

LEGISLATIVE BILL 860

Approved by the Governor May 18, 1999

Introduced by Raikes, 25; Engel, 17; Schimek, 27

AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend sections 79-1319 and 79-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to leases of excess capacity and fees; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 79-1319, Reissue Revised Statutes of Nebraska, is amended to read:

79-1319. All telecommunications facilities operated or supervised by the Nebraska Educational Telecommunications Commission shall be operated at all times on a noncommercial basis, except that ~~space on the 72 MHz C-band GE Spacenet III Transponder may be leased by the commission for transmission purposes to other nonprofit or commercial users~~ revenue may be generated from other nonprofit or commercial sources by the lease of excess transponder capacity, excess transmission spectrum, or transmission facilities. All lease arrangements authorized by this section shall be made for the purpose of paying a portion of the costs associated with satellite capacity replacement and digital conversion. All lease arrangements shall be based on sound business principles that are made in the best interest of the State of Nebraska. The commission may also enter into partnerships with public or private entities for the purpose of jointly building and operating tower and other transmission structures.

Operational and administrative service pertinent to the production and utilization of inclass telecommunications 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. 2. Section 79-1321, Reissue Revised Statutes of Nebraska, is amended to read:

79-1321. The NEB*SAT Cash Fund is created. The fund shall be under the direction of the Nebraska Educational Telecommunications Commission. The commission shall remit user and lease fees, penalty fees, nonfederal grant or contract funds, gifts, bequests, equipment purchase fee funds, and any other such fees or payments which are related to NEB*SAT, distance learning activities and programs, and other telecommunications-related activities to the State Treasurer for credit to the fund. Fees and revenue remitted to and expended from the fund shall not be considered to be part of the permanent operating equipment budget or construction budget of the commission and may be used for equipment purchases. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Original sections 79-1319 and 79-1321, Reissue Revised Statutes of Nebraska, are repealed.