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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 every community across the State is essential to the well-being 2 and economic reality of the State's residents. The need for 3 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 adverse effect in many areas, but particularly for rural and socio-economically 7 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.

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1	The legislature further finds that digital equity in the
2	State will enhance Hawaii's overall economic development and
3	education, health care, and emergency services. Making grants
4	available to achieve digital equity for disadvantaged
5	populations will move the State toward universal access to
6	broadband services.
7	The legislature strongly supports efforts to improve
8	digital equity for residents, consumers, and businesses across
9	the State.
10	The purpose of this Act is to:
11	(1) Identify and address any remaining obstacles to
12	digital equity in all areas of the State; and
13	(2) Establish the digital equity grant program to award
14	grants and create an environment in which all
15	individuals and communities in the State have the
16	information technology capacity needed for full
17	participation in society, democracy, and the economy.
18	SECTION 2. The Hawaii Revised Statutes is amended by
19	adding a new chapter to title 13 to be appropriately designated
20	and to read as follows:
• •	

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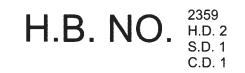
"CHAPTER

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	DIGITAL EQUITY GRANT PROGRAM
\$	-1 Definitions. As used in this chapter, unless the
context r	equires otherwise:
"Bro	adband" means high-speed internet access that is always
on, inclu	ding mobile and fixed technologies.
"Bro	adband infrastructure" has the same meaning as defined
in sectio	n 206R-1.
"Cov	ered household" means a family whose household income
for the m	ost recent calendar year is no more than two hundred
per cent	of the federal poverty level.
"Cov	ered 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 with disabilities;
(6)	Individuals who have a language barrier, including
	individuals who:
	(A) Are English as a second language learners; or
	(B) Have low levels of literacy;
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1	(7) Individuals who are members of a racial or ethnic
2	minority group;
3	(8) Individuals who primarily reside in a rural area; and
4	(9) Homeless or unsheltered individuals.
5	"Department" means the department of business, economic
6	development, and tourism.
7	"Digital equity" means a condition in which all individuals
8	and communities have the information technology capacity needed
9	for full participation in society, democracy, and the economy.
10	"Digital equity services" means services that increase
11	digital literacy in broadband access for covered populations.
12	"Digital literacy" means the skills associated with using
13	technology to enable users to find, evaluate, organize, create,
14	and communicate information.
15	"Office" means the Hawaii broadband and digital equity
16	office.
17	"Program" means the digital equity grant program
18	established by this chapter.
19	"Project" means a digital equity project set forth in an
20	application for grant funding authorized under this chapter.

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1 "Project area" means an area that is proposed to be covered 2 in an application for grant funding authorized under this 3 chapter. 4 "Rural area" means an area that qualifies as rural pursuant 5 to a federal definition. If an area does not qualify as rural 6 pursuant to a federal definition, the following definitions may 7 be used for determining the area's rural status for the purposes

- 8 of this chapter:
- 9 (1) Any island with a population density fewer than or
 10 equal to five hundred residents per square mile shall
 11 be considered rural; and
- 12 (2) If an island's population density exceeds five hundred 13 residents per square mile, an area within the island 14 shall be considered rural if it is within a zip code tabulation area with a population density below eight 15 16 hundred residents per square mile, as determined by 17 the population of the last official census and using 18 the entire zip code tabulation area as determined by 19 the United States Census Bureau.
- 20 "State digital equity plan" means the digital equity21 strategies and implementation plan developed by the office.

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\$ -2 Digital equity grant program; establishment. There
 is established the digital equity grant program to be
 implemented and administered by the office. The office shall
 receive and review grant applications and may award grants for
 eligible projects pursuant to the program.

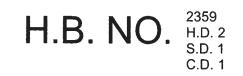
6 -3 Eligible projects. The office may award grants for S 7 eligible projects; provided that on the date the application is 8 submitted, the project areas to be served by the project shall 9 include covered populations. The eligible projects may include 10 projects that further develop and promote digital literacy, 11 broadband affordability, digital navigators, access to digital 12 devices, broadband service subscription costs, wifi routers, access points, and other innovative digital inclusion projects. 13 14 Projects that include the deployment of broadband infrastructure 15 shall be ineligible.

16 § -4 Applicant preference. In making awards, the office
17 shall give preference to applicants that are nonprofit, non18 governmental entities that have demonstrated experience in
19 providing digital equity services to covered populations.
20 Governmental agencies may apply and shall be evaluated on a
21 case-by-case basis.

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1	S	-5 Applications. (a) The office shall establish an
2	annual ti	me period during which it shall accept applications for
3	funding u	nder the program. The time period for accepting
4	applicati	ons shall be no less than sixty days and no more than
5	ninety da	ys.
6	(b)	The form of the application shall be as prescribed by
7	the offic	e, and the application shall include:
8	(1)	Evidence demonstrating the applicant's experience and
9		ability to plan, organize, staff, and deliver digital
10		equity services to covered populations within the
11		State;
12	(2)	A description of the project area and covered
13		population to be served;
14	(3)	A description of the project that is proposed to be
15		deployed, including specific measurable goals to
16		increase digital literacy and broadband access,
17		methods, metrics, facilities, equipment, staff, and
18		resources;
19	(4)	A plan to tailor public awareness and outreach to
20		include non-English-speaking covered populations with



1		consideration for linguistic, cultural, generational,
2		and literacy challenges;
3	(5)	Evidence that is certified by the applicant and
4		demonstrates the nature of the current digital
5		inequity in the proposed project area and covered
6		population;
7	(6)	The number of individuals in each covered population
8		that would gain access to broadband services as a
9		result of the project;
10	(7)	The total cost and timeline for completion of the
11		project;
12	(8)	The amount of matching funds that the applicant
13		proposes to contribute and a certification that no
14		portion of the matching funds are derived from any
15		state government grant, loan, or subsidy;
16	(9)	Evidence demonstrating the economic feasibility of the
17		project;
18	(10)	A direct linkage to the state digital equity plan;
19	(11)	A certification that no other funding from any federal
20		or state program is available to the applicant for the
21		project;

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1	(12)	A certification that all activities undertaken for the
2		project shall comply with all applicable federal,
3		state, and county laws;
4	(13)	A certification that the applicant shall indemnify and
5		hold harmless the State and its officers, agents, and
6		employees from and against any and all claims arising
7		out of or resulting from the project and procure
8		sufficient insurance to provide this indemnification
9		if requested to do so by the office; provided that
10		this paragraph shall not apply to projects undertaken
11		by state government agencies;
12	(14)	A certification that the grant shall be used
13		exclusively for the purposes of the project and not to
14		be used for purposes of entertainment or perquisites,
15		including lobbying activities;
16	(15)	A certification that the applicant shall agree to make
17		available to the office all records the applicant may
18		have relating to the grant for the office to monitor
19		the applicant's compliance with this chapter and rules
20		adopted pursuant to this chapter; and
21	(16)	Any other information deemed necessary by the office.

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

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

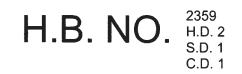
10 (c) The office shall award program grants based on a
11 scoring system that shall be released to the public at least
12 thirty days before the first day of the time period for the
13 submission of applications. The scoring system shall give the
14 highest weight or priority to the following:

15 (1) Projects proposing to serve larger covered
16 populations, with consideration to projects proposing
17 to serve difficult to access areas, neglected covered
18 populations, or both;

19 (2) Applicants with more experience and technical ability20 to successfully deploy digital equity projects to



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1		covered populations and more financial or other
2		resources available to assist the projects;
3	(3)	Projects for which fewer government funds and less
4		support are necessary to deploy digital equity in an
5		economically feasible manner;
6	(4)	Projects with a higher percentage of matching funds
7		proposed to be committed by the applicant;
8	(5)	Projects that do not duplicate any existing digital
9		equity project in the project area; and
10	(6)	Other factors the office determines to be reasonable,
11		appropriate, and consistent with the purposes of the
12		program.
13	S	-7 Authority of the office. The office may:
14	(1)	Following notice and an opportunity to cure, require
15		disgorgement of grant funds in response to an
16		applicant's or a grant recipient's pattern of failure
17		
		to implement a project in accordance with the
18		to implement a project in accordance with the timelines and milestones set forth in its application;
18 19	(2)	
	(2)	timelines and milestones set forth in its application;

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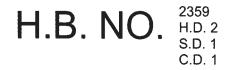
1	(3)	Request and inspect any records and information of a
2		grant recipient necessary for the oversight and
3		administration of any project funded pursuant to this
4		chapter;
5	(4)	Impose any new or additional compliance requirements
6		on grant recipients, through grant agreements or any
7		other mechanism, in addition to rules adopted pursuant
8		to section -8 ; and
9	(5)	Deny or cancel a project if the office finds the
10		project will affect federal funding opportunities.
11	§	-8 Rules. (a) The department shall adopt rules
12	pursuant	to chapter 91 to implement this 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
		mee impose and interest penaled of induced damaged
17		provisions or provisions that are not reasonably
17 18		
		provisions or provisions that are not reasonably
18	(c)	provisions or provisions that are not reasonably related to the deployment of projects in the State in accordance with this chapter.

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1 grant program; provided that any rules adopted pursuant to this 2 subsection shall include rules regarding the submission, review, 3 and approval of applications; administration of the projects 4 funded; and grant agreements memorializing the award of funds." 5 SECTION 3. This Act shall take effect upon its approval.





Report Title:

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

Description:

Establishes the Digital Equity Grant Program to award grants to applicants to deploy digital equity projects to covered populations in the State. (CD1)

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

