

**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 standard broadcast, by closed-circuit transmission, or by other telecommunications technology distribution systems, and
- (3) operating statewide educational and public radio and television networks 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 standard public television and public radio transmissions and other telecommunications technology distribution systems; and
- (2) Instructional telecommunications means 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.

**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 consisting of no fewer than two general originating broadcast production facilities, one of which shall be located in Omaha, 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 the United States Secretary of Commerce and other 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, providing program material for the Nebraska educational telecommunications network;
- (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 library of films and videotapes which depict persons who appear to be 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 distance learning and 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 transponder capacity, 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 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.

**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.

**79-1321. NET\*SAT Cash Fund; created; use; investment.**

The NET\*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 NET\*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.

**Source:** Laws 1995, LB 89, § 3; R.S.Supp.,1995, § 79-2108; Laws 1996, LB 900, § 977; Laws 1999, LB 860, § 2.

**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.

**79-1323. State Department of Education; instructional telecommunications; powers and duties; rules and regulations.**

The State Department of Education shall, with funds specifically appropriated for instructional telecommunications by the Legislature and such other funds which may be available, make provision for the planning, developing, producing, leasing, disseminating, and utilizing of instructional telecommunications 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 telecommunications and to perform the assigned functions in an efficient manner. Funds may be used to contract with the Nebraska Educational Telecommunications Commission and other organizations designed to plan, produce, and acquire instructional telecommunications programming for elementary and secondary school use. The department may publish or cause to be published, develop or cause to be developed, acquire, and distribute such telecommunications resources as it deems necessary, and it may, at its discretion, charge appropriate fees therefor. The department shall make such resources 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 the State Department of Education Cash Fund and shall be used by the department for publication, development, acquisition, and distribution of such resource 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.

**Source:** Laws 1971, LB 404, § 1; Laws 1984, LB 645, § 10; Laws 1993, LB 348, § 48; R.S.1943, (1994), § 79-2110; Laws 1996, LB 900, § 979; Laws 1997, LB 347, § 55.

**79-1324. Instructional telecommunications; director; qualifications; appointment.**

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

**Source:** Laws 1971, LB 404, § 2; Laws 1984, LB 645, § 11; R.S.1943, (1994), § 79-2111; Laws 1996, LB 900, § 980.

**79-1325. Instructional telecommunications; director; duties.**

The duties and responsibilities of the director of instructional telecommunications include, but are not limited to, the following:

- (1) To administer the elementary and secondary instructional telecommunications 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 business;
- (3) To provide a liaison between the State Department of Education and educational organizations to which instructional telecommunications has application;
- (4) To consult and cooperate with the Nebraska Educational Telecommunications Commission so as to coordinate in an effective manner the transmission of instructional 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 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 programming;
- (7) To assist in the arrangements by which all Nebraska schools would have access to a minimum of two instructional telecommunications services: One through broadcast, such as via a Nebraska educational television network, and another through other telecommunications techniques which provide educational telecommunications 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.

**Source:** Laws 1971, LB 404, § 3; Laws 1984, LB 645, § 12; R.S.1943, (1994), § 79-2112; Laws 1996, LB 900, § 981; Laws 1997, LB 347, § 56.

**79-1326. Instructional telecommunications; advisory committee; expenses.**

The Nebraska Educational Telecommunications Commission or its designated representatives shall serve as an advisory committee to the Commissioner of Education and the director of instructional telecommunications on matters pertaining to instructional 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 81-1174 to 81-1177.

**Source:** Laws 1971, LB 404, § 4; Laws 1981, LB 204, § 162; Laws 1984, LB 645, § 13; R.S.1943, (1994), § 79-2113; Laws 1996, LB 900, § 982.

**79-1327. Instructional telecommunications; advisory committee; duties.**

The advisory committee described in section 79-1326 shall:

- (1) Assist in the study of needs of the schools and recommend appropriate program development;
- (2) Help correlate operations between the Nebraska Educational Telecommunications Commission, the State Department of Education, the program development agencies, and the schools of Nebraska;
- (3) Recommend appropriate instructional telecommunications production centers;
- (4) Recommend appropriate program agencies for instructional telecommunications planning and development;
- (5) Assist in the development of long-range, cooperative plans for instructional telecommunications in Nebraska;
- (6) Assist in developing coordinated broadcast schedules for the available transmission sources;
- (7) Submit nominations of candidates for director of instructional telecommunications;
- (8) Consistently keep the State Department of Education adequately informed on technical and transmission capabilities; and
- (9) Provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-1511.

**Source:** Laws 1971, LB 404, § 5; Laws 1984, LB 645, § 14; R.S.1943, (1994), § 79-2114; Laws 1996, LB 900, § 983; Laws 1998, LB 924, § 31.