeal or otherwise challenge that
38 deobligation or termination, as applicable.

1 (2) The department may establish additional reporting and
2 information requirements for any recipient of a grant under the
3 program.

4 NEW SECTION. **Sec. 18.** (1) Not later than one year after the
5 date on which the department begins awarding grants under section
6 6(1) of this act, and annually thereafter, the department shall:

7 (a) Submit to the appropriate committees of the legislature a
8 report that documents, for the year covered by the report:

9 (i) The findings of each evaluation conducted under (b) of this
10 subsection;

11 (ii) A list of each grant awarded under each covered program,
12 which shall include:

13 (A) The amount of each such grant;

14 (B) The recipient of each such grant; and

15 (C) The purpose for which each such grant was awarded;

16 (iii) Any deobligation, termination, or modification of a grant
17 awarded under the covered programs, which shall include a description
18 of the subsequent usage of any funds to which such an action applies;
19 and

20 (iv) Each challenge made by an applicant for, or a recipient of,
21 a grant under the covered programs and the outcome of each such
22 challenge; and

23 (b) Conduct evaluations of the activities carried out under the
24 covered programs, which shall include an evaluation of:

25 (i) Whether eligible local jurisdictions to which grants are
26 awarded under the program established under section 3 of this act
27 are:

28 (A) Abiding by the assurances made by those local jurisdictions
29 under section 7 of this act;

30 (B) Meeting, or have met, the stated goals of the digital equity
31 plans developed by the local jurisdictions under section 5 of this
32 act;

33 (C) Satisfying the reporting requirements imposed by the
34 department on local jurisdictions under section 9 of this act; and

35 (D) In compliance with any other rules, requirements, or
36 regulations adopted by the department in implementing that program;
37 and

38 (ii) Whether entities to which grants are awarded under the
39 program established under section 10 of this act are:

1 (A) Abiding by the assurances made by those entities under
2 section 15 of this act;

3 (B) Meeting, or have met, the stated goals of those entities with
4 respect to the use of the grant amounts;

5 (C) Satisfying the requirements imposed by the department on
6 those local jurisdictions under section 17 of this act; and

7 (D) In compliance with any other rules, requirements, or
8 regulations adopted by the department in implementing that program.

9 (2) The department shall make each report submitted under
10 subsection (1)(a) of this section publicly available in an online
11 format that facilitates access and ease of use, is searchable, and is
12 accessible including to individuals with disabilities and in
13 languages other than English.

14 NEW SECTION. **Sec. 19.** The department may award grants and enter
15 into contracts, cooperative agreements, and other arrangements with
16 state agencies, public and private organizations, and other entities
17 with expertise that the department determines appropriate in order
18 to:

19 (1) Evaluate the impact and efficacy of activities supported by
20 grants awarded under the covered programs; and

21 (2) Develop, catalog, disseminate, and promote the exchange of
22 best practices, both with respect to and independent of the covered
23 programs, in order to achieve digital equity.

24 NEW SECTION. **Sec. 20.** In carrying out section 18 of this act,
25 and to further the objectives described in section 19 of this act,
26 the department shall conduct ongoing collaboration and consult with:

27 (1) The statewide broadband office;

28 (2) The public works board;

29 (3) The utilities and transportation commission;

30 (4) The community economic revitalization board;

31 (5) The office of minority and women's business enterprises;

32 (6) The department of veterans affairs;

33 (7) The consolidated technology services agency;

34 (8) The office of financial management;

35 (9) State agencies and local jurisdiction officials;

36 (10) Entities serving as administering entities for local
37 jurisdictions under section 4 of this act;

1 (11) National, state, tribal, and local organizations that
2 provide digital inclusion, digital equity, or digital literacy
3 services;

4 (12) Researchers, academics, and philanthropic organizations; and

5 (13) Other agencies, organizations, entities, and community
6 stakeholders, as determined appropriate by the department.

7 NEW SECTION. **Sec. 21.** The department shall provide technical
8 support and assistance, assistance to entities to prepare the
9 applications of those entities with respect to grants awarded under
10 the covered programs, and other resources, to the extent practicable,
11 to ensure consistency in data reporting and to meet the objectives of
12 this section.

13 NEW SECTION. **Sec. 22.** (1) No individual in the United States
14 may, on the basis of actual or perceived race, color, religion,
15 national origin, sex, gender identity, sexual orientation, age, or
16 disability, be excluded from participation in, be denied the benefits
17 of, or be subjected to discrimination under any program or activity
18 that is funded in whole or in part with funds made available under
19 this chapter.

20 (2) The department shall effectuate subsection (1) of this
21 section with respect to any program or activity by issuing
22 regulations and taking actions consistent with chapter 49.60 RCW.

23 (3) Judicial review of an action taken by the department under
24 subsection (2) of this section shall be available to the extent
25 provided in chapter 49.60 RCW.

26 NEW SECTION. **Sec. 23.** The department shall, to the extent
27 practicable, carry out this chapter in a technologically neutral
28 manner.

29 NEW SECTION. **Sec. 24.** Sections 1 through 23 of this act
30 constitute a new chapter in Title 43 RCW.

31 NEW SECTION. **Sec. 25.** This act takes effect July 1, 2021.

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