

AMENDMENTS TO LB254

Introduced by Executive Board.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. (1) The Legislative Council, through the Executive Board
4 of the Legislative Council, shall develop and maintain a publicly
5 accessible, digital Internet archive of closed-captioned video coverage
6 of the Legislature, including floor debate and public committee hearings
7 indexed by legislative bill or resolution number or by date, beginning
8 with the coverage of the One Hundred Ninth Legislature, First Session, in
9 January 2025 or as soon as live, closed-captioned video coverage of the
10 Legislature is available for use, whichever is sooner, as provided in
11 section 79-1316.

12 (2) Applicable historical video coverage of the Legislature shall be
13 collected and added to the digital archive as available. Applicable
14 historical video coverage shall only consist of video coverage of the
15 Legislature captured by the Nebraska Educational Telecommunications
16 Commission and closed-captioned prior to January 1, 2025.

17 (3) Such archive is intended solely for educational and
18 informational purposes and to enhance access for the public, in keeping
19 with the Legislature's commitment to transparency in state government.

20 (4) Audio and video recordings of the proceedings of the Legislature
21 or of a committee or division of the Legislature are not official records
22 of such proceedings and shall not be admissible in any proceeding as
23 evidence of legislative history, action, or intent.

24 (5) The Executive Board of the Legislative Council shall develop
25 policies and procedures surrounding the creation and ongoing usage of the
26 publicly accessible, indexed, digital Internet archive of closed-
27 captioned video coverage of the Legislature developed pursuant to this

1 section. Such policies shall include, but not be limited to:

2 (a) The usage of archived video recordings for purposes other than
3 legislative purposes;

4 (b) A determination regarding which committee hearings and committee
5 briefings shall be recorded and added to the digital archive;

6 (c) Parameters surrounding long-term storage of archived video
7 recordings; and

8 (d) Management of costs in relation to supporting public
9 accessibility of archived video recordings.

10 Sec. 2. Section 50-114, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 50-114 (1) It shall be the duty of the Clerk of the Legislature to
13 attend the sessions of the Legislature, to call the roll, to read the
14 journals, bills, memorials, resolutions, petitions, and all other papers
15 or documents necessary to be read in the Legislature, to keep a correct
16 journal of the proceedings in the Legislature, and to do and perform such
17 other duties as may be imposed upon the clerk ~~him~~ by the Legislature or
18 by the Executive Board of the Legislative Council.

19 (2) The records of floor debate and committee hearings as prepared
20 and permanently maintained by the Clerk of the Legislature are the
21 official records of the Legislature.

22 (3) Any government website offering access to audio and video
23 recordings of the proceedings of the Legislature or of a committee or
24 division of the Legislature shall require notification to any website
25 user, using appropriate technology, that such recordings shall not be
26 used, reproduced, or redistributed without express permission by the
27 Legislative Council and in accordance with the policies developed by the
28 Executive Board of the Legislative Council pursuant to section 1 of this
29 act.

30 Sec. 3. Section 50-402, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 50-402 The Legislative Council shall occupy and maintain offices in
2 the State Capitol.

3 It shall be the duty of the council:

4 (1) To collect information concerning the government and general
5 welfare of the state;

6 (2) To examine the effects of previously enacted statutes and
7 recommend amendments thereto;

8 (3) To deal with important issues of public policy and questions of
9 statewide interest;

10 (4) To prepare a legislative program in the form of bills or
11 otherwise as in its opinion the welfare of the state may require, to be
12 presented at the next session of the Legislature;

13 (5) To study federal aid to the state and its political subdivisions
14 and advise the Legislature of money, land, or buildings available from
15 the federal government, matching funds necessary, grants and aids, and
16 what new legislation will be needed;

17 (6) To establish and maintain a complete and efficient bill drafting
18 service for the purpose of aiding and assisting members of the
19 Legislature and the executive departments of the state in the preparation
20 of bills, resolutions, and measures and in drafting the same in proper
21 form, and for this purpose there shall be assigned to the council for
22 such work, rooms in the State Capitol conveniently situated in reference
23 to the legislative chamber;

24 (7) To provide, through the Revisor of Statutes, for the publication
25 of supplements and replacement volumes of the statutes of Nebraska;~~and~~

26 (8) To provide, through the Executive Board of the Legislative
27 Council, for the development and maintenance of a publicly accessible,
28 indexed, digital Internet archive of closed-captioned video coverage of
29 the Legislature as provided in section 1 of this act; and

30 (9) ~~(8)~~ To set up subcommittees within the executive board to carry
31 out functions such as investigation of any area which it may decide is in

1 the public interest with power to employ such additional personnel as may
2 be needed to carry out the intent and activities of the executive board
3 or the Legislature.

4 Sec. 4. Section 79-1312, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-1312 Sections 79-1312 to 79-1322 and section 7 of this act shall
7 be known and may be cited as the Nebraska Educational Telecommunications
8 Act.

9 Sec. 5. Section 79-1313, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-1313 The Nebraska Educational Telecommunications Act creates the
12 Nebraska Educational Telecommunications Commission for the purpose of (1)
13 promoting and establishing noncommercial educational telecommunications
14 facilities within the State of Nebraska, (2) providing noncommercial
15 educational telecommunications programs throughout the State of Nebraska
16 by digital broadcast, by closed-circuit transmission, by Internet-based
17 delivery, or by other telecommunications technology distribution systems,
18 ~~and~~ (3) operating statewide educational and public radio and television
19 networks, facilities, and services, and (4) providing closed-captioned
20 live video coverage of the Legislature as provided in section 79-1316.

21 The commission shall seek funding from federal, state, foundation, and
22 private sources for capital construction and annual operations.

23 Sec. 6. Section 79-1316, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-1316 The powers and duties of the Nebraska Educational
26 Telecommunications Commission are:

27 (1) To promote and sponsor a noncommercial educational television
28 network to serve a series of interconnecting units throughout the State
29 of Nebraska;

30 (2) To promote and support locally operated or state-operated
31 noncommercial educational radio stations with satellite receiving

1 capabilities and improved transmitter coverage;

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

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

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

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

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

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

1 (9) To arrange for the operation of statewide educational
2 telecommunications networks, as directed by the Nebraska Educational
3 Telecommunications Commission, consistent with the provisions of the
4 federal Communications Act of 1934, as amended, and applicable rules and
5 regulations, with policies of the Federal Communications Commission, in
6 cooperation with the State Board of Education insofar as elementary and
7 secondary education programs are concerned, and in cooperation with the
8 Coordinating Commission for Postsecondary Education insofar as
9 postsecondary education programs are concerned;

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

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

24 (12) To cooperate with federal or state agencies for the purpose of
25 obtaining matching federal or state funds and providing educational
26 telecommunications facilities of all types throughout the state and to
27 make such reports as may be required of recipients of matching funds;

28 (13) To arrange for and provide digital radio and television
29 broadcast and other telecommunications technology transmissions of
30 noncommercial educational telecommunications programs to Nebraska
31 citizens and institutions, but no tax funds shall be used for program

1 advertising which may only be financed out of funds received from
2 foundations or individual gifts;

3 (14) To coordinate with Nebraska agencies that deal with
4 telecommunications activities and are supported in whole or in part by
5 public funds;

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

7 (16) To make certain that the facilities are not used for any
8 purpose which is contrary to the United States Constitution or the
9 Constitution of Nebraska or for broadcasting propaganda or attempting to
10 influence legislation;

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

19 (18) To maintain a digital archive of programs and educational
20 content containing stories, events, individuals, and performances which
21 are significant or prominent in Nebraska history; and -

22 (19) Subject to policies and procedures developed by the Executive
23 Board of the Legislative Council pursuant to section 1 of this act, to
24 provide live, closed-captioned video coverage of the Legislature,
25 including floor debate and public committee hearings, beginning with
26 coverage of the One Hundred Ninth Legislature, First Session, in January
27 2025 or as soon as the commission has closed-captioning capabilities,
28 whichever is sooner.

29 Sec. 7. Nothing in the Nebraska Educational Telecommunications Act
30 shall be construed to require the Nebraska Educational Telecommunications
31 Commission to post or distribute any work in a manner that would

1 constitute a violation of federal copyright law.

2 Sec. 8. The Revisor of Statutes shall assign section 1 of this act
3 to Chapter 50.

4 Sec. 9. Original sections 50-114, 50-402, 79-1312, 79-1313, and
5 79-1316, Reissue Revised Statutes of Nebraska, are repealed.

6 Sec. 10. Since an emergency exists, this act takes effect when
7 passed and approved according to law.