

LEGISLATIVE BILL 461

Approved by the Governor April 17, 1986

Introduced by R. Johnson, 34; Vickers, 38; Scofield, 49;
Withem, 14; Baack, 47; Conway, 17;
Nelson, 35

AN ACT relating to educational telecommunications; to amend sections 79-2101, 79-2103, 79-2106.01, and 79-2109, Revised Statutes Supplement, 1984; to expand the scope of the Nebraska Educational Telecommunications Act; to provide additional powers and duties; to redefine a term; to eliminate a restriction on a fund; and to repeal the original sections, and also section 79-2108, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-2101, Revised Statutes Supplement, 1984, be amended to read as follows:

79-2101. The Nebraska Educational Telecommunications Act creates the Nebraska Educational Telecommunications Commission for the purpose of (1) promoting and establishing noncommercial educational telecommunications facilities within the State of Nebraska, (2) ~~and~~ providing noncommercial educational telecommunications programs throughout the State of Nebraska by standard broadcast or by closed-circuit transmission, and (3) establishing over a period of time and operating a statewide educational and public radio network and service. The commission shall seek funding from federal, state, foundation, and private sources for capital construction and annual operations. The commission shall also report annually to the Legislature and the Legislature's Education Committee regarding its progress in the development of such a network and service. It is the intent of the Legislature that priority for such network and service shall be given to currently underserved areas.

Sec. 2. That section 79-2103, Revised Statutes Supplement, 1984, be amended to read as follows:

79-2103. The powers and duties of the commission shall be:

(1) To promote and sponsor a noncommercial

educational telecommunications network consisting of no fewer than two general originating broadcast production and transmission interconnecting facilities, one of which shall be located in Omaha, to serve a series of interconnecting units throughout the State of Nebraska;

(2) To promote and support locally or state-operated noncommercial educational radio stations with satellite receiving capabilities and improved transmitter coverage by use of the tower sites operated by the commission on the effective date of this act or other facilities located at the sites of originating stations and to provide other forms of support as necessary as funds become available. Preference shall be given to the support of stations which will operate in areas of the state not served by noncommercial educational radio and to stations operated by educational institutions which incorporate local programming into their instructional programs;

~~(3) (2)~~ To apply for and to receive and hold such authorizations, ~~and~~ licenses, and assignments of channels from the Federal Communications Commission as may be necessary to conduct such educational telecommunications programs by standard broadcast, ~~or~~ by closed circuits, or by radio satellite transmission, and to prepare, file, and prosecute before the Federal Communications Commission all applications, reports, or other documents or requests for authorization of any kind necessary or appropriate to achieve the purposes set forth in the Nebraska Educational Telecommunications Act;

~~(3) (4)~~ To receive gifts and contributions from public and private sources to be expended in providing educational telecommunications facilities and programs;

~~(4) (5)~~ To acquire real estate and other property as an agency of the State of Nebraska and to hold and use the same for educational telecommunications purposes;

~~(5) (6)~~ To contract for the construction, repair, maintenance, and operation of telecommunications facilities;

~~(6) (7)~~ To contract with common carriers, qualified under the laws of the State of Nebraska, to provide interconnecting channels or satellite facilities between broadcasting towers unless it is first determined by the Nebraska Educational Telecommunications Commission that state-owned interconnecting channels can be constructed and operated that would furnish a comparable quality of service at a

cost to the state that would be less than if such channels were provided by qualified common carriers;

(8) To contract with future or existing noncommercial radio stations in the State of Nebraska for the purpose of providing programming produced at the national, regional, state, or local level to be transmitted by the state radio network;

(9) To provide for programming for the blind and other print-handicapped persons, as authorized by the Federal Communications Commission under subsidiary communications authority rules, through contracts with appropriate nonprofit corporations or organizations which have been created for such purpose;

(10) (7) To arrange for the operation of a statewide educational telecommunications network, as directed by the Nebraska Educational Telecommunications Commission, consistent with the provisions of the Communications Act of 1934, as amended, and applicable rules, regulations, and policies of the Federal Communications Commission, and, insofar as elementary and secondary education programs are concerned, consistent with policies of the State Board of Education;

(8) (11) After taking into consideration the needs of the entire state, to establish general policies relating to the nature and character of educational telecommunications broadcasts or transmissions;

(9) (12) To review, or cause to be reviewed by a person designated by the commission, all programs presented on the network prior to broadcast or transmission to insure that the programs are suitable for viewing and listening. Such suitability shall be determined by evaluating the content of the program, and screening the programs if necessary, as to their educational value and whether they enhance the cultural appreciation of the viewer and listener and do not appeal to his or her prurient interest. When it is obvious from an examination of the descriptive program materials that a program is suitable for presenting on the network, no further review shall be required;

(10) (13) To cooperate with the Secretary of Education, Commerce and other federal or state agencies for the purpose of obtaining matching federal or state funds and providing educational telecommunications facilities of all types throughout the state and to make such reports as may be required of recipients of matching funds;

(11) (14) To arrange for and provide standard broadcast, and closed-circuit, and radio satellite

transmission noncommercial educational telecommunications programs to Nebraska citizens and institutions, but no tax funds shall be used for program advertising which may only be financed out of funds received from foundations or individual gifts;

~~(12)~~ (15) To coordinate the activities of all Nebraska agencies, supported in whole or in part by public funds, providing program material for the Nebraska educational telecommunications network and, in the event that two or more such agencies desire to provide program material that is substantially equivalent, to determine which agency shall provide specific material, taking into consideration the need to provide unified programming with the greatest economy and least duplication with first priority being given in program development and scheduling to the instructional needs of the elementary and secondary schools of Nebraska;

~~(13)~~ (16) To adopt bylaws for the conduct of its affairs;

~~(14)~~ (17) To make certain that the facilities are not used for any purpose which is contrary to the Constitution of the United States or the State of Nebraska or for broadcasting propoganda or attempting to influence legislation;

~~(15)~~ (18) To publish such informational material as it deems necessary and it may, at its discretion, charge appropriate fees therefor. The proceeds of all such fees shall be deposited in the State Educational Telecommunications Fund and shall be used by the commission solely for publishing such informational material. The commission shall provide to newspapers, radio stations, and other news media program schedules informing the public of programs approved by the commission; and

~~(16)~~ (19) To maintain a library of films and ~~videe tapes~~ videotapes which depict persons who appear to be significant or prominent in Nebraska history and the proceedings of the regular meetings of the Legislature.

Sec. 3. That section 79-2106.01, Revised Statutes Supplement, 1984, be amended to read as follows:

79-2106.01. As used in the Nebraska Educational Telecommunications Act, unless the context otherwise requires:

(1) Telecommunications shall include ~~both~~ statewide public television, ~~and~~ statewide closed-circuit educational television, and statewide

radio satellite transmission, whether formal or informal;

(2) Formal telecommunications shall mean programs offered through a telecommunications system by which credits toward an educational degree, certificate, or diploma may be earned; and

(3) Instructional technology shall mean the organization and use of programs and devices to store, retrieve, process, display, receive, or transmit, by any means, information for the purpose of carrying out educational objectives.

Sec. 4. That section 79-2109, Revised Statutes Supplement, 1984, be amended to read as follows:

79-2109. The Nebraska Educational Telecommunications Commission is authorized and empowered to acquire in the name of the State of Nebraska real estate by the use of eminent domain, as provided in sections 72-213 to 72-222, for the following purposes:

(1) For stations and tower site with access road:

Part of the southeast quarter of the northeast quarter of section 36, township 22 north, range 50 west of the 6th principal meridian, Morrill County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of the northeast quarter of said section 36, which point is one thousand nine hundred twelve and two-tenths feet south of the northeast corner of said section, and is seven hundred twenty-eight and three-tenths feet north of the southeast corner of said northeast quarter; thence west, at right angles to said east line, for a distance of one hundred forty-nine and one-tenth feet; thence north forty-seven degrees thirty minutes west for a distance of two hundred fifty-four and eighty-five hundredths feet; thence north, parallel with said east line of said section, for a distance of three hundred and zero-tenths feet; thence west, on a line at right angles to said east line, for a distance of three hundred and zero-tenths feet; thence south, parallel with said east line, for a distance of three hundred and zero-tenths feet; thence east on a line at right angles to said east line, for a distance of one hundred fifty-two and zero-tenths feet; thence south forty-seven degrees thirty minutes east for a distance of six hundred fifty-seven and nine-tenths feet more or less, to a point on said east line; thence north on said east line, for a distance of two hundred seventy-two and

three-tenths feet, to the point of beginning, comprising an area of three and fifty-eight hundredths acres, more or less, subject to the county road on the east thirty-three and zero-tenths feet of the portion adjoining the section line; and

(2) For guy anchors for tower:

Part of the northeast quarter of section 36, township 22 north, range 50 west of the 6th principal meridian, Morrill County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of said northeast quarter, which point is six hundred ninety-five and zero-tenths feet south of the northeast corner thereof; thence west, at right angles to said east line, for a distance of one thousand five hundred ninety and zero-tenths feet; thence south, parallel with said east line, for a distance of one thousand seven hundred forty and zero-tenths feet; thence east, at right angles to said east line, for a distance of one thousand five hundred ninety and zero-tenths feet, to a point on said east line; thence north on said east line of the northeast quarter, for a distance of one thousand seven hundred forty and zero-tenths feet, to the point of beginning; and

(3) For downlink satellite or feed and broadcast facilities.

Sec. 5. That original sections 79-2101, 79-2103, 79-2106.01, and 79-2109, Revised Statutes Supplement, 1984, and also section 79-2108, Reissue Revised Statutes of Nebraska, 1943, are repealed.