

§§1-9, 14, 15,
22-24 -
C.48:23-18 to
48:23-31
§25 - Repealer
§26 - Note

P.L.2010, CHAPTER 104, *approved December 17, 2010*
Assembly Committee Substitute for
Assembly, No. 3604

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.

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

10 e. It is therefore necessary and in the public interest to
11 establish a legal structure within which the transfer, either by sale
12 or lease, of the State’s public broadcasting system, or delegation by
13 contract of the responsibility for operating that system, to a
14 nonprofit corporation or other entity eligible to operate a public
15 broadcasting system, in any form, including, but not limited to, a
16 transfer of its assets, including its radio operating licenses, retention
17 of its television operating licenses, or transfer of responsibility for
18 its operations, or an interest in them, may be accomplished in a
19 timely manner that provides maximum benefits for the citizens of
20 the State while, at the same time, minimizing disruption to affected
21 employees and other interested parties.

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

25 g. Moreover, while it is important to consider and provide for a
26 potential asset transfer to a nonprofit corporation or similar entity, it
27 is also in the public interest to authorize the State Treasurer to
28 explore alternative paths to such a transfer, including, but not
29 limited to, the outright sale of some or all of the assets of the
30 authority.

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

45 b. All State departments and agencies, boards, commissions, and
46 authorities, as well as all municipal and county governing bodies,
47 boards, commissions, and authorities, shall cooperate fully with the

1 transfer authorized by P.L. , c. and facilitate the transfer of
2 assets, the rendering of approvals, and all other acts necessary or
3 convenient to accomplish the transfer.

4 c. The State Treasurer is authorized to retain any consultants,
5 experts, brokers, advisors, or other professionals whose services
6 may be necessary in order to effectuate the transaction or
7 transactions contemplated by P.L. , c. , and there are
8 appropriated such sums as may be necessary for such fees and
9 services, as well as any other costs determined to be necessary to
10 effectuate such transaction or transactions, subject to the approval
11 of the Director of the Division of Budget and Accounting in the
12 Department of the Treasury and the Joint Budget Oversight
13 Committee, or its successor.

14 d. Notwithstanding the provisions of subsection a. of this
15 section, the State Treasurer shall not transfer the television
16 operating licenses currently held by the authority, but may transfer
17 the radio operating licenses currently held by the authority.

18

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

31 b. Any assets or properties owned by the State or any
32 department, agency, board, authority, or commission thereof or any
33 county or municipal board, commission, or authority used in the
34 operation of the public broadcasting system or an interest therein,
35 may be leased or licensed, in lieu of an assignment or transfer of
36 such assets or properties, except as may otherwise be prohibited or
37 limited by the terms of any debt issued to acquire such assets or
38 properties, as determined by the State Treasurer.

39

40 5. (New section) a. (1) The State Treasurer is authorized to
41 receive one or more proposals to transfer all or any part of the
42 assets of the authority, including, but not limited to, the radio
43 operating licenses, but not including the television operating
44 licenses, to a nonprofit corporation.

45 (2) Upon selecting a proposal pursuant to this subsection, the
46 State Treasurer shall negotiate a contract to transfer all or any part
47 of the assets of the authority, including, but not limited to, the radio

1 operating licenses, but not including the television operating
2 license, to a selected nonprofit corporation and submit the
3 negotiated contract to the Legislature pursuant to subsection g. of
4 this section.

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

9 (1) The nonprofit corporation is an educational and charitable
10 corporation validly existing and in good standing under the “New
11 Jersey Nonprofit Corporation Act,” P.L.1983, c.127 (N.J.S.15A:1-1
12 et seq.) and is incorporated, organized and operated in such a
13 manner as to qualify as a nonprofit corporation described in section
14 501(c)(3) of the federal Internal Revenue Code, 26U.S.C.
15 s.501(c)(3) or any successor provision that is exempt from taxation
16 pursuant to section 501(a) of the federal Internal Revenue Code, 26
17 U.S.C. s.501(a) or any successor provision;

18 (2) The nonprofit corporation’s certificate of incorporation and
19 by-laws authorize the receipt of the FCC operating licenses
20 currently assigned to the authority and the ownership of the assets
21 and liabilities of the authority, and provide that the purposes of the
22 nonprofit corporation include the ownership, maintenance, and
23 operation of a public broadcasting system; and

24 (3) Upon the assignment of any radio operating licenses and the
25 transfer of assets, the nonprofit corporation shall provide public
26 broadcasting services and operate a public broadcasting system
27 consistent with FCC license requirements.

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

44 d. The State Treasurer shall take such other actions, and may
45 require the nonprofit corporation to take such other actions, as the
46 State Treasurer deems to be necessary to implement the provisions
47 of P.L. , c. (C.).

1 e. The State Treasurer may assign, transfer, or convey to the
2 nonprofit corporation from time to time such additional public
3 broadcasting system assets, other than the television operating
4 licenses, as the State Treasurer deems appropriate to further the
5 purposes of P.L. , c. , subject to the approval of the Legislature
6 pursuant to subsection g. of this section.

7 f. Any negotiations to transfer all or any part of the assets of the
8 authority, including, but not limited to, the radio operating licenses,
9 but not including the television operating licenses, to a nonprofit
10 corporation; or to delegate by contract responsibility for conducting
11 the operations of the public broadcasting system to a nonprofit
12 corporation involving the State Treasurer shall be subject to the
13 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and all of its
14 exemptions, commonly known as the open public records act.

15 g. (1) The State Treasurer shall make the submission required by
16 subsection a. of this section, to the Legislature to the President of
17 the Senate and the Speaker of the General Assembly on a day when
18 both houses are meeting. The President and the Speaker shall cause
19 the date of submission to be entered upon the Senate Journal and
20 the Minutes of the General Assembly, respectively.

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

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

44
45 6. (New section) a. (1) The State Treasurer is authorized to
46 receive one or more proposals to delegate by contract responsibility

1 for conducting the operations of the public broadcasting system to a
2 nonprofit corporation or other entity.

3 (2) Upon selecting a proposal pursuant to this subsection, the
4 State Treasurer shall negotiate a contract to delegate by contract
5 responsibility for conducting the operations of the public
6 broadcasting system and submit the negotiated contract to the
7 Legislature pursuant to subsection g. of this section.

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

12 (1) The nonprofit corporation is an educational and charitable
13 corporation validly existing and in good standing under the “New
14 Jersey Nonprofit Corporation Act,” P.L.1983, c.127 (N.J.S.15A:1-1
15 et seq.) and is incorporated, organized and operated in such a
16 manner as to qualify as a nonprofit corporation described in section
17 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C.
18 s.501(c)(3) or any successor provision that is exempt from taxation
19 pursuant to section 501(a) of the federal Internal Revenue Code, 26
20 U.S.C. s.501(a) or any successor provision;

21 (2) The nonprofit corporation’s certificate of incorporation and
22 by-laws authorize the receipt of the FCC operating licenses
23 currently assigned to the authority and the ownership of the assets
24 and liabilities of the authority, and provide that the purposes of the
25 nonprofit corporation include the ownership, maintenance, and
26 operation of a public broadcasting system; and

27 (3) Upon the assignment of any operating licenses and the
28 transfer of assets, the nonprofit corporation shall provide public
29 broadcasting services and operate a public broadcasting system
30 consistent with FCC license requirements.

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

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

5 e. The State Treasurer may assign, transfer, or convey to the
6 nonprofit corporation or other entity from time to time such
7 additional public broadcasting system assets, other than the
8 television operating licenses, as the State Treasurer deems
9 appropriate to further the purposes of P.L. , c. , subject to the
10 approval of the Legislature pursuant to subsection g. of this section.

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

16 g. (1) The State Treasurer shall make the submission required by
17 subsection a. of this section, to the Legislature to the President of
18 the Senate and the Speaker of the General Assembly on a day when
19 both houses are meeting. The President and the Speaker shall cause
20 the date of submission to be entered upon the Senate Journal and
21 the Minutes of the General Assembly, respectively.

22 (2) Unless the project as described in the submission is
23 disapproved by adoption of a concurrent resolution to this effect by
24 the affirmative vote of a majority of the authorized membership of
25 both houses within the time period prescribed in this subsection, the
26 contract shall be deemed approved. The President and the Speaker
27 shall cause a concurrent resolution of disapproval of the contract to
28 be placed before the members of the respective houses for a
29 recorded vote within the time period. The time period shall
30 commence on the day of submission and expire on the fifteenth day
31 after submission or for a house not meeting on the fifteenth day, on
32 the next meeting day of that house.

33
34 7. (New section) The State Treasurer may receive, continue, or
35 assume any records, liabilities, obligations or commitments of the
36 authority or by written order or other appropriate method make an
37 assignment or transfer thereof to any State department, agency, or
38 instrumentality in order to effectuate the transfer of the State's
39 public broadcasting system to a nonprofit corporation or other
40 entity eligible to operate a public broadcasting system authorized by
41 P.L. , c. (C.). All State departments, agencies, and
42 instrumentalities shall take all necessary measures to effectuate any
43 action taken by the State Treasurer pursuant to P.L. , c. and shall
44 assume and perform any liabilities, obligations, and commitments
45 transferred or assigned to them.

1 8. (New section) Notwithstanding the provisions of any other
2 law, rule, or regulation to the contrary, contracts may be entered
3 into and assets may be transferred, leased, subleased, licensed, or
4 sublicensed, or authorized to be transferred, leased, subleased,
5 licensed, or sublicensed pursuant to P.L. , c. (C.) without
6 the approval of the State House Commission, established pursuant
7 to R.S.52:20-1, the State Leasing and Space Utilization Committee,
8 established pursuant to section 4 of P.L.1992, c.130 (C.52:18A-
9 191.4), or the Office of Leasing Operations in the General Services
10 Administration of the Department of the Treasury, established
11 pursuant to section 3 of P.L.1992, c.130 (C.52:18A-191.3), or of
12 any other person or agency, provided that the contract, transfer,
13 lease, sublease, license, or sublicense has been approved in writing
14 by the State Treasurer.

15

16 9. (New section) Public broadcasting system assets transferred,
17 or authorized to be transferred, by contract or otherwise, pursuant to
18 P.L. , c. (C.), may be leased, subleased, licensed,
19 sublicensed, sold, devised, donated, or otherwise disposed of for a
20 nominal or other consideration, in order to effectuate the transfer of
21 the State's public broadcasting system to a nonprofit corporation or
22 other entity eligible to operate a public broadcasting system
23 required by P.L. , c. .

24

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

27 2. For the purposes of this act, unless otherwise indicated by
28 the context:

29 "Authority" means the New Jersey Public Broadcasting
30 Authority.

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

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

1 "Public broadcasting telecommunications" includes all public
2 broadcasting services relating to public broadcasting including
3 intercommunications, datacasting, closed circuit Instructional
4 Television Fixed Service (ITFS), and other services requiring
5 Federal Communications Commission spectrum allocations for
6 transmission of electrical impulses that specifically and integrally
7 relate to New Jersey public broadcasting. Facilities typical for
8 application of these services would encompass micro-wave
9 interconnection, aural and video TV transmission, multiplexing,
10 laser beam utilization, satellite interconnection systems, and other
11 appropriate technological devices.
12 (cf: P.L.2005, c.35, s.1)

13

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

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

26

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

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

38 b. Whenever, in any law, rule, regulation, order, contract,
39 document, judicial or administrative proceeding, or otherwise,
40 reference is made to the New Jersey Public Broadcasting Authority,
41 the same shall mean and refer to the New Jersey Public
42 Broadcasting Authority in but not of the Department of **【State】** the
43 Treasury.

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

46 d. The New Jersey Department of **【State】** the Treasury may
47 render administrative assistance including, but not limited to,

1 personnel and fiscal assistance, upon request of the New Jersey
2 Public Broadcasting Authority. The cost and expense of any
3 services rendered may be paid by the New Jersey Public
4 Broadcasting Authority.

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

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

9

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

12 4. a. **【The authority shall consist of the New Jersey Public**
13 **Broadcasting Commission, which shall be the head of the authority,**
14 **an executive director, who shall be the principal executive officer of**
15 **the authority and such other officers and employees authorized to**
16 **be appointed and employed by this act】** (Deleted by amendment,
17 P.L. , c.) (pending before the Legislature as this bill).

18 b. The **【commission】** authority shall consist of a board which
19 shall be composed of 【15】 five members 【, 5 of whom shall be ex-
20 officio members, viz. the Commissioner of Education, the
21 Chancellor of Higher Education, the Commissioner of Community
22 Affairs, the Attorney General and the State Treasurer, or when so
23 designated by them, their deputies and 10 residents】: (1) three
24 members appointed by the Governor who shall be citizens of the
25 State, two of whom shall be public members; (2) one member
26 appointed by the President of the Senate; and (3) one member
27 appointed by the Speaker of the General Assembly.

28 c. **【The citizen members of the commission shall be appointed**
29 **by the Governor with the advice and consent of the Senate and shall**
30 **be selected without regard to political belief or affiliation.】** The
31 term of office of appointed members, except for the first
32 **【appointments】** appointed members made under P.L. , c. , shall
33 be for 【5】 five years. Each member shall serve until 【his】 the
34 member's successor shall have been appointed and qualified and
35 vacancies shall be filled in the same manner as the original
36 appointments for the remainder of the unexpired term. 【The terms
37 of the members initially appointed shall be designated by the
38 Governor so that 2 of such terms shall expire on June 30 in each
39 successive year ensuing after such appointments.】

40 d. The members of the **【commission】** board shall receive no
41 compensation for their services, but may be reimbursed for their
42 actual expenses in performing their duties.

43 e. The **【commission】** board shall hold public meetings at such
44 places within the State as it shall designate at least once quarterly
45 and at such other times as in its judgment may be necessary.

1 f. The ~~commission~~ board shall organize annually ~~in July of~~
2 ~~each year~~ by the election of a ~~chairman, vice-chairman~~ chair and
3 vice-chair, and such other officers as the ~~commission~~ board shall
4 determine~~], except that the first chairman shall be designated by the~~
5 Governor]. Officers shall serve until ~~the following July meeting~~
6 and until] their successors are elected and qualified. Vacancies in
7 such offices shall be filled in the same manner for the unexpired
8 term only.

9 g. The ~~executive director~~ chair shall ~~be the~~ appoint a
10 secretary of the ~~commission and~~ board who shall have custody of
11 its official seal. ~~With the approval of the commission, he~~ The
12 chair may designate an employee of the authority to perform such
13 duties of the secretary and such other services as the ~~commission~~
14 board shall designate.

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

16
17 14. (New section) The terms of office of all members of the
18 New Jersey Public Broadcasting Commission in office prior to the
19 effective date of P.L. , c. (C.) shall terminate.

20
21 15. (New section) Of the first members of the board of New
22 Jersey Public Broadcasting Authority appointed after the effective
23 date of P.L. , c. (C.), one public member appointed by the
24 Governor shall serve for a term of one year, the member appointed
25 by the Speaker of the General Assembly shall serve for a term of
26 two years, one public member appointed by the Governor shall
27 serve for a term of three years, and the member appointed by the
28 President of the Senate shall serve for a term of four years.

29
30 16. Section 7 of P.L.1968, c.405 (C.48:23-7) is amended to read
31 as follows:

32 7. The authority shall have the power to:

33 a. Adopt and from time to time amend and repeal suitable by-
34 laws for the management of ~~its~~ the authority's affairs ~~;~~ .

35 b. Adopt and use the official seal and alter the same at ~~its~~ the
36 pleasure of the board ~~;~~ .

37 c. Maintain an office at such place or places within the State as
38 ~~it~~ the board may designate within the limits of available
39 appropriations therefor; ~~;~~ .

40 d. ~~Establish, own, and operate noncommercial educational~~
41 ~~television or radio broadcasting stations, one or more public~~
42 ~~broadcasting and public broadcasting telecommunications networks~~
43 ~~or systems, and interconnection and program production facilities]~~
44 ~~(Deleted by amendment, P.L. , c.) (pending before the~~
45 Legislature as this bill) ~~;~~ .

- 1 e. Apply for, receive, and hold such authorizations and licenses
2 and assignments and reassignments of channels from the Federal
3 Communications Commission (FCC) as may be necessary to
4 conduct its operations and prepare, and file and prosecute before the
5 FCC all applications, reports, or other documents or requests for
6 authorization of any type necessary or appropriate to achieve the
7 authorized purposes of the authority [;] .
- 8 f. **Provide co-ordination and information on matters relating to**
9 **public broadcasting telecommunications among the agencies of the**
10 **State Government, all facets of New Jersey public education and**
11 **individuals, associations, and institutions working in these fields**
12 **both within and without the State] Comply with the minimum**
13 **requirements of the FCC necessary for the authority to hold FCC**
14 **broadcast licenses, including requirements concerning the minimum**
15 **number of authority employees and broadcast transmission facilities**
16 **[;] .**
- 17 g. **Establish State-wide equipment compatibility policies and**
18 **determine the method of interconnection to be employed within the**
19 **State's public broadcasting system] Deleted by amendment,**
20 **P.L. , c.) (pending before the Legislature as this bill) [;] .**
- 21 h. **Assume responsibility for the character, diversity, quality,**
22 **and excellence of programming which is released via its licensed**
23 **facilities, provided that programs or series of programs of a**
24 **controversial nature shall be presented with balance, fairness, and**
25 **equity] Deleted by amendment, P.L. , c.) (pending before the**
26 **Legislature as this bill) [;] .**
- 27 i. **Provide appropriate advisory assistance to other agencies of**
28 **the State and local and regional groups regarding public**
29 **broadcasting techniques, planning, budgeting, and related issues]**
30 **Deleted by amendment, P.L. , c.) (pending before the**
31 **Legislature as this bill) [;] .**
- 32 j. **Make to the Governor and the Legislature such**
33 **recommendations as the authority deems necessary with regard to**
34 **appropriations relative to public broadcasting and public**
35 **broadcasting telecommunications equipment and facilities]**
36 **Deleted by amendment, P.L. , c.) (pending before the**
37 **Legislature as this bill) [;] .**
- 38 k. **Subject to the approval of the Governor, receive and**
39 **administer gifts, contributions, and funds from public and private**
40 **sources to be expended for public broadcasting and public**
41 **broadcasting telecommunications operations, facilities, and**
42 **programming consistent with furthering the purposes of the**
43 **authority] Deleted by amendment, P.L. , c.) (pending before the**
44 **Legislature as this bill) [;] .**

- 1 l. **【Co-operate with Federal agencies, for the purpose of**
2 **obtaining matching and other Federal funds and providing public**
3 **broadcasting and public broadcasting telecommunications facilities**
4 **throughout the State and to make such reports as may be required of**
5 **the State. The authority shall likewise provide appropriate advisory**
6 **assistance to local school districts and others on such matters】**
7 **(Deleted by amendment, P.L. , c.) (pending before the**
8 **Legislature as this bill) [;] .**
- 9 m. **【Contract with program production organizations,**
10 **individuals, and noncommercial educational television and radio**
11 **stations within and without the State to produce, or otherwise to**
12 **procure, educational television or radio programs for use by**
13 **noncommercial stations within the State】** **(Deleted by amendment,**
14 **P.L. , c.) (pending before the Legislature as this bill) [;] .**
- 15 n. **【Establish and maintain a library and archives of educational**
16 **television and radio programs and related materials, disseminate**
17 **information about such programs and make suitable arrangements**
18 **for the use of such programs and materials by colleges, universities,**
19 **schools and noncommercial television and radio stations】** **(Deleted**
20 **by amendment, P.L. , c.) (pending before the Legislature as this**
21 **bill) [;] .**
- 22 o. **【Conduct explorations, research, demonstrations, or training**
23 **in matters related to public broadcasting and public broadcasting**
24 **telecommunications in the State, directly; or through contracts with**
25 **appropriate agencies, organizations, or individuals; or by grants to**
26 **nonprofit, noncommercial organizations such as colleges,**
27 **universities, schools, and noncommercial television and radio**
28 **stations】** **(Deleted by amendment, P.L. , c.) (pending before the**
29 **Legislature as this bill) [;] .**
- 30 p. **【Acquire, subject to the provisions of P.L.1954, chapter 48,**
31 **through lease, purchase, or otherwise real and other property and to**
32 **hold and use this property for public broadcasting and public**
33 **broadcasting telecommunications purposes】** **(Deleted by**
34 **amendment, P.L. , c.) (pending before the Legislature as this**
35 **bill) [;] .**
- 36 q. **【Contract , subject to the provisions of P.L.1954, chapter 48,**
37 **for the construction, repair, maintenance, and operations of public**
38 **broadcasting and public broadcasting telecommunications facilities**
39 **including program production center, stations, and interconnection**
40 **facilities】** **(Deleted by amendment, P.L. , c.) (pending before the**
41 **Legislature as this bill) [;] .**
- 42 r. **【Make arrangements, where appropriate, with companies or**
43 **other agencies and institutions operating suitable interconnection**
44 **facilities (e.g., landlines or satellites)】** **(Deleted by amendment,**
45 **P.L. , c.) (pending before the Legislature as this bill) [; and] .**

1 s. Make reasonable rules and regulations to carry out the
2 provisions of **[this act]** P.L.1968, c.405 (C.48:23-1 et seq.) and
3 P.L. , c. (C.) (pending before the Legislature as this bill).
4 (cf: P.L.1968, c.405, s.7)

5
6 17. Section 3 of P.L.1977, c.44 (C.34:1B-24) is amended to read
7 as follows:

8 3. a. There is hereby established in but not of the **[Department**
9 **of Labor and Industry]** the Division of Business Assistance,
10 Marketing, and International Trade in the New Jersey Economic
11 Development Authority a Motion Picture and Television
12 Development Commission.

13 b. The commission shall consist of eight public members, no
14 more than four of whom shall be members of the same political
15 party, who shall be appointed by the Governor with the advice and
16 consent of the Senate, and the Chairman of the New Jersey State
17 Council on the Arts, **[the Chairman of the Public Broadcasting**
18 **Authority]** and the Commissioner of Labor and **[Industry on]**
19 Workforce Development or their designees serving in an ex officio
20 capacity. The Governor shall appoint from the **[11]** ten members a
21 chairman who shall serve in **[said]** that office at the pleasure of the
22 Governor.

23 c. The public members of the commission shall be appointed
24 initially for the following terms: three members for a term of **[2]**
25 two years; three members for a term of **[3]** three years; and two
26 members for a term of **[4]** four years. The initial members shall
27 serve from the date of the original appointment for the
28 aforementioned specified terms and until their respective successors
29 shall be duly appointed and qualified. The term of each such
30 appointed member shall be designated by the Governor at the time
31 of his appointment. The successors to the initially appointed
32 members shall each be appointed for a term of **[4]** four years,
33 except that any person appointed to fill a vacancy shall serve only
34 for the unexpired term.

35 d. The members of the commission shall serve without
36 compensation, but the commission may reimburse its members for
37 necessary expenses incurred in the discharge of their duties.
38 (cf: P.L.1977, c.44, s.3)

39
40 18. Section 4 of P.L.1972, c.133 (C.52:14E-4) is amended to
41 read as follows:

42 4. There is hereby created a Governor's Advisory Council for
43 Emergency Services, which shall consist of the Attorney General,
44 who shall be the presiding officer; the Adjutant General of Military
45 and Veterans' Affairs, the Commissioner of Community Affairs, the
46 Commissioner of Environmental Protection, the Commissioner of

1 Transportation, and the President of the Board of Public Utilities [,
2 and the Executive Director of the New Jersey Public Broadcasting
3 Authority] or their designees. The members of the council shall
4 serve without pay in connection with all such duties as are
5 prescribed in [this act] P.L.1972, c.133 (C.52:14E-1 et seq.).

6 (cf: P.L.1989, c.133, s.5)
7

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

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

12 a. Review, evaluate and recommend to the Legislature any
13 necessary changes in any existing compact between this State and
14 the federal government or between this State and any other state
15 created for the purposes set forth in this act or develop such
16 compacts where they do not exist.

17 b. Review, evaluate and periodically recommend changes in
18 existing emergency master plans.

19 c. Encourage and coordinate comprehensive services available
20 through private organizations and intercommunity cooperations.

21 d. Authorize expenditures from the fund upon approval of the
22 Governor to provide emergency relief deemed appropriate by the
23 council or to reimburse municipalities or counties for damages or
24 excessive costs sustained as a result of an emergency [or to
25 reimburse the New Jersey Public Broadcasting Authority for the
26 cost of its emergency broadcasts].

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

30 (cf: P.L.1989, c.133, s.6)
31

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

34 2. The Foundation for New Jersey Public Broadcasting shall be
35 governed by a board of directors. The number of directors and their
36 terms and manner of selection shall be determined upon the
37 incorporation of the foundation [, provided that a majority of the
38 directors shall be selected from among or by the members of the
39 New Jersey Public Broadcasting Commission]. No employee of the
40 New Jersey Public Broadcasting Authority shall serve as a member
41 of the board of directors. No member of the board of directors shall
42 engage in any business transaction or professional activity for profit
43 with the New Jersey Public Broadcasting Authority.

44 (cf: P.L.1990, c.114, s.2)
45

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

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

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

7
8 22. (New section) a. There is hereby created in the Department
9 of the Treasury the “Trust Fund for the Support of Public
10 Broadcasting”, a restricted, nonlapsing, revolving fund to be
11 managed and invested by the State Treasurer. All moneys
12 appropriated to the fund, all interest accumulated on balances in the
13 fund, and all cash received for the fund from any other source are
14 dedicated solely for the support of a public broadcasting system
15 serving New Jersey as provided for in P.L. , c. . All moneys
16 deposited in the fund are hereby appropriated in such amounts
17 determined by the State Treasurer to the entity or entities selected to
18 operate a public broadcasting system pursuant to P.L. , c. for
19 that purpose and shall within 10 days of deposit in the fund be
20 expended by the State Treasurer to that entity, or, if moneys are
21 deposited prior to such entity being designated, as soon as may be
22 practicable after approval of that entity or entities pursuant to
23 sections 5 and 6 of P.L. , c. .

24 b. Notwithstanding any provision of law to contrary, except as
25 may be otherwise prohibited or limited by the terms of any debt
26 issued to acquire such assets or property, all monies received by the
27 State from the sale, lease or assignment of any assets or property of
28 the authority which comprise the public broadcasting system shall
29 be deposited in or credited to this fund.

30
31 23. (New section) If the Legislature's approval of the sale or
32 transfer, as appropriate, of any radio or the television operating
33 license is found to violate any federal law, rule or regulation, the
34 transfer of the respective operating license shall not occur unless
35 the authority, by a majority vote, approves such a sale or transfer.

36
37 24. (New section) This act shall be liberally construed to
38 effectuate its purposes. All acts and parts of acts inconsistent with
39 any of the provisions of this act are, to the extent of such
40 inconsistencies, superseded and shall be deemed inoperative. If any
41 provision of this act, or the application thereof to any person or
42 circumstance is held invalid, the invalidity shall not affect other
43 provisions or applications of the sections that can be given effect
44 without the invalid provision or application, and to this end the
45 provisions of this act are severable.

46
47 25. The following sections are repealed:

1 Section 14 of P.L.1974, c.26 (C.19:44A-39);
2 Sections 5 and 6 of P.L.1968, c.405 (C.48:23-5 and C.48:23-6);
3 Sections 1 and 2 of P.L.1989, c.133 (C.48:23-11 and C.48:23-12);
4 Section 4 of P.L.1989, c.133 (C.52:14E-8.1);
5 Section 10 of P.L.1987, c.365 (C.52:27H-20.3); and
6 Section 3 of P.L.1989, c.133 (C.53:1-21.6).

7
8 26. This act shall take effect immediately, and section 16 shall
9 take effect upon the transfer established pursuant to sections 5 and 6
10 of this act.

11
12
13
14

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