

By: Representative Eads

To: Education

HOUSE BILL NO. 625

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; TO ALLOW THE AUTHORITY TO
 4 AGREE TO CERTAIN LEGAL TERMS IN CONTRACTS; TO ALLOW THE AUTHORITY
 5 TO DELEGATE ITS POWER TO ENTER INTO CONTRACTS TO ITS EXECUTIVE
 6 DIRECTOR; TO PROVIDE THAT CERTAIN MATERIALS PRODUCED OR RECEIVED
 7 BY THE AUTHORITY ARE NOT SUBJECT TO RELEASE UNDER THE PUBLIC
 8 RECORDS ACT; TO DELETE THE REQUIREMENT FOR THE AUTHORITY TO
 9 PRESCRIBE OFFICIAL STATE APPROVED STANDARDS FOR APPROPRIATE
 10 EDUCATIONAL TELEVISION EQUIPMENT PURCHASES BY PUBLIC SCHOOLS AND
 11 INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

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

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

15 37-63-11. (1) The Authority for Educational Television is
 16 empowered to request and to receive such state funds for
 17 educational television construction and operation as may be
 18 appropriated or allocated to it, and to solicit and receive
 19 contributions, matching funds, gifts, bequests and devises from
 20 any source, whether federal, state, public or private. It may
 21 enter into agreements with federal, state, public or private
 22 agencies, departments, institutions, firms, corporations or
 23 persons for the production, transmission, sale, lease or purchase
 24 of educational television and educational radio programs, or any
 25 research and development projects, joint ventures or other
 26 projects that the authority determines are in its best interests.
 27 The authority may enter into any contracts and other agreements
 28 necessary for those purposes, and in doing so, the authority may
 29 agree to terms of indemnification, the law of another state or
 30 jurisdiction or other necessary terms when, in the judgment of the
 31 authority, that would be in its best interests. The authority may



32 delegate to its Executive Director its power to enter into these
33 contracts or other agreements, or to exercise any of its other
34 powers, in accordance with guidelines established by the
35 authority. All materials produced or received by the authority in
36 the exercise of its power, in the preceding provisions of this
37 subsection, that are protected by copyright or considered
38 confidential or proprietary information of third parties, shall
39 not be public records. All such materials shall not be subject to
40 release under the Public Records Act. The authority may also
41 lease antenna space on television towers which it owns. Before
42 the authority is empowered to contract for communication
43 facilities to carry television signals, it shall obtain written
44 authority to do so from the Department of Finance and
45 Administration in order to ensure that there be no duplication of
46 state communication facilities.

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



64 be invested by the State Treasurer shall be collected by him and
65 placed to the credit of such fund.

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

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

73 37-63-13. The authority for educational television is
74 empowered and is hereby designated as the proper and official
75 state agency to:

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

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

91 (3) Initiate or receive for review and approval all
92 applications for federal, state, or private funds which involve
93 the construction of educational television or radio facilities or
94 acquisition of educational television or radio equipment;



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

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

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

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

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

