

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 777

Introduced by Brewer, 43; Erdman, 47; Geist, 25.

Read first time January 05, 2022

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications
2 Act; to amend sections 79-1312, 79-1313, and 79-1316, Reissue
3 Revised Statutes of Nebraska; to require the Nebraska Educational
4 Telecommunications Commission to develop and maintain a digital
5 archive of Nebraska Legislature video coverage as prescribed; to
6 change powers and duties of the commission; to harmonize provisions;
7 and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

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

3 79-1312 Sections 79-1312 to 79-1322 and sections 4 and 5 of this act
4 shall be known and may be cited as the Nebraska Educational
5 Telecommunications Act.

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

8 79-1313 The Nebraska Educational Telecommunications Act creates the
9 Nebraska Educational Telecommunications Commission for the purpose of (1)
10 promoting and establishing noncommercial educational telecommunications
11 facilities within the State of Nebraska, (2) providing noncommercial
12 educational telecommunications programs throughout the State of Nebraska
13 by digital broadcast, by closed-circuit transmission, by Internet-based
14 delivery, or by other telecommunications technology distribution systems,
15 ~~and~~ (3) operating statewide educational and public radio and television
16 networks, facilities, and services, and (4) developing and maintaining a
17 publicly accessible, indexed, digital Internet archive of Nebraska
18 Legislature video coverage, including all floor debate and public
19 committee hearings, beginning with coverage of the One Hundred Eighth
20 Legislature in January of 2023. All previous applicable historical video
21 coverage of the Nebraska Legislature shall be collected and added to the
22 digital archive as available. Such archive shall not be considered an
23 official record of such proceedings and is intended solely for
24 educational and informational purposes and to enhance access for the
25 public in keeping with the Legislature's commitment to transparency in
26 state government. The commission shall seek funding from federal, state,
27 foundation, and private sources for capital construction and annual
28 operations.

29 Sec. 3. Section 79-1316, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-1316 The powers and duties of the Nebraska Educational

1 Telecommunications Commission are:

2 (1) To promote and sponsor a noncommercial educational television
3 network to serve a series of interconnecting units throughout the State
4 of Nebraska;

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

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

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

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

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

25 (7) To contract with common carriers, qualified under the laws of
26 the State of Nebraska, to provide interconnecting channels or satellite
27 facilities in support of radio, television, and other telecommunications
28 technology services unless it is first determined by the Nebraska
29 Educational Telecommunications Commission that state-owned
30 interconnecting channels can be constructed and operated that would
31 furnish a comparable quality of service at a cost to the state that would

1 be less than if such channels were provided by qualified common carriers;

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

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

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

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

29 (12) To cooperate with federal or state agencies for the purpose of
30 obtaining matching federal or state funds and providing educational
31 telecommunications facilities of all types throughout the state and to

1 make such reports as may be required of recipients of matching funds;

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

8 (14) To coordinate with Nebraska agencies that deal with
9 telecommunications activities and are supported in whole or in part by
10 public funds;

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

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

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

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

27 (19) To develop and maintain a publicly accessible, indexed, digital
28 archive of Nebraska Legislature video coverage, including all floor
29 debate and public committee hearings, beginning with the coverage of the
30 One Hundred Eighth Legislature in January of 2023. All previous
31 applicable historical video coverage of the Nebraska Legislature shall be

1 collected and added to the digital archive as available. Such archive
2 shall not be considered an official record of such proceedings and is
3 intended solely for educational and informational purposes and to enhance
4 access for the public in keeping with the Legislature's commitment to
5 transparency in state government. The commission may determine and
6 utilize the best formatting and file management methods for such digital
7 archive.

8 Sec. 4. Nothing in the Nebraska Educational Telecommunications Act
9 shall be construed to require the Nebraska Educational Telecommunications
10 Commission to post or distribute any work in a manner that would
11 constitute a violation of federal copyright law.

12 Sec. 5. To the extent that funds from the federal American Rescue
13 Plan Act of 2021, Public Law 117-2, are available for use by the Nebraska
14 Educational Telecommunications Commission in the development and
15 maintenance of the digital archive of Nebraska Legislature video
16 coverage, such funding shall be requested and utilized by the commission
17 for such purposes.

18 Sec. 6. Original sections 79-1312, 79-1313, and 79-1316, Reissue
19 Revised Statutes of Nebraska, are repealed.