

1                                   **DIGITAL OPPORTUNITY ACCESS AMENDMENTS**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Jennifer Dailey-Provost**

5                                   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill creates the Division of Digital Access and Opportunity within the Department  
10 of Heritage and Arts.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ creates the Division of Digital Access and Opportunity (the division) within the  
15 Department of Heritage and Arts;
- 16           ▶ describes the division's responsibilities;
- 17           ▶ provides for the appointment of a division director;
- 18           ▶ provides that the division may establish a foundation; and
- 19           ▶ creates an expendable special revenue fund.

20 **Money Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           None

24 **Utah Code Sections Affected:**

25 ENACTS:

26           **9-23-101**, Utah Code Annotated 1953

27           **9-23-102**, Utah Code Annotated 1953



28 [9-23-201](#), Utah Code Annotated 1953  
 29 [9-23-202](#), Utah Code Annotated 1953  
 30 [9-23-203](#), Utah Code Annotated 1953



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

33 **CHAPTER 23. DIVISION OF DIGITAL ACCESS AND OPPORTUNITY**

34 **Part 1. General Provisions**

35 Section 1. Section **9-23-101** is enacted to read:

36 **9-23-101. Title.**

37 This chapter is known as "Division of Digital Access and Opportunity."

38 Section 2. Section **9-23-102** is enacted to read:

39 **9-23-102. Definitions.**

40 As used in this chapter:

41 (1) "Digital access" means having access to an Internet connection and computing  
42 device.

43 (2) "Digital equity" means the condition of individuals and communities having the  
44 capacity and sufficient resources for full participation in a 21st century economy, democracy,  
45 and society.

46 (3) "Digital literacy" means the ability to use information and communication  
47 technology to find, evaluate, create, and communicate information, requiring both cognitive  
48 and technical skills.

49 (4) "Division" means the Division of Digital Access and Opportunity created in  
50 Section [9-23-201](#).

51 (5) "Division director" means the director of the division.

52 (6) "Information and communication technology" means technology related to digital  
53 access, including:

54 (a) hardware, including:

55 (i) a desktop computer;

56 (ii) a laptop computer;

57 (iii) a smartphone; or

58 (iv) a tablet;

- 59 (b) the Internet;
- 60 (c) broadcast technology other than the Internet; and
- 61 (d) software.

62 Section 3. Section **9-23-201** is enacted to read:

63 **Part 2. Division of Digital Access and Opportunity**

64 **9-23-201. Creation of division -- Powers and duties -- Division director.**

65 (1) There is created within the department the Division of Digital Access and  
66 Opportunity.

67 (2) The division is under the policy direction of the division director under the general  
68 supervision of the executive director.

69 (3) The division shall implement programs and policies to address digital equity by:

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

71 (b) in coordination with the Utah Education and Telehealth Network described in

72 Section [53B-17-105](#), increasing access to broadband Internet;

73 (c) providing statewide strategic leadership and coordination related to digital  
74 opportunity and access;

75 (d) in coordination with the Governor's Office of Economic Development's activities  
76 related to broadband Internet described in Section [63N-3-501](#), promoting the development of  
77 broadband Internet and soliciting input on strategies to increase the adoption of broadband  
78 Internet; and

79 (e) building local capacity to increase digital access and digital literacy.

80 (4) The division shall target the activities described in Subsection (3) to individuals  
81 most affected by the digital divide, including individuals who:

82 (a) live in rural areas;

83 (b) have disabilities;

84 (c) are senior citizens;

85 (d) are Native Americans;

86 (e) are homeless; or

87 (f) are refugees.

88 (5) The executive director shall appoint a division director who has experience in  
89 digital literacy or other experience related to addressing the digital divide.

90 Section 4. Section **9-23-202** is enacted to read:

91 **9-23-202. Foundation.**

92 (1) The division may establish a foundation to address digital access and digital  
93 literacy.

94 (2) The foundation described in this section:

95 (a) may solicit and receive contributions from a private organization to assist the  
96 division in meeting the division's responsibilities described in Section [9-23-201](#);

97 (b) does not have power or authority to incur contractual obligations or liabilities that  
98 constitute a claim against public funds;

99 (c) may not:

100 (i) exercise executive or administrative authority over programs or other activities  
101 described in this chapter, except to the extent specifically authorized by the department;

102 (ii) engage in lobbying activities;

103 (iii) attempt to influence legislation; or

104 (iv) participate in any campaign activity for or against:

105 (A) a political candidate; or

106 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other  
107 ballot proposition submitted to the voters; and

108 (d) shall provide to the division director and the executive director information  
109 detailing transactions and balances associated with the foundation.

110 Section 5. Section **9-23-203** is enacted to read:

111 **9-23-203. Digital Access and Opportunity Foundation Fund.**

112 (1) There is created an expendable special revenue fund known as the "Digital Access  
113 and Opportunity Foundation Fund."

114 (2) The director shall administer the fund in coordination with the executive director.

115 (3) (a) Money may be deposited into the fund from:

116 (i) grants;

117 (ii) private foundations;

118 (iii) individual donor gifts or bequests;

119 (iv) legislative appropriations; or

120 (v) money made available from any other source.

121           (b) Money collected by the foundation described in Section [9-23-202](#) shall be  
122 deposited into the fund.

123           (4) The department may treat any portion of the fund as an endowment fund by  
124 providing that the principal of that portion of the fund is held in perpetuity on behalf of the  
125 division.

126           (5) The state treasurer shall invest the money in the fund according to the procedures  
127 and requirements of Title 51, Chapter 7, State Money Management Act, except that all interest  
128 or other earnings derived from those investments shall be deposited into the fund.

129           (6) The division director, under direction of the executive director, may authorize  
130 expenditures from the fund for the purposes described in this chapter.