

By: Senator(s) Chaney, Burton

To: Universities and
Colleges; Appropriations

SENATE BILL NO. 2279

1 AN ACT TO AMEND SECTION 37-63-11, MISSISSIPPI CODE OF 1972,
 2 TO EMPOWER THE MISSISSIPPI EDUCATIONAL TELEVISION AUTHORITY TO
 3 ENTER INTO JOINT REVENUE GENERATING VENTURES WITH OTHER ENTITIES,
 4 TO AGREE TO TERMS OF INDEMNIFICATION IN SUCH JOINT VENTURES, TO
 5 USE A BUSINESS NAME, TO DELEGATE THIS CONTRACTUAL AUTHORITY TO THE
 6 EXECUTIVE DIRECTOR AND TO PROVIDE THAT ALL TECHNICAL PROPRIETARY
 7 AND COPYRIGHTED MATERIALS PRODUCED AS PART OF SUCH JOINT VENTURES
 8 ARE CONFIDENTIAL AND NOT SUBJECT TO THE OPEN RECORDS ACT; TO AMEND
 9 SECTION 37-63-13, MISSISSIPPI CODE OF 1972, TO DELETE THE
 10 PROHIBITION AGAINST ELECTED PUBLIC OFFICIALS APPEARING ON ETV
 11 LICENSED CHANNEL OR RADIO FREQUENCY AND TO DELETE THE AUTHORITY TO
 12 PRESCRIBE STATE STANDARDS FOR EDUCATIONAL TELEVISION EQUIPMENT;
 13 AND FOR RELATED PURPOSES.

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

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

17 37-63-11. (1) The Authority for Educational
 18 Telecommunications is empowered to request and to receive such
 19 state funds for educational television construction and operation
 20 as may be appropriated or allocated to it, and to solicit and
 21 receive contributions, matching funds, gifts, bequests and devises
 22 from any source, whether federal, state, public or private. It
 23 may enter into agreements with federal, state, public or private
 24 agencies, departments, institutions, firms, corporations or
 25 persons for the production, transmission, sale, lease or purchase
 26 of educational television and educational radio programs or such
 27 research and development projects, joint revenue generating
 28 ventures or other projects and endeavors as the authority may
 29 determine is in its best interest. The authority is authorized to
 30 enter into any and all contracts, agreements and other
 31 arrangements which may be necessary to accomplish this. In so
 32 doing, the authority may agree to terms of indemnification with



33 the approval of the Personal Service Contract Review Board
34 established in Section 25-9-120(2), the law of another state or
35 jurisdiction, or such other terms as may be necessary, when to so
36 agree, in the judgment of the authority, is in its best interest.
37 The authority may use the business name "Mississippi Educational
38 Broadcasting" in executing contracts, agreements and other
39 arrangements as necessary when in the judgment of the authority,
40 is in its best interest. The authority may delegate its authority
41 to enter into these contracts or other agreements, or exercise any
42 of its other authority or powers, to its executive director to be
43 exercised on their behalf in accordance with such guidelines as
44 they have established. All materials produced or received by the
45 authority in the exercise of its aforementioned authority and
46 powers, that are protected by copyright or considered confidential
47 or proprietary information of third parties, shall not be public
48 records, and as such, all such materials shall not be subject to
49 release and shall be exempt from the provisions of the Mississippi
50 Public Records Act, Section 25-61-1 et seq. The authority may
51 also lease antenna space on television towers which it owns.
52 Before the authority is empowered to contract for communication
53 facilities to carry television signals, it shall obtain written
54 authority to do so from the Department of Finance and
55 Administration in order to ensure that there be no duplication of
56 state communication facilities.

57 (2) There is hereby established in the State Treasury a
58 special fund for the purpose of providing for the payment of all
59 expenses in respect to the administration of this chapter. Such
60 fund shall be administered by the authority. The State Treasurer
61 shall be the custodian of such funds and all monies and securities
62 in such fund shall be held in trust by such Treasurer and shall
63 not be the money or property of the state. The State Treasurer is
64 authorized to disburse monies from such fund only upon order of
65 the authority. The official bond of the State Treasurer shall be



66 conditioned for the faithful performance of his duty hereunder.
67 The State Treasurer shall deposit any monies paid into such fund
68 into such qualified depository banks as the authority may
69 designate and is authorized to invest any portion of the fund
70 which, in the opinion of the authority, is not needed for current
71 requirements in the same manner and subject to all provisions of
72 the law with respect to the deposit of state funds by such
73 Treasurer. All interest earned by such portion of the fund as may
74 be invested by the State Treasurer shall be collected by him and
75 placed to the credit of such fund.

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

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

83 37-63-13. The authority for educational television is
84 empowered and is hereby designated as the proper and official
85 state agency to:

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

95 (2) Initiate or receive for review and approval all
96 applications for educational television and educational radio
97 licenses submitted to the Federal Communications Commission for or
98 on behalf of any public school system, junior college, institution



99 of higher learning, private educational institution, or nonprofit
100 community or municipal educational organization;

101 (3) Initiate or receive for review and approval all
102 applications for federal, state, or private funds which involve
103 the construction of educational television or radio facilities or
104 acquisition of educational television or radio equipment;

105 * * *

106 (4) Provide consultative services in all aspects of
107 educational television and radio to any agency, public or private,
108 within the state;

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

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

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

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

