



**Healthy States
National Task Force**
THE COUNCIL OF STATE GOVERNMENTS

Civic Health Subcommittee

State Leader Policy Brief
Broadband





About this Brief

State Leader Policy Briefs from The Council of State Governments Healthy States National Task Force are informational resources to help state leaders to improve their understanding of policy issues and to empower policy conversations. Included in each brief are introductions to the policy problem, a survey of state policy options and analysis and recommendations for state leaders.

The policy options presented in this brief are not an endorsement of a particular policy by The Council of State Governments (CSG) or members of the CSG Healthy States National Task Force, but rather are intended to assist state leaders in their assessment within their specific state contexts.

The COVID-19 pandemic has revealed the extensiveness of the nation's digital divide, which is defined as the gap between those who have access to high-speed internet and devices and those who do not. Even some areas of the country once thought to have sufficient access to broadband were found wanting as members of the same households quarantined together sought bandwidth for online learning, telework, e-commerce, telehealth and streaming entertainment.

To their credit, federal and state policymakers quickly recognized this challenge and provided enormous sums of funding to aid broadband expansion and deployment around the country. But state officials also continued the efforts of recent years to enact innovative policies aimed at making sure those broadband investments are successful and sustainable.

Ultimately, it may be important for states to seek policies that demonstrate a complementary, holistic approach to expanding broadband deployment, which include:

- Increased investment of public funds.
- Established funds and grant programs for private sector providers.
- Improved affordability, digital inclusion and equity.
- Leveraged public/private partnerships.
- Increased minimum speeds.
- Strengthened data collection and mapping.

Such coordinated policies can help overcome many of the challenges that make broadband development difficult and make access unattainable for many Americans.



The Need for Better Broadband

Despite renewed investment at the federal and state levels in recent years, broadband infrastructure is still weak or non-existent in many parts of the country. This is particularly true in rural America, where it costs more to build the broadband infrastructure to provide service to widely dispersed populations than providers are typically able to earn back through service charges. Over a quarter of those who live in rural America do not have access to broadband with speeds reaching the minimum standard as defined by the Federal Communications Commission.¹ Many state investments go to subsidize the efforts of providers to expand broadband infrastructure and make the business case for private investment more persuasive.

But it is not only rural areas where broadband has been found insufficient. The pandemic drove a 51% increase in broadband traffic in 2020 due in large part to remote learning and remote work, according to the broadband network management technology provider OpenVault.² This increased demand for broadband will likely remain as employers and employees report support for permanent hybrid or fully remote work.

¹ Doug Brake, "Lessons From the Pandemic: Broadband Policy After COVID-19," Information Technology & Innovation Foundation, July 13, 2020.

² Mike Robuck, "OpenVault: Covid-19 pandemic drives 51% spike in broadband traffic in 2020," Fierce Telecom, February 10, 2021.

Broadband State Policy Strategies

Broadband Investment

Expanding access to affordable, high-speed internet was a key priority for states in 2021. While not all ambitious plans have come to fruition yet, more than 40 of the nation's governors highlighted broadband infrastructure in their 2021 state of the state addresses.³ In 2022, over 20 governors mentioned broadband infrastructure. Legislatures approved measures to appropriate dollars from the federal American Rescue Plan Act of 2021. The American Rescue Plan included \$350 billion for state and local governments that could be used for broadband projects and a dedicated \$10 billion Capital Projects Fund, administered by the U.S. Department of the Treasury, specifically for investment in broadband expansion. The Treasury's rule for use of the funds prioritized flexibility for states, community-based solutions, expansion into unserved or underserved communities, leveraging fiber optic technology, and improving upload/download speeds. States also were able to use the funds on last-mile connection projects and building accountability into broadband business models. The rescue plan funding came on the heels of billions included for state and local governments in the Coronavirus Aid, Relief and Economic Security Act of 2020, which has been used by states for broadband investment.⁴

State Examples

State legislation addressing broadband investment in 2021 includes:

California's state budget bill [Assembly Bill 164](#), allocates \$4.4 billion out of a three-year total of \$6 billion in funding to increase broadband accessibility and affordability. The state also invested in libraries as technology hubs.

California [Assembly Bill 128](#) provides \$439 million in one-time funding to support library infrastructure grants, some of which can be used for broadband technology and the purchase of devices. The bill also includes \$6 million to support the Library Broadband Connectivity Initiative, which provides grants to connect rural and under-resourced public libraries and \$35 million to support local library projects to expand broadband access and upgrade equipment.

Montana [House Bill 632](#) provides \$275 million of American Rescue Plan funds for communications projects related to broadband and cell towers and requires local governments to provide matching funds.

South Dakota [Senate Bill 34](#) (2021) committed \$75 million to expand rural access to broadband services.

Washington [House Bill 1080](#) (2021) tapped \$260 million of American Rescue Plan funds for broadband infrastructure grants.

³ Jake Varn, "Governors Start 2021 By Expanding Access to Broadband," National Governors Association, February 16, 2021.

⁴ Kathryn de Wit, "Landmark Federal Guidance Affirms State Leadership Role in Bridging Digital Divide," Pew Charitable Trusts, June 8, 2021



Broadband Funds and Grant Programs

One strategy for organizing broadband investments that states have explored is the creation of broadband funds or grant and loan programs for internet service providers. As of June 2021, the Pew Charitable Trusts reported more than 40 states had created such programs, often focused on bringing expansion to unserved and underserved areas.⁵

State Examples

Several other states joined their ranks later in 2021, often using funds from the American Rescue Plan, which include:

Colorado House Bill 1289 creates multiple broadband grant programs, including the Digital Inclusion Grant Program, the Broadband Stimulus Grant Program and the Interconnectivity Grant Program.

Hawaii House Bill 1191 (2021) creates a \$5 million grant program that provides 40% matching funding for broadband infrastructure projects in unserved and underserved areas of the state if a service provider agrees to pay 60% of the cost.

Louisiana House Bill 648 (2021) establishes the Granting Unserved Municipalities Broadband Opportunities (GUMBO) program to be administered by the Office of Broadband Development and Connectivity.

Nevada Assembly Bill 388 (2021) establishes a program that enables a broadband provider to participate in a voluntary contribution program for broadband infrastructure in which a customer can opt in and make voluntary monetary contributions as part of the customer's monthly bill.

⁵ Anna Read and Lily Gong, "Which States Have Dedicated Broadband Offices, Task Forces, Agencies, or Funds?" Pew Charitable Trusts, June 28, 2021.

Broadband Affordability

As the pandemic created economic hardships and a need for connective technologies for more purposes, Congress approved a \$3.2 billion Emergency Broadband Benefit Program to provide temporary broadband service discounts of up to \$50 per month for qualifying households.⁶ But those stipends are just temporary and broadband service can be an expensive luxury for many. According to a recent Consumer Reports survey, the median monthly broadband bill is about \$70. In areas with competing service providers, prices are generally lower. The median monthly price in a market with just one provider is \$75, a figure that drops to \$68 when consumers have a choice among three providers.⁷ Broadband operators such as Comcast and Charter have offered specialized low-cost options for qualifying low-income users. But often these subsidized plans and low-cost options can come with slow speeds that fail to meet the connectivity needs of the modern age.⁸

State Examples

Some states are addressing the affordability of broadband with low-income consumer discounts:

Colorado House Bill 1109 (2021) requires the Broadband Deployment Board to give additional consideration to proposed projects that would include discounted service for low-income households.

New York Assembly Bill 3006 requires every person, business, corporation or their agents providing or seeking to provide broadband service to offer high speed broadband service to low-income consumers.

⁶ Office of the Kentucky Governor. "Gov. Beshear: Federal Communications Commission Offering Eligible Kentuckians an Internet Discount." May 12, 2021.

⁷ James K. Willcox, "Millions of Americans Lack Fast Internet Service, CR Survey Shows." Consumer Reports. August 3, 2021.

⁸ Rebecca Lee Armstrong and Kevin Parrish, "Are There Programs Available to Help Make Internet Service More Affordable?" HighSpeedInternet.com, September 21, 2021.



Digital Inclusion and Digital Equity

The affordability of broadband service is only one of the issues policymakers may need to address as they focus on the twin goals of digital inclusion and digital equity. The National Digital Inclusion Alliance defines digital inclusion as “the activities necessary to ensure that all individuals and communities, including the most disadvantaged, have access to and use of information and communication technologies.” These include affordable, robust broadband internet service; internet-enabled devices that meet user needs; and access to digital literacy training, quality technical support, applications and online content designed to enable and encourage self-sufficiency, participation and collaboration. Digital equity is defined as “a condition in which all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy.” It is necessary for civic and cultural participation, employment, lifelong learning and access to essential services.⁹

State Examples

A number of recent pieces of state legislation have spoken to “digital inclusion,” including:

Colorado House Bill 1289 creates multiple broadband grant programs including a digital inclusion grant program while Colorado **Senate Bill 60** (2021) taps funding from the American Rescue Plan to implement the grant program and provide reimbursement for broadband service to income-eligible households.

Illinois Senate Bill 919 (2021) adds four governor-appointed members to the Broadband Advisory Council to represent underrepresented and ethnically diverse communities.

Maryland Senate Bill 66 establishes the Office of Digital Inclusion in the Department of Housing and Community Development to ensure every resident is supported by high-quality broadband internet service at an affordable price, and has the tools necessary to use and take advantage of the internet. Maryland **House Bill 588** allocates \$300 million in federal stimulus funds for broadband initiatives, including the deployment of infrastructure and subsidized devices and services for low-income households.

⁹ National Digital Inclusion Alliance. Definitions Page.



Broadband Coordination Offices

With so much funding available for broadband from the federal and state governments, communication among all levels of government is increasingly important. Even pre-pandemic many states were focused on coordinating efforts to expand broadband. According to the Pew Charitable Trusts, as of 2021:

- 47 states had agencies involved in broadband projects.
- 26 states had dedicated offices where coordination of broadband projects is centralized.
- 33 states had task forces, typically involving multiple agencies and sectors, dedicated to broadband issues.¹⁰

State Examples

In 2021, states have taken additional actions to create coordinating entities.

New Mexico [House Bill 10](#) established the Connect New Mexico Council as a co-coordinator of state broadband programs with the Department of Information Technology and overseer of a new broadband fund. New Mexico [Senate Bill 93](#) (2021) establishes the Office of Broadband Access and Expansion.

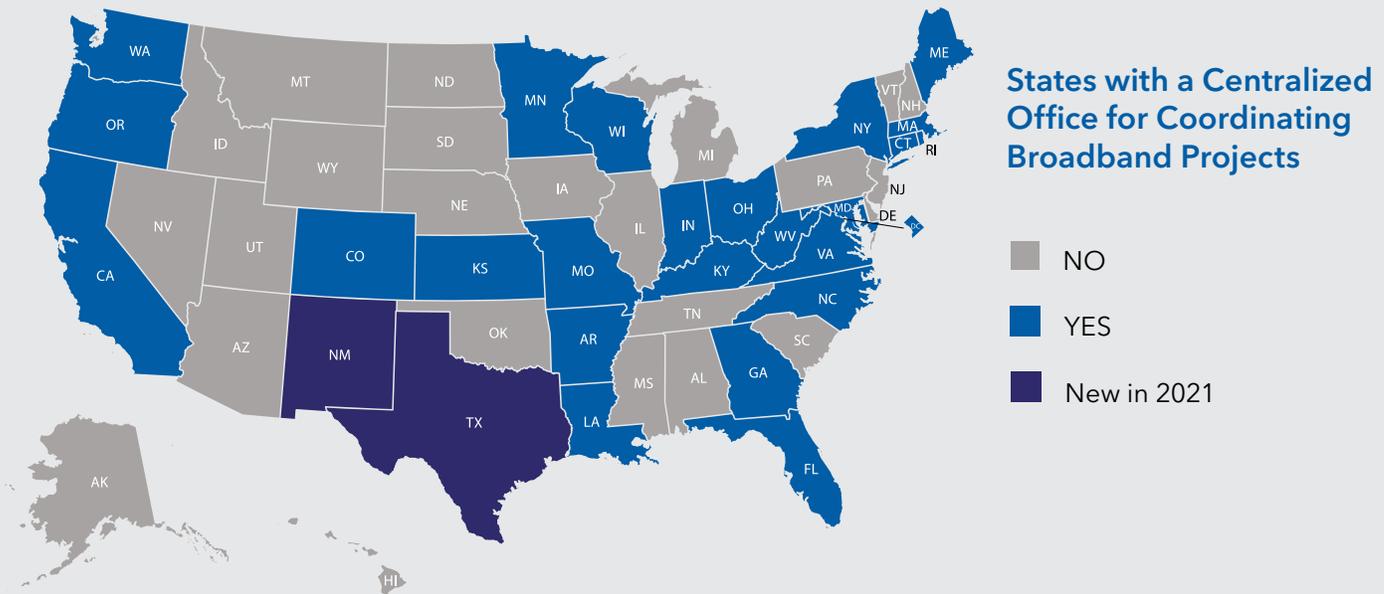
Texas [House Bill 5](#) (2021) establishes the Broadband Development Office within the Office of the Comptroller of Public Accounts and tasks it with preparing, updating and publishing a state broadband plan. The Broadband Development Office will serve as a repository for information relating to broadband service and digital connectivity in Texas and engage in community outreach. It also is charged with annually updating a broadband development map to classify areas in Texas as eligible for broadband expansion assistance.¹¹

Several of the nation's governors have used executive orders to create new broadband offices and task forces as well, including governors in **Colorado** (2020), **Kansas** (2020) and **Wisconsin** (2020).

¹⁰ Anna Read and Lily Gong, "Which States Have Dedicated Broadband Offices, Task Forces, Agencies, or Funds?" Pew Charitable Trusts, June 28, 2021.

¹¹ Anna Read and Lily Gong, "Which States Have Dedicated Broadband Offices, Task Forces, Agencies, or Funds?" Pew Charitable Trusts, June 28, 2021.

State Policy Options



Source: <https://www.pewtrusts.org/en/research-and-analysis/articles/2021/06/28/which-states-have-dedicated-broadband-offices-task-forces-agencies-or-funds>

Partnerships

States and localities are also increasingly seeking new partnerships with public, private and nonprofit entities to expand the availability of broadband services and address affordability and competition, something that sometimes requires changes to state or local laws.¹² The Illinois Office of Broadband, for example, partnered with the Evanston-based non-profit organization [Benton Institute for Broadband and Society](#), which has led to new programs to address key broadband issues such as research, community planning and capacity building and digital equity. The state of New York turned to former Google CEO Eric Schmidt to chair its [Reimagine New York Commission](#) made up of leaders in major foundations, education and labor and business and identify strategies to reduce the digital divide in that state. Rural communities in Minnesota partnered with the Blandin Broadband Communities program to build their capacity to advance local broadband initiatives.¹³

One hope some have for improving affordability and increasing competition is municipal broadband, systems in which municipalities partner with a local internet service provider to offer their own plan. The cities of Chattanooga, Tennessee, Lafayette, Louisiana, and Fort Collins, Colorado, have municipal broadband networks that provide fast download speeds at local market rates. But 22 states have laws that restrict the authority of local governments to build such networks and offer such plans.¹⁴

¹² Pew Charitable Trusts. "Legal Barriers to Expanding High Speed Reliable Internet," October 15, 2021.

¹³ Kathryn de Wit, "Illinois, Benton Institute Work Together to Close the Digital Divide," Pew Charitable Trusts, April 7, 2021.

¹⁴ Kendra Chamberlain, "2020 Report: Municipal Broadband Is Roadblocked Or Outlawed in 22 States," Broadband Now, April 8, 2021.



State Examples

By establishing broadband improvement districts in [House Bill 1788](#) (2021), **Arkansas** lawmakers allowed municipal improvement districts to enter into partnership with private actors to support broadband internet service.

State law in **Colorado** requires local governments, with certain exceptions, to obtain voter approval and meet other requirements before providing internet access to the public. [Colorado House Bill 1114](#) (2021) specifies these requirements do not apply to a school district or board of cooperative services providing advanced service that enables students, teachers and staff members of the district to access a school-owned and operated network to facilitate remote learning.

[Kentucky House Bill 320](#) (2021) establishes that distribution cooperatives can facilitate the provision of broadband service.

In January 2021, the Massachusetts governor announced a \$9 million initiative called Mass Internet Connect that authorizes a partnership with service providers Comcast, Spectrum and Verizon and the Massachusetts Broadband Institute's Last Mile Program to support broadband services for underserved communities.¹⁵

[Mississippi Senate Bill 2798](#) (2021) provides for certain participation of rate-regulated electric utilities in the expansion of broadband services.

[Virginia House Bill 1923](#) (2021) expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide or make available broadband capacity to Internet service providers in unserved areas.

[Virginia Senate Bill 1225](#) (2021) authorizes school boards to partner with private broadband service providers to promote, implement and subsidize broadband for educational purposes to the households of students who qualify for a child nutrition program or any other program recognized as a measuring standard for at-risk students.

¹⁵ "Governor Baker announces new funding for internet service to smaller communities in Massachusetts," WWLP-TV, January 5, 2021.

Raising Minimum Speeds

Since 2015, the Federal Communications Commission (FCC) has defined broadband as 25 megabits per second (Mbps) download speed and 3 Mbps upload speed. That standard, which was subsequently codified in many state laws, is outdated because of the exponential growth in bandwidth-taxing videoconferencing applications for remote workers, online learners and telehealth users. President Joe Biden's infrastructure legislation would increase the standard to 100 Mbps download and 20 Mbps upload. Support for multiple devices and users simultaneously as seen during the pandemic typically requires speeds in excess of 100 Mbps. The faster speeds required by many consumers often require telecom companies to upgrade from copper wiring to fiber optic cable, so companies have previously lobbied the FCC to maintain the lower (and cheaper) broadband standard.¹⁶ However, the effect of the 25/3 standard has been that many communities meeting that standard are now shut out of federal and state broadband support.¹⁷

Complicating the matter for policymakers is the disagreement on statistics about the availability of broadband around the country. In 2019, the FCC stated that 21.3 million Americans lack access to broadband internet, including wired and fixed wireless connections.¹⁸ The FCC's follow-up report in 2020 said the number had fallen to 14.5 million. But an independent study conducted by Broadband Now in 2021 found the FCC reports had high error rates and estimated that number is likely closer to 42 million.¹⁹

These challenges compel states to play a variety of roles in shaping broadband policy that extend far beyond the allocation of millions of dollars in federal and state funding, including mapping broadband coverage accurately and setting goals for broadband speeds that ensure it can adequately serve residents in the modern era. State policymakers also are called to convene with diverse stakeholders to coordinate statewide efforts, provide support to local governments in their broadband planning and remove roadblocks to the formation of partnerships that allow broadband development to move forward. States also can serve the interests of digital equity, allowing all citizens to participate in society and the economy.

State Examples

Some state legislation addresses speed standards—or at least to study them. For example, [Iowa House File 848](#) (2021), which established a broadband grant program for unserved and underserved areas, puts the Chief Information Officer in charge of periodic determinations of whether broadband providers offer service at one of three defined speeds.

Minnesota's program has established speed goals for broadband: border-to-border access at the 25/3 standard by 2022 and at the 100/20 standard by 2026.²⁰ Minnesota also is only authorizing state funds for broadband infrastructure projects that can be scaled to provide symmetrical upload and download speeds of at least 100 Mbps.²¹

Washington State set a goal of 150 Mbps symmetrical service by 2028 and **Vermont** a goal of 100 Mbps symmetrical service by 2024.²²

¹⁶ Kipp Bentley. "Is It Even Possible to Get Broadband for All?" *Governing*, August 15, 2021.

¹⁷ Pew Charitable Trusts. "Legal Barriers to Expanding High Speed Reliable Internet," October 15, 2021.

¹⁸ Federal Communications Commission, "2019 Broadband Deployment Report," May 29, 2019.

¹⁹ John Busby, Julia Tanberk and Tyler Cooper, "BroadbandNow Estimates Availability for all 50 States; Confirms that More than 42 Million Americans Do Not Have Access to Broadband," *Broadband Now*, August 29, 2021.

²⁰ Pew Charitable Trusts. "How States Are Expanding Broadband Access," February 27, 2020.

²¹ Pew Charitable Trusts. "What Policymakers Can Learn From the 'Minnesota Model' of Broadband Expansion," March 2, 2021.

²² Anna Read, "A National Solution to the Digital Divide Starts With States," *Pew Charitable Trusts*, December 16, 2020.

Data Collection and Mapping

The disagreement about broadband availability nationwide and the accuracy of coverage maps makes it difficult for states to evaluate the progress of their expansion efforts and to target broadband projects at areas with the most need. Accurate data and maps that tell policymakers who has broadband and who does not down to the city block are essential to ensuring success in broadband coverage improvement.

State Examples

Some recent state legislation has sought new sources of data that policymakers hope can help add to the body of knowledge about where things stand.

California Assembly Bill 14 authorizes local education agencies to report to the state Department of Education their pupils' estimated needs for computing devices and internet connectivity adequate for at-home learning. The bill requires the department, in consultation with the Public Utilities Commission, to compile that information and to annually post it on the Department's website. California **Senate Bill 28** (2021) repeals the requirement that state franchise holders for the provision of video service annually report regarding the availability of and subscriptions to broadband and video service. The bill would instead require the commission to collect granular data on the actual locations served by franchise holders, adopt customer service requirements for franchise holders and adjudicate any customer complaints.

Connecticut House Bill 6442 (2021) requires the Office of Policy and Management to develop and maintain an up-to-date broadband map with data showing the availability and adoption of broadband service.

Florida House Bill 1239 (2021) provides an appropriation to the Department of Economic Opportunity for geographic information system broadband mapping.

Indiana Senate Bill 377 (2021) requires the establishment of a public broadband portal through which an individual may report to the Office of Rural and Community Affairs that minimum broadband internet is unavailable at the individual's residential or business address. Internet providers can register with the program and receive listings of addresses submitted to the Office, report to the Office any listed address at which the provider's minimum broadband internet service is already available; and bid for an award of a grant for purposes of extending connectivity. The measure also allows for the use of a Geographic Information System (GIS) or similar database that contains spatial data regarding the availability of broadband internet service. The bill calls for an evaluation of the accuracy of the broadband internet coverage map created by the FCC.

New Jersey Assembly Bill 850 (2021) establishes the Broadband Access Study Commission to evaluate the impediments of access to broadband service for all residents; provides that the Commission shall look at issues such as physical access, deployment and affordability of broadband service; and provides the commission shall evaluate the feasibility of establishing community broadband networks.



Oklahoma House Bill 2928 requires private broadband service providers and certain satellite-based broadband private providers to submit map data by a certain date; requires certain supplemental map data submission by a certain date; requires certain public entities to submit map data annually; and requires private providers and public entities to disclose certain information on properties served and speeds of internet service.

Washington House Bill 1064 adds questions about internet service to the seller disclosure statement for residential property.

West Virginia House Bill 2002 (2021) establishes the Office of Broadband within the Department of Economic Development and charges it with mapping broadband in the state and establishing an interactive public map. West Virginia is now using consumer-supplied data rather than provider-supplied data as part of its mapping efforts.²³

Additional Considerations for State Leaders

Many of the broadband policy strategies identified in this report seek to address two overarching goals:

1. Universal Access

Some state policymakers have identified this as an achievable near-term goal for their states. In [Illinois](#), Gov. JB Pritzker set a goal to achieve universal access by 2024. In 2021, [Virginia](#) issued grants to provide 90% state coverage of universal broadband access and high speed internet.

2. Accountability

At the federal level, there are more than 80 federal broadband funding programs spread across 14 agencies.²⁴ With so much federal and state funding available, many also have been calling for stronger accountability measures to make sure taxpayer dollars are put to good use and not for duplicative purposes. Accurate data and mapping of broadband penetration are essential to ensuring accountability. Setting service standards for broadband speeds that are future-proof and not immediately out-of-date also is key. Collaboration between levels of government and with other stakeholders can be important in ensuring promises are kept in bridging the digital divide.

²³ Pew Charitable Trusts, “[West Virginia’s Bipartisan Approach to Closing the Digital Divide](#),” February 24, 2021

²⁴ Pew Charitable Trusts, “[Legal Barriers to Expanding High Speed Reliable Internet](#),” October 15, 2021.

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