

HB0304S02 compared with HB0304S01

~~text~~ shows text that was in HB0304S01 but was deleted in HB0304S02.

text shows text that was not in HB0304S01 but was inserted into HB0304S02.

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Representative ~~Jennifer Dailey-Provost~~ 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

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:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

9-7-218, Utah Code Annotated 1953

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

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

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

- (1) The board shall:
 - (a) promote, develop, and organize a state library and make provisions for [its] the state library's housing;
 - (b) promote and develop library services throughout the state in cooperation with other state or municipal libraries, schools, or other agencies wherever practical;
 - (c) promote the establishment of district, regional, or multicounty libraries as conditions within particular areas of the state may require;
 - (d) supervise the books and materials of the state library and require the keeping of careful and complete records of the condition and affairs of the state library;
 - (e) establish policies for the administration of the division and for the control, distribution, and lending of books and materials to those libraries, institutions, groups, or individuals entitled to them under this chapter;
 - (f) serve as the agency of the state for the administration of state or federal funds that may be appropriated to further library development within the state;
 - (g) aid and provide general advisory assistance in the development of statewide school library service and encourage contractual and cooperative relations between school and public libraries;
 - (h) give assistance, advice, and counsel to all tax-supported libraries within the state and to all communities or persons proposing to establish a tax-supported library and conduct

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courses and institutes on the approved methods of operation, selection of books, or other activities necessary to the proper administration of a library;

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

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

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

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

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

(n) develop standards for public libraries.

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

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

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

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

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

Administration -- Activities.

(1) As used in this section:

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

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

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

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

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

(ii) "Information and communication technology" includes:

(A) hardware;

(B) the Internet;

(C) broadcast technology other than the Internet; and

(D) software.

(f) "Hardware" includes:

(i) a desktop computer;

(ii) a laptop computer;

(iii) a smartphone; or

(iv) a tablet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) based on the elements described in Subsections (i) through (iv), a list of policy options for the state.

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

(a) live in rural areas;

(b) have disabilities;

(c) are senior citizens;

(d) are Native Americans;

(e) have economic barriers to digital resources;

(f) are homeless; or

(g) are refugees.

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

(a) the telecommunications industry;

(b) the Utah Education and Telehealth Network;

(c) the Utah State Board of Education;

(d) school districts;

(e) the Department of Transportation;

(f) the Legislature;

(g) the judiciary;

(h) local government;

(i) the disability advocacy community; and

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(j) advocates for low-income housing.

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

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

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

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

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

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

(i) review the plan and provide feedback; and

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