

---

**SECOND SUBSTITUTE HOUSE BILL 1723**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

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

READ FIRST TIME 02/03/22.

1 AN ACT Relating to closing the digital equity divide by  
2 increasing the accessibility and affordability of telecommunications  
3 services, devices, and training; amending RCW 43.330.530, 43.330.532,  
4 43.330.534, and 43.330.412; adding new sections to chapter 80.36 RCW;  
5 adding new sections to chapter 43.330 RCW; creating new sections; and  
6 providing an effective date.

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

8 **PART 1**

9 **INTRODUCTION**

10 NEW SECTION. **Sec. 101.** This act may be known and cited as the  
11 digital equity act.

12 NEW SECTION. **Sec. 102.** (1) The legislature finds that:

13 (a) Access to the internet is essential to participating in  
14 modern day society including, but not limited to, attending school  
15 and work, accessing health care, paying for basic services,  
16 connecting with family and friends, civic participation, and economic  
17 survival.

18 (b) For too many people in both rural and urban areas, the cost  
19 of being online is unaffordable. The legislature recognizes that

1 building the last mile of broadband to the home is prohibitively  
2 expensive and that urban areas that are home to people earning low  
3 incomes continue to face digital redlining. Across the state there is  
4 a lack of affordable plans, barriers to enrolling in appropriate  
5 broadband plans, and barriers to fully utilize the opportunities that  
6 broadband offers.

7 (c) The COVID-19 pandemic has further highlighted the need for  
8 affordable access, devices, and skills to use the internet.

9 (d) The need for more accessible and affordable internet is felt  
10 more acutely among specific sectors of the population, especially  
11 Washington residents in rural areas, people who are currently earning  
12 low incomes, seniors and others who lack the skills necessary to get  
13 online, people with first languages other than English, immigrant  
14 communities, and people with disabilities.

15 (e) The federal government is allocating considerable sums for  
16 investment in digital equity that the state broadband office will  
17 help to leverage for residents across Washington. Continued  
18 comprehensive efforts, including coordination with tribal partners,  
19 are needed to ensure truly equitable access. The legislature  
20 recognizes that there will be a need for ongoing development and  
21 maintenance of broadband infrastructure. The legislature also  
22 recognizes that there is a need for ongoing outreach by community-  
23 based partnerships to provide enrollment assistance to lower the cost  
24 of internet subscriptions and devices.

25 (2) Therefore, the legislature intends to broaden access to the  
26 internet, the appropriate devices, and the skills to operate online  
27 safely and effectively so that all people in Washington can fully  
28 participate in our society, democracy, and economy.

## 29 **PART 2**

### 30 **WASHINGTON BROADBAND ASSISTANCE PROGRAM**

31 NEW SECTION. **Sec. 201.** A new section is added to chapter 80.36  
32 RCW to read as follows:

33 The definitions in this section apply throughout this section and  
34 sections 202 and 203 of this act unless the context clearly requires  
35 otherwise.

36 (1) "Department" means the department of social and health  
37 services.

1 (2) "Eligible voice and broadband services" means those services  
2 deemed eligible for reduced cost by the commission pursuant to  
3 section 203 of this act.

4 (3) "Line" means an access line, service to an activated wireless  
5 handset, or service to an internet connection used as a substitute  
6 for a traditional telecommunications connection.

7 (4) "Low-income" means households as defined by the department,  
8 provided that the definition may not exceed the higher of 80 percent  
9 of area median household income or the self-sufficiency standard as  
10 determined by the University of Washington's self-sufficiency  
11 calculator.

12 (5) "Program" means the Washington broadband assistance program  
13 established in section 202 of this act.

14 (6) "Telecommunications provider" means any person or entity who  
15 provides eligible voice, internet, or broadband services.

16 NEW SECTION. **Sec. 202.** A new section is added to chapter 80.36  
17 RCW to read as follows:

18 (1) The Washington broadband assistance program is established  
19 within the department to provide low-income persons with reduced  
20 rates for eligible voice and broadband services.

21 (2) A telecommunications provider providing eligible voice and  
22 broadband services to the public must provide those services to low-  
23 income persons in accordance with this section and section 203 of  
24 this act.

25 (3) When enrolling new customers, a telecommunications provider  
26 providing eligible voice and broadband services must inform customers  
27 of the program established under this section and persons eligible  
28 for other services provided by the department that may be eligible  
29 for reduced rates on eligible voice and broadband services.

30 (4) Upon enrolling low-income persons in the program, the  
31 telecommunications provider shall submit to the department that  
32 information specified by the department for the purposes of verifying  
33 the eligibility of those persons to receive eligible voice and  
34 broadband services at reduced costs.

35 (5) The department shall verify the eligibility of low-income  
36 persons to participate in the program and notify the  
37 telecommunications provider whether a person is eligible. The  
38 department shall reimburse each telecommunications provider the  
39 balance of the price charged.

1 (6) The department may adopt rules to implement this section but  
2 may not limit low-income households to receiving support on only one  
3 line.

4 (7) The department must consult with the office of equity  
5 regarding: (a) Methods for administering the program that will reduce  
6 barriers to participation, such as implementing a streamlined  
7 application process and, to the extent feasible, ensuring that  
8 program services and information are language accessible; and (b) a  
9 plan for outreach, eligibility determination assistance, and  
10 enrollment navigation assistance for tribal members, black,  
11 indigenous, and people of color, individuals with disabilities,  
12 elders, veterans, residents of rural areas, and others who would be  
13 most challenged to participate.

14 (8) For the purposes of this section, "broadband" has the same  
15 meaning as defined in RCW 43.330.530.

16 NEW SECTION. **Sec. 203.** A new section is added to chapter 80.36  
17 RCW to read as follows:

18 The commission shall annually adopt by rule those services,  
19 including prepaid services, that are eligible for inclusion in the  
20 Washington broadband assistance program established in section 202 of  
21 this act and the amount of assistance to be provided to low-income  
22 persons. The commission shall also adopt by rule guidelines to ensure  
23 reduction of barriers to enrollment. This may include allowing  
24 telecommunications providers with low-income internet offerings to  
25 provide an opt-in for new or existing low-income customers without  
26 additional verification if those low-income customers have already  
27 demonstrated eligibility in initial enrollment in a low-income  
28 internet offering. In determining the amount of assistance to be  
29 provided, the commission shall consider the number of low-income  
30 persons expected to participate, the price of eligible voice and  
31 broadband services, other assistance programs available to low-income  
32 persons, and other facts and circumstances that may bear on the  
33 reasonableness of assistance levels. The commission may by order  
34 exclude a telecommunications provider from the program if it  
35 determines the costs charged by the telecommunications provider to be  
36 excessive or the quality of service or customer service to be poor.

37 **PART 3**

38 **ANCHOR INSTITUTION DIGITAL EQUITY PROGRAM**

1        NEW SECTION.    **Sec. 301.**    A new section is added to chapter 80.36  
2    RCW to read as follows:

3        The definitions in this section apply throughout this section and  
4    section 302 of this act unless the context clearly requires  
5    otherwise.

6        (1) "Anchor institution" means a public school, a public housing  
7    authority, a library, a medical or health care provider, a community  
8    college or other institution of higher education, a state library  
9    agency, courts, early learning centers, homelessness shelters, group  
10   homes, community centers, elder care facilities, foster care  
11   providers, community-based organizations, and other nonprofit or  
12   governmental community support organizations.

13       (2) "Basic telecommunications services" means the following  
14   services:

- 15       (a) Single-party service;
- 16       (b) Voice grade access to the public switched network;
- 17       (c) Support for local usage;
- 18       (d) Dual tone multifrequency signaling (touch-tone);
- 19       (e) Access to emergency services (911);
- 20       (f) Access to operator services;
- 21       (g) Access to interexchange services;
- 22       (h) Access to directory assistance; and
- 23       (i) Toll limitation services.

24       (3) "Broadband service" has the same meaning as defined in RCW  
25   43.330.530.

26       (4) "E-rate discount" means an actual discount under the e-rate  
27   program, or a representative discount figure as determined by the  
28   commission.

29       (5) "E-rate program" means the federal universal service e-rate  
30   program as provided in 47 C.F.R. Sec. 54 and administered by the  
31   schools and libraries division of the universal service  
32   administrative company.

33       (6) "Office" means the statewide broadband office established in  
34   RCW 43.330.532.

35       (7) "Program" means the anchor institution digital equity program  
36   created in section 302 of this act.

37       (8) "Telecommunications" has the same meaning as defined in 47  
38   U.S.C. Sec. 153(43).

1 NEW SECTION. **Sec. 302.** A new section is added to chapter 80.36

2 RCW to read as follows:

3 (1) The anchor institution digital equity program is established.  
4 The office shall develop, implement, and administer the program for  
5 the purpose of providing discounted rates for telecommunications  
6 services, including broadband service, and discounted  
7 telecommunications infrastructure costs, including broadband  
8 infrastructure, to qualifying anchor institutions. The office must  
9 coordinate with the office of the superintendent of public  
10 instruction, the state library, and the department of social and  
11 health services in developing and implementing the program.

12 (2) Eligible applicants to receive discounted rates under the  
13 program include, but are not limited to, all customers eligible to  
14 receive discounts for telecommunications services under the e-rate  
15 program administered by the schools and libraries division of the  
16 universal service administrative company that also apply for  
17 discounts on telecommunications services provided in subsection (1)  
18 of this section.

19 (3) The discount developed under subsection (1) of this section  
20 must:

21 (a) Be a minimum of a 50 percent discount to program participants  
22 for broadband services;

23 (b) Be a minimum of a 25 percent discount to program participants  
24 for basic telecommunications services; and

25 (c) Be applied after applying an e-rate discount. The office  
26 shall first apply an e-rate discount, regardless of whether the  
27 customer has applied for an e-rate discount or has been approved, if  
28 the customer, in the determination of the office, meets the  
29 eligibility requirements for an e-rate discount.

30 (4) Eligible entities under subsection (1) of this section may  
31 apply for, and the office may provide, partial or full discount of  
32 telecommunications infrastructure costs. The office must determine  
33 the infrastructure costs that are eligible for discount under the  
34 program. Eligible costs for discount under the program must be  
35 allowed for new, rehab, and ongoing maintenance infrastructure costs.  
36 For the purposes of this section, "infrastructure costs" include  
37 wireless meshed network technology.

38 (5) The office must develop a process to prioritize applications  
39 for funding among eligible applicants under the anchor institution

1 digital equity program. The office must, at minimum and in any order,  
2 prioritize applications based on the following factors:

3 (a) The extent to which the application meets the state policy  
4 objective of bridging the digital divide by encouraging expanded  
5 access to state-of-the-art technologies for rural, inner city, low-  
6 income, and disabled residents of Washington; and

7 (b) For broadband service discounts, the extent to which the  
8 service provided to the applicant is consistent with the state  
9 broadband office goals established under RCW 43.330.536.

10 (6) The office may adopt rules to implement this section.

11 **PART 4**

12 **DIGITAL EQUITY OPPORTUNITY PROGRAM**

13 **Sec. 401.** RCW 43.330.530 and 2019 c 365 s 2 are each amended to  
14 read as follows:

15 The definitions in this section apply throughout this section and  
16 RCW 43.330.532 through 43.330.538, 43.330.412, and sections 405 and  
17 406 of this act unless the context clearly requires otherwise.

18 (1) "Board" means the public works board established in RCW  
19 43.155.030.

20 (2) "Broadband" or "broadband service" means any service  
21 providing advanced telecommunications capability and internet access  
22 with transmission speeds that, at a minimum, provide (~~twenty-five~~)  
23 25 megabits per second download and three megabits per second upload.

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

28 (4) "Department" means the department of commerce.

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

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

1 (7) "Middle mile infrastructure" means broadband infrastructure  
2 that links a broadband service provider's core network infrastructure  
3 to last mile infrastructure.

4 (8) "Office" means the governor's statewide broadband office  
5 established in RCW 43.330.532.

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

8 (10) "Unserved areas" means areas of Washington in which  
9 households and businesses lack access to broadband service, as  
10 defined by the office, except that the state's definition for  
11 broadband service may not be actual speeds less than (~~twenty-five~~)  
12 25 megabits per second download and three megabits per second upload.

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

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

22 (12) "Aging individual" means an individual 55 years of age or  
23 older.

24 (13) "Broadband adoption" means the process by which an  
25 individual obtains daily access to the internet:

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

29 (b) Providing individuals with the digital skills necessary to  
30 participate online;

31 (c) On a device connected to the internet and other advanced  
32 telecommunications services via a secure and convenient network, with  
33 associated end-user broadband infrastructure equipment such as wifi  
34 mesh router or repeaters to enable the device to adequately use the  
35 internet network; and

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

38 (14) "Digital equity" means the condition in which individuals  
39 and communities in Washington have the information technology

1 capacity that is needed for full participation in society and the  
2 economy.

3 (15) (a) "Digital inclusion" means the activities that are  
4 necessary to ensure that all individuals in Washington have access  
5 to, and the use of, affordable information and communication  
6 technologies including, but not limited to:

7 (i) Reliable broadband internet service;

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

9 and

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

12 (b) "Digital inclusion" also includes obtaining access to digital  
13 literacy training, the provision of quality technical support, and  
14 obtaining basic awareness of measures to ensure online privacy and  
15 cybersecurity.

16 (16) "Digital literacy" means the skills associated with using  
17 technology to enable users to use information and communications  
18 technologies to find, evaluate, organize, create, and communicate  
19 information.

20 (17) "Low-income" has the same meaning as provided in section 201  
21 of this act.

22 (18) "Underserved population" means any of the following:

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

24 (b) Aging individuals;

25 (c) Incarcerated individuals;

26 (d) Veterans;

27 (e) Individuals with disabilities;

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

30 (g) Individuals who are members of a racial or ethnic minority  
31 group;

32 (h) Individuals who primarily reside in a rural area;

33 (i) Children and youth in foster care; or

34 (j) Individuals experiencing housing instability.

35 **Sec. 402.** RCW 43.330.532 and 2021 c 258 s 2 are each amended to  
36 read as follows:

37 (1) The governor's statewide broadband office is established. The  
38 director of the office must be appointed by the governor. The office  
39 may employ staff necessary to carry out the office's duties as

1 prescribed by chapter 365, Laws of 2019, subject to the availability  
2 of amounts appropriated for this specific purpose.

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

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

8 (b) Serve the ongoing and growing needs of Washington's education  
9 systems, health care systems, public safety systems, transportation  
10 systems, industries and business, governmental operations, and  
11 citizens; and

12 (c) Improve broadband accessibility and adoption for unserved and  
13 underserved communities and populations.

14 **Sec. 403.** RCW 43.330.534 and 2021 c 258 s 3 are each amended to  
15 read as follows:

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

17 (a) Serve as the central broadband planning body for the state of  
18 Washington;

19 (b) Coordinate with local governments, tribes, public and private  
20 entities, public housing agencies, nonprofit organizations, and  
21 consumer-owned and investor-owned utilities to develop strategies and  
22 plans promoting deployment of broadband infrastructure and greater  
23 broadband access, while protecting proprietary information;

24 (c) Review existing broadband initiatives, policies, and public  
25 and private investments;

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

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

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

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

1 (a) Partnerships between communities, tribes, nonprofit  
2 organizations, local governments, consumer-owned and investor-owned  
3 utilities, and public and private entities;

4 (b) Funding opportunities that provide for the coordination of  
5 public, private, state, and federal funds for the purposes of making  
6 broadband infrastructure or broadband services available to rural and  
7 unserved areas of the state;

8 (c) Barriers to the deployment, adoption, and utilization of  
9 broadband service, including affordability of service and project  
10 coordination logistics; and

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

14 (3) The office may assist applicants for the grant and loan  
15 program created in RCW 43.155.160, the digital equity opportunity  
16 program created in RCW 43.330.412, and the digital equity planning  
17 grant program created in section 405 of this act with seeking federal  
18 funding or matching grants and other grant opportunities for  
19 deploying or increasing adoption of broadband services.

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

24 (5) The office shall coordinate an outreach effort to hard-to-  
25 reach communities and low-income communities across the state to  
26 provide information about broadband programs available to consumers  
27 of these communities. The outreach effort must include, but is not  
28 limited to, providing information to applicable communities about the  
29 Washington broadband assistance program established under section 202  
30 of this act, the federal lifeline program, and other low-income  
31 broadband benefit programs. The outreach effort must be reviewed by  
32 the office of equity annually. The office may contract with other  
33 public or private entities to conduct outreach to communities as  
34 provided under this subsection.

35 (6) In carrying out its purpose, the office may collaborate with  
36 the utilities and transportation commission, the office of the chief  
37 information officer, the department of commerce, the community  
38 economic revitalization board, the department of transportation, the  
39 public works board, the state librarian, and all other relevant state  
40 agencies.

1       **Sec. 404.** RCW 43.330.412 and 2011 1st sp.s. c 43 s 607 are each  
2 amended to read as follows:

3       The ~~((community technology opportunity program is created to~~  
4 ~~support the efforts of community technology programs throughout the~~  
5 ~~state. The community technology)) digital equity opportunity program~~  
6 ~~is created to advance broadband adoption and digital equity and~~  
7 ~~inclusion throughout the state. The digital equity opportunity~~  
8 program must be administered by the department. The department may  
9 contract for services in order to carry out the department's  
10 obligations under this section.

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

14       (a) Provide organizational and capacity building support to  
15 ~~((community technology)) digital equity programs throughout the~~  
16 ~~state((, and identify and facilitate the availability of other public~~  
17 ~~and private sources of funds to enhance the purposes of the program~~  
18 ~~and the work of community technology programs. No more than fifteen))~~  
19 ~~and additional support for the purpose of:~~

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

22       (ii) Developing, cataloging, disseminating, and promoting the  
23 exchange of best practices, with respect to and independent of the  
24 covered programs, in order to achieve digital equity. After July 1,  
25 2024, no more than 15 percent of funds received by the director for  
26 the program may be expended on these functions;

27       (b) Establish a competitive grant program and provide grants to  
28 community technology programs to ~~((provide training and skill-~~  
29 ~~building opportunities; access to hardware and software; internet~~  
30 ~~connectivity; digital media literacy; assistance in the adoption of~~  
31 ~~information and communication technologies in low-income and~~  
32 ~~underserved areas of the state; and development of locally relevant~~  
33 ~~content and delivery of vital services through)) advance digital~~  
34 ~~equity and digital inclusion by providing:~~

35       (i) Training and skill-building opportunities;

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

38       (iii) Internet connectivity;

39       (iv) Digital media literacy and cybersecurity training;

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

3 (vi) Development of locally relevant content and delivery of  
4 vital services through technology; and

5 (vii) Technical support;

6 (c) Collaborate with broadband stakeholders, including broadband  
7 action teams across the state, in implementing the program as  
8 provided under this subsection; and

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

11 (2) Grant applicants must:

12 (a) Provide evidence that the applicant is a nonprofit entity or  
13 a public entity that is working in partnership with a nonprofit  
14 entity;

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

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

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

24 ~~(e) ((Provide evidence of matching funds and resources, which are~~  
25 ~~equivalent to at least one-quarter of the grant amount committed to~~  
26 ~~the applicant's strategy;~~

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

31 ~~((g))~~ (f) Comply with such other requirements as the director  
32 establishes.

33 (3) The digital equity forum shall review grant applications and  
34 provide input to the director regarding the prioritization of  
35 applications in awarding grants among eligible applicants under the  
36 program.

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

39 (a) Consider the input provided by the digital equity forum, as  
40 provided in subsection (3) of this section, in awarding grants; and

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

5 (5) The director may use no more than ~~((ten))~~ 10 percent of funds  
6 received for the ~~((community technology))~~ digital equity opportunity  
7 program to cover administrative expenses.

8 ~~((4))~~ (6) The director must establish expected program outcomes  
9 for each grant recipient and must require grant recipients to provide  
10 an annual accounting of program outcomes.

11 NEW SECTION. Sec. 405. A new section is added to chapter 43.330  
12 RCW to read as follows:

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

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

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

22 (i) Accompanied by express support from community or  
23 neighborhood-based nonprofit organizations, public development  
24 authorities, federally recognized Indian tribes in the state, or  
25 other community partners and partners from the categories of  
26 institutions identified in RCW 43.330.421; and

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

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

31 (4) The digital equity forum shall review grant applications and  
32 provide input to the department regarding the prioritization of  
33 applications in awarding grants among eligible applicants under the  
34 program.

35 (5) The department must:

36 (a) Pursuant to subsection (2)(b) of this section, evaluate and  
37 rank applications using objective criteria such as the number of  
38 underserved populations served and subjective criteria such as the

1 degree of support and engagement evidenced by the community who will  
2 be served;

3 (b) Consider the input provided by the forum, as provided in  
4 subsection (4) of this section, in awarding grants under the digital  
5 equity planning grant program; and

6 (c) Consider the extent to which the mix of grants awarded would  
7 increase in the number of prekindergarten through 12th grade students  
8 gaining access to greater levels of digital inclusion as a factor in  
9 awarding grants under the digital equity planning grant program.

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

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

13 NEW SECTION. **Sec. 406.** A new section is added to chapter 43.330  
14 RCW to read as follows:

15 (1) The Washington digital equity forum is established for the  
16 purpose of developing recommendations to advance digital connectivity  
17 in Washington state and advising the statewide broadband office on  
18 the digital equity opportunity program as provided under RCW  
19 43.330.412 and the digital equity planning grant program as provided  
20 under section 405 of this act.

21 (2) In developing its recommendations to advance digital  
22 connectivity, the forum must:

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

25 (b) Strengthen public-private partnerships;

26 (c) Solicit public input through public hearings or informational  
27 sessions;

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

30 (e) Recommend reforms to current universal service mechanisms.

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

37 (a) Federally recognized tribes;

38 (b) State agencies involved in digital equity; and

1 (c) Underserved and unserved communities, including historically  
2 disadvantaged communities.

3 (4) A majority of the participating members appointed by the  
4 directors must appoint an administrative chair for the forum.

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

8 (a) The speaker of the house of representatives must appoint one  
9 member from each of the two largest caucuses of the house of  
10 representatives; and

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

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

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

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

27 **PART 5**

28 **DIGITAL EQUITY ACCOUNT**

29 NEW SECTION. **Sec. 501.** A new section is added to chapter 80.36  
30 RCW to read as follows:

31 (1) The digital equity account is created in the state treasury.  
32 Moneys in the account may be spent only after appropriation.

33 (2) Any amounts appropriated by the legislature to the account,  
34 private contributions, or any other source directed to the account,  
35 must be deposited into the account. Funds from sources outside the  
36 state, from private contributions, federal or other sources may be  
37 directed to the specific purposes of the digital equity opportunity  
38 program, Washington broadband assistance program, anchor institution

1 digital equity program, or digital equity planning grant program, or  
2 any combination of those programs.

3 (3) The legislature may appropriate moneys in the account only  
4 for the purposes of:

5 (a) Section 202 of this act, the Washington broadband assistance  
6 program;

7 (b) Section 302 of this act, the anchor institution digital  
8 equity program;

9 (c) RCW 43.330.412, the digital equity opportunity program; and

10 (d) Section 405 of this act, the digital equity planning grant  
11 program.

12 **PART 6**

13 **MISCELLANEOUS PROVISIONS**

14 NEW SECTION. **Sec. 601.** The secretary of the department of  
15 social and health services or the secretary's designee, the chair of  
16 the utilities and transportation commission or the chair's designee,  
17 the director of the department of commerce or the director's  
18 designee, and the director of the statewide broadband office or the  
19 director's designee may take any actions necessary to ensure that the  
20 provisions of this act are implemented on the date identified in  
21 section 602 of this act.

22 NEW SECTION. **Sec. 602.** Sections 101 through 405 and 501 of this  
23 act take effect July 1, 2023.

24 NEW SECTION. **Sec. 603.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 604.** If specific funding for the purposes of  
29 this act, referencing this act by bill or chapter number, is not  
30 provided by June 30, 2022, in the omnibus appropriations act, this  
31 act is null and void.

--- END ---