

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3604

STATE OF NEW JERSEY
214th LEGISLATURE

ADOPTED DECEMBER 9, 2010

Sponsored by:

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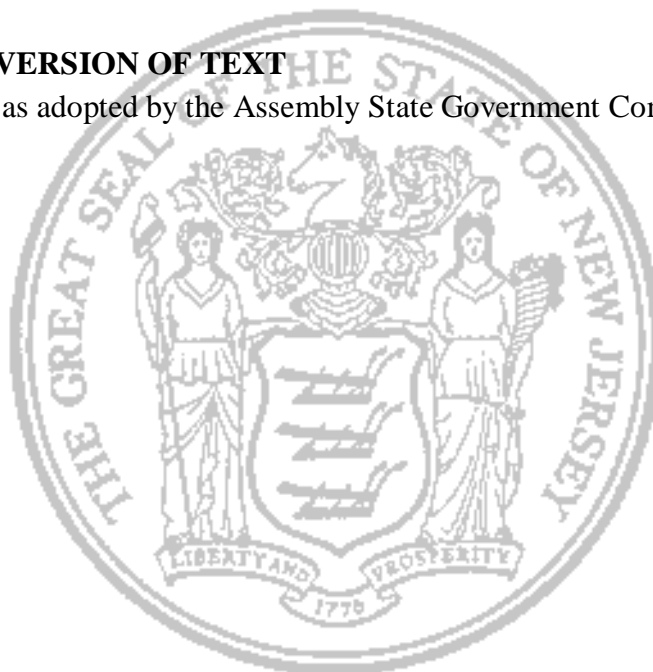
Senators Sweeney and Kyrillos

SYNOPSIS

Authorizes transfer of certain assets of State's public broadcasting system to an entity eligible to operate a public broadcasting system.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly State Government Committee.



(Sponsorship Updated As Of: 12/14/2010)

1 AN ACT concerning the State's public broadcasting system,
2 supplementing Title 48 of the Revised Statutes, amending and
3 repealing various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Sections 1 through 9, sections 14 through 15
9 and sections 22 through 24 of this act shall be known and may be
10 cited as the "New Jersey Public Broadcasting System Transfer Act."

11
12 2. (New section) The Legislature finds and declares that:

13 a. In 1968, the Legislature passed and then Governor Richard
14 J. Hughes signed the "New Jersey Public Broadcasting Authority
15 Act of 1968," P.L.1968, c.405 (C.48:23-1 et seq.), establishing the
16 New Jersey Public Broadcasting Authority ("authority"), the current
17 operator of New Jersey Network Public Television and Radio
18 ("NJN"), in response to the inability of commercial and public
19 broadcasters to adequately cover public affairs in the State.
20 Further, in 1990, the Legislature passed and then Governor Thomas
21 H. Kean signed P.L.1990, c.114 (C.48:23-13 et al.), authorizing the
22 establishment of the Foundation for New Jersey Public
23 Broadcasting ("foundation") as NJN's fundraising arm.

24 b. While this structure has served the State by building a
25 broadcast network that assists in meeting the information and
26 entertainment needs of our citizens, the current fiscal crisis
27 confronting the State, and the inherent difficulties in operating an
28 essentially creative, artistic, cultural, educational, and public affairs
29 entity under the control of a State authority clearly necessitated a
30 thorough re-examination of the State's role in public broadcasting.

31 c. In light of the aforesaid fiscal, structural, and operational
32 challenges, the Fiscal Year 2011 appropriations law, passed by the
33 Legislature and signed by the Governor on June 29, 2010
34 (P.L.2010, c.35), significantly reduced State support for public
35 broadcasting services.

36 d. Because of a concern that the best interests of the citizens
37 could be harmed by any wholesale elimination of public
38 broadcasting, the Legislature created the "Legislative Task Force on
39 Public Broadcasting," which was charged with evaluating a
40 potential transition of New Jersey public broadcasting assets to a
41 non-profit entity. The task force concluded that such entity should:
42 (1) continue to provide New Jersey-centric programming; (2)
43 operate Statewide; (3) implement the use of new technology; and
44 (4) provide independent, civic journalism.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. It is therefore necessary and in the public interest to
2 establish a legal structure within which the transfer, either by sale
3 or lease, of the State's public broadcasting system, or delegation by
4 contract of the responsibility for operating that system, to a
5 nonprofit corporation or other entity eligible to operate a public
6 broadcasting system, in any form, including, but not limited to, a
7 transfer of its assets, including its radio operating licenses, retention
8 of its television operating licenses, or transfer of responsibility for
9 its operations, or an interest in them, may be accomplished in a
10 timely manner that provides maximum benefits for the citizens of
11 the State while, at the same time, minimizing disruption to affected
12 employees and other interested parties.

13 f. Because of the speculative nature of the value of the television
14 operating license currently held by the authority, it is in the public
15 interest for the authority to retain the television operating licenses.

16 g. Moreover, while it is important to consider and provide for a
17 potential asset transfer to a nonprofit corporation or similar entity, it
18 is also in the public interest to authorize the State Treasurer to
19 explore alternative paths to such a transfer, including, but not
20 limited to, the outright sale of some or all of the assets of the
21 authority.

22
23 3. (New section) a. The New Jersey Public Broadcasting
24 Authority created pursuant to P.L.1968, c.405 (C.48:23-1 et seq.)
25 shall undertake all acts necessary to accomplish the transfer of the
26 State's public broadcasting system to a nonprofit corporation or
27 other entity eligible to operate a public broadcasting system as
28 authorized by P.L. , c. (C.) (pending before the Legislature
29 as this bill), including, but not limited to, applying or assisting in
30 applying to the Federal Communications Commission ("FCC") or
31 other governmental entity for any required approval, executing any
32 authorization or authorizations required to implement such transfer,
33 other than the transfer of the television licenses, and seeking any
34 other approval or approvals as may be necessary and convenient to
35 accomplish the transfer.

36 b. All State departments and agencies, boards, commissions, and
37 authorities, as well as all municipal and county governing bodies,
38 boards, commissions, and authorities, shall cooperate fully with the
39 transfer authorized by P.L. , c. and facilitate the transfer of
40 assets, the rendering of approvals, and all other acts necessary or
41 convenient to accomplish the transfer.

42 c. The State Treasurer is authorized to retain any consultants,
43 experts, brokers, advisors, or other professionals whose services
44 may be necessary in order to effectuate the transaction or
45 transactions contemplated by P.L. , c. , and there are
46 appropriated such sums as may be necessary for such fees and
47 services, as well as any other costs determined to be necessary to

1 effectuate such transaction or transactions, subject to the approval
2 of the Director of the Division of Budget and Accounting in the
3 Department of the Treasury and the Joint Budget Oversight
4 Committee, or its successor.

5 d. Notwithstanding the provisions of subsection a. of this
6 section, the State Treasurer shall not transfer the television
7 operating licenses currently held by the authority, but may transfer
8 the radio operating licenses currently held by the authority.

9
10 4. (New section) a. The State Treasurer, in consultation with
11 the authority, shall prepare a complete written inventory identifying
12 the public broadcasting system's assets and liabilities appropriate
13 for transfer or sale pursuant to sections 5 and 6 of P.L. ,
14 c. (C.). The inventory shall include a description and
15 recommendations, if any, concerning the most appropriate
16 mechanism or mechanisms through which a transfer of such assets
17 and liabilities to a qualifying nonprofit corporation or one or more
18 sales to another entity or entities pursuant to P.L. , c. should be
19 accomplished. The inventory shall be completed and copies of the
20 inventory shall be delivered to the Governor, the Speaker of the
21 General Assembly, and the President of the Senate.

22 b. Any assets or properties owned by the State or any
23 department, agency, board, authority, or commission thereof or any
24 county or municipal board, commission, or authority used in the
25 operation of the public broadcasting system or an interest therein,
26 may be leased or licensed, in lieu of an assignment or transfer of
27 such assets or properties, except as may otherwise be prohibited or
28 limited by the terms of any debt issued to acquire such assets or
29 properties, as determined by the State Treasurer.

30
31 5. (New section) a. (1) The State Treasurer is authorized to
32 receive one or more proposals to transfer all or any part of the
33 assets of the authority, including, but not limited to, the radio
34 operating licenses, but not including the television operating
35 licenses, to a nonprofit corporation.

36 (2) Upon selecting a proposal pursuant to this subsection, the
37 State Treasurer shall negotiate a contract to transfer all or any part
38 of the assets of the authority, including, but not limited to, the radio
39 operating licenses, but not including the television operating
40 license, to a selected nonprofit corporation and submit the
41 negotiated contract to the Legislature pursuant to subsection g. of
42 this section.

43 b. Any transfer or transfers authorized pursuant to subsection a.
44 of this section shall not occur unless the State Treasurer determines,
45 upon application by or on behalf of the nonprofit corporation, if a
46 nonprofit corporation is selected, that:

1 (1) The nonprofit corporation is an educational and charitable
2 corporation validly existing and in good standing under the “New
3 Jersey Nonprofit Corporation Act,” P.L.1983, c.127 (N.J.S.15A:1-1
4 et seq.) and is incorporated, organized and operated in such a
5 manner as to qualify as a nonprofit corporation described in section
6 501(c)(3) of the federal Internal Revenue Code, 26U.S.C.
7 s.501(c)(3) or any successor provision that is exempt from taxation
8 pursuant to section 501(a) of the federal Internal Revenue Code, 26
9 U.S.C. s.501(a) or any successor provision;

10 (2) The nonprofit corporation’s certificate of incorporation and
11 by-laws authorize the receipt of the FCC operating licenses
12 currently assigned to the authority and the ownership of the assets
13 and liabilities of the authority, and provide that the purposes of the
14 nonprofit corporation include the ownership, maintenance, and
15 operation of a public broadcasting system; and

16 (3) Upon the assignment of any radio operating licenses and the
17 transfer of assets, the nonprofit corporation shall provide public
18 broadcasting services and operate a public broadcasting system
19 consistent with FCC license requirements.

20 c. Any assets and liabilities, including receivables, may be
21 assigned, transferred, or conveyed to the nonprofit corporation upon
22 the Legislature’s approval pursuant to subsection g. of this section
23 and may become vested in the nonprofit corporation, any of which
24 assignments, transfers, or conveyances may also be evidenced by
25 such instruments of assignment, transfer, or conveyance as the
26 Legislature may approve pursuant to subsection g. of this section,
27 and all liabilities listed in a schedule of assets and liabilities, as well
28 as all outstanding obligations and commitments lawfully undertaken
29 or contracted for by the authority in respect of the public
30 broadcasting system, may be assumed and performed by the
31 nonprofit corporation through the execution, delivery, and
32 performance of such instruments of assumption as the State
33 Treasurer shall prescribe, in each case subject to action by the State
34 Treasurer and the Legislature, pursuant to subsection g. of this
35 section.

36 d. The State Treasurer shall take such other actions, and may
37 require the nonprofit corporation to take such other actions, as the
38 State Treasurer deems to be necessary to implement the provisions
39 of P.L. , c. (C.).

40 e. The State Treasurer may assign, transfer, or convey to the
41 nonprofit corporation from time to time such additional public
42 broadcasting system assets, other than the television operating
43 licenses, as the State Treasurer deems appropriate to further the
44 purposes of P.L. , c. , subject to the approval of the Legislature
45 pursuant to subsection g. of this section.

46 f. Any negotiations to transfer all or any part of the assets of the
47 authority, including, but not limited to, the radio operating licenses,

1 but not including the television operating licenses, to a nonprofit
2 corporation; or to delegate by contract responsibility for conducting
3 the operations of the public broadcasting system to a nonprofit
4 corporation involving the State Treasurer shall be subject to the
5 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and all of its
6 exemptions, commonly known as the open public records act.

7 g. (1) The State Treasurer shall make the submission required by
8 subsection a. of this section, to the Legislature to the President of
9 the Senate and the Speaker of the General Assembly on a day when
10 both houses are meeting. The President and the Speaker shall cause
11 the date of submission to be entered upon the Senate Journal and
12 the Minutes of the General Assembly, respectively.

13 (2) Unless the contract as described in the submission is
14 disapproved by adoption of a concurrent resolution to this effect by
15 the affirmative vote of a majority of the authorized membership of
16 both houses within the prescribed time period prescribed in this
17 subsection, the contract shall be deemed approved. The President
18 and the Speaker shall cause a concurrent resolution of disapproval
19 of the contract to be placed before the members of the respective
20 houses for a recorded vote within the time period. The time period
21 shall commence on the day of submission and expire on the
22 fifteenth day after submission or for a house not meeting on the
23 fifteenth day, on the next meeting day of that house.

24 h. Subject to the provisions of P.L. , c. and any federal law to
25 the contrary, as an alternative to a transfer or transfers as authorized
26 by this section, the Treasurer is authorized to solicit and receive one
27 or more proposals to sell all or any part of the assets of the
28 authority, including, but not limited to, the radio operating licenses,
29 but not including the television operating licenses, to a for-profit
30 corporation or other entity, subject to such terms, conditions,
31 limitations, rights of reversion and first refusal, provisions for
32 liquidated damages and other contractual penalty provisions, and
33 such other provisions as the Treasurer shall determine to be in the
34 public interest; subject to the approval of the Legislature pursuant
35 to subsection g. of this section.

36
37 6. (New section) a. (1) The State Treasurer is authorized to
38 receive one or more proposals to delegate by contract responsibility
39 for conducting the operations of the public broadcasting system to a
40 nonprofit corporation or other entity.

41 (2) Upon selecting a proposal pursuant to this subsection, the
42 State Treasurer shall negotiate a contract to delegate by contract
43 responsibility for conducting the operations of the public
44 broadcasting system and submit the negotiated contract to the
45 Legislature pursuant to subsection g. of this section.

46 b. Any transfer or transfers authorized pursuant to subsection a.
47 of this section shall not occur unless the State Treasurer determines,

1 upon application by or on behalf of a nonprofit corporation, if a
2 nonprofit corporation is selected, that:

3 (1) The nonprofit corporation is an educational and charitable
4 corporation validly existing and in good standing under the “New
5 Jersey Nonprofit Corporation Act,” P.L.1983, c.127 (N.J.S.15A:1-1
6 et seq.) and is incorporated, organized and operated in such a
7 manner as to qualify as a nonprofit corporation described in section
8 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C.
9 s.501(c)(3) or any successor provision that is exempt from taxation
10 pursuant to section 501(a) of the federal Internal Revenue Code, 26
11 U.S.C. s.501(a) or any successor provision;

12 (2) The nonprofit corporation’s certificate of incorporation and
13 by-laws authorize the receipt of the FCC operating licenses
14 currently assigned to the authority and the ownership of the assets
15 and liabilities of the authority, and provide that the purposes of the
16 nonprofit corporation include the ownership, maintenance, and
17 operation of a public broadcasting system; and

18 (3) Upon the assignment of any operating licenses and the
19 transfer of assets, the nonprofit corporation shall provide public
20 broadcasting services and operate a public broadcasting system
21 consistent with FCC license requirements.

22 c. Any assets and liabilities, including receivables, may be
23 assigned, transferred, or conveyed to the nonprofit corporation or
24 other entity upon the Legislature’s approval pursuant to subsection
25 g. of this section and shall become vested in the nonprofit
26 corporation or other entity, any of which assignments, transfers or
27 conveyances may also be evidenced by such instruments of
28 assignment, transfer, or conveyance as the Legislature may approve
29 pursuant to subsection g. of this section, and all liabilities listed in a
30 schedule of assets and liabilities, as well as all outstanding
31 obligations and commitments lawfully undertaken or contracted for
32 by the authority in respect of the public broadcasting system, may
33 be assumed and performed by the nonprofit corporation or other
34 entity through the execution, delivery, and performance of such
35 instruments of assumption as the State Treasurer shall prescribe, in
36 each case subject to action by the State Treasurer and the
37 Legislature, pursuant to subsection g. of this section.

38 d. The State Treasurer shall take such other actions, and may
39 require the nonprofit corporation or other entity to take such other
40 actions, as the State Treasurer deems to be necessary to implement
41 the provisions of P.L. , c. (C.).

42 e. The State Treasurer may assign, transfer, or convey to the
43 nonprofit corporation or other entity from time to time such
44 additional public broadcasting system assets, other than the
45 television operating licenses, as the State Treasurer deems
46 appropriate to further the purposes of P.L. , c. , subject to the
47 approval of the Legislature pursuant to subsection g. of this section.

1 f. Any negotiations to delegate by contract responsibility for
2 conducting the operations of the public broadcasting system
3 involving the State Treasurer shall be subject to the provisions of
4 P.L.1963, c.73 (C. 47:1A-1 et seq.) and all of its exemptions,
5 commonly known as the open public records act.

6 g. (1) The State Treasurer shall make the submission required by
7 subsection a. of this section, to the Legislature to the President of
8 the Senate and the Speaker of the General Assembly on a day when
9 both houses are meeting. The President and the Speaker shall cause
10 the date of submission to be entered upon the Senate Journal and
11 the Minutes of the General Assembly, respectively.

12 (2) Unless the project as described in the submission is
13 disapproved by adoption of a concurrent resolution to this effect by
14 the affirmative vote of a majority of the authorized membership of
15 both houses within the time period prescribed in this subsection, the
16 contract shall be deemed approved. The President and the Speaker
17 shall cause a concurrent resolution of disapproval of the contract to
18 be placed before the members of the respective houses for a
19 recorded vote within the time period. The time period shall
20 commence on the day of submission and expire on the fifteenth day
21 after submission or for a house not meeting on the fifteenth day, on
22 the next meeting day of that house.

23
24 7. (New section) The State Treasurer may receive, continue, or
25 assume any records, liabilities, obligations or commitments of the
26 authority or by written order or other appropriate method make an
27 assignment or transfer thereof to any State department, agency, or
28 instrumentality in order to effectuate the transfer of the State's
29 public broadcasting system to a nonprofit corporation or other
30 entity eligible to operate a public broadcasting system authorized by
31 P.L. , c. (C.). All State departments, agencies, and
32 instrumentalities shall take all necessary measures to effectuate any
33 action taken by the State Treasurer pursuant to P.L. , c. and shall
34 assume and perform any liabilities, obligations, and commitments
35 transferred or assigned to them.

36
37 8. (New section) Notwithstanding the provisions of any other
38 law, rule, or regulation to the contrary, contracts may be entered
39 into and assets may be transferred, leased, subleased, licensed, or
40 sublicensed, or authorized to be transferred, leased, subleased,
41 licensed, or sublicensed pursuant to P.L. , c. (C.) without
42 the approval of the State House Commission, established pursuant
43 to R.S.52:20-1, the State Leasing and Space Utilization Committee,
44 established pursuant to section 4 of P.L.1992, c.130 (C.52:18A-
45 191.4), or the Office of Leasing Operations in the General Services
46 Administration of the Department of the Treasury, established
47 pursuant to section 3 of P.L.1992, c.130 (C.52:18A-191.3), or of

1 any other person or agency, provided that the contract, transfer,
2 lease, sublease, license, or sublicense has been approved in writing
3 by the State Treasurer.
4

5 9. (New section) Public broadcasting system assets transferred,
6 or authorized to be transferred, by contract or otherwise, pursuant to
7 P.L. , c. (C.), may be leased, subleased, licensed,
8 sublicensed, sold, devised, donated, or otherwise disposed of for a
9 nominal or other consideration, in order to effectuate the transfer of
10 the State's public broadcasting system to a nonprofit corporation or
11 other entity eligible to operate a public broadcasting system
12 required by P.L. , c. .
13

14 10. Section 2 of P.L.1968, c.405 (C.48:23-2) is amended to read
15 as follows:

16 2. For the purposes of this act, unless otherwise indicated by
17 the context:

18 "Authority" means the New Jersey Public Broadcasting
19 Authority.

20 **["Commission"]** **"Board"** means the board of the New Jersey
21 Public Broadcasting **[Commission]** Authority.

22 "Public broadcasting" includes all aspects of noncommercial
23 radio and television, open and closed circuit, including the
24 production and dissemination of public and community affairs,
25 educational, cultural, and instructional information to the public at
26 large within the State. For the purposes of **[this act]** P.L.1968,
27 c.405 (C.48:23-1 et seq.), public broadcasting does not include
28 radio and television transmissions for internal communications, as
29 presently used by public and private agencies in fields such as law
30 enforcement, safety, transportation, traffic control, civil defense,
31 and the like, except that this limitation shall not apply when an
32 emergency condition exists and notification of the emergency
33 condition is received by the authority pursuant to section 3 of
34 P.L.1989, c.133 (C.53:1-21.6) nor shall this limitation apply with
35 regard to preparations or planning for such an emergency condition.

36 "Public broadcasting telecommunications" includes all public
37 broadcasting services relating to public broadcasting including
38 intercommunications, datacasting, closed circuit Instructional
39 Television Fixed Service (ITFS), and other services requiring
40 Federal Communications Commission spectrum allocations for
41 transmission of electrical impulses that specifically and integrally
42 relate to New Jersey public broadcasting. Facilities typical for
43 application of these services would encompass micro-wave
44 interconnection, aural and video TV transmission, multiplexing,
45 laser beam utilization, satellite interconnection systems, and other
46 appropriate technological devices.

47 (cf: P.L.2005, c.35, s.1)

1 11. Section 3 of P.L.1968, c.405 (C.48:23-3) is amended to read
2 as follows:

3 3. There is hereby established, pursuant to P.L.1968, c.405
4 (C.48:23-1 et seq.), in the Executive Branch of the State
5 Government the New Jersey Public Broadcasting Authority. For
6 the purpose of complying with the provisions of Article V, Section
7 IV, paragraph 1 of the New Jersey Constitution, the authority is
8 hereby allocated within the Department of **【Public Utilities】** the
9 Treasury, but notwithstanding **【said】** such allocation, the authority
10 shall be independent of any supervision or control by the
11 department or by any **【board】** agency or officer thereof.
12 (cf: P.L.1968, c.405, s.3)

13

14 12. Section 24 of P.L.1998, c.44 (C.52:27C-84) is amended to
15 read as follows:

16 24. a. The New Jersey Public Broadcasting Authority,
17 established pursuant to P.L.1968, c.405 (C.48:23-1 et seq.), is
18 transferred in but not of the Department of **【State】** the Treasury, but
19 notwithstanding this transfer, the New Jersey Public Broadcasting
20 Authority shall be independent of any supervision and control by
21 the department or by any board or officer thereof. The New Jersey
22 Public Broadcasting Authority shall submit its budget request
23 directly to the Division of Budget and Accounting in the
24 Department of the Treasury.

25 b. Whenever, in any law, rule, regulation, order, contract,
26 document, judicial or administrative proceeding, or otherwise,
27 reference is made to the New Jersey Public Broadcasting Authority,
28 the same shall mean and refer to the New Jersey Public
29 Broadcasting Authority in but not of the Department of **【State】** the
30 Treasury.

31 c. This transfer shall be subject to the provisions of the "State
32 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

33 d. The New Jersey Department of **【State】** the Treasury may
34 render administrative assistance including, but not limited to,
35 personnel and fiscal assistance, upon request of the New Jersey
36 Public Broadcasting Authority. The cost and expense of any
37 services rendered may be paid by the New Jersey Public
38 Broadcasting Authority.

39 e. Regulations adopted by the New Jersey Public Broadcasting
40 Authority shall continue with full force and effect until amended or
41 repealed pursuant to law.

42 (cf: P.L.1998, c.44, s.24)

43

44 13. Section 4 of P.L.1968, c.405 (C.48:23-4) is amended to read
45 as follows:

46 4. a. **【The authority shall consist of the New Jersey Public**
47 **Broadcasting Commission, which shall be the head of the authority,**

1 an executive director, who shall be the principal executive officer of
2 the authority and such other officers and employees authorized to
3 be appointed and employed by this act] (Deleted by amendment,
4 P.L. , c.) (pending before the Legislature as this bill).

5 b. The **[commission]** authority shall consist of a board which
6 shall be composed of [15] five members [, 5 of whom shall be ex-
7 officio members, viz. the Commissioner of Education, the
8 Chancellor of Higher Education, the Commissioner of Community
9 Affairs, the Attorney General and the State Treasurer, or when so
10 designated by them, their deputies and 10 residents]: (1) three
11 members appointed by the Governor who shall be citizens of the
12 State, two of whom shall be public members; (2) one member
13 appointed by the President of the Senate; and (3) one member
14 appointed by the Speaker of the General Assembly.

15 c. **[The citizen members of the commission shall be appointed**
16 **by the Governor with the advice and consent of the Senate and shall**
17 **be selected without regard to political belief or affiliation.]** The
18 term of office of appointed members, except for the first
19 **[appointments] appointed members made under P.L. , c. ,** shall
20 be for **[5] five** years. Each member shall serve until **[his] the**
21 member's successor shall have been appointed and qualified and
22 vacancies shall be filled in the same manner as the original
23 appointments for the remainder of the unexpired term. **[The terms**
24 **of the members initially appointed shall be designated by the**
25 **Governor so that 2 of such terms shall expire on June 30 in each**
26 **successive year ensuing after such appointments.]**

27 d. The members of the **[commission]** board shall receive no
28 compensation for their services, but may be reimbursed for their
29 actual expenses in performing their duties.

30 e. The **[commission]** board shall hold public meetings at such
31 places within the State as it shall designate at least once quarterly
32 and at such other times as in its judgment may be necessary.

33 f. The **[commission]** board shall organize annually **[in July of**
34 **each year]** by the election of a **[chairman, vice-chairman]** chair and
35 vice-chair, and such other officers as the **[commission]** board shall
36 determine**[, except that the first chairman shall be designated by the**
37 **Governor].** Officers shall serve until **[the following July meeting**
38 **and until]** their successors are elected and qualified. Vacancies in
39 such offices shall be filled in the same manner for the unexpired
40 term only.

41 g. The **[executive director]** chair shall **[be the]** appoint a
42 secretary of the [commission and] board who shall have custody of
43 its official seal. **[With the approval of the commission, he]** The
44 chair may designate an employee of the authority to perform such

1 duties of the secretary and such other services as the **[commission]**
2 board shall designate.

3 (cf: P.L.1968, c.405, s.4)

4

5 14. (New section) The terms of office of all members of the
6 New Jersey Public Broadcasting Commission in office prior to the
7 effective date of P.L. , c. (C.) shall terminate.

8

9 15. (New section) Of the first members of the board of New
10 Jersey Public Broadcasting Authority appointed after the effective
11 date of P.L. , c. (C.), one public member appointed by the
12 Governor shall serve for a term of one year, the member appointed
13 by the Speaker of the General Assembly shall serve for a term of
14 two years, one public member appointed by the Governor shall
15 serve for a term of three years, and the member appointed by the
16 President of the Senate shall serve for a term of four years.

17

18 16. Section 7 of P.L.1968, c.405 (C.48:23-7) is amended to read
19 as follows:

20 7. The authority shall have the power to:

21 a. Adopt and from time to time amend and repeal suitable by-
22 laws for the management of **[its]** the authority's affairs **[;]** .

23 b. Adopt and use the official seal and alter the same at **[its]** the
24 pleasure of the board **[;]** .

25 c. Maintain an office at such place or places within the State as
26 **[it]** the board may designate within the limits of available
27 appropriations therefor; **[;]** .

28 d. **[Establish, own, and operate noncommercial educational**
29 **television or radio broadcasting stations, one or more public**
30 **broadcasting and public broadcasting telecommunications networks**
31 **or systems, and interconnection and program production facilities]**
32 (Deleted by amendment, P.L. , c.) (pending before the
33 Legislature as this bill) **[;]** .

34 e. Apply for, receive, and hold such authorizations and licenses
35 and assignments and reassignments of channels from the Federal
36 Communications Commission (FCC) as may be necessary to
37 conduct its operations and prepare, and file and prosecute before the
38 FCC all applications, reports, or other documents or requests for
39 authorization of any type necessary or appropriate to achieve the
40 authorized purposes of the authority **[;]** .

41 f. **[Provide co-ordination and information on matters relating to**
42 **public broadcasting telecommunications among the agencies of the**
43 **State Government, all facets of New Jersey public education and**
44 **individuals, associations, and institutions working in these fields**
45 **both within and without the State]** Comply with the minimum
46 requirements of the FCC necessary for the authority to hold FCC

- 1 broadcast licenses, including requirements concerning the minimum
2 number of authority employees and broadcast transmission facilities
3 【;】 .
- 4 g. 【Establish State-wide equipment compatibility policies and
5 determine the method of interconnection to be employed within the
6 State's public broadcasting system】 (Deleted by amendment,
7 P.L. , c.) (pending before the Legislature as this bill) 【;】 .
- 8 h. 【Assume responsibility for the character, diversity, quality,
9 and excellence of programming which is released via its licensed
10 facilities, provided that programs or series of programs of a
11 controversial nature shall be presented with balance, fairness, and
12 equity】 (Deleted by amendment, P.L. , c.) (pending before the
13 Legislature as this bill) 【;】 .
- 14 i. 【Provide appropriate advisory assistance to other agencies of
15 the State and local and regional groups regarding public
16 broadcasting techniques, planning, budgeting, and related issues】
17 (Deleted by amendment, P.L. , c.) (pending before the
18 Legislature as this bill) 【;】 .
- 19 j. 【Make to the Governor and the Legislature such
20 recommendations as the authority deems necessary with regard to
21 appropriations relative to public broadcasting and public
22 broadcasting telecommunications equipment and facilities】
23 (Deleted by amendment, P.L. , c.) (pending before the
24 Legislature as this bill) 【;】 .
- 25 k. 【Subject to the approval of the Governor, receive and
26 administer gifts, contributions, and funds from public and private
27 sources to be expended for public broadcasting and public
28 broadcasting telecommunications operations, facilities, and
29 programming consistent with furthering the purposes of the
30 authority】 (Deleted by amendment, P.L. , c.) (pending before the
31 Legislature as this bill) 【;】 .
- 32 l. 【Co-operate with Federal agencies, for the purpose of
33 obtaining matching and other Federal funds and providing public
34 broadcasting and public broadcasting telecommunications facilities
35 throughout the State and to make such reports as may be required of
36 the State. The authority shall likewise provide appropriate advisory
37 assistance to local school districts and others on such matters】
38 (Deleted by amendment, P.L. , c.) (pending before the
39 Legislature as this bill) 【;】 .
- 40 m. 【Contract with program production organizations,
41 individuals, and noncommercial educational television and radio
42 stations within and without the State to produce, or otherwise to
43 procure, educational television or radio programs for use by
44 noncommercial stations within the State】 (Deleted by amendment,
45 P.L. , c.) (pending before the Legislature as this bill) 【;】 .

- 1 n. **【Establish and maintain a library and archives of educational**
 2 **television and radio programs and related materials, disseminate**
 3 **information about such programs and make suitable arrangements**
 4 **for the use of such programs and materials by colleges, universities,**
 5 **schools and noncommercial television and radio stations】** (Deleted
 6 by amendment, P.L. , c.) (pending before the Legislature as this
 7 bill) [;] .
- 8 o. **【Conduct explorations, research, demonstrations, or training**
 9 **in matters related to public broadcasting and public broadcasting**
 10 **telecommunications in the State, directly; or through contracts with**
 11 **appropriate agencies, organizations, or individuals; or by grants to**
 12 **nonprofit, noncommercial organizations such as colleges,**
 13 **universities, schools, and noncommercial television and radio**
 14 **stations】** (Deleted by amendment, P.L. , c.) (pending before the
 15 Legislature as this bill) [;] .
- 16 p. **【Acquire, subject to the provisions of P.L.1954, chapter 48,**
 17 **through lease, purchase, or otherwise real and other property and to**
 18 **hold and use this property for public broadcasting and public**
 19 **broadcasting telecommunications purposes】** (Deleted by
 20 amendment, P.L. , c.) (pending before the Legislature as this
 21 bill) [;] .
- 22 q. **【Contract , subject to the provisions of P.L.1954, chapter 48,**
 23 **for the construction, repair, maintenance, and operations of public**
 24 **broadcasting and public broadcasting telecommunications facilities**
 25 **including program production center, stations, and interconnection**
 26 **facilities】** (Deleted by amendment, P.L. , c.) (pending before the
 27 Legislature as this bill) [;] .
- 28 r. **【Make arrangements, where appropriate, with companies or**
 29 **other agencies and institutions operating suitable interconnection**
 30 **facilities (e.g., landlines or satellites)】** (Deleted by amendment,
 31 P.L. , c.) (pending before the Legislature as this bill) [; and] .
- 32 s. **Make reasonable rules and regulations to carry out the**
 33 **provisions of 【this act】** P.L.1968, c.405 (C.48:23-1 et seq.) and
 34 P.L. , c. (C.) (pending before the Legislature as this bill).
 35 (cf: P.L.1968, c.405, s.7)
- 36
- 37 17. Section 3 of P.L.1977, c.44 (C.34:1B-24) is amended to read
 38 as follows:
- 39 3. a. There is hereby established in but not of the **【Department**
 40 **of Labor and Industry】** the Division of Business Assistance,
 41 Marketing, and International Trade in the New Jersey Economic
 42 Development Authority a Motion Picture and Television
 43 Development Commission.
- 44 b. The commission shall consist of eight public members, no
 45 more than four of whom shall be members of the same political
 46 party, who shall be appointed by the Governor with the advice and

1 consent of the Senate, and the Chairman of the New Jersey State
2 Council on the Arts, **the** Chairman of the Public Broadcasting
3 Authority**】** and the Commissioner of Labor and **Industry on**
4 Workforce Development or their designees serving in an ex officio
5 capacity. The Governor shall appoint from the **11** ten members a
6 chairman who shall serve in **said** that office at the pleasure of the
7 Governor.

8 c. The public members of the commission shall be appointed
9 initially for the following terms: three members for a term of **2**
10 two years; three members for a term of **3** three years; and two
11 members for a term of **4** four years. The initial members shall
12 serve from the date of the original appointment for the
13 aforementioned specified terms and until their respective successors
14 shall be duly appointed and qualified. The term of each such
15 appointed member shall be designated by the Governor at the time
16 of his appointment. The successors to the initially appointed
17 members shall each be appointed for a term of **4** four years,
18 except that any person appointed to fill a vacancy shall serve only
19 for the unexpired term.

20 d. The members of the commission shall serve without
21 compensation, but the commission may reimburse its members for
22 necessary expenses incurred in the discharge of their duties.

23 (cf: P.L.1977, c.44, s.3)

24

25 18. Section 4 of P.L.1972, c.133 (C.52:14E-4) is amended to
26 read as follows:

27 4. There is hereby created a Governor's Advisory Council for
28 Emergency Services, which shall consist of the Attorney General,
29 who shall be the presiding officer; the Adjutant General of Military
30 and Veterans' Affairs, the Commissioner of Community Affairs, the
31 Commissioner of Environmental Protection, the Commissioner of
32 Transportation, and the President of the Board of Public Utilities **【**,
33 and the Executive Director of the New Jersey Public Broadcasting
34 Authority**】** or their designees. The members of the council shall
35 serve without pay in connection with all such duties as are
36 prescribed in **this act** P.L.1972, c.133 (C.52:14E-1 et seq.).

37 (cf: P.L.1989, c.133, s.5)

38

39 19. Section 8 of P.L.1972, c.133 (C.52:14E-8) is amended to
40 read as follows:

41 8. The council shall be authorized to perform the following
42 functions and exercise the following powers:

43 a. Review, evaluate and recommend to the Legislature any
44 necessary changes in any existing compact between this State and
45 the federal government or between this State and any other state

1 created for the purposes set forth in this act or develop such
2 compacts where they do not exist.

3 b. Review, evaluate and periodically recommend changes in
4 existing emergency master plans.

5 c. Encourage and coordinate comprehensive services available
6 through private organizations and intercommunity cooperations.

7 d. Authorize expenditures from the fund upon approval of the
8 Governor to provide emergency relief deemed appropriate by the
9 council or to reimburse municipalities or counties for damages or
10 excessive costs sustained as a result of an emergency [or to
11 reimburse the New Jersey Public Broadcasting Authority for the
12 cost of its emergency broadcasts].

13 e. Utilize the manpower facilities and materials of the various
14 State departments for the purposes of [this act] P.L.1972, c.133
15 (C.52:14E-1 et seq.).

16 (cf: P.L.1989, c.133, s.6)

17

18 20. Section 2 of P.L.1990, c.114 (C.48:23-14) is amended to
19 read as follows:

20 2. The Foundation for New Jersey Public Broadcasting shall be
21 governed by a board of directors. The number of directors and their
22 terms and manner of selection shall be determined upon the
23 incorporation of the foundation [, provided that a majority of the
24 directors shall be selected from among or by the members of the
25 New Jersey Public Broadcasting Commission]. No employee of the
26 New Jersey Public Broadcasting Authority shall serve as a member
27 of the board of directors. No member of the board of directors shall
28 engage in any business transaction or professional activity for profit
29 with the New Jersey Public Broadcasting Authority.

30 (cf: P.L.1990, c.114, s.2)

31

32 21. Section 5 of P.L.1990, c.114 (C.48:23-17) is amended to
33 read as follows:

34 5. All funds received by the Foundation for New Jersey Public
35 Broadcasting, other than those necessary to pay for the expenses of
36 the foundation, shall be used exclusively for the support and
37 promotion of [the New Jersey Public Broadcasting Authority and
38 its several purposes] public broadcasting in New Jersey.

39 (cf: P.L.1990, c.114, s.5)

40

41 22. (New section) a. There is hereby created in the Department
42 of the Treasury the "Trust Fund for the Support of Public
43 Broadcasting", a restricted, nonlapsing, revolving fund to be
44 managed and invested by the State Treasurer. All moneys
45 appropriated to the fund, all interest accumulated on balances in the
46 fund, and all cash received for the fund from any other source are
47 dedicated solely for the support of a public broadcasting system

1 serving New Jersey as provided for in P.L. , c. . All moneys
2 deposited in the fund are hereby appropriated in such amounts
3 determined by the State Treasurer to the entity or entities selected to
4 operate a public broadcasting system pursuant to P.L. , c. for
5 that purpose and shall within 10 days of deposit in the fund be
6 expended by the State Treasurer to that entity, or, if moneys are
7 deposited prior to such entity being designated, as soon as may be
8 practicable after approval of that entity or entities pursuant to
9 sections 5 and 6 of P.L. , c. .

10 b. Notwithstanding any provision of law to contrary, except as
11 may be otherwise prohibited or limited by the terms of any debt
12 issued to acquire such assets or property, all monies received by the
13 State from the sale, lease or assignment of any assets or property of
14 the authority which comprise the public broadcasting system shall
15 be deposited in or credited to this fund.

16

17 23. (New section) If the Legislature's approval of the sale or
18 transfer, as appropriate, of any radio or the television operating
19 license is found to violate any federal law, rule or regulation, the
20 transfer of the respective operating license shall not occur unless
21 the authority, by a majority vote, approves such a sale or transfer.

22

23 24. (New section) This act shall be liberally construed to
24 effectuate its purposes. All acts and parts of acts inconsistent with
25 any of the provisions of this act are, to the extent of such
26 inconsistencies, superseded and shall be deemed inoperative. If any
27 provision of this act, or the application thereof to any person or
28 circumstance is held invalid, the invalidity shall not affect other
29 provisions or applications of the sections that can be given effect
30 without the invalid provision or application, and to this end the
31 provisions of this act are severable.

32

33 25. The following sections are repealed:
34 Section 14 of P.L.1974, c.26 (C.19:44A-39);
35 Sections 5 and 6 of P.L.1968, c.405 (C.48:23-5 and C.48:23-6);
36 Sections 1 and 2 of P.L.1989, c.133 (C.48:23-11 and C.48:23-12);
37 Section 4 of P.L.1989, c.133 (C.52:14E-8.1);
38 Section 10 of P.L.1987, c.365 (C.52:27H-20.3); and
39 Section 3 of P.L.1989, c.133 (C.53:1-21.6).

40

41 26. This act shall take effect immediately, and section 16 shall
42 take effect upon the transfer established pursuant to sections 5 and 6
43 of this act.