
HOUSE BILL 2313

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2024 Regular Session

By Representatives Gregerson, Ryu, Reed, Ortiz-Self, Morgan, Davis, Ormsby, Bergquist, Simmons, Street, Pollet, Shavers, and Doglio

Read first time 01/11/24. Referred to Committee on Innovation, Community & Economic Development, & Veterans.

1 AN ACT Relating to furthering digital equity and opportunity in
2 Washington; amending RCW 43.330.532, 43.330.534, 43.330.539,
3 43.330.5393, 43.330.5395, 43.330.412, and 28A.650.065; and reenacting
4 and amending RCW 43.330.530.

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

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

8 The definitions in this section apply throughout this section and
9 RCW 43.330.532 through ((43.330.538,)) 43.330.5395 and 43.330.412((
10 ~~43.330.5393, and 43.330.5395~~)) unless the context clearly requires
11 otherwise.

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

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

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

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

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

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

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

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

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

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

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

27 (7) "Community anchor institution" means a public school, a
28 public housing authority, a library, a medical or health care
29 provider, a community college or other institution of higher
30 education, a state library agency, or other nonprofit or governmental
31 community support organization for purposes of broadband connectivity
32 or facilitating use of broadband service by underserved populations.

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

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

38 ~~((+9))~~ (10)(a) "Digital inclusion" means the activities that are
39 necessary to ensure that all individuals in Washington have access

1 to, and the use of, affordable information and communication
2 technologies including, but not limited to:

3 (i) Reliable broadband internet service;

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

5 and

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

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

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

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

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

25 ~~((13))~~ (14) "Low-income" means households ~~((as defined by the
26 department of social and health services, provided that the
27 definition may not exceed the higher of 80 percent of area median
28 household income or))~~ with a household income that does not exceed
29 200 percent of the federal poverty level or that does not exceed the
30 self-sufficiency standard as determined by the University of
31 Washington's self-sufficiency calculator.

32 ~~((14))~~ (15) "Middle mile infrastructure" means broadband
33 infrastructure that links a broadband service provider's core network
34 infrastructure to last mile infrastructure.

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

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

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

- 1 (a) Individuals who live in low-income households;
2 (b) Aging individuals;
3 (c) Incarcerated individuals;
4 (d) Veterans;
5 (e) Individuals with disabilities;
6 (f) Individuals with a language barrier, including individuals
7 who are English learners or who 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, quality broadband and broadband adoption and
25 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 2022 c 265 s 303 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 and digital equity planning
38 and coordination body for the state of Washington;

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

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

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

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

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

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

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

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

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

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

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

5 (5) The office shall coordinate an outreach effort to hard-to-
6 reach communities and low-income communities across the state to
7 provide information about broadband and digital equity programs
8 available to consumers of these communities and assist consumers in
9 enrolling in these programs. The outreach effort must include, but is
10 not limited to, providing information to applicable communities about
11 the federal lifeline program and other low-income broadband benefit
12 programs. The outreach effort must be reviewed by the office of
13 equity annually. The office may coordinate or contract with other
14 public or private entities to conduct outreach to communities and
15 assist consumers in program enrollment as provided under this
16 subsection.

17 (6) In carrying out its purpose, the office (~~(may)~~) must
18 collaborate with federally recognized tribes and all relevant state
19 agencies including, but not limited to, the utilities and
20 transportation commission, (~~(the office of the chief information~~
21 ~~officer,~~) the department of commerce, the community economic
22 revitalization board, the department of transportation, the public
23 works board, the state librarian, (~~(and all other relevant state~~
24 ~~agencies)~~) the Washington state office of equity, the office of the
25 superintendent of public instruction, and the consolidated technology
26 services agency.

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

29 (1) The office, in consultation with the digital equity forum,
30 the utilities and transportation commission, (~~(and)~~) the Washington
31 state office of equity, the department of social and health services,
32 and other relevant state agencies must develop and monitor
33 implementation of a state digital equity plan.

34 (a) The office must seek any available federal funding for
35 purposes of developing and implementing the state digital equity
36 plan.

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

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

4 (3) By December 1, 2023, the office must submit a report to the
5 governor and the appropriate committees of the legislature, including
6 the following:

7 (a) The digital equity plan described in subsection (1) of this
8 section and measurable objectives described in subsection (2) of this
9 section;

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

14 (i) Community anchor institutions;

15 (ii) Local governments;

16 (iii) Local educational agencies;

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

18 (v) Broadband service providers;

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

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

30 (4) The office must make publicly available, on an ongoing basis,
31 an overview of the progress made in promoting digital equity among
32 underserved communities located in the state, according to the
33 measurable objectives identified in the digital equity plan. The
34 overview must include a description of the successes and remaining
35 challenges of promoting digital equity among specific types of
36 underserved populations, as defined in RCW 43.330.530.

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

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

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

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

11 (b) Priority must be given for grant applications:

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

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

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

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

25 ~~(5))~~) The department must:

26 (a) Pursuant to subsection (2)(b) of this section, evaluate and
27 rank applications ~~((using))~~ in accordance with program guidelines
28 that use objective criteria such as the number of underserved
29 populations served and subjective criteria such as the degree of
30 support and engagement evidenced by the community who will be served;
31 and

32 ~~((Consider the input provided by the forum, as provided in
33 subsection (4) of this section, in awarding grants under the digital
34 equity planning grant program; and~~

35 ~~(e))~~) Consider the extent to which the mix of grants awarded
36 would increase in the number of prekindergarten through 12th grade
37 students gaining access to greater levels of digital inclusion as a
38 factor in awarding grants under the digital equity planning grant
39 program.

1 ~~((6))~~ (5) The department shall develop criteria for what the
2 digital equity plans must include.

3 ~~((7))~~ (6) The department may adopt rules to implement this
4 section.

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

7 (1) The Washington digital equity forum is established for the
8 purpose of developing recommendations to advance digital
9 connectivity, broadband adoption, and digital equity in Washington
10 state ~~((and advising the statewide broadband office on the digital
11 equity opportunity program as provided under RCW 43.330.412 and the
12 digital equity planning grant program as provided under RCW
13 43.330.5393))~~.

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

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

18 (b) Strengthen public-private partnerships, cooperatives, and
19 other partnerships that promote digital connectivity, broadband
20 adoption, and digital equity;

21 (c) Solicit public input through public hearings or informational
22 sessions;

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

25 (e) Recommend opportunities for sustainable digital equity
26 funding, including reforms to current universal service mechanisms.

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

33 (a) Federally recognized tribes;

34 (b) State and local agencies involved in digital equity; and

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

37 (4) A majority of the ~~((participating))~~ members appointed by the
38 directors ~~((must))~~ may appoint an administrative chair or cochairs
39 for the forum.

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

4 (a) The speaker of the house of representatives must appoint one
5 member from each of the two largest caucuses of the house of
6 representatives; and

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

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

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

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

23 **Sec. 7.** RCW 43.330.412 and 2022 c 265 s 304 are each amended to
24 read as follows:

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

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

32 (a) Provide organizational and capacity building support to
33 digital equity programs throughout the state and additional support
34 for the purpose of:

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

37 (ii) Developing, cataloging, disseminating, and promoting the
38 exchange of best practices, with respect to and independent of the
39 covered programs, in order to achieve digital equity. After July 1,

1 2024, no more than 15 percent of funds received by the director for
2 the program may be expended on these functions;

3 (b) Establish a competitive grant program and provide grants to
4 (~~community technology~~) digital equity programs to advance digital
5 equity and digital inclusion by providing:

6 (i) Training and skill-building opportunities;

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

9 (iii) Internet connectivity;

10 (iv) Digital media literacy and cybersecurity training;

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

13 (vi) Development of locally relevant content and delivery of
14 vital services through technology; and

15 (vii) Technical support;

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

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

21 (2) Grant applicants must:

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

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

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

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

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

39 (f) Comply with such other requirements as the director
40 establishes.

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

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

7 (a) Consider the ~~((input provided by the digital equity forum, as~~
8 ~~provided in subsection (3) of this section, in awarding grants))~~
9 opportunity to leverage additional federal and private investment;
10 and

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

15 ~~((5))~~ (4) The director may use no more than 10 percent of funds
16 received for the digital equity opportunity program to cover
17 administrative expenses.

18 ~~((6))~~ (5) The director must establish expected program outcomes
19 for each grant recipient and must require grant recipients to provide
20 an annual accounting of program outcomes.

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

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

27 (a) Attain or maintain a universal 1:1 student to learning device
28 ratio;

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

31 (c) Develop district-based and school-based capacity to assist
32 students and their families in accessing and using technology to
33 support student learning.

34 (2) The following entities, individually or in cooperation, may
35 apply to the office of the superintendent of public instruction for a
36 grant under this section: A public school as defined in RCW
37 28A.150.010; a school district; an educational service district; the
38 Washington center for deaf and hard of hearing youth; and the state
39 school for the blind.

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

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

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

11 ~~((4) When ranking and selecting applicants, the office of the
12 superintendent of public instruction must prioritize both of the
13 following:~~

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

17 ~~(b) Applicants with students who have specialized technology
18 needs.)~~

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