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MEMORANDUM

To: Senate Committee on Utilities
From: Tamera Lawrence, Assistant Revisor of Statutes
Date: February 14, 2012
Subject: SB 398, KAN-ED Act

SB 398 amends the KAN-ED act. Sections 1 and 2 and the repeal of K.S.A. 75-7228 will take effect on January 1, 2014. Sections 3 and 4 go into effect on July 1, 2012. The delayed effective date on those sections is to allow the board of regents time to transfer from the current system to the new system provided in the bill.

Section 1 strikes the term “network” from the definitions.

Section 2 concerns the purpose of the KAN-ED program. Currently, the purpose is for the board of regents to provide for a broadband technology-based network for schools, libraries and hospitals to connect for internet access and distance learning. Under SB 398, the purpose is to assist schools, libraries and hospitals in connecting to any network for internet access and distance learning. The bill strikes the requirement that the board contract to create, operate and maintain the KAN-ED network. The bill also requires the board to establish and administer a subsidy program to help fund the costs of internet and intranet connections for schools, libraries and hospitals. In addition, section 2 strikes subsections (b) and (c), which contain the features the network will allow and the features the network will not provide.

Section 3 of the bill directs the board to establish a plan to assist schools, libraries and hospitals in purchasing internet access. The plan would require those entities to pay part of the cost of purchasing internet access. This section also requires the board to establish a mechanism to combine federal and state subsidies with contributions from participating entities to enable them

to purchase internet access, full-motion video and distance learning. The board will be required to develop state subsidy eligibility criteria and schedules based on the individual entity's needs. To determine an entity's needs, the board is required to develop a needs assessment, which may require an entity to pay a user fee or pay through some other cost-share system.

Section 3 also strikes a number of things, including: the requirement that 75% of each entity have access to a network by July 1, 2004; the establishment of technical standards, methods of monitoring and methods of increasing capacity; and identifying and addressing any potential regulatory impediments.

Section 4 strikes subsection (b) regarding reports to the legislature in 2006, 2007 and 2008.

Finally, the bill also repeals K.S.A. 75-7228 which requires the board to study and report on duplicated services between KAN-ED and KanREN. That report was to be presented in 2006.