
A BILL FOR AN ACT

RELATING TO THE HAWAII BROADBAND AND DIGITAL EQUITY OFFICE.

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

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

9 The legislature also finds that digital equity has meant
10 the difference between an employee being able to work remotely
11 and an employee possibly facing unemployment. Additionally,
12 digital literacy and broadband access are critical tools for
13 persons seeking to access social services such as unemployment
14 claims, supplemental nutrition assistance program benefits,
15 vital records, and other essential government, educational, and
16 medical services.



DIGITAL EQUITY GRANT PROGRAM

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§ -1 Definitions. As used in this chapter, unless the context requires otherwise:

"Broadband" means high-speed internet access that is always on, including mobile and fixed technologies.

"Covered household" means a family whose household income for the most recent calendar year is not more than two hundred per cent of the federal poverty level.

"Covered populations" means:

- (1) Individuals who live in covered households;
- (2) Individuals aged sixty years and older;
- (3) Incarcerated individuals, other than individuals who are incarcerated in a federal correctional facility;
- (4) Veterans;
- (5) Individuals having disabilities;
- (6) Individuals having a language barrier, including individuals who:
 - (A) Are English as a second language learners; or
 - (B) Have low levels of literacy;
- (7) Individuals who are members of a racial or ethnic minority group;



1 (8) Individuals who primarily reside in a rural area; and

2 (9) Homeless or unsheltered individuals.

3 "Department" means the department of business, economic
4 development, and tourism.

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

8 "Digital equity services" means a service that increases
9 digital literacy in broadband access for covered populations.

10 "Digital literacy" means the skills associated with using
11 technology to enable users to find, evaluate, organize, create,
12 and communicate information.

13 "Office" means the Hawaii broadband and digital equity
14 office.

15 "Program" means the digital equity grant program
16 established by this chapter.

17 "Project" means a digital equity project set forth in an
18 application for grant funding authorized under this chapter.

19 "Project area" means an area that is proposed to be covered
20 in an application for grant funding authorized under this
21 chapter.



1 "Rural area" means an area that qualifies as rural pursuant
2 to a federal definition. If an area does not qualify as rural
3 pursuant to a federal definition, the following definitions may
4 be used for determining the area's rural status for the purposes
5 of this chapter:

6 (1) Any island with a population density equal to or less
7 than five hundred people per square mile; or

8 (2) For an island whose population density exceeds five
9 hundred people per square mile, an area within the
10 island shall be considered rural if it is within a zip
11 code tabulation area with a population density below
12 eight hundred people per square mile as determined by
13 the population of the last official census and using
14 the entire zip code tabulation area as determined by
15 the United States Census Bureau.

16 "State digital equity plan" means the digital equity
17 strategies and implementation plan developed by the office.

18 § -2 Digital equity grant program; establishment. There
19 is established the digital equity grant program to be
20 implemented and administered by the office. The office shall



1 receive and review grant applications and may award grants for
2 eligible projects pursuant to the program.

3 § -3 **Eligible projects.** The office may award grants for
4 eligible projects; provided that on the date the application is
5 submitted, the project areas to be served by the project shall
6 include covered populations. The eligible projects may include
7 projects that further develop and promote digital literacy,
8 broadband affordability, digital navigators, access to digital
9 devices, wireless community networks, and other innovative
10 digital inclusion projects.

11 § -4 **Applicant preference.** In making awards, the office
12 shall give preference to applicants that are nonprofit, non-
13 governmental entities that have demonstrated experience in
14 providing digital equity services to covered populations.
15 Governmental agencies may apply and shall be evaluated on a case
16 by case basis.

17 § -5 **Applications.** (a) The office shall establish an
18 annual time period during which it shall accept applications for
19 grant funding under the program. The time period for accepting
20 applications shall be not less than sixty days and not more than
21 ninety days.



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

3 (1) Evidence demonstrating the applicant's experience and
4 ability to plan, organize, staff, and deliver digital
5 equity services to covered populations within the
6 State;

7 (2) A description of the project area and covered
8 population to be served;

9 (3) A description of the project that is proposed to be
10 deployed, including specific measurable goals to
11 increase digital literacy and broadband access,
12 methods, metrics, facilities, equipment, staff, and
13 resources;

14 (4) A plan to tailor public awareness and outreach to
15 include non-English speaking covered populations with
16 consideration for linguistic, cultural, generational,
17 and literacy challenges;

18 (5) Evidence that is certified by the applicant and
19 demonstrates the nature of the current digital
20 inequity in the proposed project area and covered
21 population;



- 1 (6) The number of people in each covered population that
- 2 would gain access to broadband services as a result of
- 3 the project;
- 4 (7) The total cost and timeline for completion of the
- 5 project;
- 6 (8) The amount of matching funds that the applicant
- 7 proposes to contribute and a certification that no
- 8 portion of the matching funds are derived from any
- 9 state government grant, loan, or subsidy;
- 10 (9) Evidence demonstrating the economic feasibility of the
- 11 project;
- 12 (10) A direct linkage to the state digital equity plan;
- 13 (11) A certification that no other funding from any federal
- 14 or state program is available to the applicant for the
- 15 project;
- 16 (12) A certification that all activities undertaken for the
- 17 project shall comply with all applicable federal,
- 18 state, and county laws;
- 19 (13) A certification that the applicant shall indemnify and
- 20 hold harmless the State and its officers, agents, and
- 21 employees from and against any and all claims arising



1 out of or resulting from the project and procure
2 sufficient insurance to provide this indemnification
3 if requested to do so by the office; provided that
4 this paragraph shall not apply to projects undertaken
5 by state government agencies;

6 (14) A certification that the grant shall be used
7 exclusively for the purposes of the project and not to
8 be used for purposes of entertainment or perquisites,
9 including lobbying activities;

10 (15) A certification that the applicant shall agree to make
11 available to the office all records the applicant may
12 have relating to the grant, for the office to monitor
13 the applicant's compliance with this chapter and rules
14 adopted pursuant to this chapter; and

15 (16) Any other information deemed necessary by the office.

16 § -6 **Review of applications; approval.** (a) Within five
17 business days following the deadline to submit applications for
18 the program, the office shall make all the applications
19 available for review in a publicly available electronic file
20 posted on the office or department's website.



1 (b) In reviewing applications and any challenges to the
2 applications, the office shall review the projects to ensure
3 that all awarded funds are to be used to deploy eligible
4 projects pursuant to section -3.

5 (c) The office shall award program grants based on a
6 scoring system that shall be released to the public at least
7 thirty days prior to the first day of the time period for the
8 submission of applications. The scoring system shall give the
9 highest weight or priority to the following:

- 10 (1) Projects proposing to serve larger covered
11 populations, with consideration to projects proposing
12 to serve difficult to access areas, neglected covered
13 populations, or both;
- 14 (2) Applicants with more experience and technical ability
15 to successfully deploy digital equity projects to
16 covered populations and more financial or other
17 resources available to assist the projects;
- 18 (3) Projects for which fewer government funds and less
19 support are necessary to deploy digital equity in an
20 economically feasible manner;



- 1 (4) Projects with a higher percentage of matching funds
- 2 proposed to be committed by the applicant;
- 3 (5) Projects that do not duplicate any existing digital
- 4 equity project in the project area; and
- 5 (6) Other factors the office determines to be reasonable,
- 6 appropriate, and consistent with the purposes of the
- 7 program.

8 **§ -7 Authority of the office.** The office may:

- 9 (1) Following notice and an opportunity to cure, require
- 10 disgorgement of grant funds in response to an
- 11 applicant's or a grant recipient's pattern of failure
- 12 to implement a project in accordance with the
- 13 timelines and milestones set forth in its application;
- 14 (2) Consider an applicant's or a grant recipient's
- 15 financial ability to complete the project proposed in
- 16 an application;
- 17 (3) Request and inspect any records and information of a
- 18 grant recipient necessary for the oversight and
- 19 administration of any project funded pursuant to this
- 20 chapter;



1 (4) Impose any new or additional compliance requirements
2 on grant recipients, through grant agreements or any
3 other mechanism, in addition to rules adopted pursuant
4 to section -8; and

5 (5) Deny or cancel a project if the office finds the
6 project will impact federal funding opportunities.

7 § -8 Rules. (a) The department shall adopt rules
8 pursuant to chapter 91 to effectuate the purposes of this
9 chapter.

10 (b) The rules shall:

11 (1) Include reasonable oversight and reporting provisions
12 to ensure that grant moneys are used as intended; and

13 (2) Not impose any financial penalty or liquidated damages
14 provisions or provisions that are not reasonably
15 related to the deployment of projects in the State in
16 accordance with this chapter.

17 (c) Before January 1, 2025, the department shall adopt
18 rules pursuant to this section to implement the digital equity
19 grant program; provided that any rules adopted pursuant to this
20 subsection shall include rules regarding the submission, review,



1 and approval of applications; administration of the projects
2 funded; and grant agreements memorializing the award of funds."

3 SECTION 3. This Act shall take effect on January 1, 2060.



Report Title:

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

Description:

Establishes the Digital Equity Grant Program to award grants to
applicants to deploy digital equity projects to covered
populations in the State. Takes effect 1/1/2060. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

