

LEGISLATIVE BILL 306

Approved by the Governor January 24, 1974

Introduced by S. Marsh, 29

AN ACT to amend section 79-2103, Reissue Revised Statutes of Nebraska, 1943, relating to educational television; to provide for a library of historical figures and proceedings of the Legislature; and to repeal the original section.

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

Section 1. That section 79-2103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2103. The powers and duties of the commission shall be:

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

(2) To apply for and to receive and hold such authorizations and licenses and assignments of channels from the Federal Communications Commission as may be necessary to conduct such educational television programs by standard broadcast or by closed circuits, and to prepare, file and prosecute before the Federal Communications Commission all applications, reports or other documents or requests for authorization of any kind necessary or appropriate to achieve the purposes set forth in sections 79-2101 to 79-2106;

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

(4) To acquire real estate and other property as an agency of the State of Nebraska, and to hold and use the same for educational television purposes;

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

(6) To contract with common carriers, qualified under the laws of the State of Nebraska, to provide

interconnecting channels between broadcasting towers unless it is first determined by the Nebraska Educational Television Commission that state-owned interconnecting channels can be constructed and operated that would furnish a comparable quality of service at a cost to the state that would be less than if such channels were provided by qualified common carriers;

(7) To arrange for the operation of a statewide educational television network, as directed by the Nebraska Educational Television Commission, consistent with the provisions of the Communications Act of 1934, as amended, and applicable rules, regulations and policies of the Federal Communications Commission, and, insofar as elementary and secondary education programs are concerned, consistent with policies of the State Board of Education;

(8) After taking into consideration the needs of the entire state, to establish general policies relating to the nature and character of educational television broadcasts;

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

(10) To cooperate with the Secretary of Health, Education and Welfare, and other federal agencies, for the purpose of obtaining matching federal funds and providing educational television facilities of all types throughout the state and to make such reports as may be required of recipients of matching funds;

(11) To arrange for and provide standard broadcast and closed circuit noncommercial educational television programs to Nebraska citizens and institutions, but no tax fund shall be used for program advertising which may only be financed out of funds received from foundations or individual gifts;

(12) To coordinate the activities of all Nebraska agencies, supported in whole or in part by public funds, providing program material for the Nebraska educational

television network and, in the event that two or more such agencies desire to provide program material that is substantially equivalent, to determine which agency shall provide specific material, taking into consideration the need to provide unified programming with the greatest economy and least duplication, with first priority being given in program development and scheduling to the instructional needs of the elementary and secondary schools of Nebraska;

(13) To adopt by-laws for the conduct of its affairs;

(14) To make certain that said facilities are not used for any purpose which is contrary to the Constitution of the United States or the State of Nebraska, or for broadcasting propaganda, or attempting to influence legislation; and

(15) To publish such informational material as it deems necessary and it may, at its discretion, charge appropriate fees therefor. The proceeds of all such fees shall be deposited in the State Educational Television Fund, and shall be used, by the commission, solely for publishing such informational material. The commission shall provide to newspapers, radio stations and other news media, program schedules informing the public of programs approved by the commission; and

(16) To maintain a library of films and video tapes which depict persons who appear to be significant or prominent in Nebraska history and the proceedings of the regular meetings of the Legislature.

Sec. 2. That original section 79-2103, Reissue Revised Statutes of Nebraska, 1943, is repealed.