

DIGITAL OPPORTUNITY ACCESS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill implements measures to increase broadband infrastructure, digital access, and digital equity.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Digital Equity Program (program) within the State Library Division (division);
- ▶ describes the program objectives and activities;
- ▶ grants rulemaking authority to the division to accomplish program objectives; and
- ▶ designates the broadband director within the Governor's Office of Economic

Development to coordinate the development of broadband infrastructure.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-7-205, as last amended by Laws of Utah 2017, Chapter 48

63N-3-501, as enacted by Laws of Utah 2018, Chapter 182



28 ENACTS:

29 **9-7-218**, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **9-7-205** is amended to read:

33 **9-7-205. Duties of board and director.**

34 (1) The board shall:

35 (a) promote, develop, and organize a state library and make provisions for [its] the state
36 library's housing;

37 (b) promote and develop library services throughout the state in cooperation with other
38 state or municipal libraries, schools, or other agencies wherever practical;

39 (c) promote the establishment of district, regional, or multicounty libraries as
40 conditions within particular areas of the state may require;

41 (d) supervise the books and materials of the state library and require the keeping of
42 careful and complete records of the condition and affairs of the state library;

43 (e) establish policies for the administration of the division and for the control,
44 distribution, and lending of books and materials to those libraries, institutions, groups, or
45 individuals entitled to them under this chapter;

46 (f) serve as the agency of the state for the administration of state or federal funds that
47 may be appropriated to further library development within the state;

48 (g) aid and provide general advisory assistance in the development of statewide school
49 library service and encourage contractual and cooperative relations between school and public
50 libraries;

51 (h) give assistance, advice, and counsel to all tax-supported libraries within the state
52 and to all communities or persons proposing to establish a tax-supported library and conduct
53 courses and institutes on the approved methods of operation, selection of books, or other
54 activities necessary to the proper administration of a library;

55 (i) furnish or contract for the furnishing of library or information service to state
56 officials, state departments, or any groups that in the opinion of the director warrant the
57 furnishing of those services, particularly through the facilities of traveling libraries to those
58 parts of the state otherwise inadequately supplied by libraries;

59 (j) where sufficient need exists and if the director considers it advisable, establish and
60 maintain special departments in the state library to provide services for the blind, visually
61 impaired, persons with disabilities, and professional, occupational, and other groups;

62 (k) administer a depository library program by collecting state publications, and
63 providing a bibliographic information system;

64 (l) require the collection of information and statistics necessary to the work of the state
65 library and the distribution of findings and reports;

66 (m) make any report concerning the activities of the state library to the governor as the
67 governor may require; and

68 (n) develop standards for public libraries.

69 (2) The director shall, under the policy direction of the board[-];

70 (a) carry out the responsibilities under Subsection (1)[-]; and

71 (b) appoint the director of digital equity and oversee the Digital Equity Program as
72 described in Section 9-7-218.

73 Section 2. Section 9-7-218 is enacted to read:

74 **9-7-218. Digital Equity Program -- Definitions -- Creation -- Objectives --**

75 **Administration -- Activities.**

76 (1) As used in this section:

77 (a) "Digital access" means access to an Internet connection and computing device.

78 (b) "Digital divide" means the difference between the opportunities and resources
79 available to individuals who have digital access and individuals who lack digital access.

80 (c) "Digital equity" means the condition of individuals and communities having the
81 capacity and sufficient resources for full participation in the economy, democracy, and society.

82 (d) "Digital literacy" means an individual's ability to find, evaluate, and compose clear
83 information through the use of information and communication technology.

84 (e) (i) "Information and communication technology" means technology related to
85 digital access.

86 (ii) "Information and communication technology" includes:

87 (A) hardware;

88 (B) the Internet;

89 (C) broadcast technology other than the Internet; and

- 90 (D) software.
- 91 (f) "Hardware" includes:
- 92 (i) a desktop computer;
- 93 (ii) a laptop computer;
- 94 (iii) a smartphone; or
- 95 (iv) a tablet.
- 96 (g) "Program" means the Digital Equity Program created in this section.
- 97 (2) There is created within the division the Digital Equity Program, administered by the
- 98 director of digital equity.
- 99 (3) (a) The director of digital equity, under the general supervision of the division
- 100 director, shall direct the program.
- 101 (b) The director of digital equity shall have experience in digital literacy or other
- 102 experience related to addressing the digital divide.
- 103 (4) The director of digital equity shall seek to accomplish the following objectives
- 104 through administration of the program:
- 105 (a) promoting digital access, digital literacy, and digital safety;
- 106 (b) in coordination with the broadband director described in Section [63N-3-501](#) and the
- 107 Utah Education and Telehealth Network described in Section [53B-17-105](#), promoting the
- 108 development of broadband Internet and soliciting input on strategies to increase access to and
- 109 the adoption of broadband Internet;
- 110 (c) providing statewide strategic leadership and coordination related to digital access;
- 111 and
- 112 (d) building the local capacity to increase digital access and digital literacy.
- 113 (5) The program shall target the activities described in Subsection (4) to individuals
- 114 most affected by the digital divide, including individuals who:
- 115 (a) live in rural areas;
- 116 (b) have disabilities;
- 117 (c) are senior citizens;
- 118 (d) are Native Americans;
- 119 (e) have economic barriers to digital resources;
- 120 (f) are homeless; or

- 121 (g) are refugees.
- 122 (6) When developing methods and partnerships necessary to accomplish the objectives
 123 described in Subsection (4), the director of digital equity shall seek the expertise and input of
 124 the broadband director and other stakeholders and community partners including:
- 125 (a) the telecommunications industry;
- 126 (b) the Utah Education and Telehealth Network;
- 127 (c) the Utah State Board of Education;
- 128 (d) school districts;
- 129 (e) the Department of Transportation;
- 130 (f) the Legislature;
- 131 (g) the judiciary;
- 132 (h) local government;
- 133 (i) the disability advocacy community; and
- 134 (j) advocates for low-income housing.
- 135 (7) The division shall provide administrative services to the program.
- 136 (8) To accomplish the objectives described in Subsection (4), the division shall:
- 137 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 138 Rulemaking Act; and
- 139 (b) enter into agreements with and coordinate the activities of government agencies,
 140 the Governor's Office of Economic Development, the Utah Education and Technology
 141 Network, the Department of Transportation, and other entities as necessary to carry out the
 142 program.
- 143 Section 3. Section **63N-3-501** is amended to read:
- 144 **63N-3-501. Broadband director -- Infrastructure and broadband coordination.**
- 145 (1) (a) The executive director shall appoint a broadband director.
- 146 (b) The broadband director, under the direction of the executive director, shall work
 147 with community partners to expand and improve broadband infrastructure and adoption of
 148 broadband in the state.
- 149 ~~[(+)]~~ (2) [The office] The broadband director, shall partner with the Automated
 150 Geographic Reference Center created in Section **63F-1-506** to collect and maintain a database
 151 and interactive map that displays economic development data statewide, including:

- 152 (a) voluntarily submitted broadband availability, speeds, and other broadband data;
 - 153 (b) voluntarily submitted public utility data;
 - 154 (c) workforce data, including information regarding:
 - 155 (i) enterprise zones designated under Section 63N-2-206;
 - 156 (ii) business resource centers;
 - 157 (iii) public institutions of higher education; and
 - 158 (iv) procurement technical assistance centers;
 - 159 (d) transportation data, which may include information regarding railway routes,
160 commuter rail routes, airport locations, and major highways;
 - 161 (e) lifestyle data, which may include information regarding state parks, national parks
162 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;
163 and
 - 164 (f) other relevant economic development data as determined by the office, including
165 data provided by partner organizations.
- 166 ~~[(2)]~~ (3) ~~[The office]~~ The broadband director may:
- 167 (a) make recommendations to state and federal agencies, local governments, the
168 governor, and the Legislature regarding policies and initiatives that promote the development
169 of broadband-related infrastructure in the state and help implement those policies and
170 initiatives;
 - 171 (b) facilitate coordination between broadband providers and public and private entities;
 - 172 (c) collect and analyze data on broadband availability and usage in the state, including
173 Internet speed, capacity, the number of unique visitors, and the availability of broadband
174 infrastructure throughout the state;
 - 175 (d) create a voluntary broadband advisory committee, which shall include broadband
176 providers and other public and private stakeholders, to solicit input on broadband-related policy
177 guidance, best practices, and adoption strategies;
 - 178 (e) work with broadband providers, state and local governments, and other public and
179 private stakeholders to facilitate and encourage the expansion and maintenance of broadband
180 infrastructure throughout the state; and
 - 181 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds
182 Procedures Act, and in accordance with federal requirements:

- 183 (i) apply for federal grants;
- 184 (ii) participate in federal programs; and
- 185 (iii) administer federally funded broadband-related programs.
- 186 (4) The broadband director shall coordinate with the director of digital equity to make
- 187 recommendations for and facilitate the objectives of the Digital Equity Program created in
- 188 Section [9-7-218](#).