

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 331**

Final Reading

Introduced by Education Committee: Adams, 24, Chairperson; Avery,  
28; Cornett, 45; Haar, 21; Howard, 9; Sullivan, 41.

Read first time January 12, 2011

Committee: Education

A BILL

- 1 FOR AN ACT relating to educational telecommunications; to amend
- 2 section 79-1316, Reissue Revised Statutes of Nebraska; to
- 3 change powers and duties relating to a network; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 79-1316, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   79-1316 The powers and duties of the Nebraska Educational  
4 Telecommunications Commission are:

5                   (1) To promote and sponsor a noncommercial educational  
6 television network ~~consisting of no fewer than two general~~  
7 ~~originating broadcast production facilities, one of which shall be~~  
8 ~~located in Omaha,~~ to serve a series of interconnecting units  
9 throughout the State of Nebraska;

10                   (2) To promote and support locally operated or state-  
11 operated noncommercial educational radio stations with satellite  
12 receiving capabilities and improved transmitter coverage;

13                   (3) To apply for and to receive and hold such  
14 authorizations, licenses, and assignments of channels from the  
15 Federal Communications Commission as may be necessary to conduct such  
16 educational telecommunications programs by standard radio and  
17 television broadcast or by other telecommunications technology  
18 broadcast systems and to prepare, file, and prosecute before the  
19 Federal Communications Commission all applications, reports, or other  
20 documents or requests for authorization of any kind necessary or  
21 appropriate to achieve the purposes set forth in the Nebraska  
22 Educational Telecommunications Act;

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

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

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

6                   (7) To contract with common carriers, qualified under the  
7 laws of the State of Nebraska, to provide interconnecting channels or  
8 satellite facilities in support of radio, television, and other  
9 telecommunications technology services unless it is first determined  
10 by the Nebraska Educational Telecommunications Commission that state-  
11 owned interconnecting channels can be constructed and operated that  
12 would furnish a comparable quality of service at a cost to the state  
13 that would be less than if such channels were provided by qualified  
14 common carriers;

15                   (8) To provide for programming for the visually impaired,  
16 other print-handicapped persons, and the deaf and hard of hearing as  
17 authorized by the Federal Communications Commission under subsidiary  
18 communications authority rules, through contracts with appropriate  
19 nonprofit corporations or organizations which have been created for  
20 such purpose;

21                   (9) To arrange for the operation of statewide educational  
22 telecommunications networks, as directed by the Nebraska Educational  
23 Telecommunications Commission, consistent with the provisions of the  
24 federal Communications Act of 1934, as amended, and applicable rules  
25 and regulations, with policies of the Federal Communications

1 Commission, in cooperation with the State Board of Education insofar  
2 as elementary and secondary education programs are concerned, and in  
3 cooperation with the Coordinating Commission for Postsecondary  
4 Education insofar as postsecondary education programs are concerned;

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

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

20 (12) To cooperate with the United States Secretary of  
21 Commerce and other federal or state agencies for the purpose of  
22 obtaining matching federal or state funds and providing educational  
23 telecommunications facilities of all types throughout the state and  
24 to make such reports as may be required of recipients of matching  
25 funds;

1           (13) To arrange for and provide standard radio and  
2 television broadcast and other telecommunications technology  
3 transmissions of noncommercial educational telecommunications  
4 programs to Nebraska citizens and institutions, but no tax funds  
5 shall be used for program advertising which may only be financed out  
6 of funds received from foundations or individual gifts;

7           (14) To coordinate with Nebraska agencies that deal with  
8 telecommunications activities and are supported in whole or in part  
9 by public funds, providing program material for the Nebraska  
10 educational telecommunications network;

11           (15) To adopt bylaws for the conduct of its affairs;

12           (16) To make certain that the facilities are not used for  
13 any purpose which is contrary to the United States Constitution or  
14 the Constitution of Nebraska or for broadcasting propaganda or  
15 attempting to influence legislation;

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

25           (18) To maintain a library of films and videotapes which

1 depict persons who appear to be significant or prominent in Nebraska  
2 history.

3                   Sec. 2. Original section 79-1316, Reissue Revised  
4 Statutes of Nebraska, is repealed.