
ENGROSSED 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 assist low-income persons with the costs of
20 eligible voice and broadband services.

21 (2) Subject to the availability of amounts appropriated for this
22 specific purpose, a telecommunications provider providing eligible
23 voice and broadband services to the public must provide those
24 services to low-income persons in accordance with this section and
25 section 203 of this act. The department must notify
26 telecommunications providers when annual appropriations made for the
27 purposes of this section have been fully obligated.

28 (3) When enrolling new customers, a telecommunications provider
29 providing eligible voice and broadband services must inform customers
30 of the program established under this section and persons eligible
31 for other services provided by the department that may be eligible
32 for reduced rates on eligible voice and broadband services to the
33 extent that the program is funded.

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

1 (5) The department shall verify the eligibility of low-income
2 persons to participate in the program and notify the
3 telecommunications provider whether a person is eligible. The
4 department shall reimburse each telecommunications provider the
5 balance of the price charged, subject to the availability of amounts
6 appropriated for this specific purpose.

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

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

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

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

24 The commission shall annually adopt by rule those services,
25 including prepaid services, that are eligible for inclusion in the
26 Washington broadband assistance program established in section 202 of
27 this act. Telecommunications providers determine rates for eligible
28 services. The commission shall, by rule, determine the amount of
29 reimbursement to telecommunications providers under the program. The
30 commission shall also adopt by rule guidelines to ensure reduction of
31 barriers to enrollment. This may include allowing telecommunications
32 providers with low-income internet offerings to provide an opt-in for
33 new or existing low-income customers without additional verification
34 if those low-income customers have already demonstrated eligibility
35 in initial enrollment in a low-income internet offering. In
36 determining the amount of assistance to be provided, the commission
37 shall consider the appropriation for the program for that fiscal
38 period, the number of low-income persons expected to participate, the
39 price of eligible voice and broadband services, other assistance

1 programs available to low-income persons, and other facts and
2 circumstances that may bear on the reasonableness of assistance
3 levels.

4 **PART 3**

5 **ANCHOR INSTITUTION DIGITAL EQUITY PROGRAM**

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

8 The definitions in this section apply throughout this section and
9 section 302 of this act unless the context clearly requires
10 otherwise.

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

18 (2) "Basic telecommunications services" means the following
19 services:

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

29 (3) "Broadband service" has the same meaning as defined in RCW
30 43.330.530.

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

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

1 (6) "Office" means the statewide broadband office established in
2 RCW 43.330.532.

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

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

7 NEW SECTION. **Sec. 302.** A new section is added to chapter 80.36
8 RCW to read as follows:

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

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

25 (3) The discount developed under subsection (1) of this section
26 must:

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

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

31 (c) Be applied after applying an e-rate discount. The office
32 shall first apply an e-rate discount, regardless of whether the
33 customer has applied for an e-rate discount or has been approved, if
34 the customer, in the determination of the office, meets the
35 eligibility requirements for an e-rate discount.

36 (4) Eligible entities under subsection (1) of this section may
37 apply for, and the office may provide, partial or full discount of
38 telecommunications infrastructure costs. The office must determine
39 the infrastructure costs that are eligible for discount under the

1 program. Eligible costs for discount under the program must be
2 allowed for new, rehab, and ongoing maintenance infrastructure costs.
3 For the purposes of this section, "infrastructure costs" include
4 wireless meshed network technology.

5 (5) The office must develop a process to prioritize applications
6 for funding among eligible applicants under the anchor institution
7 digital equity program. The office must, at minimum and in any order,
8 prioritize applications based on the following factors:

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

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

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

17 **PART 4**

18 **DIGITAL EQUITY OPPORTUNITY PROGRAM**

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

21 The definitions in this section apply throughout this section and
22 RCW 43.330.532 through 43.330.538, 43.330.412, and sections 405 and
23 406 of this act unless the context clearly requires otherwise.

24 (1) "Board" means the public works board established in RCW
25 43.155.030.

26 (2) "Broadband" or "broadband service" means any service
27 providing advanced telecommunications capability and internet access
28 with transmission speeds that, at a minimum, provide (~~twenty-five~~)
29 25 megabits per second download and three megabits per second upload.

30 (3) "Broadband infrastructure" means networks of deployed
31 telecommunications equipment and technologies necessary to provide
32 high-speed internet access and other advanced telecommunications
33 services to end users.

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

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

1 (6) "Local government" includes cities, towns, counties,
2 municipal corporations, public port districts, public utility
3 districts, quasi-municipal corporations, special purpose districts,
4 and multiparty entities comprised of public entity members.

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

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

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

12 (10) "Unserved areas" means areas of Washington in which
13 households and businesses lack access to broadband service, as
14 defined by the office, except that the state's definition for
15 broadband service may not be actual speeds less than (~~twenty-five~~)
16 25 megabits per second download and three megabits per second upload.

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

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

26 (12) "Aging individual" means an individual 55 years of age or
27 older.

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

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

33 (b) Providing individuals with the digital skills necessary to
34 participate online;

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

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

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

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

11 (i) Reliable broadband internet service;

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

13 and

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

16 (b) "Digital inclusion" also includes obtaining access to digital
17 literacy training, the provision of quality technical support, and
18 obtaining basic awareness of measures to ensure online privacy and
19 cybersecurity.

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

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

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

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

28 (b) Aging individuals;

29 (c) Incarcerated individuals;

30 (d) Veterans;

31 (e) Individuals with disabilities;

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

34 (g) Individuals who are members of a racial or ethnic minority
35 group;

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

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

38 (j) Individuals experiencing housing instability.

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

3 (1) The governor's statewide broadband office is established. The
4 director of the office must be appointed by the governor. The office
5 may employ staff necessary to carry out the office's duties as
6 prescribed by chapter 365, Laws of 2019, subject to the availability
7 of amounts appropriated for this specific purpose.

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

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

13 (b) Serve the ongoing and growing needs of Washington's education
14 systems, health care systems, public safety systems, transportation
15 systems, industries and business, governmental operations, and
16 citizens; and

17 (c) Improve broadband accessibility and adoption for unserved and
18 underserved communities and populations.

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

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

22 (a) Serve as the central broadband planning body for the state of
23 Washington;

24 (b) Coordinate with local governments, tribes, public and private
25 entities, public housing agencies, nonprofit organizations, and
26 consumer-owned and investor-owned utilities to develop strategies and
27 plans promoting deployment of broadband infrastructure and greater
28 broadband access, while protecting proprietary information;

29 (c) Review existing broadband initiatives, policies, and public
30 and private investments;

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

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

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

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

5 (a) Partnerships between communities, tribes, nonprofit
6 organizations, local governments, consumer-owned and investor-owned
7 utilities, and public and private entities;

8 (b) Funding opportunities that provide for the coordination of
9 public, private, state, and federal funds for the purposes of making
10 broadband infrastructure or broadband services available to rural and
11 unserved areas of the state;

12 (c) Barriers to the deployment, adoption, and utilization of
13 broadband service, including affordability of service and project
14 coordination logistics; and

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

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

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

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

39 (6) In carrying out its purpose, the office may collaborate with
40 the utilities and transportation commission, the office of the chief

1 information officer, the department of commerce, the community
2 economic revitalization board, the department of transportation, the
3 public works board, the state librarian, and all other relevant state
4 agencies.

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

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

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

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

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

26 (ii) Developing, cataloging, disseminating, and promoting the
27 exchange of best practices, with respect to and independent of the
28 covered programs, in order to achieve digital equity. After July 1,
29 2024, no more than 15 percent of funds received by the director for
30 the program may be expended on these functions;

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

39 (i) Training and skill-building opportunities;

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

3 (iii) Internet connectivity;

4 (iv) Digital media literacy and cybersecurity training;

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

7 (vi) Development of locally relevant content and delivery of
8 vital services through technology; and

9 (vii) Technical support;

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

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

15 (2) Grant applicants must:

16 (a) Provide evidence that the applicant is a nonprofit entity or
17 a public entity that is working in partnership with a nonprofit
18 entity;

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

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

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

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

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

35 ~~((g))~~ (f) Comply with such other requirements as the director
36 establishes.

37 (3) The digital equity forum shall review grant applications and
38 provide input to the director regarding the prioritization of
39 applications in awarding grants among eligible applicants under the
40 program.

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

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

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

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

12 (~~(4)~~) (6) The director must establish expected program outcomes
13 for each grant recipient and must require grant recipients to provide
14 an annual accounting of program outcomes.

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

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

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

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

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

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

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

35 (4) The digital equity forum shall review grant applications and
36 provide input to the department regarding the prioritization of
37 applications in awarding grants among eligible applicants under the
38 program.

39 (5) The department must:

1 (a) Pursuant to subsection (2)(b) of this section, evaluate and
2 rank applications using objective criteria such as the number of
3 underserved populations served and subjective criteria such as the
4 degree of support and engagement evidenced by the community who will
5 be served;

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

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

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

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

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

18 (1) The Washington digital equity forum is established for the
19 purpose of developing recommendations to advance digital connectivity
20 in Washington state and advising the statewide broadband office on
21 the digital equity opportunity program as provided under RCW
22 43.330.412 and the digital equity planning grant program as provided
23 under section 405 of this act.

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

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

28 (b) Strengthen public-private partnerships;

29 (c) Solicit public input through public hearings or informational
30 sessions;

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

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

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

1 (a) Federally recognized tribes;
2 (b) State agencies involved in digital equity; and
3 (c) Underserved and unserved communities, including historically
4 disadvantaged communities.

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

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

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

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

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

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

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

29 **PART 5**

30 **DIGITAL EQUITY ACCOUNT**

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

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

35 (2) Any amounts appropriated by the legislature to the account,
36 private contributions, or any other source directed to the account,
37 must be deposited into the account. Funds from sources outside the
38 state, from private contributions, federal or other sources may be

1 directed to the specific purposes of the digital equity opportunity
2 program, Washington broadband assistance program, anchor institution
3 digital equity program, or digital equity planning grant program, or
4 any combination of those programs.

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

7 (a) Section 202 of this act, the Washington broadband assistance
8 program;

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

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

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

14 PART 6

15 MISCELLANEOUS PROVISIONS

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

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

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

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

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