

Senate Substitute for HOUSE BILL No. 2390

By Committee on Utilities

3-15

1 AN ACT concerning KAN-ED; amending K.S.A. 2011 Supp. 66-2010, 72-
2 9712, 75-2546, 75-7222, 75-7223, 75-7224 and 75-7226 and repealing
3 the existing sections; also repealing K.S.A. 2011 Supp. 75-7228.
4

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

6 Section 1. K.S.A. 2011 Supp. 66-2010 is hereby amended to read as
7 follows: 66-2010. (a) The commission shall utilize a competitive bidding
8 process to select a neutral, competent and bonded third party to administer
9 the KUSF.

10 (b) The administrator shall be responsible for: (1) Collecting and
11 auditing all relevant information from all qualifying telecommunications
12 public utilities, telecommunications carriers or wireless
13 telecommunications service providers receiving funds from or providing
14 funds to the KUSF; (2) verifying, based on the calculations of each
15 qualifying telecommunications carrier, telecommunications public utility
16 or wireless telecommunications service provider, the obligation of each
17 such qualifying carrier, utility or provider to generate the funds required by
18 the KUSF; (3) collecting all moneys due to the KUSF from all
19 telecommunications public utilities, telecommunications carriers and
20 wireless telecommunications service providers in the state; and (4)
21 distributing amounts on a monthly basis due to qualifying
22 telecommunications public utilities, wireless telecommunications service
23 providers and telecommunications carriers receiving KUSF funding.

24 (c) Any information made available or received by the administrator
25 from carriers, utilities or providers receiving funds from or providing
26 funds to the KUSF shall not be subject to any provisions of the Kansas
27 open records act and shall be considered confidential and proprietary.

28 (d) The administrator shall be authorized to maintain an action to
29 collect any funds owed by any telecommunications carrier, public utility or
30 wireless telecommunications provider in the district court in the county of
31 the registered office of such carrier, utility or provider or, if such carrier,
32 utility or provider does not have a registered office in the state, such an
33 action may be maintained in the county where such carrier's, utility's or
34 provider's principal office is located. If such carrier, utility or provider has
35 no principal office in the state, such an action may be maintained in the
36 district court of any county in which such carrier, utility or provider

1 provides service.

2 (e) The KUSF administrator shall be responsible to ensure that funds
3 do not fall below the level necessary to pay all amounts collectively owed
4 to all qualifying telecommunications public utilities, wireless
5 telecommunications service providers and telecommunications carriers.
6 The administrator shall have the authority to retain and invest in a prudent
7 and reasonable manner any excess funds collected in any period to help
8 ensure that adequate funds are available to cover amounts payable in other
9 periods.

10 (f) (1) ~~Before July 1, of each year, the chief executive officer of the~~
11 ~~state board of regents shall certify to the administrator of the KUSF the~~
12 ~~amount provided by appropriation acts to be expended from the KAN-ED~~
13 ~~fund for the fiscal year commencing the preceding July 1. Upon receipt of~~
14 ~~the certification of the chief executive officer of the state board of regents,~~
15 ~~the KUSF administrator shall add the amount certified to the amount~~
16 ~~annually required to fund the KUSF as determined pursuant to subsection~~
17 ~~(b).~~

18 (2) ~~On or before the 10th day of each month, the administrator of the~~
19 ~~KUSF shall pay from the KUSF to the state treasurer ^{1/12} of the amount~~
20 ~~certified by the chief executive officer of the state board of regents~~
21 ~~pursuant to subsection (a) for the fiscal year preceding the fiscal year in~~
22 ~~which the payment is made. For fiscal year 2013, the KUSF administrator~~
23 ~~shall transfer \$6,000,000 from the KUSF to the state treasurer. On or~~
24 ~~before the 10th of each month, the KUSF administrator shall pay from the~~
25 ~~KUSF ^{1/12} of the \$6,000,000 to the state treasurer. Upon the receipt of the~~
26 ~~payment, the state treasurer shall deposit the entire amount in the state~~
27 ~~treasury and credit it to the KAN-ED fund. Any such payments shall be~~
28 ~~made after all payments required by K.S.A. 66-2008, and amendments~~
29 ~~thereto, for the month are made from the KUSF.~~

30 (3) ~~Not more than the following shall be paid from the KUSF to the~~
31 ~~state treasurer pursuant to this subsection (f): In fiscal year 2006,~~
32 ~~\$10,000,000; in fiscal year 2007, \$8,000,000; in fiscal year 2008,~~
33 ~~\$6,000,000; and in fiscal year 2009, \$5,500,000.~~

34 (4) ~~The provisions of this subsection (f) shall expire on June 30,~~
35 ~~2009. Thereafter, state general fund moneys shall be used to fund the~~
36 ~~KAN-ED network and such funding shall be of the highest priority along~~
37 ~~with education funding.~~

38 Sec. 2. K.S.A. 2011 Supp. 72-9712 is hereby amended to read as
39 follows: 72-9712. (a) The state board of regents shall adopt any rules and
40 regulations necessary for the administration of the provisions of this act
41 and, subject to appropriations therefore, shall:

42 (1) Provide for establishment and operation of the Kansas academy of
43 mathematics and science program by a postsecondary educational

1 institution designated by the board;

2 (2) establish guidelines and procedures for operation of KAMS and
3 for selection of academically talented pupils who apply for admission to
4 KAMS;

5 (3) prescribe the curriculum of KAMS, including coursework in
6 mathematics through calculus II, chemistry, biology, physics, computer
7 science, English and history. The course of study for KAMS pupils shall
8 be subject to the approval of the state board of education and shall be
9 designed to meet both the high school graduation requirements and the
10 requirements for an associate of arts or an associate of science degree. The
11 state assessment scores of academically talented pupils in KAMS shall be
12 included in the state assessment scores of the school district which such
13 pupil last attended, but nothing herein shall preclude the use of such
14 assessments by KAMS. Solely for the purpose of admission to KAMS, an
15 academically talented pupil shall not be required to comply with the
16 requirements of K.S.A. 76-717, and amendments thereto; and

17 (4) establish tuition and fees for academically talented pupils
18 attending the KAMS program. For academically talented pupils who are
19 enrolled in a Kansas school district, such tuition and fees, other than those
20 fees which are regularly charged to high school pupils, shall be paid by the
21 school district where such pupil is enrolled, but shall not exceed an amount
22 equal to base state aid per pupil. All academically talented pupils shall be
23 responsible for the payment of any fees regularly charged to other pupils
24 enrolled in high school. Tuition and fees charged to pupils who are not
25 enrolled in a Kansas school district may exceed the amount charged to
26 pupils who are enrolled in a Kansas school district. Academically talented
27 pupils who are not enrolled in a Kansas school district shall be responsible
28 for the payment of all tuition and fees.

29 (b) The guidelines and procedures for the operation of KAMS shall
30 address:

31 (1) Selection and admission of academically talented pupils on the
32 basis of mathematics or science career interests, standardized tests scores,
33 transcripts, teacher evaluations, essays, family commitment, personal
34 interviews and other such factors as the board identifies;

35 (2) selection of faculty and faculty qualifications;

36 (3) research, laboratory and field trip activities;

37 (4) extracurricular activities;

38 (5) college and career counseling services;

39 (6) college credit to be awarded;

40 (7) preparation and utilization of manuals to be provided to high
41 school counselors for use in advising academically talented pupils;

42 (8) computers and software needed;

43 (9) ways and means of encouraging and facilitating parental

1 involvement in KAMS; and

2 (10) manner and method of publicizing KAMS and acquainting
3 academically talented pupils and their parents with the benefits to be
4 gained by attending KAMS.

5 (c) The procedure for selecting academically talented pupils for
6 admission to KAMS shall provide for admission of 20 academically
7 talented pupils selected on a congressional district basis with no more than
8 five pupils from each of the four congressional districts and 20 other
9 academically talented pupils selected on a statewide basis. If there are
10 fewer than five academically talented pupils who apply for admission to
11 KAMS from any one of the four congressional districts, academically
12 talented pupils applying from the other Kansas congressional districts may
13 be substituted therefore, but congressional district balance shall be
14 maintained to the extent possible. The board of regents shall have the
15 authority to expand the number of academically talented pupils and to
16 authorize admission of nonresident academically talented pupils and
17 international academically talented pupils as well as additional Kansas
18 residents. Any such expansion of the number of Kansas residents pupils
19 shall maintain the same proportions as provided above for congressional
20 districts and selections on a statewide basis. At least ~~three-fourths~~ ^{3/4} of the
21 total number of academically talented pupils enrolled in KAMS shall be
22 Kansas residents. ~~The selection criteria and programs for KAMS may~~
23 ~~include advance placement courses offered over the KAN-ED network for~~
24 ~~pupils in grades 9 through 12.~~

25 Admittance to KAMS shall be determined solely pursuant to rules and
26 regulations of the state board of regents. Nothing in this section shall be
27 construed to require the admittance of a gifted pupil to KAMS or the
28 inclusion of KAMS admittance as a part of a gifted pupil's IEP.

29 (d) The board shall have authority to aid regent institutions in
30 developing short-term summer academies and shall include in its budget
31 request funds for operating such academies. The governor shall include
32 funding therefor in the governor's budget report. Such summer academies
33 may be residential ~~or use the KAN-ED system.~~

34 Sec. 3. K.S.A. 2011 Supp. 75-2546 is hereby amended to read as
35 follows: 75-2546. (a) There is hereby created the state library of Kansas
36 board, which shall consist of 14 members as follows:

37 (1) Seven members shall be professional librarians appointed by the
38 governor. The professional organizations representing the following types
39 of librarians shall each submit a list of three nominees for appointment to
40 the board and the governor shall appoint one member from each such list:
41 (A) Public librarians; (B) school librarians; (C) regents' librarians; (D)
42 community college librarians; (E) private college librarians; (F) regional
43 library systems librarians; and (G) special librarians. It shall be the

1 responsibility of the state librarian to collect the names of nominees from
2 the professional organizations of the librarians and to transmit them to the
3 governor.

4 (2) Four members shall be appointed by the governor as follows: (A)
5 One member who is a trustee of a public library; (B) two members
6 representing the general public; and (C) one member who shall be a
7 qualified member of the Kansas federation of women's clubs.

8 (3) Three members shall be members *ex officio* and shall not be
9 entitled to vote. Such members shall be: (A) The executive officer of the
10 board of regents or the designee of the executive officer; (B) the
11 commissioner of education or the designee of the commissioner; and (C)
12 the state librarian.

13 (b) Each appointed member of the board shall serve for a term of four
14 years and until a successor is appointed and qualifies except members first
15 appointed to the board shall serve the following terms, as designated by
16 the governor: Three shall serve for terms of four years, three for terms of
17 three years, two for terms of two years and three for terms of one year. The
18 appointed members of the board shall not serve more than two consecutive
19 four-year terms.

20 (c) It shall be the duty of the governor to make appointments in the
21 manner provided by subsection (a) to fill vacancies on the board as they
22 occur. Any person appointed to a vacancy shall serve for the unexpired
23 term until a successor is appointed and qualifies.

24 (d) The board shall organize annually by electing a chairperson and a
25 vice-chairperson. The vice-chairperson shall preside at meetings in the
26 absence of the chairperson. The state librarian shall serve as secretary of
27 the board. The board shall meet at least quarterly and at such other times
28 as meetings are called by the secretary.

29 (e) The board shall:

30 (1) Advocate for statewide library services and resources,
31 encouraging cooperation among libraries and promoting and encouraging
32 innovative library services;

33 (2) advise and counsel the state librarian on policies and management
34 and the state library strategic plan;

35 (3) review and approve the annual plans of regional systems of
36 cooperating libraries;

37 (4) promote collaboration with the state board of regents to ensure the
38 ~~inclusion support~~ of libraries ~~on by the KAN-ED network program~~ and the
39 continued availability of statewide library reference resources;

40 (5) perform such other duties and functions as provided by law; and

41 (6) recommend statewide priorities for interlibrary cooperation and
42 resource sharing.

43 (f) Members of the board attending meetings of the board, or

1 attending a subcommittee meeting thereof authorized by the board, shall
2 be paid amounts provided in subsection (e) of K.S.A. 75-3223, and
3 amendments thereto. Amounts paid under this section shall be paid from
4 appropriations to the state library upon warrants of the director of accounts
5 and reports issued pursuant to vouchers approved by the state librarian or a
6 person designated by the state librarian.

7 Sec. 4. K.S.A. 2011 Supp. 75-7222 is hereby amended to read as
8 follows: 75-7222. As used in this act, unless the context requires
9 otherwise:

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

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

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

17 ~~(d) "Network" means the KAN-ED network~~ "Program" means the
18 *KAN-ED program* created pursuant to this act *for the purposes of: (1)*
19 *Facilitating schools', libraries' and hospitals' use of broadband*
20 *technology-based video communication for distance learning and*
21 *telemedicine; and (2) assisting schools, libraries and hospitals that have a*
22 *direct KAN-ED connection as of January 1, 2012, to connect to a*
23 *commercially-provided broadband internet connection.*

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

30 Sec. 5. K.S.A. 2011 Supp. 75-7223 is hereby amended to read as
31 follows: 75-7223. (a) The purpose of this act is to:

32 ~~(1) Provide for a broadband technology-based network to which~~
33 *program to facilitate use of broadband technology-based video*
34 *communication for distance learning and telemedicine by schools, libraries*
35 *and hospitals may connect for broadband internet access and intranet*
36 *access for distance learning; and*

37 ~~(2) assist schools, libraries and hospitals that have a direct KAN-ED~~
38 *connection as of January 1, 2012, to transition from such network*
39 *connection to a commercially provided broadband internet connection. For*
40 *that purpose*

41 ~~(b) To carry out such purposes, the state board of regents shall may~~
42 *contract in accordance with this act for the creation, operation and*
43 *maintenance of such network, to be known as the KAN-ED network goods*

1 *and services necessary to administer such program.*

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

5 ~~(c) The network program shall not provide for: (1) Impairment of any~~
6 ~~existing contract for the provision of telecommunications services or~~
7 ~~internet services to any school, library or hospital; or (2) state ownership~~
8 ~~or construction of any network facilities other than those owned or being~~
9 ~~constructed by the state on the effective date of this act; (3) switched voice~~
10 ~~access, except to the extent switched access is being provided by state~~
11 ~~owned, leased or operated facilities as of the effective date of this act; (4)~~
12 ~~transmission of voice over internet or voice over internet protocol, except~~
13 ~~to the extent necessary to facilitate interactive two-way video; (5) use of~~
14 ~~the network program for purposes inconsistent with the purposes of this~~
15 ~~act; (6) the establishment of a proprietary interconnection agreement with~~
16 ~~a provider or proprietary peering standards by a provider, the purpose of~~
17 ~~which is to act as a barrier to peering or interconnection of providers to the~~
18 ~~KAN-ED network; or (7) any financial fee or obligation required to~~
19 ~~connect a peered provider network to the KAN-ED network which is~~
20 ~~unusual or not customary. The provisions of clause (6) shall not preclude~~
21 ~~the board from establishing technical standards for operation and~~
22 ~~maintenance of the network as required by subsection (c)(1) of K.S.A.~~
23 ~~2011 Supp. 75-7224, and amendments thereto.~~

24 Sec. 6. K.S.A. 2011 Supp. 75-7224 is hereby amended to read as
25 follows: 75-7224. (a) The board shall: ~~establish a plan to ensure that all~~
26 ~~schools, libraries and hospitals have quality, affordable access to the~~
27 ~~internet and distance learning. The board shall adopt standards for~~
28 ~~determining whether such access is available to each school, library or~~
29 ~~hospital desiring such access and shall adopt priorities for implementation~~
30 ~~of such access~~

31 *(1) Provide a program to facilitate the use of broadband technology-*
32 *based video communication for distance learning and telemedicine by*
33 *schools, libraries and hospitals;*

34 *(2) perform a one-time needs assessment for schools, libraries and*
35 *hospitals that have a direct KAN-ED connection as of January 1, 2012, as*
36 *such entities transition to a commercially provided broadband internet*
37 *connection, to determine each such entity's need and the scope of such*
38 *need for: (A) A broadband internet connection; and (B) distance learning*
39 *and telemedicine delivery services;*

40 *(3) assist schools, libraries and hospitals that have a direct KAN-ED*
41 *connection as of January 1, 2012, to transition from such network*
42 *connection to a commercially provided broadband internet connection;*

43 *(4) assist schools, libraries and hospitals to apply for federal grants*

1 *to be used for purposes consistent with this act; and*

2 (5) *collect data regarding:*

3 (A) *Broadband internet usage by each school, library and hospital in*
4 *the program;*

5 (B) *distance learning and telemedicine usage; and*

6 (C) *the volume of data accessed.*

7 *The board shall develop a methodology for updating and validating*
8 *any data collected for periodic revisions of the program, standards and*
9 *priorities.*

10 (b) *The board may request and receive assistance from any school,*
11 *any library, any hospital, the state corporation commission, any other*
12 *agency of the state or any telecommunications, cable or other*
13 *communications services provider to gather necessary data to implement*
14 *such plan and establish such standards and priorities. ~~The board shall~~*
15 *~~develop a methodology for updating and validating any data collected for~~*
16 *~~periodic revisions of the plan, standards and priorities. Not less than 75%~~*
17 *~~of all schools which have applied to the board to participate in the~~*
18 *~~network, 75% of all libraries which have applied to the board to participate~~*
19 *~~in the network and 75% of all hospitals which have applied to the board to~~*
20 *~~participate in the network shall have access to the network by July 1, 2004.~~*

21 ~~(b) The board shall contract with providers of telecommunications~~
22 ~~services, cable services and other communications services for the~~
23 ~~creation, operation and maintenance of the network. Such contracts shall~~
24 ~~be let by competitive bids as provided by K.S.A. 75-3739, and~~
25 ~~amendments thereto.~~

26 (c) *The board shall establish: (1) Technical standards for operation*
27 *and maintenance of the network program; (2) the method of monitoring*
28 *operations of the network program; and (3) the method or methods of*
29 *increasing the capacity of the network to accommodate changes in the*
30 *demands adjusting the program to reflect the needs of schools, libraries*
31 *and hospitals as determined by the needs assessment or ongoing data*
32 *collection for each such entity. Such standards and methods shall be*
33 *included in the board's report to the legislature pursuant to K.S.A. 2011*
34 *Supp. 75-7226, and amendments thereto.*

35 ~~(d) The board shall identify any potential regulatory impediments to~~
36 ~~and other regulatory considerations in implementation of the network and~~
37 ~~shall propose measures to address such impediments and other~~
38 ~~considerations.~~

39 ~~(e) The board shall assess the need of schools, libraries and hospitals~~
40 ~~for full-motion video connectivity. Based on its findings the findings of the~~
41 ~~needs assessments or collected data, the board may shall develop a plan to~~
42 ~~provide such connectivity. : (1) Facilitate the use of broadband~~
43 ~~technology-based video communication for distance learning and~~

1 *telemedicine by schools, libraries and hospitals; (2) transition schools,*
2 *libraries and hospitals that have a direct KAN-ED connection as of*
3 *January 1, 2012, to a commercially provided broadband internet*
4 *connection, so long as a commercially provided broadband internet*
5 *connection is available that meets such entity's needs as determined by the*
6 *needs assessment pursuant to subsection (a); and (3) establish a maximum*
7 *level of funding that may be provided to each school, library and hospital.*

8 The plan may require users of ~~such connectivity~~ the program to bear part
9 of its cost. *Such plan shall be included in the board's report to the*
10 *legislature pursuant to K.S.A. 2011 Supp. 75-7226, and amendments*
11 *thereto.*

12 ~~(f)~~(e) The board may appoint such advisory committees as the board
13 determines necessary to carry out the purposes of this act. The membership
14 of advisory committees may include both members of the board and
15 persons who are not board members. Such advisory committees, to the
16 extent appropriate, shall include both communications services providers
17 and participants knowledgeable about topics such as network facilities and
18 services, ~~network content and distance learning and telemedicine~~, user
19 training; and such other topics as may be necessary or useful. Members of
20 advisory committees appointed by the board shall receive amounts
21 provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.

22 ~~(g)~~(f) ~~On or before July 1, 2002, and thereafter as the board deems~~
23 ~~appropriate~~, The board shall adopt rules and regulations to implement and
24 administer the provisions of this act.

25 ~~(h)~~(g) The board shall have all other powers necessary to achieve the
26 purposes of this act, including but not limited to the power to receive any
27 appropriations, donations, grants, bequests and devises, conditional and
28 otherwise, of money, property, services or other things of value for the
29 purposes of this act.

30 ~~(i)~~(h) The state department of education, the ~~division of information~~
31 ~~systems and communications~~ *office of information technology services* of
32 the department of administration, the state corporation commission and all
33 other state agencies shall cooperate with the board in providing
34 information and other assistance requested by the board for the
35 performance of its duties pursuant to this act.

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

1 described in this act.

2 (b) ~~The report required pursuant to this section in years 2006, 2007~~
3 ~~and 2008 shall include a statement of the costs of and savings realized by~~
4 ~~implementation of the network and a plan for funding the network~~ *On or*
5 *before January 15, 2013, the board shall report to the senate standing*
6 *committees on utilities and ways and means, the house standing*
7 *committees on energy and utilities and appropriations and the joint*
8 *committee on information technology. Such report shall include:*

9 (1) *Broadband internet usage by each school, library and hospital in*
10 *the program;*

11 (2) *distance learning and telemedicine usage;*

12 (3) *options for a shared resource fee structure for schools, libraries*
13 *and hospitals for distance learning and telemedicine usage;*

14 (4) *options to fund the KAN-ED program for fiscal year 2014 and*
15 *each fiscal year thereafter;*

16 (5) *the standards and methods established by the board pursuant to*
17 *subsection (c) of K.S.A. 2011 Supp. 75-7224, and amendments thereto;*
18 *and*

19 (6) *the plan developed by the board pursuant to subsection (d) of*
20 *K.S.A. 2011 Supp. 75-7224, and amendments thereto.*

21 Sec. 8. K.S.A. 2011 Supp. 66-2010, 72-9712, 75-2546, 75-7222, 75-
22 7223, 75-7224, 75-7226 and 75-7228 are hereby repealed.

23 Sec. 9. This act shall take effect and be in force from and after its
24 publication in the Kansas register.