

**Statutes of the State of Nebraska
Pertaining to the Role and Responsibility
of the Nebraska Educational Telecommunications Commission**

79-1313. Nebraska Educational Telecommunications Commission; creation; purpose.

The Nebraska Educational Telecommunications Act creates the Nebraska Educational Telecommunications Commission for the purpose of

- (1) promoting and establishing noncommercial educational telecommunications facilities within the State of Nebraska,
- (2) providing noncommercial educational telecommunications programs throughout the State of Nebraska by digital broadcast, by closed-circuit transmission, internet-based delivery or by other telecommunications technology distribution systems, and
- (3) operating statewide educational and public radio and television networks, facilities and services.

The commission shall seek funding from federal, state, foundation, and private sources for capital construction and annual operations.

Source: Laws 1963, c. 468, § 1, p. 1497; Laws 1984, LB 645, § 1; Laws 1986, LB 461, § 1; R.S.1943, (1994), § 79-2101; Laws 1996, LB 900, § 969; Laws 1997, LB 347, § 50.

79-1314. Terms, defined.

For purposes of the Nebraska Educational Telecommunications Act, unless the context otherwise requires:

- (1) Telecommunications includes statewide digital public television and public radio transmissions and other telecommunications technology distribution systems; and
- (2) Educational telecommunications means the organization and use of programs, devices, and technologies to store, archive, retrieve, process, display, receive, or transmit, by any means, information for the purpose of carrying out educational, or other governmental entities' objectives.

Source: Laws 1984, LB 645, § 2; Laws 1986, LB 461, § 3; R.S.1943, (1994), § 79-2106.01; Laws 1996, LB 900, § 970; Laws 1997, LB 347, § 51.

79-1315. Nebraska Educational Telecommunications Commission; membership; appointment; term; expenses.

- (1) The Nebraska Educational Telecommunications Commission shall be composed of eleven members, as follows:
 - (a) The Commissioner of Education or his or her designee;
 - (b) the President of the University of Nebraska or his or her designee;
 - (c) a representative of the state colleges;
 - (d) a representative of the community colleges;
 - (e) a representative of private educational institutions of the State of Nebraska; and
 - (f) six members of the general public, none of whom shall be associated with any of the institutions listed in subdivisions (a) through (e) of this subsection and two of whom shall be from each congressional district. No more than four of the members shall be actively engaged in the teaching profession or administration of an educational institution.

- (2) The members described in subdivisions (1)(c) through (1)(f) of this section shall be appointed by the Governor with the approval of the Legislature for terms of four years, and the term of the member described in subdivision (1)(d) of this section shall be the same as the term of the member described in subdivision (1)(c) of this section. Vacancies shall be filled by the Governor for the unexpired term. 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 81-1174 to 81-1177. If the Commissioner of Education is unable to attend a commission meeting, the deputy commissioner of education or his or her designee is authorized to act on his or her behalf, and if the President of the University of Nebraska or his or her designee is unable to attend a commission meeting, the Executive Vice President and Provost for academic affairs is authorized to act on his or her behalf.

Source: Laws 1963, c. 468, § 2, p. 1497; Laws 1965, c. 534, § 1, p. 1679; Laws 1969, c. 741, § 1, p. 2794; Laws 1969, c. 742, § 1, p. 2795; Laws 1981, LB 204, § 161; Laws 1984, LB 645, § 3; Laws 1988, LB 939, § 1; Laws 1991, LB 43, § 1; Laws 1994, LB 854, § 1; R.S.1943, (1994), § 79-2102; Laws 1996, LB 900, § 971; Laws 1997, LB 347, § 52.

79-1316. Educational telecommunications; commission; powers; duties.

The powers and duties of the Nebraska Educational Telecommunications Commission are:

- (1) To promote and sponsor a noncommercial educational television network to serve a series of interconnecting units throughout the State of Nebraska;
- (2) To promote and support locally operated or state-operated noncommercial educational radio stations with satellite receiving capabilities and improved transmitter coverage;
- (3) To apply for and to receive and hold such authorizations, licenses, and assignments of channels from the Federal Communications Commission as may be necessary to conduct such educational telecommunications programs by standard radio and television broadcast or by other telecommunications technology broadcast systems 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 the Nebraska Educational Telecommunications Act;
- (4) To receive gifts and contributions from public and private sources to be expended in providing educational telecommunications facilities and programs;
- (5) 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 purposes;
- (6) To contract for the construction, repair, maintenance, and operation of telecommunications facilities;
- (7) To contract with common carriers, qualified under the laws of the State of Nebraska, to provide interconnecting channels or satellite facilities in support of radio, television, and other telecommunications technology services unless it is first determined by the Nebraska Educational Telecommunications 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;
- (8) To provide for programming for the visually impaired, other print-handicapped persons, and the deaf and hard of hearing as authorized by the Federal Communications Commission under subsidiary communications authority rules, through contracts with appropriate nonprofit corporations or organizations which have been created for such purpose;
- (9) To arrange for the operation of statewide educational telecommunications networks, as directed by the Nebraska Educational Telecommunications Commission, consistent with the provisions of the federal

Communications Act of 1934, as amended, and applicable rules and regulations, with policies of the Federal Communications Commission, in cooperation with the State Board of Education insofar as elementary and secondary education programs are concerned, and in cooperation with the Coordinating Commission for Postsecondary Education insofar as postsecondary education programs are concerned;

- (10) After taking into consideration the needs of the entire state, to establish and maintain general policies relating to the nature and character of educational telecommunications broadcasts or transmissions;
- (11) To review, or cause to be reviewed by a person designated by the commission, all programs presented on the network prior to broadcast or transmission to insure that the programs are suitable for viewing and listening. 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 listener and do 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;
- (12) To cooperate with federal or state agencies for the purpose of obtaining matching federal or state funds and providing educational telecommunications facilities of all types throughout the state and to make such reports as may be required of recipients of matching funds;
- (13) To arrange for and provide standard radio and television broadcast and other telecommunications technology transmissions of noncommercial educational telecommunications programs to Nebraska citizens and institutions, but no tax funds shall be used for program advertising which may only be financed out of funds received from foundations or individual gifts;
- (14) To coordinate with Nebraska agencies that deal with telecommunications activities and are supported in whole or in part by public funds;
- (15) To adopt bylaws for the conduct of its affairs;
- (16) To make certain that the facilities are not used for any purpose which is contrary to the United States Constitution or the Constitution of Nebraska or for broadcasting propaganda or attempting to influence legislation;
- (17) 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 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
- (18) To maintain a digital archive of programs and education content which contain stories, events, individuals, and performances which are significant or prominent in Nebraska history.

Source: Laws 1963, c. 468, § 3, p. 1497; Laws 1965, c. 535, § 2, p. 1682; Laws 1969, c. 743, § 1, p. 2799; Laws 1969, c. 744, § 1, p. 2802; Laws 1969, c. 742, § 2, p. 2796; Laws 1974, LB 306, § 1; Laws 1984, LB 645, § 4; Laws 1986, LB 461, § 2; R.S.1943, (1994), § 79-2103; Laws 1996, LB 900, § 972; Laws 1997, LB 347, § 53; Laws 2000, LB 1328, § 1. Effective date March 31, 2000.

79-1317. Educational telecommunications; commission; establish fees.

The Nebraska Educational Telecommunications Commission, in consultation with users of its telecommunications facilities, networks, and equipment, may establish user fees, penalty fees, or other fees as necessary for and consistent with the efficient and orderly use of its facilities, networks, and equipment.

Source: Laws 1995, LB 89, § 2; R.S.Supp.,1995, § 79-2103.01; Laws 1996, LB 900, § 973.

79-1318. Educational telecommunications; commission; instrumentality of state; may sue and be sued.

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

Source: Laws 1963, c. 468, § 4, p. 1499; Laws 1984, LB 645, § 5; R.S.1943, (1994), § 79-2104; Laws 1996, LB 900, § 974.

79-1319. Educational telecommunications; operation on noncommercial basis; exceptions; service available to all schools and colleges; costs.

All telecommunications facilities operated or supervised by the Nebraska Educational Telecommunications Commission shall be operated at all times on a noncommercial basis, except that revenue may be generated from other nonprofit or commercial sources through contractual arrangements involving excess transmission spectrum, or transmission and production facilities. All contractual 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 educational telecommunications services 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.

Source: Laws 1963, c. 468, § 5, p. 1499; Laws 1984, LB 645, § 6; R.S.1943, (1994), § 79-2105; Laws 1996, LB 900, § 975; Laws 1996, LB 1138, § 1; Laws 1999, LB 860, § 1; LB 1208 (2006).

79-1320. State Educational Telecommunications Fund; created; use; investment.

The State Educational Telecommunications Fund is created. The fund shall be used by the Nebraska Educational Telecommunications Commission for the purposes of carrying out the provisions of the Nebraska Educational Telecommunications Act. Such fund shall consist of such sums as the Legislature may appropriate. 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.

Source: Laws 1963, c. 467, § 1, p. 1496; Laws 1969, c. 584, § 91, p. 2402; Laws 1984, LB 645, § 8; Laws 1995, LB 7, § 92; R.S.Supp.,1995, § 79-2107; Laws 1996, LB 900, § 976.

79-1322. Commission; power of eminent domain; purpose.

Subject to the approval of the Legislature and, if the Legislature is not in session, the Executive Board of the Legislative Council, the Nebraska Educational Telecommunications 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 transmitter buildings and tower sites with access roads;
- (2) For guy anchors for towers; and
- (3) For transmission and reception facilities of telecommunications technology distribution systems.

Source: Laws 1965, c. 535, § 1, p. 1680; Laws 1969, c. 745, § 1, p. 2805; Laws 1984, LB 645, § 9; Laws 1986, LB 461, § 4; R.S.1943, (1994), § 79-2109; Laws 1996, LB 900, § 978; Laws 1997, LB 347, § 54.