

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

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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           ▶ establishes an expanded definition of UEN, including expanded duties and authority  
13 related to 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 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 ITFS, educational data communications network facilities, hereafter referred to as~~  
 45 ~~UtahLink, and satellite uplink and downlink services], and the Utah Education Network.~~

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~~].

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

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

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

58           **53B-17-102. Utah Education Network.**

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

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

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

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

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

70 (e) develop or implement other programs or services for distance learning as directed  
 71 by law; and

72 (f) apply for state and federal funding on behalf of public and higher education.

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

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

78 ~~[(4)(a)]~~ (b) Except as required by Subsection ~~[(b)]~~ (3)(c), members shall be appointed  
 79 to four-year terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

116 **53B-17-103. General powers of University of Utah related to public broadcasting**  
117 **and telecommunication for education.**

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

120 (a) serve as the state's provider of public television services, with programming from

121 the Public Broadcasting Service and other syndicated and locally produced programs;

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

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

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

128 ~~[(2)]~~ (3) This section neither regulates nor restricts a privately owned company in the  
129 distribution or dissemination of educational programs.

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

131 **53B-17-104. Responsibilities of KUED - TV, KUER - FM, and UEN related to**  
132 **public broadcasting and telecommunication for education.**

133 (1) Subject to applicable rules of the Federal Communications Commission, the State  
134 Board of Regents, the State Board of Education, and the University of Utah, KUED - TV,  
135 KUER - FM, and UEN shall:

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

137 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,  
138 KUER - FM, [KULC, EDNET, and UtahLink including radio and television translator systems,  
139 an educational microwave distribution system,] and KUEN, the statewide distance learning  
140 service, the educational data network, connections to the Internet, and other  
141 telecommunications services [distribution systems] appropriate for providing video, audio, and  
142 data telecommunication services in support of public and higher education, state government,  
143 and other public entities;

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

147 (d) cooperate with state and local governmental and educational agencies and provide  
148 leadership and consulting service [in regards to signal distribution] for telecommunication for  
149 education;

150 ~~[(c)]~~ (e) represent the state with privately owned telecommunications systems to gain  
151 access to their networks for the delivery of programs and services sponsored or produced by

152 public and higher education;

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

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

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

162 ~~[(g)]~~ (i) act as a clearing house for the materials, courses, publications, media,  
163 software, and other applicable information related to the items addressed in Subsections (1)~~[(e)]~~  
164 ~~and (f)]~~ (g) and (h);

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

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

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

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

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

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

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

177 ~~[(j)]~~ (l) ~~[cooperate with]~~ provide teleconference and training services for state and local  
178 governmental agencies ~~[to provide teleconference and training services;].~~

179 (2) UEN shall:

180 ~~[(j)]~~ (a) consult with the UEN steering committee authorized in Section 53B-17-102  
181 and other technology coordinating committees established by the State Board of Education and  
182 State Board of Regents in acquiring, producing, and distributing instructional ~~[services on all~~

183 ~~media, and with public advisory committees in acquiring, producing, and distributing public~~  
184 ~~radio and television programs on KUER and KUED] content;~~

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

189 [(~~m~~)] (c) utilize statewide economic development criteria in the design and  
190 implementation of the educational telecommunications infrastructure; and

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

194 [(~~2~~)] (3) This section neither regulates nor restricts a privately owned company in the  
195 distribution or dissemination of education programs.

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**Legislative Review Note**

**as of 1-18-06 7:22 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**