

SENATE BILL No. 398

By Committee on Utilities

2-7

1 AN ACT concerning KAN-ED; amending K.S.A. 2011 Supp. 75-7222, 75-
2 7223, 75-7224 and 75-7226 and repealing the existing sections; also
3 repealing K.S.A. 2011 Supp. 75-7228.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. From and after January 1, 2014, K.S.A. 2011 Supp. 75-
7 7222 is hereby amended to read as follows: 75-7222. As used in this act,
8 unless the context requires otherwise:

9 (a) "Board" means the state board of regents.

10 (b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425,
11 and amendments thereto.

12 (c) "Library" means: (1) The state library; (2) any public library
13 established and operating under the laws of this state; or (3) any regional
14 system of cooperating libraries, as defined in K.S.A. 75-2548, and
15 amendments thereto.

16 (d) ~~"Network" means the KAN-ED network created pursuant to this~~
17 ~~act.~~

18 (e) "School" means: (1) Any unified school district, school district
19 interlocal cooperative, school district cooperative or nonpublic school
20 accredited by the state board of education; or (2) any community college,
21 technical college, the institute of technology at Washburn university or
22 Kansas educational institution, as defined in K.S.A. 74-32,120, and
23 amendments thereto.

24 Sec. 2. From and after January 1, 2014, K.S.A. 2011 Supp. 75-7223 is
25 hereby amended to read as follows: 75-7223. ~~(a) The purpose of this act is~~
26 ~~to provide for assist schools, libraries and hospitals to connect to a~~
27 ~~broadband technology-based network to which schools, libraries and~~
28 ~~hospitals may connect for broadband internet access and intranet access~~
29 ~~for distance learning. For that purpose, the state board of regents shall~~
30 ~~contract in accordance with this act for the creation, operation and~~
31 ~~maintenance of such network, to be known as the KAN-ED network~~
32 ~~establish and administer a subsidy program to help schools, libraries and~~
33 ~~hospitals fund the costs associated with such connections.~~

34 (b) ~~The network shall allow the following features: (1) Universal~~
35 ~~provider interconnection or peering rights; and (2) competitively bid end-~~
36 ~~user KAN-ED connections.~~

1 ~~(e) The network shall not provide for: (1) Impairment of any existing~~
2 ~~contract for the provision of telecommunications services or internet~~
3 ~~services to any school, library or hospital; (2) state ownership or~~
4 ~~construction of any network facilities other than those owned or being~~
5 ~~constructed by the state on the effective date of this act; (3) switched voice~~
6 ~~access, except to the extent switched access is being provided by state~~
7 ~~owned, leased or operated facilities as of the effective date of this act; (4)~~
8 ~~transmission of voice over internet or voice over internet protocol, except~~
9 ~~to the extent necessary to facilitate interactive two-way video; (5) use of~~
10 ~~the network for purposes inconsistent with the purposes of this act; (6) the~~
11 ~~establishment of a proprietary interconnection agreement with a provider~~
12 ~~or proprietary peering standards by a provider, the purpose of which is to~~
13 ~~act as a barrier to peering or interconnection of providers to the KAN-ED~~
14 ~~network; or (7) any financial fee or obligation required to connect a peered~~
15 ~~provider network to the KAN-ED network which is unusual or not~~
16 ~~customary. The provisions of clause (6) shall not preclude the board from~~
17 ~~establishing technical standards for operation and maintenance of the~~
18 ~~network as required by subsection (e)(1) of K.S.A. 2011 Supp. 75-7224,~~
19 ~~and amendments thereto.~~

20 Sec. 3. K.S.A. 2011 Supp. 75-7224 is hereby amended to read as
21 follows: 75-7224. (a) The board shall establish a plan to ensure that all
22 assist schools, libraries and hospitals *have with the purchase of* quality,
23 affordable access to the internet and distance learning. *The plan shall*
24 *require users of such connectivity to bear part of its cost.* The board shall
25 adopt standards for determining whether such access is available to each
26 school, library or hospital desiring such access and shall adopt priorities
27 for ~~implementation of~~ *achieving* such access. The board may request and
28 receive assistance from any school, any library, any hospital, the state
29 corporation commission, any other agency of the state or any
30 telecommunications, cable or other communications services provider to
31 gather necessary data to implement such plan and establish such standards
32 and priorities. The board shall develop a methodology for updating and
33 validating any data collected for periodic revisions of the plan, standards
34 and priorities. *Not less than 75% of all schools which have applied to the*
35 *board to participate in the network, 75% of all libraries which have applied*
36 *to the board to participate in the network and 75% of all hospitals which*
37 *have applied to the board to participate in the network shall have access to*
38 *the network by July 1, 2004.*

39 ~~(b) The board shall contract with providers of telecommunications~~
40 ~~services, cable services and other communications services for the~~
41 ~~creation, operation and maintenance of the network. Such contracts shall~~
42 ~~be let by competitive bids as provided by K.S.A. 75-3739, and~~
43 ~~amendments thereto establish a mechanism to combine federal and state~~

1 *subsidies with contributions from participating schools, libraries and*
2 *hospitals to enable the purchase of quality, affordable access to the*
3 *internet, full-motion video and distance learning. The board shall develop,*
4 *approve and revise state subsidy eligibility criteria and subsidy schedules*
5 *based upon eligible schools', libraries' and hospitals' needs.*

6 ~~(c) The board shall establish: (1) Technical standards for operation~~
7 ~~and maintenance of the network; (2) the method of monitoring operations~~
8 ~~of the network; and (3) the method or methods of increasing the capacity~~
9 ~~of the network to accommodate changes in the demands of schools,~~
10 ~~libraries and hospitals.~~

11 ~~(d) The board shall identify any potential regulatory impediments to~~
12 ~~and other regulatory considerations in implementation of the network and~~
13 ~~shall propose measures to address such impediments and other~~
14 ~~considerations.~~

15 ~~(e) The board shall assess the need of schools, libraries and hospitals~~
16 ~~for full-motion video connectivity. Based on its findings, the board may~~
17 ~~develop a plan to provide such connectivity. The plan may require users of~~
18 ~~such connectivity bear part of its cost develop a needs assessment for~~
19 ~~eligible entities wishing to participate in the subsidy program. The needs~~
20 ~~assessment may require such entities to bear part of the cost through user~~
21 ~~fees or any other cost share system approved by the board.~~

22 ~~(f) (d)~~ The board may appoint such advisory committees as the board
23 determines necessary to carry out the purposes of this act. The membership
24 of advisory committees may include both members of the board and
25 persons who are not board members. Such advisory committees, to the
26 extent appropriate, shall include both communications services providers
27 and participants knowledgeable about topics such as network facilities and
28 services, network content and user training, and such other topics as may
29 be necessary or useful. Members of advisory committees appointed by the
30 board shall receive amounts provided for in subsection (e) of K.S.A. 75-
31 3223, and amendments thereto.

32 ~~(g) (e)~~ ~~On or before July 1, 2002, and thereafter as the board deems~~
33 ~~appropriate,~~ The board shall adopt rules and regulations to implement and
34 administer the provisions of this act.

35 ~~(h) (f)~~ The board shall have all other powers necessary to achieve the
36 purposes of this act, including but not limited to the power to receive any
37 appropriations, donations, grants, bequests and devises, conditional and
38 otherwise, of money, property, services or other things of value for the
39 purposes of this act.

40 ~~(i) (g)~~ The state department of education, the division of information
41 systems and communications of the department of administration, the state
42 corporation commission and all other state agencies shall cooperate with
43 the board in providing information and other assistance requested by the

1 board for the performance of its duties pursuant to this act.

2 Sec. 4. K.S.A. 2011 Supp. 75-7226 is hereby amended to read as
3 follows: 75-7226. ~~(a)~~ On or before January 15 of each year, the board shall
4 publish an annual report and shall present the report to the legislature,
5 governor and department of education. The report shall set forth in detail
6 the operations and transactions conducted by the board pursuant to this act.
7 The annual report shall specifically account for the ways in which the
8 purpose of this act have been carried out, and the recommendations shall
9 specifically note what changes are necessary to better address the purposes
10 described in this act.

11 ~~(b) The report required pursuant to this section in years 2006, 2007~~
12 ~~and 2008 shall include a statement of the costs of and savings realized by~~
13 ~~implementation of the network and a plan for funding the network.~~

14 Sec. 5. K.S.A. 2011 Supp. 75-7224 and 75-7226 are hereby repealed.

15 Sec. 6. From and after January 1, 2014, K.S.A. 2011 Supp. 75-7222,
16 75-7223 and 75-7228 are hereby repealed.

17 Sec. 7. This act shall take effect and be in force from and after its
18 publication in the statute book.