
A BILL FOR AN ACT

RELATING TO DIGITAL EQUITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that digital equity
2 across the State and in every community is essential to the
3 well-being and economic realities of the State's residents. The
4 need for digital equity is significant, highlighted by the
5 devastating impacts of the recent coronavirus disease 2019
6 pandemic. The lack of digital equity has had a tremendously
7 negative effect in many areas, but particularly socio-
8 economically disadvantaged communities.

9 The legislature further finds that digital equity has meant
10 the difference between an employee being able to work remotely
11 or possibly facing unemployment. Additionally, digital literacy
12 and broadband access are critical tools for those seeking to
13 access social services such as unemployment claims, Supplemental
14 Nutrition Assistance Program (SNAP) benefits, vital records, and
15 other essential government, educational, and medical services.

16 The legislature further finds that digital equity in the
17 State would enhance Hawaii's overall economic development,



1 education, health care, and emergency services. Making grants
2 available to achieve digital equity for disadvantaged
3 populations would move the State toward universal access to
4 broadband services.

5 The legislature strongly supports efforts to improve
6 digital equity for residents, consumers, and businesses across
7 the State.

8 The purpose of this Act is to identify and address any
9 remaining obstacles to digital equity in all areas of the State
10 by establishing the digital equity grant program to award grants
11 and create an environment in which all individuals and
12 communities in the State have the information technology
13 capacity needed for full participation in society, democracy,
14 and the economy.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to title 13 to be appropriately designated
17 and to read as follows:

18 **"CHAPTER**

19 **DIGITAL EQUITY GRANT PROGRAM**

20 **§ -1 Definitions.** As used in this chapter:

21 "Broadband" means high-speed internet.



1 "Covered household" means a family whose income for the
2 most recent full year is no more than two hundred per cent of
3 the federal poverty level.

4 "Covered populations" means:

- 5 (1) Individuals who live in covered households;
- 6 (2) Individuals aged sixty years and older;
- 7 (3) Incarcerated individuals, other than individuals who
8 are incarcerated in a federal correctional facility;
- 9 (4) Veterans;
- 10 (5) Individuals with disabilities;
- 11 (6) Individuals with a language barrier, including
12 individuals who:
 - 13 (A) Are English learners; and
 - 14 (B) Have low levels of literacy;
- 15 (7) Individuals who are members of a racial or ethnic
16 minority group;
- 17 (8) Individuals who primarily reside in a rural area; and
- 18 (9) Homeless or unsheltered individuals.

19 "Department" means the department of business, economic
20 development, and tourism.



1 "Digital equity" means a condition in which all individuals
2 and communities have the information technology capacity needed
3 for full participation in society, democracy, and the economy.

4 "Digital equity services" means a service that increases
5 digital literacy and broadband access in covered populations.

6 "Office" means the department's Hawaii broadband and
7 digital equity office.

8 "Program" means the digital equity grant program
9 established by this chapter.

10 "Project" means a proposed digital equity project set forth
11 in an application for grant funding authorized by this chapter.

12 "Project area" means an area that is proposed to be covered
13 in an application for grant funding authorized by this chapter.

14 **§ -2 Digital equity grant program; establishment.** There
15 is established a digital equity grant program which shall be
16 placed within the office for administrative purposes. The
17 office shall receive and review grant applications and may award
18 grants for eligible projects pursuant to the program.

19 **§ -3 Eligible projects.** To be eligible for a grant, the
20 area to be served by the project shall include covered
21 populations on the date the application is submitted.



1 **§ -4 Applicant preference.** In making awards, the office
2 shall give preference to applicants that are non-governmental
3 entities with demonstrated experience in providing digital
4 equity services to covered populations. Governmental agencies
5 may apply and shall be evaluated on a case-by-case basis.

6 **§ -5 Applications.** (a) The office shall establish an
7 annual time period during which it shall accept applications for
8 funding under the program. The time period for submission shall
9 be no less than sixty days and no more than ninety days.

10 (b) The form of the application shall be as prescribed by
11 the office and shall include:

- 12 (1) Evidence demonstrating the applicant's experience and
13 ability to plan, organize, staff, and deliver digital
14 equity services to covered populations within the
15 State;
- 16 (2) A description of the project area and covered
17 population to be served;
- 18 (3) A description of the project that is proposed to be
19 deployed, including specific goals to increase digital
20 literacy and broadband access, methods, metrics,
21 facilities, equipment, staff, and resources;



- 1 (4) A plan to tailor public awareness and outreach to
- 2 include non-English speaking covered populations with
- 3 consideration for linguistic, cultural, generational,
- 4 and literacy challenges;
- 5 (5) Evidence, including certification from the applicant,
- 6 demonstrating the nature of the current digital
- 7 inequity in the proposed project area and covered
- 8 population;
- 9 (6) The number of people in each covered population that
- 10 would gain access to broadband service as a result of
- 11 the project;
- 12 (7) The total cost and timeline for completion of the
- 13 project;
- 14 (8) The amount of matching funds that the applicant
- 15 proposes to contribute and a certification that no
- 16 portion of the matching funds are derived from any
- 17 state government grant, loan, or subsidy;
- 18 (9) Evidence demonstrating the economic feasibility of the
- 19 project;
- 20 (10) A list of all expected government authorizations,
- 21 permits, and other approvals required for the project



1 and a timeline for the applicant's acquisition of the
2 approvals;

3 (11) A certification that no other federal or state program
4 provides funding that is available to the applicant
5 for the project; and

6 (12) Any other information deemed necessary by the office.

7 **§ -6 Review of applications; confidential treatment;**

8 **approval.** (a) Within five business days following the deadline
9 to submit applications for the program, the office shall make
10 all the applications available for review in a publicly
11 available electronic file posted on the office's or department's
12 website.

13 (b) To the extent the information in an application or a
14 challenge to an application falls under one or more of the
15 exceptions to public disclosure in section 92F-13, the office
16 shall keep the information confidential upon request by:

17 (1) An applicant for confidential treatment of an
18 application, except that in no event shall a request
19 for confidentiality prevent the publicly available
20 portion of the application from including sufficient



- 1 evidence to demonstrate the requirements of
2 section -5(b)(2) and -5(b)(5); or
- 3 (2) A challenging applicant for confidential treatment of
4 a challenge submitted pursuant to this section.
- 5 (c) In reviewing applications and any challenge to an
6 application, the office shall review the proposed projects to
7 ensure that all awarded funds are used to deploy eligible
8 projects under section -3.
- 9 (d) The office shall award program grants based on a
10 scoring system that shall be released to the public at least
11 thirty days prior to the first day of the time period for the
12 submission of applications. The scoring system shall give the
13 highest weight or priority to the following:
- 14 (1) Projects proposing to serve larger covered
15 populations, with consideration to projects proposing
16 to serve smaller, difficult to access, or neglected
17 covered populations;
- 18 (2) Applicants with more experience and technical ability
19 to successfully deploy digital equity projects to
20 covered populations and more financial or other
21 resources available to assist the project;



- 1 (3) Projects for which fewer government funds and less
2 support are needed to deploy digital equity in an
3 economically feasible manner;
- 4 (4) Projects with a higher amount of matching funds
5 proposed to be committed by the applicant;
- 6 (5) Projects that do not duplicate any existing project in
7 the project area; and
- 8 (6) Other factors the office determines to be reasonable,
9 appropriate, and consistent with the purpose of
10 facilitating the deployment of projects to covered
11 populations.

12 **§ -7 Hawaii broadband and digital equity office**

13 **authority.** The office may:

- 14 (1) Consider an applicant's financial ability to complete
15 the project proposed in an application;
- 16 (2) Make reasonable requests for information necessary for
17 the oversight and administration of any project funded
18 pursuant to this chapter;
- 19 (3) Impose any new or additional regulatory requirements
20 on grant recipients, through grant agreements or any
21 other mechanism, in addition to the program



1 implementation rules expressly authorized by this
2 chapter;
3 (4) Deny or cancel a project if the office finds the
4 project will impact federal funding opportunities; and
5 (5) Following notice and an opportunity to cure, require
6 disgorgement of grant funds in response to an
7 applicant's pattern of failure to achieve digital
8 equity goals in accordance with the timelines and
9 milestones set forth in its application.

10 § -8 Rules. (a) The department shall adopt rules
11 pursuant to chapter 91 to effectuate the purposes of this
12 chapter.

13 (b) The rules shall:
14 (1) Include reasonable oversight and reporting provisions
15 to ensure that grant moneys are used as intended; and
16 (2) Not impose any financial penalty or liquidated damages
17 provisions or provisions that are not reasonably
18 related to the deployment of programs in the State in
19 accordance with this chapter."

20 SECTION 3. Within six months after the effective date of
21 this Act, the department of business, economic development, and



1 tourism shall adopt rules pursuant to chapter 91 and
2 section -8, Hawaii Revised Statutes, to implement the digital
3 equity grant program; provided that any rules adopted pursuant
4 to this section shall include rules regarding the submission,
5 review, and approval of applications; administration of the
6 projects funded; and grant agreements memorializing the award of
7 funds.

8 SECTION 4. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$5,000,000 or so much
10 thereof as may be necessary for fiscal year 2023-2024 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2024-2025 for the digital equity grant program established by
13 this Act.

14 The sums appropriated shall be expended by the department
15 of business, economic development, and tourism for the purposes
16 of this Act.

17 SECTION 5. This Act shall take effect on June 30, 3000.



Report Title:

Digital Equity Grant Program; Digital Literacy; Broadband Access; Department of Business, Economic Development, and Tourism; Hawaii Broadband and Digital Equity Office; Appropriation

Description:

Establishes the digital equity grant program to award grants to applicants to deploy digital equity projects to covered populations in the State. Appropriates funds. Effective 6/30/3000. (HD1)

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