HOUSE BILL NO. 625

AN ACT TO AMEND SECTION 37-63-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE AUTHORITY FOR EDUCATIONAL TELEVISION TO ENTER INTO ADDITIONAL TYPES OF CONTRACTS; TO ALLOW THE AUTHORITY TO AGREE TO CERTAIN LEGAL TERMS IN CONTRACTS; TO ALLOW THE AUTHORITY TO DELEGATE ITS POWER TO ENTER INTO CONTRACTS TO ITS EXECUTIVE DIRECTOR; TO PROVIDE THAT CERTAIN MATERIALS PRODUCED OR RECEIVED BY THE AUTHORITY ARE NOT SUBJECT TO RELEASE UNDER THE PUBLIC RECORDS ACT; TO DELETE THE REQUIREMENT FOR THE AUTHORITY TO PRESCRIBE OFFICIAL STATE APPROVED STANDARDS FOR APPROPRIATE EDUCATIONAL TELEVISION EQUIPMENT PURCHASES BY PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-63-11, Mississippi Code of 1972, is amended as follows:

37-63-11. (1) The Authority for Educational Television is empowered to request and to receive such state funds for educational television construction and operation as may be appropriated or allocated to it, and to solicit and receive contributions, matching funds, gifts, bequests and devises from any source, whether federal, state, public or private. It may enter into agreements with federal, state, public or private agencies, departments, institutions, firms, corporations or persons for the production, transmission, sale, lease or purchase of educational television and educational radio programs, or any research and development projects, joint ventures or other projects that the authority determines are in its best interests. The authority may enter into any contracts and other agreements necessary for those purposes, and in doing so, the authority may agree to terms of indemnification, the law of another state or jurisdiction or other necessary terms when, in the judgment of the authority, that would be in its best interests. The authority may
delegate to its Executive Director its power to enter into these contracts or other agreements, or to exercise any of its other powers, in accordance with guidelines established by the authority. All materials produced or received by the authority in the exercise of its power, in the preceding provisions of this subsection, that are protected by copyright or considered confidential or proprietary information of third parties, shall not be public records. All such materials shall not be subject to release under the Public Records Act. The authority may also lease antenna space on television towers which it owns. Before the authority is empowered to contract for communication facilities to carry television signals, it shall obtain written authority to do so from the Department of Finance and Administration in order to ensure that there be no duplication of state communication facilities.

(2) There is hereby established in the State Treasury a special fund for the purpose of providing for the payment of all expenses in respect to the administration of this chapter. Such fund shall be administered by the authority. The State Treasurer shall be the custodian of such funds and all monies and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the state. The State Treasurer is authorized to disburse monies from such fund only upon order of the authority. The official bond of the State Treasurer shall be conditioned for the faithful performance of his duty hereunder. The State Treasurer shall deposit any monies paid into such fund into such qualified depository banks as the authority may designate and is authorized to invest any portion of the fund which, in the opinion of the authority, is not needed for current requirements in the same manner and subject to all provisions of the law with respect to the deposit of state funds by such Treasurer. All interest earned by such portion of the fund as may
be invested by the State Treasurer shall be collected by him and
placed to the credit of such fund.

(3) The Authority for Educational Television is empowered to
provide noncommercial production or reproduction services for
other public agencies, and may collect the costs of providing the
services from the public agency. These costs shall be deposited
into the special fund.

SECTION 2. Section 37-63-13, Mississippi Code of 1972, is
amended as follows:

37-63-13. The authority for educational television is
empowered and is hereby designated as the proper and official
state agency to:

(1) Control and supervise the use of television broadcast
and ITFS channels and radio frequencies reserved by the Federal
Communications Commission for noncommercial, educational purposes
in Mississippi. It is further empowered to authorize the sale or
lease of any excess capacity of such ITFS channels for commercial
use to provide the funds necessary to implement the purposes of
Section 37-63-9(2). No pornographic material or political
advertisements *** shall be allowed on any ITFS channel or radio
frequency;

(2) Initiate or receive for review and approval all
applications for educational television and educational radio
licenses submitted to the Federal Communications Commission for or
on behalf of any public school system, junior college, institution
of higher learning, private educational institution, or nonprofit
community or municipal educational organization;

(3) Initiate or receive for review and approval all
applications for federal, state, or private funds which involve
the construction of educational television or radio facilities or
acquisition of educational television or radio equipment;
(4) Provide consultative services in all aspects of educational television and radio to any agency, public or private, within the state;

(5) Serve as a clearinghouse for information on television and radio for educational purposes;

(6) Perform all other things necessary to insure the orderly and coordinated development of educational television and radio in Mississippi; and

(7) Determine and approve all policies governing the programming, administration, control and supervision of Mississippi educational television and educational radio. All programs prepared for use in the elementary and secondary schools of this state must be prepared in conjunction with the office of the state superintendent of public education prior to broadcast on Mississippi Educational Television.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.