

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.

