

LEGISLATIVE BILL 645

Approved by the Governor April 10, 1984

Introduced by Harris, 27

AN ACT relating to educational telecommunications; to amend sections 79-2101 to 79-2107 and 79-2109 to 79-2115, Reissue Revised Statutes of Nebraska, 1943; to expand the scope of educational programming; to define terms; to rename an act; to provide for the transfer of certain funds; to provide rules and regulations; to change provisions relating to a documentary film; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 79-2101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2101. The Nebraska Educational Telecommunications Act Sections 79-2101 to 79-2106 creates the Nebraska Educational Telecommunications Television Commission for the purpose of promoting and establishing noncommercial educational ~~television~~ telecommunications facilities within the State of Nebraska and providing noncommercial educational telecommunications ~~television~~ programs throughout the State of Nebraska by standard broadcast or by closed circuit transmission.

Sec. 2. As used in the Nebraska Educational Telecommunications Act, unless the context otherwise requires:

(1) Telecommunications shall include both statewide public television and statewide closed circuit educational television, whether formal or informal;

(2) Formal telecommunications shall mean programs offered through a telecommunications system by which credits toward an educational degree, certificate, or diploma may be earned; and

(3) Instructional technology shall mean the organization and use of programs and devices to store, retrieve, process, display, receive, or transmit, by any means, information for the purpose of carrying out educational objectives.

Sec. 3. That section 79-2102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2102. The Nebraska Educational Television Telecommunications Commission shall be composed of nine members, as follows: (1) The Commissioner of Education or his or her designee; (2) the ~~President Chancellor~~ of the

University of Nebraska or his or her designee; (3) a representative of the state colleges; (4) a representative of private educational institutions of the State of Nebraska; (5) a member residing in a Class II school district; (6) a member residing in a Class III school district; (7) a member residing in a Class IV school district; (8) a member residing in a Class V school district; and (9) a member residing in a Class I or Class VI school district. No more than four of the members shall be actively engaged in the teaching profession or administration of an educational institution. The members described in subdivisions (3) to (9) of this section shall be appointed by the Governor with the approval of the Legislature for a term of four years. The Governor shall select at least two members from each congressional district. Vacancies shall be filled by the Governor for the unexpired term. ~~The members serving on December 25, 1969 shall serve until the first Thursday after the first Tuesday in January, 1971.~~ The commission shall be nonpolitical in character and selection of the members of the commission shall be made on a nonpolitical basis. No member of the commission shall receive any compensation for his or her services. Reimbursement shall be provided for reasonable and necessary expenses incurred in attending scheduled meetings of the commission as provided in sections 84-306.01 to 84-306.05 for state employees.

In the event the Commissioner of Education is unable to attend a commission meeting, the deputy commissioner of education is authorized to act on his or her behalf, and in the event the President Chancellor of the University of Nebraska or his or her designee is unable to attend a commission meeting, the Executive Vice President and Provost vice-chancellor for academic affairs is authorized to act on his or her behalf.

Sec. 4. 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~~ telecommunications 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 telecommunications ~~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~~ the Nebraska Educational Telecommunications Act;

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

(5) To contract for the construction, repair, maintenance, and operation of telecommunications ~~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 Telecommunications ~~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 telecommunications ~~television~~ network, as directed by the Nebraska Educational Telecommunications ~~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 telecommunications ~~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 or her 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~~ telecommunications 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 telecommunications television programs to Nebraska citizens and institutions, but no tax funds ~~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 telecommunications 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 bylaws for the conduct of its affairs;

(14) To make certain that the 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 propoganda, or attempting to influence legislation;

(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 Telecommunications 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. 5. That section 79-2104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2104. The Nebraska Educational Telecommunications Television Commission is hereby constituted an instrumentality of the State of Nebraska, and may sue and be sued by the name Nebraska Educational Telecommunications Television Commission.

Sec. 6. That section 79-2105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2105. All telecommunications television facilities operated or supervised by the Nebraska Educational Telecommunications Television Commission shall be operated at all times on a noncommercial basis.

Operational and administrative service pertinent to the production and utilization of in-class telecommunications television instruction shall be made available to all schools and colleges of Nebraska on the basis of the actual cost of production, exclusive of general overhead expense.

Sec. 7. That section 79-2106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2106. Sections 79-2101 to 79-2115 and section 2 of this act 79-2106 shall be known and may be cited as the Nebraska Educational Telecommunications Television Act.

Sec. 8. That section 79-2107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2107. There is hereby created a fund to be known as the State Educational Telecommunications Television Fund to be used by the Nebraska Educational Telecommunications Television Commission for the purposes of carrying out the provisions of the Nebraska Educational Telecommunications Television Act. Such fund shall consist of such sums as the Legislature may appropriate. Any money in the State Educational Television Fund on the effective date of this act shall be transferred to the State Educational Telecommunications Fund on such date. Any money in the State Educational Telecommunications Television Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 72-1269.

Sec. 9. That section 79-2109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2109. The Nebraska Educational Telecommunications Television Commission is authorized and empowered to acquire in the name of the State of Nebraska real estate by the use of eminent domain, as provided in sections 72-213 to 72-222, for the following purposes:

(1) For stations and tower site with access road:

Part of the southeast quarter of the northeast quarter of section 36, township 22 north, range 50 west of the 6th principal meridian, Morrill County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of the northeast quarter of said section 36, which point is one thousand nine hundred twelve and two-tenths feet south of the northeast corner of said section, and is seven hundred twenty-eight and three-tenths feet north of the southeast corner of said northeast quarter; thence west, at right angles to said east line, for a distance of one hundred forty-nine and one-tenth feet; thence north forty-seven degrees thirty minutes west for a distance of two hundred fifty-four and eighty-five hundredths feet; thence north, parallel with said east line of said section, for a distance of three hundred and zero-tenths feet; thence

west, on a line at right angles to said east line, for a distance of three hundred and zero-tenths feet; thence south, parallel with said east line, for a distance of three hundred and zero-tenths feet; thence east on a line at right angles to said east line, for a distance of one hundred fifty-two and zero-tenths feet; thence south forty-seven degrees thirty minutes east for a distance of six hundred fifty-seven and nine-tenths feet more or less, to a point on said east line; thence north on said east line, for a distance of two hundred seventy-two and three-tenths feet, to the point of beginning, comprising an area of three and fifty-eight hundredths acres, more or less, subject to the county road on the east thirty-three and zero-tenths feet of the portion adjoining the section line; and

(2) For guy anchors for tower:

Part of the northeast quarter of section 36, township 22 north, range 50 west of the 6th principal meridian, Morrill County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of said northeast quarter, which point is six hundred ninety-five and zero-tenths feet south of the northeast corner thereof; thence west, at right angles to said east line, for a distance of one thousand five hundred ninety and zero-tenths feet; thence south, parallel with said east line, for a distance of one thousand seven hundred forty and zero-tenths feet; thence east, at right angles to said east line, for a distance of one thousand five hundred ninety and zero-tenths feet, to a point on said east line; thence north on said east line of the northeast quarter, for a distance of one thousand seven hundred forty and zero-tenths feet, to the point of beginning.

Sec. 10. That section 79-2110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2110. The State Department of Education shall, with funds specifically appropriated for instructional telecommunications television by the Legislature and such other funds which may be available, make provision for the planning, developing, producing, leasing, disseminating, and utilizing of instructional technology television programs in the elementary and secondary schools of Nebraska.

Funds appropriated or acquired for the purpose of providing such programming to the elementary and secondary schools shall make provision for the employment of a director and such additional employees as may be necessary for the State Department of Education to assume the designated responsibilities of instructional technology television and to perform the assigned functions in an efficient manner. Funds may be used to contract with organizations designed to plan, produce, and acquire instructional telecommunications television

programming for elementary and secondary school use. The department may publish or cause to be published such informational material as it deems necessary, and it may, at its discretion, charge appropriate fees therefor. The department shall make such materials available at cost to all individuals, schools, private and public institutions, and organizations. The proceeds of all such fees paid to the department shall be deposited in a State Department of Education Fund and shall be used, by the department, for publishing such informational material.

The State Department of Education shall adopt and promulgate rules and regulations for approving the type and number of credits for telecommunications courses which are offered to elementary and secondary schools.

Sec. 11. That section 79-2111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2111. The Commissioner of Education shall appoint a director of instructional telecommunications television subject to confirmation by a majority vote of the members of the State Board of Education. The His appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of instructional television telecommunications. He or she shall have a minimum of three years of successful elementary or secondary school experience and shall hold a Nebraska Administrative and Supervisory Certificate.

Sec. 12. That section 79-2112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2112. The duties and responsibilities of the director of instructional telecommunications television shall include, but not be limited to, the following:

(1) To administer the elementary and secondary instructional telecommunications television responsibilities as provided by law under the direction of the Commissioner of Education;

(2) To act as contract agent for the State Department of Education in instructional telecommunications television business;

(3) To provide a liaison between the State Department of Education and educational organizations to which instructional telecommunications television has application;

(4) To consult and cooperate with the Nebraska Educational Telecommunications Television Commission so as to coordinate in an effective manner the transmission of instructional television telecommunications programming to elementary and secondary schools;

(5) To consult and cooperate with State Department of Education personnel so as to make the most efficient use of instructional telecommunications television within the elementary and secondary curricula and in the improvement of Nebraska education;

(6) To provide for the evaluation of the fulfillment of school needs through instructional telecommunications television programming;

(7) To assist in the arrangements whereby all Nebraska schools would have access to a minimum of two instructional television telecommunications services: One through open circuit, such as the Nebraska educational telecommunications television network, and each cable system, which provides educational telecommunications television programming other than that simulcast by means of the open circuit; and

(8) To designate such ad hoc committees as may be needed and to charge these committees with special tasks in carrying out assigned responsibilities.

Sec. 13. That section 79-2113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2113. The Nebraska Educational Telecommunications Television Commission or its designated representatives shall serve as an advisory committee to the Commissioner of Education and the director of instructional telecommunications television on matters pertaining to instructional television telecommunications. The members of the advisory committee shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in attending meetings or incurred in the performance of duties as directed by the State Department of Education as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 14. That section 79-2114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2114. It shall be the duty of the advisory committee to:

(1) Assist in the study of needs of the schools and recommend appropriate program development;

(2) Help correlate operations between the Nebraska Educational Telecommunications Television Commission, the State Department of Education, the program development agencies, and the schools of Nebraska;

(3) Recommend appropriate instructional telecommunications television production centers;

(4) Recommend appropriate program agencies for instructional telecommunications television planning and development;

(5) Assist in the development of long-range, cooperative plans for instructional telecommunications television in Nebraska;

(6) Assist in developing coordinated broadcast schedules for the available transmission sources;

(7) Submit nominations of candidates for director of instructional television telecommunications; and

(8) Consistently keep the State Department of

Education adequately informed on technical and transmission capabilities.

Sec. 15. That section 79-2115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2115. The Nebraska Educational Telecommunications Television Commission shall utilize the documentary film depicting the various aspects of Nebraska state government produced by the Nebraska Educational Television Commission prior to the effective date of this act. The film produce a documentary film, not less than one hour in length, depicting the various aspects of Nebraska state government. Personnel of the various branches of state government shall advise, assist, and cooperate with the commission as as to assure as accurate as possible a picture of state government and the relationship between the branches thereof. The film, when completed, shall be shown on the Nebraska educational telecommunications television network and shall be made available for showing, at a nominal cost for postage and handling, to schools, organizations, and all interested persons.

Sec. 16. That original sections 79-2101 to 79-2107 and 79-2109 to 79-2115, Reissue Revised Statutes of Nebraska, 1943, are repealed.