

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53B-17-102**, as last amended by Laws of Utah 2010, Chapter 28629 **53B-17-104**, as last amended by Laws of Utah 2009, Chapter 29030 

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31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **53B-17-102** is amended to read:33 **53B-17-102. Utah Education Network.**34 (1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium  
35 and partnership between public and higher education established to:36 (i) coordinate and support the telecommunications needs of public and higher  
37 education, public libraries, and ~~H→~~ [other state] ~~←H~~ entities ~~H→~~ affiliated with the state  
37a systems of public and higher education ~~←H~~ as approved ~~H→~~ by the Utah Education Network  
37b Board ~~←H~~ , including the statewide38 development and implementation of a network for education, utilizing satellite, microwave,  
39 fiber-optic, broadcast, and other transmission media;40 (ii) coordinate the various telecommunications technology initiatives of public and  
41 higher education;42 (iii) provide high-quality, cost-effective Internet access and appropriate interface  
43 equipment for schools and school systems;44 (iv) procure, install, and maintain telecommunication services and equipment on behalf  
45 of public and higher education;46 (v) develop or implement other programs or services for the delivery of distance  
47 learning as directed by law; and

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

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

50 (i) provide services to schools, school districts, and the public and higher education  
51 systems through an open and competitive bidding process;52 (ii) work with the private sector to deliver high-quality, cost-effective services; ~~and]~~53 (iii) avoid duplicating facilities, equipment or services of private providers of public  
54 telecommunications service, as defined under Section 54-8b-2[-];55 (iv) utilize statewide economic development criteria in the design and implementation  
56 of the educational telecommunications infrastructure; and

57 (v) assure that public service entities such as educators, public service providers, and  
 58 public broadcasters are provided access to the telecommunications infrastructure developed in  
 59 the state.

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

61 ~~[(3)(a) The governor shall appoint a statewide steering committee of representatives~~  
 62 ~~from public and higher education, state government, and private industry to advise UEN in the~~  
 63 ~~development and operation of a coordinated, statewide, multi-option telecommunications~~  
 64 ~~system to assist in the delivery of educational services throughout the state.]~~

65 (3) (a) The Utah Education Network Board, which is the governing board for UEN, is  
 66 created.

67 (b) The Utah Education Network Board shall be appointed as follows:

68 (i) (A) The ~~H~~→ [state superintendent of public instruction] State Board of Education ←~~H~~  
 68a shall appoint four members to  
 69 represent the state system of public education.

70 (B) In selecting members to represent the state system of public education, the ~~H~~→ [state  
 71 superintendent of public instruction] State Board of Education ←~~H~~ shall select members from  
 71a different regions of the state and  
 72 both urban and rural areas.

73 (ii) (A) The commissioner of higher education shall appoint four members to represent  
 74 the state system of higher education.

75 (B) In selecting members to represent the state system of higher education, the  
 76 commissioner of higher education shall select members from different regions of the state and  
 77 both urban and rural areas.

78 (iii) The president of the Utah College of Applied Technology shall appoint one  
 79 member to represent the Utah College of Applied Technology.

80 (iv) The governor shall appoint:

81 (A) one member to represent the state library; and

82 (B) one member to represent the Office of the Governor.

83 ~~[(b)]~~ (c) Except as required by Subsection (3)~~(c)~~(d), members shall be appointed to  
 84 four-year terms.

85 ~~[(c) Notwithstanding the requirements of Subsection (3)(b), the]~~

86 (d) The governor, ~~H~~→ [state superintendent of public instruction] State Board of  
 86a Education ←~~H~~ , and commissioner of  
 87 higher education shall, at the time of appointment or reappointment, adjust the length of terms

88 to ensure that the terms of [~~committee~~] Utah Education Network Board members are staggered  
 89 so that approximately half of the [~~committee~~] Utah Education Network Board is appointed  
 90 every two years.

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

93 (f) (i) The Utah Education Network Board shall elect:

94 (A) a cochair from the members representing the state system of public education; and

95 (B) a cochair from the members representing the state system of higher education.

96 (ii) The cochairs shall set the agenda for Utah Education Network Board meetings.

97 (4) A member of the Utah Education Network Board may not receive compensation or  
 98 benefits for the member's service, but may receive per diem and travel expenses in accordance  
 99 with:

100 (a) Section 63A-3-106;

101 (b) Section 63A-3-107; and

102 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 103 63A-3-107.

104 (5) The Utah Education Network Board:

105 (a) shall hire an executive director for UEN, and may terminate the executive director's  
 106 employment or assignment;

107 (b) shall determine the executive director's salary;

108 (c) shall annually conduct a performance evaluation of the executive director;

109 (d) shall establish policies the Utah Education Network Board determines are necessary  
 110 for the operation of UEN and the administration of UEN's duties;

111 (e) shall advise UEN in:

112 (i) the development and operation of a coordinated, statewide, multi-option  
 113 telecommunications system to assist in the delivery of educational services throughout the  
 114 state; and

115 (ii) acquiring, producing, and distributing instructional content; and

116 (f) ~~H~~→ [may] shall ←~~H~~ establish an advisory council to assist the Utah Education Network  
 116a Board in

117 performing its responsibilities under Subsection (5)(e).

118 (6) The executive director of UEN shall be an at-will employee.