

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 254**

Introduced by Brewer, 43.

Read first time January 10, 2023

Committee: Executive Board

1 A BILL FOR AN ACT relating to the Legislature; to amend sections 50-114,  
2 50-402, 79-1312, 79-1313, and 79-1316, Reissue Revised Statutes of  
3 Nebraska; to require the Legislative Council, through the Executive  
4 Board of the Legislative Council, to develop and maintain a publicly  
5 accessible, digital Internet archive of closed-captioned video  
6 coverage of the Legislature as prescribed; to change provisions of  
7 the Nebraska Educational Telecommunications Act; to change powers  
8 and duties of the Nebraska Educational Telecommunications  
9 Commission; to harmonize provisions; to provide a duty for the  
10 Revisor of Statutes; and to repeal the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Legislative Council, through the Executive Board  
2 of the Legislative Council, shall develop and maintain a publicly  
3 accessible, digital Internet archive of closed-captioned video coverage  
4 of the Legislature, including all floor debate and public committee  
5 hearings indexed by legislative bill or resolution number or by date,  
6 beginning with the coverage of the One Hundred Ninth Legislature, First  
7 Session, in January 2025 or as soon as live, closed-captioned video  
8 coverage of the Legislature is available for use, whichever is sooner, as  
9 provided in section 79-1316.

10           (2) All applicable historical video coverage of the Legislature  
11 shall be collected and added to the digital archive as available.  
12 Applicable historical video coverage shall only consist of video coverage  
13 of the Legislature captured by the Nebraska Educational  
14 Telecommunications Commission and closed-captioned prior to January 1,  
15 2025.

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

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

25           Sec. 2. Section 50-114, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           50-114 (1) It shall be the duty of the Clerk of the Legislature to  
28 attend the sessions of the Legislature, to call the roll, to read the  
29 journals, bills, memorials, resolutions, petitions, and all other papers  
30 or documents necessary to be read in the Legislature, to keep a correct  
31 journal of the proceedings in the Legislature, and to do and perform such

1 other duties as may be imposed upon the clerk ~~him~~ by the Legislature or  
2 by the Executive Board of the Legislative Council.

3 (2) The records of all floor debate and committee hearings as  
4 prepared and permanently maintained by the Clerk of the Legislature are  
5 the official records of the Legislature.

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

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

13 50-402 The Legislative Council shall occupy and maintain offices in  
14 the State Capitol.

15 It shall be the duty of the council:

16 (1) To collect information concerning the government and general  
17 welfare of the state;

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

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

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

25 (5) To study federal aid to the state and its political subdivisions  
26 and advise the Legislature of money, land, or buildings available from  
27 the federal government, matching funds necessary, grants and aids, and  
28 what new legislation will be needed;

29 (6) To establish and maintain a complete and efficient bill drafting  
30 service for the purpose of aiding and assisting members of the  
31 Legislature and the executive departments of the state in the preparation

1 of bills, resolutions, and measures and in drafting the same in proper  
2 form, and for this purpose there shall be assigned to the council for  
3 such work, rooms in the State Capitol conveniently situated in reference  
4 to the legislative chamber;

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

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

11 (9) {8} To set up subcommittees within the executive board to carry  
12 out functions such as investigation of any area which it may decide is in  
13 the public interest with power to employ such additional personnel as may  
14 be needed to carry out the intent and activities of the executive board  
15 or the Legislature.

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

18 79-1312 Sections 79-1312 to 79-1322 and sections 7 and 8 of this act  
19 shall be known and may be cited as the Nebraska Educational  
20 Telecommunications Act.

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

23 79-1313 The Nebraska Educational Telecommunications Act creates the  
24 Nebraska Educational Telecommunications Commission for the purpose of (1)  
25 promoting and establishing noncommercial educational telecommunications  
26 facilities within the State of Nebraska, (2) providing noncommercial  
27 educational telecommunications programs throughout the State of Nebraska  
28 by digital broadcast, by closed-circuit transmission, by Internet-based  
29 delivery, or by other telecommunications technology distribution systems,  
30 ~~and~~ (3) operating statewide educational and public radio and television  
31 networks, facilities, and services, and (4) providing closed-captioned

1 live video coverage of the Legislature as provided in section 79-1316.  
2 The commission shall seek funding from federal, state, foundation, and  
3 private sources for capital construction and annual operations.

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

6 79-1316 The powers and duties of the Nebraska Educational  
7 Telecommunications Commission are:

8 (1) To promote and sponsor a noncommercial educational television  
9 network to serve a series of interconnecting units throughout the State  
10 of Nebraska;

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

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

23 (4) To receive gifts and contributions from public and private  
24 sources to be expended in providing educational telecommunications  
25 facilities and programs;

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

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

31 (7) To contract with common carriers, qualified under the laws of

1 the State of Nebraska, to provide interconnecting channels or satellite  
2 facilities in support of radio, television, and other telecommunications  
3 technology services unless it is first determined by the Nebraska  
4 Educational Telecommunications Commission that state-owned  
5 interconnecting channels can be constructed and operated that would  
6 furnish a comparable quality of service at a cost to the state that would  
7 be less than if such channels were provided by qualified common carriers;

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

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

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

25 (11) To review, or cause to be reviewed by a person designated by  
26 the Nebraska Educational Telecommunications Commission ~~commission~~, all  
27 programs presented on the network prior to broadcast or transmission to  
28 insure that the programs are suitable for viewing and listening. Such  
29 suitability shall be determined by evaluating the content of the program,  
30 and screening the programs if necessary, as to their educational value  
31 and whether they enhance the cultural appreciation of the viewer and

1 listener and do not appeal to his or her prurient interest. When it is  
2 obvious from an examination of the descriptive program materials that a  
3 program is suitable for presenting on the network, no further review  
4 shall be required;

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

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

15 (14) To coordinate with Nebraska agencies that deal with  
16 telecommunications activities and are supported in whole or in part by  
17 public funds;

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

19 (16) To make certain that the facilities are not used for any  
20 purpose which is contrary to the United States Constitution or the  
21 Constitution of Nebraska or for broadcasting propaganda or attempting to  
22 influence legislation;

23 (17) To publish such informational material as it deems necessary  
24 and it may, at its discretion, charge appropriate fees therefor. The  
25 proceeds of all such fees shall be remitted to the State Treasurer for  
26 credit to the State Educational Telecommunications Fund and shall be used  
27 by the commission solely for publishing such informational material. The  
28 commission shall provide to newspapers, radio stations, and other news  
29 media program schedules informing the public of programs approved by the  
30 commission; ~~and~~

31 (18) To maintain a digital archive of programs and educational

1 content containing stories, events, individuals, and performances which  
2 are significant or prominent in Nebraska history; and -

3 (19) To provide live, closed-captioned video coverage of the  
4 Legislature, including all floor debate and public committee hearings,  
5 beginning with coverage of the One Hundred Ninth Legislature, First  
6 Session, in January 2025 or as soon as the commission has closed-  
7 captioning capabilities, whichever is sooner.

8 Sec. 7. Nothing in the Nebraska Educational Telecommunications Act  
9 shall be construed to require the Nebraska Educational Telecommunications  
10 Commission to post or distribute any work in a manner that would  
11 constitute a violation of federal copyright law.

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

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

20 Sec. 10. Original sections 50-114, 50-402, 79-1312, 79-1313, and  
21 79-1316, Reissue Revised Statutes of Nebraska, are repealed.