

1 **UTAH EDUCATION NETWORK AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kory M. Holdaway**

5 Senate Sponsor: Carlene M. Walker

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the Utah Education Network (UEN).

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the definition of UEN, including modified duties and authority related to
- 13 the provision of broadcasting and telecommunication services;
- 14 ▶ requires the Legislature to make certain annual appropriations;
- 15 ▶ adjusts State Board of Education duties relative to UEN;
- 16 ▶ adds state government and other public entities as entities to which UEN may
- 17 provide support;
- 18 ▶ licenses KUEN - TV to the State Board of Regents;
- 19 ▶ removes references to KULC Channel 9, EDNET, and UtahLink; and
- 20 ▶ makes other technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27 **53B-17-101**, as last amended by Chapter 33, Laws of Utah 1995

28 **53B-17-102**, as last amended by Chapter 243, Laws of Utah 1996

29 **53B-17-103**, as last amended by Chapter 33, Laws of Utah 1995

30 **53B-17-104**, as last amended by Chapter 301, Laws of Utah 2002



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

33 Section 1. Section **53B-17-101** is amended to read:

34 **53B-17-101. Legislative findings on public broadcasting and telecommunications**
35 **for education.**

36 The Legislature finds and determines the following:

37 (1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide
38 public broadcasting and telecommunications facility for education in Utah.

39 (2) The center shall provide services to citizens of the state in cooperation with higher
40 and public education, state and local government, and private industry.

41 (3) Distribution services provided through the center shall include KUED [~~Channel 7,~~
42 ~~KULC Channel 9]~~ - TV, KUER - FM [90, ~~the statewide two-way interactive system for video~~
43 ~~and audio, hereafter referred to as EDNET, Instructional Television Fixed Service, hereafter~~
44 ~~referred to as IFFS, educational data communications network facilities, hereafter referred to as~~
45 ~~UtahLink, and satellite uplink and downlink services)], and KUEN - TV.~~

46 (4) KUED - TV and KUER - FM are licensed [~~and accountable~~] to the University of
47 Utah.

48 (5) [~~KULC~~] The Utah Education Network's broadcast entity, KUEN - TV, is licensed
49 to the Utah State Board of Regents [~~and, together with EDNET, UtahLink, and the satellite~~
50 ~~services, is operated by the University of Utah on behalf of the state's systems of public and~~
51 ~~higher education]~~ and, together with UEN, is operated on behalf of the state's systems of public
52 and higher education.

53 (6) All the entities referred to in Subsection (3) are under the administrative
54 supervision of the University of Utah, subject to the authority [~~of~~] and governance [~~by~~] of the
55 State Board of Regents.

56 (7) This section neither regulates nor restricts a privately owned company in the
57 distribution or dissemination of educational programs.

58 Section 2. Section **53B-17-102** is amended to read:

59 **53B-17-102. Utah Education Network.**

60 (1) ~~(a) [The Utah Education Network, hereafter referred to as UEN, is]~~ As used in this
61 part, "Utah Education Network" and "UEN" mean a consortium and partnership between public
62 and higher education established to:

63 ~~[(a)]~~ (i) coordinate and support the telecommunications needs of public and higher
64 education; ~~and]~~

65 ~~[(b)]~~ (ii) coordinate the various telecommunications technology initiatives of public
66 and higher education[-];

67 (iii) provide high-quality, cost-effective Internet access and appropriate interface
68 equipment for schools and school systems;

69 (iv) procure, install, and maintain telecommunication services and equipment on behalf
70 of public and higher education;

71 (v) develop or implement other programs or services for the delivery of distance
72 learning as directed by law; and

73 (vi) apply for state and federal funding on behalf of public and higher education.

74 (b) In performing the duties under this Subsection (1), UEN shall:

75 (i) provide services to schools, school districts, and the public and higher education
76 systems through an open and competitive bidding process;

77 (ii) work with the private sector to deliver high-quality, cost-effective services; and

78 (iii) avoid duplicating facilities, equipment or services of private providers of public
79 telecommunications service, as defined under Section 54-8b-2.

80 (2) The University of Utah shall provide administrative management for UEN.

81 (3) (a) The governor shall appoint a statewide steering committee of representatives
82 from public and higher education, state government, and private industry to advise UEN in the
83 development and operation of a coordinated, statewide, multi-option telecommunications
84 system to assist in the delivery of educational services throughout the state.

85 ~~[(4)-(a)]~~ (b) Except as required by Subsection ~~[(b)]~~ (3)(c), members shall be appointed

86 to four-year terms.

87 ~~[(b)]~~ (c) Notwithstanding the requirements of Subsection ~~[(a)]~~ (3)(b), the governor
88 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
89 terms of committee members are staggered so that approximately half of the committee is
90 appointed every two years.

91 ~~[(c)]~~ (d) When a vacancy occurs in the membership for any reason, the replacement
92 shall be appointed for the unexpired term.

93 ~~[(i)]~~ (e) (i) (A) Members who are not government employees shall receive no
94 compensation or benefits for their services, but may receive per diem and expenses incurred in
95 the performance of the member's official duties at the rates established by the Division of
96 Finance under Sections 63A-3-106 and 63A-3-107.

97 (B) Members who are not government employees may decline to receive per diem and
98 expenses for their service.

99 (ii) (A) State government officer and employee members who do not receive salary, per
100 diem, or expenses from their agency for their service may receive per diem and expenses
101 incurred in the performance of their official duties from the committee at the rates established
102 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

103 (B) State government officer and employee members may decline to receive per diem
104 and expenses for their service.

105 ~~[(d)]~~ (i) (iii) (A) Higher education members who do not receive salary, per diem, or
106 expenses from the entity that they represent for their service may receive per diem and
107 expenses incurred in the performance of their official duties from the committee at the rates
108 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

109 ~~[(i)]~~ (B) Higher education members may decline to receive per diem and expenses for
110 their service.

111 ~~[(5)]~~ (a) (4) UEN shall locate ~~[EDNET receive and transmit sites and UtahLink data~~
112 ~~connection sites at various institutions and public schools]~~ and maintain educational
113 telecommunication infrastructure throughout the state.

114 ~~[(b) The] (5) Educational~~ institutions ~~[and other identified public education sites at~~
 115 ~~which hub sites are located]~~ shall manage site operations under policy established by UEN.

116 (6) ~~[(a) The]~~ Subject to future budget constraints, the Legislature shall provide an
 117 annual appropriation to operate UEN ~~[to pay for ongoing maintenance and operation costs of~~
 118 ~~EDNET sites serving the state's public education system].~~

119 ~~[(b) The Legislature shall provide an annual appropriation to fund the ongoing~~
 120 ~~line-costs, maintenance, and operation of the UtahLink sites serving the state's public and~~
 121 ~~higher education systems.]~~

122 Section 3. Section **53B-17-103** is amended to read:

123 **53B-17-103. General powers of University of Utah related to public broadcasting**
 124 **and telecommunication for education.**

125 (1) Subject to applicable rules of the Federal Communications Commission and the
 126 State Board of Regents, the University of Utah shall:

127 (a) serve as the state's provider of public television services, with programming from
 128 the Public Broadcasting Service and other syndicated and locally produced programs;

129 (b) serve as the state's primary provider of public radio services, with programming
 130 from National Public Radio and other syndicated and locally produced programs; and

131 (c) subject to Section 53B-7-103, accept and use gifts and apply for and receive funds
 132 from federal and other sources to carry out the purposes of this part.

133 (2) Subject to future budget constraints, the Legislature shall provide an annual
 134 appropriation to operate KUED - TV.

135 ~~[(2)] (3)~~ This section neither regulates nor restricts a privately owned company in the
 136 distribution or dissemination of educational programs.

137 Section 4. Section **53B-17-104** is amended to read:

138 **53B-17-104. Responsibilities of KUED - TV, KUER - FM, and UEN related to**
 139 **public broadcasting and telecommunication for education.**

140 (1) Subject to applicable rules of the Federal Communications Commission and
 141 Section 53B-17-102, the State Board of Regents, the State Board of Education, and the

142 University of Utah, KUED - TV, KUER - FM, and UEN shall:

143 (a) coordinate statewide services of public radio and television;

144 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,
145 KUER - FM, [~~KULC, EDNET, and UtahLink including radio and television translator systems,~~
146 an educational microwave distribution system,] and KUEN, the statewide distance learning
147 service, the educational data network, connections to the Internet, and other
148 telecommunications services [~~distribution systems~~] appropriate for providing video, audio, and
149 data telecommunication services in support of public and higher education, state government,
150 and public libraries;

151 (c) support the delivery of these services to as many communities as may be
152 economically and technically feasible and lawfully permissible under the various operating
153 licenses[~~, and, in conjunction with these operations,];~~

154 (d) cooperate with state and local governmental and educational agencies and provide
155 leadership and consulting service [~~in regards to signal distribution~~] for telecommunication for
156 education;

157 [~~(e)~~] (e) represent the state with privately owned telecommunications systems to gain
158 access to their networks for the delivery of programs and services sponsored or produced by
159 public and higher education;

160 [~~(f)~~] (f) acquire, produce, coordinate, and distribute a variety of programs and services
161 of an educational, cultural, informative, and entertaining nature designed to promote the public
162 interest and welfare of the state;

163 [~~(g)~~] (g) coordinate with the state system of higher education to acquire, produce, and
164 distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other
165 instructional and training services;

166 [~~(h)~~] (h) coordinate with the State [~~Office~~] Board of Education and school districts to
167 acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and
168 other instructional and training services to the public schools;

169 [~~(i)~~] (i) act as a clearing house for the materials, courses, publications, media,

170 software, and other applicable information related to the items addressed in Subsections (1)[(e)]
 171 and ~~(f)~~ (g) and (h);

172 ~~[(h)]~~ (j) coordinate with the State ~~[Office]~~ Board of Education to assist in providing the
 173 public schools of Utah with the following services:

174 (i) broadcast, during school hours, of educational and administrative programs
 175 ~~[approved and scheduled]~~ recommended by the State Board of Education;

176 ~~[(ii) studio production and technical assistance for the creation of educational
 177 programs;]~~

178 ~~[(iii)]~~ (ii) duplication and encoding of program masters for broadcast purposes; and

179 ~~[(iv) nonstudio production services for the compilation of various production elements
 180 into completed programs;]~~

181 ~~[(v)]~~ (iii) program previewing; ~~[and]~~

182 ~~[(vi) shared]~~ (k) share responsibility with the ~~[Utah]~~ State ~~[Office]~~ Board of Education
 183 for ~~[ITV]~~ Instructional Television (ITV) awareness and utilization; and

184 ~~[(i)]~~ (l) ~~[cooperate with]~~ provide teleconference and training services for state and local
 185 governmental agencies ~~[to provide teleconference and training services;].~~

186 (2) UEN shall:

187 ~~[(j)]~~ (a) consult with the UEN steering committee authorized in Section 53B-17-102
 188 and other technology coordinating committees established by the State Board of Education and
 189 State Board of Regents in acquiring, producing, and distributing instructional ~~[services on all
 190 media, and with public advisory committees in acquiring, producing, and distributing public
 191 radio and television programs on KUER and KUED]~~ content;

192 ~~[(k)]~~ (b) coordinate the statewide development and implementation of the ~~[electronic
 193 highway]~~ data network for education, which shall include video[;] and audio, ~~[and data
 194 interconnections]~~ data connections, and connection to the Internet, utilizing satellite,
 195 microwave, fiber-optic, and other transmission media;

196 ~~[(l)]~~ (c) utilize statewide economic development criteria in the design and
 197 implementation of the educational telecommunications infrastructure; and

198 [~~m~~] (d) assure that public service entities such as educators, public service providers,
199 and public broadcasters are [~~granted~~] provided access to the telecommunications infrastructures
200 that are developed in the state.

201 [~~2~~] (3) This section neither regulates nor restricts a privately owned company in the
202 distribution or dissemination of education programs.