

Supporting documentation pursuant to negotiations as prescribed by  
the New Jersey Public Broadcasting System Transfer Act

Transfer Act

§§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.



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

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

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

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

"Authority" means the New Jersey Public Broadcasting Authority.

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

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