

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 692

Final Reading

Introduced by Sullivan, 41; Seiler, 33.

Read first time January 08, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to the Nebraska Educational Telecommunications
 2 Act; to amend sections 79-1312, 79-1313, 79-1314,
 3 79-1317, and 79-1319, Reissue Revised Statutes of
 4 Nebraska, and section 79-1316, Revised Statutes
 5 Cumulative Supplement, 2012; to redefine terms; to change
 6 provisions relating to broadcast and delivery, powers and
 7 duties of a commission, and fees; to eliminate a fund,
 8 powers and duties of the State Department of Education,
 9 and a director; to harmonize provisions; to repeal the
 10 original sections; and to outright repeal sections
 11 79-1321, 79-1323, 79-1324, and 79-1325, Reissue Revised
 12 Statutes of Nebraska.

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

1 Section 1. Section 79-1312, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1312 Sections 79-1312 to ~~79-1325—79-1322~~ shall be
4 known and may be cited as the Nebraska Educational Telecommunications
5 Act.

6 Sec. 2. Section 79-1313, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-1313 The Nebraska Educational Telecommunications Act
9 creates the Nebraska Educational Telecommunications Commission for
10 the purpose of (1) promoting and establishing noncommercial
11 educational telecommunications facilities within the State of
12 Nebraska, (2) providing noncommercial educational telecommunications
13 programs throughout the State of Nebraska by ~~standard~~digital
14 broadcast, by closed-circuit transmission, by Internet-based
15 delivery, or by other telecommunications technology distribution
16 systems, and (3) operating statewide educational and public radio and
17 television networks, facilities, and services. The commission shall
18 seek funding from federal, state, foundation, and private sources for
19 capital construction and annual operations.

20 Sec. 3. Section 79-1314, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-1314 For purposes of the Nebraska Educational
23 Telecommunications Act, unless the context otherwise requires:

24 (1) Telecommunications includes statewide ~~standard~~
25 digital public television and public radio transmissions and other

1 telecommunications technology distribution systems; and

2 (2) ~~Instructional-Educational~~ telecommunications means
3 the organization and use of programs, technologies, and devices to
4 store, archive, retrieve, process, display, receive, or transmit, by
5 any means, information for the purpose of carrying out educational or
6 other governmental entities' objectives.

7 Sec. 4. Section 79-1316, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 79-1316 The powers and duties of the Nebraska Educational
10 Telecommunications Commission are:

11 (1) To promote and sponsor a noncommercial educational
12 television network to serve a series of interconnecting units
13 throughout the State of Nebraska;

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

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

1 Educational Telecommunications Act;

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

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

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

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

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

25 (9) To arrange for the operation of statewide educational

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

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

13 (11) To review, or cause to be reviewed by a person
14 designated by the commission, all programs presented on the network
15 prior to broadcast or transmission to insure that the programs are
16 suitable for viewing and listening. Such suitability shall be
17 determined by evaluating the content of the program, and screening
18 the programs if necessary, as to their educational value and whether
19 they enhance the cultural appreciation of the viewer and listener and
20 do not appeal to his or her prurient interest. When it is obvious
21 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 ~~the United States Secretary of~~
25 ~~Commerce and other~~ federal or state agencies for the purpose of

1 obtaining matching federal or state funds and providing educational
2 telecommunications facilities of all types throughout the state and
3 to make such reports as may be required of recipients of matching
4 funds;

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

11 (14) To coordinate with Nebraska agencies that deal with
12 telecommunications activities and are supported in whole or in part
13 by public funds; ~~, providing program material for the Nebraska~~
14 ~~educational telecommunications network;~~

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

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

20 (17) To publish such informational material as it deems
21 necessary and it may, at its discretion, charge appropriate fees
22 therefor. The proceeds of all such fees shall be remitted to the
23 State Treasurer for credit to the State Educational
24 Telecommunications Fund and shall be used by the commission solely
25 for publishing such informational material. The commission shall

1 provide to newspapers, radio stations, and other news media program
2 schedules informing the public of programs approved by the
3 commission; and

4 (18) To maintain a ~~library of films and videotapes which~~
5 ~~depict persons who appear to be~~ digital archive of programs and
6 educational content containing stories, events, individuals, and
7 performances which are significant or prominent in Nebraska history.

8 Sec. 5. Section 79-1317, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 79-1317 The Nebraska Educational Telecommunications
11 Commission, in consultation with users of its ~~distance learning and~~
12 telecommunications facilities, networks, and equipment, may establish
13 user fees, penalty fees, or other fees as necessary for and
14 consistent with the efficient and orderly use of its facilities,
15 networks, and equipment.

16 Sec. 6. Section 79-1319, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-1319 All telecommunications facilities operated or
19 supervised by the Nebraska Educational Telecommunications Commission
20 shall be operated at all times on a noncommercial basis, except that
21 revenue may be generated from other nonprofit or commercial sources
22 through contractual arrangements involving ~~excess transponder~~
23 ~~capacity,~~ excess transmission spectrum, or transmission and
24 production facilities. All contractual arrangements shall be based on
25 sound business principles that are made in the best interest of the

1 State of Nebraska. The commission may also enter into partnerships
2 with public or private entities for the purpose of jointly building
3 and operating tower and other transmission structures. All
4 telecommunications facilities operated or supervised by the
5 commission shall not produce or be involved in the production of
6 commercials and shall not be involved in the distribution or
7 retransmission of national commercial and subscription television
8 channels.

9 Operational and administrative service pertinent to the
10 production and utilization of ~~inclass~~educational telecommunications
11 ~~instruction~~services shall be made available to all schools and
12 colleges of Nebraska on the basis of the actual cost of production
13 exclusive of general overhead expense.

14 Sec. 7. Original sections 79-1312, 79-1313, 79-1314,
15 79-1317, and 79-1319, Reissue Revised Statutes of Nebraska, and
16 section 79-1316, Revised Statutes Cumulative Supplement, 2012, are
17 repealed.

18 Sec. 8. The following sections are outright repealed:
19 Sections 79-1321, 79-1323, 79-1324, and 79-1325, Reissue Revised
20 Statutes of Nebraska.