

HOUSE BILL No. 2656

By Committee on Higher Education

1-19

9 AN ACT amending the KAN-ED act; relating to certain criminal justice
10 agencies; amending K.S.A. 2005 Supp. 75-7222, 75-7223 and 75-7224
11 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2005 Supp. 75-7222 is hereby amended to read as
15 follows: 75-7222. As used in this act, unless the context requires
16 otherwise:

17 (a) “Board” means the state board of regents.

18 (b) “*Criminal justice agencies*” means the Kansas department of cor-
19 rections, the juvenile justice authority and the state courts and their med-
20 ical and education providers;

21 (c) “Hospital” means a licensed hospital, as defined in K.S.A. 65-425,
22 and amendments thereto.

23 ~~(d)~~ (d) “Library” means: (1) The state library; (2) any public library
24 established and operating under the laws of this state; or (3) any regional
25 system of cooperating libraries, as defined in K.S.A. 75-2548, and amend-
26 ments thereto.

27 ~~(e)~~ (e) “Network” means the KAN-ED network created pursuant to
28 this act.

29 ~~(f)~~ (f) “School” means: (1) Any unified school district, school district
30 interlocal cooperative, school district cooperative or nonpublic school ac-
31 credited by the state board of education; or (2) any community college,
32 technical college, area vocational school, area vocational-technical school
33 or Kansas educational institution, as defined in K.S.A. 74-32,120, and
34 amendments thereto.

35 Sec. 2. K.S.A. 2005 Supp. 75-7223 is hereby amended to read as
36 follows: 75-7223. (a) The purpose of this act is to provide for a broad-
37 band technology-based network to which schools, libraries, *criminal jus-*
38 *tice agencies* and hospitals may connect for broadband internet access
39 and intranet access for distance learning. For that purpose, the state board
40 of regents shall contract in accordance with this act for the creation, op-
41 eration and maintenance of such network, to be known as the KAN-ED
42 network.

43 (b) The network shall not provide for: (1) Impairment of any existing

1 contract for the provision of telecommunications services or internet serv-
2 ices to any school, library, *criminal justice agency* or hospital; (2) state
3 ownership or construction of any network facilities other than those
4 owned or being constructed by the state on the effective date of this act;
5 (3) switched voice access, except to the extent switched access is being
6 provided by state owned, leased or operated facilities as of the effective
7 date of this act; (4) transmission of voice over internet or voice over in-
8 ternet protocol, except to the extent necessary to facilitate interactive two-
9 way video; or (5) use of the network for purposes inconsistent with the
10 purposes of this act.

11 Sec. 3. K.S.A. 2005 Supp. 75-7224 is hereby amended to read as
12 follows: 75-7224. (a) The board shall establish a plan to ensure that all
13 schools, libraries, *criminal justice agencies* and hospitals have quality, af-
14 fordable access to the internet and distance learning. The board shall
15 adopt standards for determining whether such access is available to each
16 school, library, *criminal justice agency* or hospital desiring such access
17 and shall adopt priorities for implementation of such access. The board
18 may request and receive assistance from any school, any library, any hos-
19 pital, the state corporation commission, any other agency of the state or
20 any telecommunications, cable or other communications services pro-
21 vider to gather necessary data to implement such plan and establish such
22 standards and priorities. The board shall develop a methodology for up-
23 dating and validating any data collected for periodic revisions of the plan,
24 standards and priorities. Not less than 75% of all schools which have
25 applied to the board to participate in the network, 75% of all libraries
26 which have applied to the board to participate in the network and 75%
27 of all hospitals which have applied to the board to participate in the net-
28 work shall have access to the network by July 1, 2004.

29 (b) The board shall contract with providers of telecommunications
30 services, cable services and other communications services for the crea-
31 tion, operation and maintenance of the network. Such contracts shall be
32 let by competitive bids as provided by K.S.A. 75-3739, and amendments
33 thereto.

34 (c) The board shall establish: (1) Technical standards for operation
35 and maintenance of the network; (2) the method of monitoring operations
36 of the network; and (3) the method or methods of increasing the capacity
37 of the network to accommodate changes in the demands of schools, li-
38 braries, *criminal justice agencies* and hospitals.

39 (d) The board shall identify any potential regulatory impediments to
40 and other regulatory considerations in implementation of the network and
41 shall propose measures to address such impediments and other
42 considerations.

43 (e) The board shall assess the need of schools, libraries, *criminal jus-*

1 *tice agencies* and hospitals for full-motion video connectivity. Based on
2 its findings, the board may develop a plan to provide such connectivity.
3 The plan may require users of such connectivity bear part of its cost.

4 (f) The board may appoint such advisory committees as the board
5 determines necessary to carry out the purposes of this act. The member-
6 ship of advisory committees may include both members of the board and
7 persons who are not board members. Such advisory committees, to the
8 extent appropriate, shall include both communications services providers
9 and participants knowledgeable about topics such as network facilities and
10 services, network content and user training, and such other topics as may
11 be necessary or useful. Members of advisory committees appointed by
12 the board shall receive amounts provided for in subsection (e) of K.S.A.
13 75-3223, and amendments thereto.

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

17 (h) The board shall have all other powers necessary to achieve the
18 purposes of this act, including but not limited to the power to receive any
19 appropriations, donations, grants, bequests and devises, conditional and
20 otherwise, of money, property, services or other things of value for the
21 purposes of this act.

22 (i) The state department of education, the division of information
23 systems and communications of the department of administration, the
24 state corporation commission and all other state agencies shall cooperate
25 with the board in providing information and other assistance requested
26 by the board for the performance of its duties pursuant to this act.

27 Sec. 4. K.S.A. 2005 Supp. 75-7222, 75-7223 and 75-7224 are hereby
28 repealed.

29 Sec. 5. This act shall take effect and be in force from and after its
30 publication in the statute book.