

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 501

Introduced by Krist, 10.

Read first time January 21, 2015

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the Legislature; to provide for use of
2 audio or visual materials of legislative proceedings produced by a
3 public television or radio broadcasting station for a commercial
4 purpose or political advertising; to define terms; to provide a
5 penalty; and to provide for injunctive relief.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Commercial purpose means a purpose that is intended to result in
3 a profit or other tangible financial benefit; and

4 (b) Political advertising means a communication supporting or
5 opposing a candidate for nomination or election to a public office or
6 office of a political party, a political party, a public officer, or a
7 ballot measure that:

8 (i) In return for consideration, is broadcast by radio or
9 television; or

10 (ii) Appears on an Internet web site in conjunction with political
11 advertising.

12 (2) A person may not use audio or video materials produced by a
13 public television or radio broadcasting station of the Legislature or of
14 a committee or division of the Legislature for a commercial purpose or
15 political advertising unless the Executive Board of the Legislative
16 Council gives its permission as provided in subsection (4) of this
17 section for the person's use and either:

18 (a) The person uses the audio or video materials only for
19 educational or public affairs programming, including news programming; or

20 (b) The person transmits to paid subscribers an unedited feed of the
21 audio or visual materials.

22 (3) A person who violates subsection (2) of this section is guilty
23 of a Class III misdemeanor.

24 (4) The Executive Board shall give its permission to a person to use
25 the materials for a commercial purpose or political advertising described
26 by subdivision (2)(a) of this section if the person or the person's
27 representative submits to the Executive Board a signed, written request
28 for the use that:

29 (a) States the purpose for which the audio or video materials will
30 be used and the stated purpose is allowed under subdivision (2)(a) of
31 this section; and

1 (b) Contains an agreement by the person that the audio or visual
2 materials will not be used for a commercial purpose or political
3 advertising other than the stated purpose.

4 (5) The Executive Board is not required to give its permission to
5 any person to use the materials for a purpose described by subdivision
6 (2)(a) of this section and may limit the number of persons to whom it
7 gives its permission to use the materials for a purpose described by
8 subdivision (2)(a) of this section.

9 (6) Subsection (2) of this section and an agreement under
10 subdivision (4)(b) of this section do not prohibit compiling, describing,
11 quoting from, analyzing, or researching the verbal content of the audio
12 or visual materials for a commercial purpose or political advertising.

13 (7) In addition to the penalty in subsection (3) of this section,
14 the Attorney General shall enforce this section at the request of the
15 Executive Board by bringing a civil action to enjoin a violation of
16 subsection (2) of this section or an agreement under subdivision (4)(b)
17 of this section.