

**Representative Keven J. Stratton** proposes the following substitute bill:

**DIGITAL OPPORTUNITY ACCESS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Scott D. Sandall

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**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; and
- ▶ grants rulemaking authority to the division to accomplish program objectives.

**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

ENACTS:



26 9-7-218, Utah Code Annotated 1953



27  
28 *Be it enacted by the Legislature of the state of Utah:*

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

30 **9-7-205. Duties of board and director.**

31 (1) The board shall:

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

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

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

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

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

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

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

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

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

56 (j) where sufficient need exists and if the director considers it advisable, establish and

57 maintain special departments in the state library to provide services for the blind, visually  
58 impaired, persons with disabilities, and professional, occupational, and other groups;

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

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

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

65 (n) develop standards for public libraries.

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

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

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

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

71 **9-7-218. Digital Equity Program -- Definitions -- Creation -- Objectives --**

72 **Administration -- Activities.**

73 (1) As used in this section:

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

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

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

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

81 (e) (i) "Information and communication technology" means technology related to  
82 digital access.

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

84 (A) hardware;

85 (B) the Internet;

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

87 (D) software.

88 (f) "Hardware" includes:

89 (i) a desktop computer;

90 (ii) a laptop computer;

91 (iii) a smartphone; or

92 (iv) a tablet.

93 (g) "Program" means the Digital Equity Program created in this section.

94 (2) There is created within the division the Digital Equity Program, administered by the  
95 director of digital equity.

96 (3) (a) The director of digital equity, under the general supervision of the division  
97 director, shall direct the program.

98 (b) The director of digital equity shall have experience in digital literacy or other  
99 experience related to addressing the digital divide.

100 (4) The director of digital equity shall seek to accomplish the following objectives  
101 through administration of the program:

102 (a) promoting digital access, digital literacy, and digital safety;

103 (b) in coordination with the Governor's Office of Economic Development and the Utah  
104 Education and Telehealth Network described in Section [53B-17-105](#), promoting the  
105 development of broadband Internet and soliciting input on strategies to increase access to and  
106 the adoption of broadband Internet;

107 (c) providing statewide strategic leadership and coordination related to digital access;

108 (d) building the local capacity to increase digital access and digital literacy; and

109 (e) in collaboration with the stakeholders described in Subsection (6), developing a  
110 plan to promote statewide digital equity that includes the following elements:

111 (i) an assessment of areas and populations with high need of digital access;

112 (ii) an assessment of opportunities for providing digital access to the areas and  
113 populations described in subsection (4)(e)(i);

114 (iii) a proposed set of statewide objectives for state entities to prioritize and promote  
115 digital equity;

116 (iv) a process to document and provide a central point of access for local best practices  
117 related to increasing digital equity; and

118 (v) based on the elements described in Subsections (i) through (iv), a list of policy

119 options for the state.

120 (5) The program shall target the activities described in Subsection (4) to individuals  
121 most affected by the digital divide, including individuals who:

122 (a) live in rural areas;

123 (b) have disabilities;

124 (c) are senior citizens;

125 (d) are Native Americans;

126 (e) have economic barriers to digital resources;

127 (f) are homeless; or

128 (g) are refugees.

129 (6) When developing methods and partnerships necessary to accomplish the objectives  
130 described in Subsection (4), the director of digital equity shall seek the expertise and input of  
131 the Governor's Office of Economic Development and other stakeholders and community  
132 partners including:

133 (a) the telecommunications industry;

134 (b) the Utah Education and Telehealth Network;

135 (c) the Utah State Board of Education;

136 (d) school districts;

137 (e) the Department of Transportation;

138 (f) the Legislature;

139 (g) the judiciary;

140 (h) local government;

141 (i) the disability advocacy community; and

142 (j) advocates for low-income housing.

143 (7) The division shall provide administrative services to the program.

144 (8) To accomplish the objectives described in Subsection (4), the division shall:

145 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
146 Rulemaking Act; and

147 (b) enter into agreements with and coordinate the activities of government agencies,  
148 the Governor's Office of Economic Development, the Utah Education and Technology  
149 Network, the Department of Transportation, and other entities as necessary to carry out the

150 program.

151 (9) (a) The division shall present the plan described in Subsection (4)(e) to the Public  
152 Utilities, Energy, and Technology Interim Committee on or before November 1, 2021.

153 (b) Upon receipt of the plan described in Subsection (4)(e), the Public Utilities, Energy,  
154 and Technology Interim Committee may:

155 (i) review the plan and provide feedback; and

156 (ii) make recommendations for legislation based on the plan.