

# FINAL BILL REPORT

## E2SHB 1723

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Synopsis as Enacted

**Brief Description:** Closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Gregerson, Taylor, Ryu, Johnson, J., Berry, Valdez, Goodman, Macri, Peterson, Ramel, Simmons, Wylie, Slatter, Bergquist, Pollet, Ortiz-Self, Dolan, Stonier, Riccelli, Ormsby, Harris-Talley, Hackney, Kloba and Frame).

**House Committee on Community & Economic Development**  
**House Committee on Appropriations**  
**Senate Committee on Environment, Energy & Technology**  
**Senate Committee on Ways & Means**

### **Background:**

#### Statewide Broadband Office.

The statutory purpose of the Statewide Broadband Office (SBO) is to encourage, foster, develop, and improve affordable, quality broadband within the state to promote innovation, serve the growing needs of Washington's education, healthcare, and public safety systems, industries and business, governmental operations, and citizens, and improve broadband accessibility for unserved communities.

Among other duties, the SBO has a duty to serve as the central broadband planning body for the state and to coordinate with local governments, tribes, public and private entities, nonprofit organizations, and utilities to develop strategies to promote deployment of broadband infrastructure and greater broadband access. The SBO may assist applicants for broadband grants and loans through the Public Works Board with seeking federal funding or matching grants for deploying broadband services.

The SBO's statutory speed goals for broadband are the following:

- by 2024, businesses and residences have access to minimum speeds of 25 megabits

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

- per second (mbps) download and 3 mbps upload;
- by 2026, communities have access to at least one gigabit per second symmetrical service at anchor institutions; and
- by 2028, businesses and residences have access to at least one provider with 150 mbps symmetrical service.

#### Digital Equity Forum.

The Digital Equity Forum (Forum) was established in the 2021 Operating Budget. The stated purpose of the Forum is to develop recommendations to advance digital connectivity in Washington. In developing its recommendations, the Forum must:

- develop goals that are consistent with the SBO's statutory broadband speed goals;
- strengthen public-private partnerships;
- solicit public input through public hearings or informational sessions;
- work to increase collaboration and communication between local, state, and federal governments and agencies; and
- recommend reforms to universal service mechanisms.

The directors of the SBO and the Office of Equity are responsible for appointing participating members of the Forum. In making appointments, the directors must prioritize appointees representing federally recognized tribes, state agencies involved in digital equity, and underserved and unserved communities, including historically disadvantaged communities. Four legislators may serve on the forum in an ex officio capacity. Each member of the Forum shall serve without compensation. The SBO must transmit the Forum's recommendations to the Legislature.

#### Revised Code of Washington.

The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

#### Community Technology Opportunity Program.

The Community Technology Opportunity Program (CTOP) provided organizational and capacity-building support for community technology programs throughout the state and identified and facilitated the availability of other public and private sources of funds to enhance the purposes of the CTOP and the work of community technology programs. A portion of the CTOP funds were distributed through a competitive grant program. The grants were to be used by community technology programs to provide: (1) training and skill-building opportunities; (2) access to hardware and software; (3) Internet connectivity; (4) digital media literacy; (5) assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and (6) development of locally relevant content and delivery of vital services through technology. Among other grant application requirements, applicants were required to provide evidence of matching

funds equivalent to at least 25 percent of the grant amount. The account used to fund the CTOP was repealed in 2019.

**Summary:**

State Digital Equity Plan.

The SBO, in consultation with the Forum, the Utilities and Transportation Commission, and the Department of Social and Health Services, must develop a state digital equity plan. The SBO must seek federal funding for purposes of developing the state digital equity plan. In developing the state digital equity plan, the SBO must identify measurable objectives for documenting and promoting digital equity among underserved communities.

By December 1, 2023, the SBO must submit a report to the Governor and the appropriate committees of the Legislature, including the following:

- the state digital equity plan and measurable objectives for documenting and promoting digital equity among underserved communities;
- a description of how the SBO collaborated with the membership of the Forum, state agencies, and key stakeholders to develop the state digital equity plan including, but not limited to, the following: community anchor institutions, local governments, local educational agencies, entities that carry out workforce development programs, and broadband service providers;
- a description of federal funding available to advance digital equity in the state, including any available information on the extent to which state residents have enrolled in the affordable connectivity program through an approved provider; and
- recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents. This may include recommendations of ongoing subsidies that the state can provide to low-income individuals and anchor institutions, as well as identification of revenue sources that other states or jurisdictions have developed to fund such subsidies or discounted rates.

Digital Equity Opportunity Program.

The CTOP, administered by the Department of Commerce (Commerce), is renamed to become the Digital Equity Opportunity Program (Opportunity Grant Program). The Opportunity Grant Program is created to advance broadband adoption and digital equity and inclusion through the state.

The Opportunity Grant Program must provide organizational and capacity-building support to digital equity programs throughout the state and additional support for the purpose of: (1) evaluating the impact and efficacy of activities supported by grants awarded under the covered programs; and (2) developing, cataloging, disseminating, and promoting the exchange of best practices in order to achieve digital equity.

The Opportunity Grant Program includes a competitive grant program to provide grants for community technology programs to advance digital equity and digital inclusion by

providing: (1) training and skill-building opportunities; (2) access to hardware and software; (3) Internet connectivity; (4) digital media literacy; (5) assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and (6) development of locally relevant content and delivery of vital services through technology; and (7) technical support. The requirement to provide matching funds is eliminated.

The Forum must review grant applications to provide input to Commerce regarding the prioritization of applications in awarding grants. Commerce must consider the input provided by the Forum and the extent to which the mix of grants awarded would increase the amount of prekindergarten through grade 12 students gaining access to greater levels of digital inclusion.

#### Digital Equity Planning Grant Program.

Commerce must establish a Digital Equity Planning Grant Program (Planning Grant Program) to provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state.

Commerce must evaluate and rank applications using both objective and subjective criteria. Priority must be given for applications accompanied by express support from certain nonprofit organizations, public development authorities, federally recognized Indian tribes, or other community partners that intend to use community-based participatory action research methods. Commerce must also consider input from the Forum in awarding grants and how the grants awarded would increase the amount of prekindergarten through grade 12 students gaining greater access to digital inclusion. Commerce must develop criteria for the contents of digital equity plans and may adopt rules as necessary to implement the Planning Grant Program.

#### Statewide Broadband Office.

The statutory purpose of the SBO is modified to include improving broadband accessibility and adoption for unserved and underserved communities and populations. Public housing agencies are added to the statutory list of entities with which the SBO must coordinate to develop strategies to promote deployment of broadband infrastructure and greater broadband access.

In addition to applicants for Public Works Board broadband grants and loans, the SBO may assist applicants for the Opportunity Grant Program and the Planning Grant Program with seeking federal funds or matching grants for deploying or increasing adoption of broadband services.

The SBO must coordinate outreach to hard-to-reach and low-income communities across the state to provide information about broadband programs available to consumers in these communities. The outreach effort must be reviewed by the Office of Equity annually.

Digital Equity Forum.

The Forum is codified in the RCW. A provision is added that allows funds to be used to compensate, for any work done in connection with the Forum, additional persons with lived experience navigating barriers to digital connectivity.

Digital Equity Account.

The Digital Equity Account is created in the State Treasury. The Legislature may appropriate moneys in the account only for the purposes of the Opportunity Grant Program, and the Planning Grant Program.

Miscellaneous Provisions.

The directors of Commerce and the SBO, or their designees, may take any action necessary to ensure that the provisions of the act are implemented by the relevant effective dates.

A severability and a null and void clause are included.

**Votes on Final Passage:**

House	68	30	
Senate	27	20	(Senate amended)
House	70	28	(House concurred)

**Effective:** June 9, 2022

July 1, 2023 (Sections 101, 102, 301–305, and 401)