

## HB0053S01 compared with HB0053

~~{deleted text}~~ shows text that was in HB0053 but was deleted in HB0053S01.

inserted text shows text that was not in HB0053 but was inserted into HB0053S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Ronda Rudd Menlove proposes the following substitute bill:

### UTAH EDUCATION NETWORK AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

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

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#### LONG TITLE

#### General Description:

This bill modifies the governance of the Utah Education Network (UEN).

#### Highlighted Provisions:

This bill:

- ▶ ~~{directs the governor, in consultation with the state superintendent of public instruction and the commissioner of higher education, to appoint a steering committee}~~creates the Utah Education Network Board, which is the governing board for UEN;
- ▶ specifies the membership of the ~~{steering committee}~~Utah Education Network Board;
- ▶ specifies the power and duties of the ~~{steering committee}~~Utah Education Network Board which include:

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- hiring an executive director for UEN;
  - establishing policy for the operation of UEN and the administration of UEN's duties; and
  - ~~{appointing an advisory committee}~~ advising UEN in the development of a telecommunications system to deliver educational services and the acquisition and distribution of instructional content; and
- ▶ makes technical amendments.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{None}~~ This bill provides an immediate effective date.

### Utah Code Sections Affected:

AMENDS:

**53B-17-102**, as last amended by Laws of Utah 2010, Chapter 286

**53B-17-104**, as last amended by Laws of Utah 2009, Chapter 290

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

Section 1. Section **53B-17-102** is amended to read:

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

(1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium and partnership between public and higher education established to:

(i) coordinate and support the telecommunications needs of public and higher education, public libraries, and other state entities as approved, including the statewide development and implementation of a network for education, utilizing satellite, microwave, fiber-optic, broadcast, and other transmission media;

(ii) coordinate the various telecommunications technology initiatives of public and higher education;

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

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

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

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

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

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

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

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

(iv) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and

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

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

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

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

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

(i) ~~{ one member shall}~~(A) The state superintendent of public instruction shall appoint four members to represent the state system of public education{;

~~——(ii) one member shall}.~~

(B) In selecting members to represent the state system of public education, the state superintendent of public instruction shall select members from different regions of the state and both urban and rural areas.

(ii) (A) The commissioner of higher education shall appoint four members to represent

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the state system of higher education~~{; and}~~.

~~(iii)B) {one member shall represent the public at large.~~

~~(b)}~~In selecting members to represent the state system of higher education, the commissioner of higher education shall select members from different regions of the state and both urban and rural areas.

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

(iv) The governor shall appoint:

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

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

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

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

(d) The governor, state superintendent of public instruction, and commissioner of higher education shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of [committee] Utah Education Network Board members are staggered~~{}~~so that approximately half of the [committee] Utah Education Network Board is appointed every two years~~{}~~.

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

~~{(4) A member}~~

~~(4) The steering committee appointed under Subsection (3)}~~ (f) (i) The Utah Education Network Board shall elect:

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

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

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

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

(a) Section 63A-3-106;

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

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

(5) The Utah Education Network Board:

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

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

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

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

(e) shall ~~appoint a statewide advisory committee of representatives from public and higher education, state government, and private industry to~~ advise UEN in:

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

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

(f) may establish an advisory council to assist the Utah Education Network Board in performing its responsibilities under Subsection (5)(e).

~~(5)(a)6~~ (6) The executive director of UEN shall be an at-will employee.

~~(b) Subsection (5)(a) does not apply to a person who:~~

~~(i) holds the position of executive director of UEN when hired by the steering committee; and~~

~~(ii) was employed as executive director of UEN before May 8, 2012.~~

~~(6) A member of the steering committee appointed under Subsection (3) or the advisory committee appointed under Subsection (4)(e) may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

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

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

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

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‡ ~~[(5)]~~ (7) UEN shall locate and maintain educational telecommunication infrastructure throughout the state.

~~[(6)]~~ (8) Educational institutions shall manage site operations under policy established by UEN.

~~[(7)]~~ (9) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate UEN.

(10) If the network operated by the Department of Technology Services is not available, UEN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

Section 2. Section **53B-17-104** is amended to read:

**53B-17-104. Responsibilities of the State Board of Regents, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public broadcasting and telecommunication for education and government.**

(1) Subject to applicable rules of the Federal Communications Commission and Section 53B-17-102, the State Board of Regents, the State Board of Education, and the University of Utah, KUED - TV, KUER - FM, and UEN shall:

- (a) coordinate statewide services of public radio and television;
- (b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;
- (c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;
- (d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;
- (e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;

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

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

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

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

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

(i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;

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

(iii) program previewing;

(k) share responsibility ~~[with the State Board of Education]~~ for Instructional Television (ITV) awareness and utilization; and

(l) provide teleconference and training services for state and local governmental agencies.

~~[(2) UEN shall:]~~

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

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

~~[(c) utilize statewide economic development criteria in the design and implementation~~

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of the educational telecommunications infrastructure;]

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

~~[(3) If the network operated by the Department of Technology Services is not available, UEN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.]~~

~~[(4)] (2) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.~~

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### Legislative Review Note

~~as of 11-29-11 3:35 PM~~

~~Office of Legislative Research and General Counsel~~ Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.