

By: Senator(s) Chaney, Burton

To: Universities and  
Colleges; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2279

1 AN ACT TO AMEND SECTION 37-63-11, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE AUTHORITY FOR EDUCATIONAL TELEVISION TO ENTER  
3 INTO ADDITIONAL TYPES OF CONTRACTS THAT PERTAIN TO EDUCATIONAL  
4 BROADCASTING; TO ALLOW THE AUTHORITY TO AGREE TO CERTAIN LEGAL  
5 TERMS IN CONTRACTS; TO ALLOW THE AUTHORITY TO DELEGATE ITS POWER  
6 TO ENTER INTO CONTRACTS TO ITS EXECUTIVE DIRECTOR; TO PROVIDE THAT  
7 CERTAIN MATERIALS PRODUCED OR RECEIVED BY THE AUTHORITY ARE NOT  
8 SUBJECT TO RELEASE UNDER THE PUBLIC RECORDS ACT; TO AMEND SECTION  
9 37-63-13, MISSISSIPPI CODE OF 1972, TO DELETE THE PROHIBITION  
10 AGAINST ELECTED PUBLIC OFFICIALS APPEARING ON ETV LICENSED CHANNEL  
11 OR RADIO FREQUENCY, AND TO DELETE THE REQUIREMENT FOR THE  
12 AUTHORITY TO PRESCRIBE OFFICIAL STATE-APPROVED STANDARDS FOR  
13 APPROPRIATE EDUCATIONAL TELEVISION EQUIPMENT PURCHASES BY PUBLIC  
14 SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED  
15 PURPOSES.

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

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

19 37-63-11. (1) The Authority for Educational Television is  
20 empowered to request and to receive such state funds for  
21 educational television construction and operation as may be  
22 appropriated or allocated to it, and to solicit and receive  
23 contributions, matching funds, gifts, bequests and devises from  
24 any source, whether federal, state, public or private. It may  
25 enter into agreements with federal, state, public or private  
26 agencies, departments, institutions, firms, corporations or  
27 persons for the production, transmission, sale, lease or purchase  
28 of educational television and educational radio programs, or any  
29 research and development projects, joint ventures pertaining to  
30 content or other projects that do not duplicate communication  
31 facilities or services utilized under contract by the state and  
32 that the authority determines are in its best interests. The  
33 authority may enter into any contracts and other agreements



34 necessary for those purposes, and in doing so, the authority may  
35 agree to terms of indemnification, the law of another state or  
36 jurisdiction or other necessary terms when, in the judgment of the  
37 authority, that would be in its best interests. The authority may  
38 delegate to its executive director its power to enter into these  
39 contracts or other agreements, or to exercise any of its other  
40 powers, in accordance with guidelines established by the  
41 authority. All materials produced or received by the authority in  
42 the exercise of its power, in the preceding provisions of this  
43 subsection, that are protected by copyright or considered  
44 confidential or proprietary information of third parties, shall  
45 not be public records. All such materials shall not be subject to  
46 release under the Public Records Act. The authority may also  
47 lease antenna space on television towers which it owns. Before  
48 the authority is empowered to contract for communication  
49 facilities to carry television signals, it shall obtain written  
50 authority to do so from the Department of Finance and  
51 Administration in order to ensure that there be no duplication of  
52 state communication facilities.

53 (2) There is hereby established in the State Treasury a  
54 special fund for the purpose of providing for the payment of all  
55 expenses in respect to the administration of this chapter. Such  
56 fund shall be administered by the authority. The State Treasurer  
57 shall be the custodian of such funds and all monies and securities  
58 in such fund shall be held in trust by such Treasurer and shall  
59 not be the money or property of the state. The State Treasurer is  
60 authorized to disburse monies from such fund only upon order of  
61 the authority. The official bond of the State Treasurer shall be  
62 conditioned for the faithful performance of his duty hereunder.  
63 The State Treasurer shall deposit any monies paid into such fund  
64 into such qualified depository banks as the authority may  
65 designate and is authorized to invest any portion of the fund  
66 which, in the opinion of the authority, is not needed for current



67 requirements in the same manner and subject to all provisions of  
68 the law with respect to the deposit of state funds by such  
69 Treasurer. All interest earned by such portion of the fund as may  
70 be invested by the State Treasurer shall be collected by him and  
71 placed to the credit of such fund.

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

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

79 37-63-13. The Authority for Educational Television is  
80 empowered and is hereby designated as the proper and official  
81 state agency to:

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

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

97 (3) Initiate or receive for review and approval all  
98 applications for federal, state or private funds which involve the



99 construction of educational television or radio facilities or  
100 acquisition of educational television or radio equipment;  
101 (4) Prescribe official state-approved standards for  
102 appropriate educational television equipment which may be  
103 purchased by any public school, junior college, institution of  
104 higher learning, private educational institution, or nonprofit  
105 community or municipal educational organization in order to insure  
106 a standard of quality and technical compatibility throughout the  
107 state;

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

111 (6) Serve as a clearinghouse for information on  
112 television and radio for educational purposes;

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

116 (8) Determine and approve all policies governing the  
117 programming, administration, control and supervision of  
118 Mississippi Educational Television and educational radio. All  
119 programs prepared for use in the elementary and secondary schools  
120 of this state must be prepared in conjunction with the Office of  
121 the State Superintendent of Public Education prior to broadcast on  
122 Mississippi Educational Television.

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

