

AMENDMENTS TO LB777

Introduced by Executive Board.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. (1) The Legislative Council, through the Executive Board
4 of the Legislative Council, shall develop and maintain a publicly
5 accessible, digital Internet archive of closed captioned video coverage
6 of the Legislature, including all floor debate and public committee
7 hearings indexed by legislative bill or resolution number or by date,
8 beginning with the coverage of the One Hundred Eighth Legislature, Second
9 Session, in January 2024 or as soon as live, closed captioned video
10 coverage of the Legislature is available for use, whichever is sooner, as
11 provided in section 79-1316.

12 (2) All applicable historical video coverage of the Legislature
13 shall be collected and added to the digital archive as available.
14 Applicable historical video coverage shall only consist of video coverage
15 of the Legislature captured by the Nebraska Educational
16 Telecommunications Commission and closed captioned prior to January 1,
17 2024.

18 (3) Such archive is intended solely for educational and
19 informational purposes and to enhance access for the public in keeping
20 with the Legislature's commitment to transparency in state government.

21 (4) To the extent that funds from the federal American Rescue Plan
22 Act of 2021, Public Law 117-2, Subtitle M, Sec. 9901, are available for
23 use by the Executive Board of the Legislative Council in the development
24 and maintenance of the digital archive of video coverage of the
25 Legislature, such funding shall be requested and utilized by the
26 executive board for such purposes.

27 Sec. 2. Section 50-114, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 50-114 (1) It shall be the duty of the Clerk of the Legislature to
3 attend the sessions of the Legislature, to call the roll, read the
4 journals, bills, memorials, resolutions, petitions, and all other papers
5 or documents necessary to be read in the Legislature, to keep a correct
6 journal of the proceedings in the Legislature, and to do and perform such
7 other duties as may be imposed upon the clerk ~~him~~ by the Legislature or
8 by the Executive Board of the Legislative Council.

9 (2) The records of all floor debate and committee hearings as
10 prepared and permanently maintained by the Clerk of the Legislature are
11 the official records of the Legislature.

12 (3) Any government website offering access to audio and video
13 recordings of the proceedings of the Legislature or of a committee or
14 division of the Legislature shall require notification to any website
15 user, using appropriate technology, that such recordings shall not be
16 used for political or commercial purposes.

17 Sec. 3. Section 50-402, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 50-402 The Legislative Council shall occupy and maintain offices in
20 the State Capitol.

21 It shall be the duty of the council:

22 (1) To collect information concerning the government and general
23 welfare of the state;

24 (2) To examine the effects of previously enacted statutes and
25 recommend amendments thereto;

26 (3) To deal with important issues of public policy and questions of
27 statewide interest;

28 (4) To prepare a legislative program in the form of bills or
29 otherwise as in its opinion the welfare of the state may require, to be
30 presented at the next session of the Legislature;

31 (5) To study federal aid to the state and its political subdivisions

1 and advise the Legislature of money, land, or buildings available from
2 the federal government, matching funds necessary, grants and aids, and
3 what new legislation will be needed;

4 (6) To establish and maintain a complete and efficient bill drafting
5 service for the purpose of aiding and assisting members of the
6 Legislature and the executive departments of the state in the preparation
7 of bills, resolutions, and measures and in drafting the same in proper
8 form, and for this purpose there shall be assigned to the council for
9 such work, rooms in the State Capitol conveniently situated in reference
10 to the legislative chamber;

11 (7) To provide, through the Revisor of Statutes, for the publication
12 of supplements and replacement volumes of the statutes of Nebraska; ~~and~~

13 (8) To provide, through the Executive Board of the Legislative
14 Council, for the development and maintenance of a publicly accessible,
15 indexed, digital Internet archive of closed captioned video coverage of
16 the Legislature as provided in section 1 of this act; and

17 (9) (8) To set up subcommittees within the executive board to carry
18 out functions such as investigation of any area which it may decide is in
19 the public interest with power to employ such additional personnel as may
20 be needed to carry out the intent and activities of the executive board
21 or the Legislature.

22 Sec. 4. Section 79-1312, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 79-1312 Sections 79-1312 to 79-1322 and sections 7 and 8 of this act
25 shall be known and may be cited as the Nebraska Educational
26 Telecommunications Act.

27 Sec. 5. Section 79-1313, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-1313 The Nebraska Educational Telecommunications Act creates the
30 Nebraska Educational Telecommunications Commission for the purpose of (1)
31 promoting and establishing noncommercial educational telecommunications

1 facilities within the State of Nebraska, (2) providing noncommercial
2 educational telecommunications programs throughout the State of Nebraska
3 by digital broadcast, by closed-circuit transmission, by Internet-based
4 delivery, or by other telecommunications technology distribution systems,
5 ~~and~~ (3) operating statewide educational and public radio and television
6 networks, facilities, and services, and (4) providing closed captioned
7 live video coverage of the Legislature as provided in section 79-1316.

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

10 Sec. 6. Section 79-1316, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-1316 The powers and duties of the Nebraska Educational
13 Telecommunications Commission are:

14 (1) To promote and sponsor a noncommercial educational television
15 network to serve a series of interconnecting units throughout the State
16 of Nebraska;

17 (2) To promote and support locally operated or state-operated
18 noncommercial educational radio stations with satellite receiving
19 capabilities and improved transmitter coverage;

20 (3) To apply for and to receive and hold such authorizations,
21 licenses, and assignments of channels from the Federal Communications
22 Commission as may be necessary to conduct such educational
23 telecommunications programs by standard radio and television broadcast or
24 by other telecommunications technology broadcast systems and to prepare,
25 file, and prosecute before the Federal Communications Commission all
26 applications, reports, or other documents or requests for authorization
27 of any kind necessary or appropriate to achieve the purposes set forth in
28 the Nebraska Educational Telecommunications Act;

29 (4) To receive gifts and contributions from public and private
30 sources to be expended in providing educational telecommunications
31 facilities and programs;

1 (5) To acquire real estate and other property as an agency of the
2 State of Nebraska and to hold and use the same for educational
3 telecommunications purposes;

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

6 (7) To contract with common carriers, qualified under the laws of
7 the State of Nebraska, to provide interconnecting channels or satellite
8 facilities in support of radio, television, and other telecommunications
9 technology services unless it is first determined by the Nebraska
10 Educational Telecommunications Commission that state-owned
11 interconnecting channels can be constructed and operated that would
12 furnish a comparable quality of service at a cost to the state that would
13 be less than if such channels were provided by qualified common carriers;

14 (8) To provide for programming for the visually impaired, other
15 print-handicapped persons, and the deaf and hard of hearing as authorized
16 by the Federal Communications Commission under subsidiary communications
17 authority rules, through contracts with appropriate nonprofit
18 corporations or organizations which have been created for such purpose;

19 (9) To arrange for the operation of statewide educational
20 telecommunications networks, as directed by the Nebraska Educational
21 Telecommunications Commission, consistent with the provisions of the
22 federal Communications Act of 1934, as amended, and applicable rules and
23 regulations, with policies of the Federal Communications Commission, in
24 cooperation with the State Board of Education insofar as elementary and
25 secondary education programs are concerned, and in cooperation with the
26 Coordinating Commission for Postsecondary Education insofar as
27 postsecondary education programs are concerned;

28 (10) After taking into consideration the needs of the entire state,
29 to establish and maintain general policies relating to the nature and
30 character of educational telecommunications broadcasts or transmissions;

31 (11) To review, or cause to be reviewed by a person designated by

1 the commission, all programs presented on the network prior to broadcast
2 or transmission to insure that the programs are suitable for viewing and
3 listening. Such suitability shall be determined by evaluating the content
4 of the program, and screening the programs if necessary, as to their
5 educational value and whether they enhance the cultural appreciation of
6 the viewer and listener and do not appeal to his or her prurient
7 interest. When it is obvious from an examination of the descriptive
8 program materials that a program is suitable for presenting on the
9 network, no further review shall be required;

10 (12) To cooperate with federal or state agencies for the purpose of
11 obtaining matching federal or state funds and providing educational
12 telecommunications facilities of all types throughout the state and to
13 make such reports as may be required of recipients of matching funds;

14 (13) To arrange for and provide digital radio and television
15 broadcast and other telecommunications technology transmissions of
16 noncommercial educational telecommunications programs to Nebraska
17 citizens and institutions, but no tax funds shall be used for program
18 advertising which may only be financed out of funds received from
19 foundations or individual gifts;

20 (14) To coordinate with Nebraska agencies that deal with
21 telecommunications activities and are supported in whole or in part by
22 public funds;

23 (15) To adopt bylaws for the conduct of its affairs;

24 (16) To make certain that the facilities are not used for any
25 purpose which is contrary to the United States Constitution or the
26 Constitution of Nebraska or for broadcasting propaganda or attempting to
27 influence legislation;

28 (17) To publish such informational material as it deems necessary
29 and it may, at its discretion, charge appropriate fees therefor. The
30 proceeds of all such fees shall be remitted to the State Treasurer for
31 credit to the State Educational Telecommunications Fund and shall be used

1 by the commission solely for publishing such informational material. The
2 commission shall provide to newspapers, radio stations, and other news
3 media program schedules informing the public of programs approved by the
4 commission;~~and~~

5 (18) To maintain a digital archive of programs and educational
6 content containing stories, events, individuals, and performances which
7 are significant or prominent in Nebraska history; and -

8 (19) To provide live, closed captioned video coverage of the
9 Legislature, including all floor debate and public committee hearings,
10 beginning with coverage of the One Hundred Eighth Legislature, Second
11 Session, in January 2024 or as soon as the commission has closed
12 captioning capabilities, whichever is sooner.

13 Sec. 7. Nothing in the Nebraska Educational Telecommunications Act
14 shall be construed to require the Nebraska Educational Telecommunications
15 Commission to post or distribute any work in a manner that would
16 constitute a violation of federal copyright law.

17 Sec. 8. To the extent that funds from the federal American Rescue
18 Plan Act of 2021, Public Law 117-2, Subtitle M, Sec. 9901, are available
19 for use by the Nebraska Educational Telecommunications Commission in the
20 development and maintenance of live closed captioned video coverage of
21 the Legislature, such funding shall be requested and utilized by the
22 commission for such purposes.

23 Sec. 9. The Revisor of Statutes shall assign section 1 of this act
24 to Chapter 50.

25 Sec. 10. Original sections 50-114, 50-402, 79-1312, 79-1313, and
26 79-1316, Reissue Revised Statutes of Nebraska, are repealed.