

# 48:23-18 to 48:23-31 et al.

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2010                    **CHAPTER:** 104

**NJSA:** 48:23-18 to 48:23-31 et al. (Authorizes transfer of certain assets of State's public broadcasting system to an entity eligible to operate a public broadcasting system)

**BILL NO:** A3604 (Substituted for S2406)

**SPONSOR(S)** Greenwald and others

**DATE INTRODUCED:** December 9, 2010

**COMMITTEE:**                    **ASSEMBLY:** State Government

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** December 13, 2010

**SENATE:** December 13, 2010

**DATE OF APPROVAL:** December 17, 2010

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Assembly Committee Substitute enacted)

**A3604**

**SPONSOR'S STATEMENT:** (Begins on page 10 of introduced bill)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2406**

**SPONSOR'S STATEMENT:** (Begins on page 10 of introduced bill)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No  
**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No  
**HEARINGS:** Yes  
**NEWSPAPER ARTICLES:** Yes

974.90 L123 2010

[Public hearing before Legislative Task Force on Public Broadcasting: workforce and labor issues at New Jersey Network: \[September 16, 2010, Pomona, New Jersey\]/ meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit, by New Jersey. Legislature. Legislative Task Force on Public Broadcasting. Trenton, NJ: New Jersey Office of Legislative Services, Public Information Office, Hearing Unit, 2010.](#)

974.90 T267 2010

[Public hearing before Legislative Task Force on Public Broadcasting: an overview of New Jersey Network and public media in New Jersey: \[September 14, 2010, Trenton, New Jersey\] / Meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit. by New Jersey. Legislature. Legislative Task Force on Public Broadcasting. Trenton, NJ: New Jersey Office of Legislative Services, Public Information Office, Hearing Unit, 2010.](#)

974.90 T267 2010a

[Public hearing before Legislative Task Force on Public Broadcasting : public media programming, NJN's assets and related issues : \[September 23, 2010, Montclair, New Jersey\] / meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit. by New Jersey. Legislature. Legislative Task Force on Public Broadcasting. Trenton, NJ: New Jersey Office of Legislative Services, Public Information Office, Hearing Unit, 2010.](#)

974.90 T267 2010b

[Assembly Majority member recommendations to the Legislative Task Force on Public Broadcasting, by New Jersey. Legislature. Legislative Task Force on Public Broadcasting. Trenton: NJ \[New Jersey Office of Legislative Services\], 2010.](#)

974.90 T267 2010c

[Findings / NJ Legislative Task Force on Public Broadcasting. by New Jersey. Legislature. Legislative Task Force on Public Broadcasting. Trenton, NJ: \[New Jersey Office of Legislative Services\], 2010.](#)

"Christie takes action to make NJN an independent TV outlet," NewJerseyNewsroom.com, 12-18-10

"Christie signs a new plan for NJN," The Times, 12-18-10

"Christie signs new plan for NJN, suspends layoffs," The Star-Ledger, 12-18-10

"Christie signs bill to privatize NJN," The Record, 12-18-10

"NJN layoffs averted, for now," Asbury Park Press, 12-18-10

"NJN layoffs put off for development of plan," The Philadelphia Inquirer, 12-18-10

LAW/RWH

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3604**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

ADOPTED DECEMBER 9, 2010

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblyman ALEX DECROCE**

**District 26 (Morris and Passaic)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

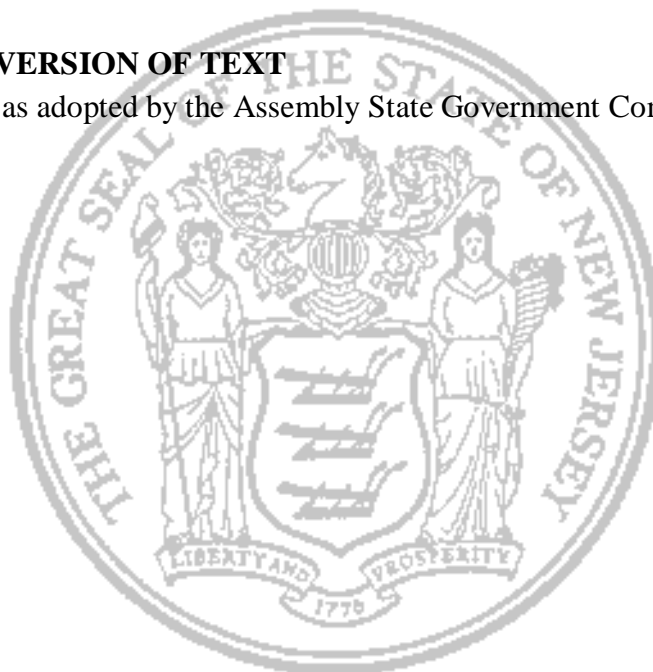
**Senators Sweeney and Kyrillos**

**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.

# ASSEMBLY, No. 3604

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED DECEMBER 9, 2010

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblywoman NELLIE POU**

**District 35 (Bergen and Passaic)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Creates NJ Public Media Restructuring Committee to authorize transfer of State's public broadcasting system to an entity eligible to operate such system; abolishes NJ Public Broadcasting Authority and Foundation for NJ Public Broadcasting.

**CURRENT VERSION OF TEXT**

As introduced.



A3604 GREENWALD, POU

2

1 AN ACT concerning the State's public broadcasting system,  
2 supplementing Title 48 of the Revised Statutes, amending  
3 P.L.1977, c.44 and P.L.1972, c.133, and repealing various parts  
4 of the statutory law.

5

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

8

9 1. (New section) This act shall be known and may be cited as  
10 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 the 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.), establishing the  
22 Foundation for New Jersey Public Broadcasting ("foundation") as  
23 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 assets to a non-profit entity. The  
41 task force concluded that such entity should: (1) continue to provide  
42 New Jersey-centric programming; (2) operate Statewide; (3) engage  
43 in new technology; and (4) provide independent, civic journalism.

44 e. It is therefore, necessary and in the public interest to  
45 establish a legal structure within which the authorization of a

**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 transfer, either by sale or lease, of the State’s public broadcasting  
2 system , or delegation by contract of the responsibility for operating  
3 that system, to a nonprofit corporation or other entity eligible to  
4 operate a public broadcasting system, including, but not limited to,  
5 a transfer of its assets, transfer or retention of its television and  
6 radio operating licenses, or transfer of responsibility for its  
7 operations, or an interest in them, may be accomplished in a timely  
8 manner that provides maximum benefits for the citizens of the State  
9 while, at the same time, minimizing disruption to affected  
10 employees and other interested parties. It is also in the public  
11 interest to authorize the establishment of a “New Jersey Public  
12 Media Restructuring Committee” empowered to effectuate the  
13 transfer and to take any and all actions necessary to effectuate the  
14 termination of the authority and the foundation.

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

21 3. (New section) a. There is established a “New Jersey Public  
22 Media Restructuring Committee” (“committee”) which is  
23 empowered to effectuate the transfer of the State’s public  
24 broadcasting system to a nonprofit corporation or other entity  
25 eligible to operate a public broadcasting system and to take any and  
26 all actions necessary to effectuate the termination of the authority  
27 and the foundation. The committee shall consist of seven voting  
28 members as follows:

29 (1) the State Treasurer or the State Treasurer’s designee;  
30 (2) two members appointed by the President of the Senate;  
31 (3) two members appointed by the Speaker of the General  
32 Assembly;

33 (4) one member appointed by the Minority Leader of the Senate;  
34 and

35 (5) one member appointed by the Minority Leader of the  
36 General Assembly.

37 No more than four members of the Legislature who are appointed  
38 as members of the committee shall be of the same political party  
39 and members of the same political party shall reflect geographical  
40 diversity. Vacancies in the membership of the committee shall be  
41 filled in the same manner as the original appointments were made.

42 b. The committee shall organize as soon as practicable  
43 following the appointment of its members and shall hold its initial  
44 meeting no later than the 10th day after the effective date of P.L. ,

45 c. (C. ) (pending before the Legislature as this bill). The  
46 committee shall select two co-chairpersons from among its  
47 members and each co-chairperson shall be a member of a different  
48 political party.

A3604 GREENWALD, POU

1 c. The committee may meet and hold hearings at the places it  
2 designates during the sessions or recesses of the Legislature.

3 d. Any and all committee action authorized by sections 4  
4 through 11 of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill), shall be approved only by a majority vote of the  
6 members of the committee.

7  
8 4. (New section) Upon authorization from the committee, the  
9 authority shall undertake all acts necessary to accomplish the  
10 transfer of the State's public broadcasting system to an entity  
11 eligible to operate a public broadcasting system as authorized by  
12 P.L. , c. (C. ) (pending before the Legislature as this bill),  
13 including, but not limited to, applying or assisting in applying to the  
14 Federal Communications Commission ("FCC") or other  
15 governmental entity for any required approval, executing any  
16 authorization or authorizations required to implement such transfer,  
17 and seeking any other approval or approvals as may be necessary  
18 and convenient to accomplish the transfer. All State departments  
19 and agencies, boards, committees, and authorities, as well as all  
20 municipal and county governing bodies, boards, commissions, and  
21 authorities, shall cooperate fully with the transfer authorized by  
22 P.L. , c. , and facilitate the transfer of assets, the rendering of  
23 approvals, and other acts necessary or convenient to accomplish the  
24 transfer. The committee is authorized to retain any consultants,  
25 experts, brokers, advisors, or other professionals whose services  
26 may be necessary in order to effectuate the transaction or  
27 transactions contemplated by P.L. , c. , and there are  
28 appropriated such sums as may be necessary for such fees and  
29 services, as well as any other costs determined to be necessary to  
30 effectuate such transaction or transactions, subject to the approval  
31 of the Director of the Division of Budget and Accounting in the  
32 Department of the Treasury.

33  
34 5. (New section) a. The committee, in consultation with the  
35 authority, shall prepare a complete inventory identifying the public  
36 broadcasting system's assets and liabilities appropriate for transfer  
37 or sale pursuant to section 6 of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill). The inventory shall include a  
39 description and recommendations, if any, concerning the most  
40 appropriate mechanism or mechanisms through which a transfer of  
41 such assets and liabilities to a qualifying nonprofit corporation or  
42 one or more sales to another entity or entities pursuant to  
43 P.L. , c. , should be accomplished. The inventory shall be  
44 approved by the committee and copies of the inventory shall be  
45 delivered to the Governor, the Speaker of the General Assembly,  
46 and the President of the Senate upon its completion.

47 b. Any assets or properties owned by the State or any  
48 department, agency, board, authority, or committee thereof or any

1 county or municipal board, commission, or authority used in the  
2 operation of the public broadcasting system or an interest therein,  
3 may be leased or licensed, in lieu of an assignment or transfer of  
4 such assets or properties, except as may otherwise be prohibited or  
5 limited by the terms of any debt issued to acquire such assets or  
6 properties, as determined by the committee.

7

8 6. (New section) a. The committee is authorized to receive and  
9 approve, in the committee's discretion, one or more proposals to  
10 transfer, through a sale, lease or any other arrangement, all or any  
11 part of the assets of the authority, or to delegate by contract  
12 responsibility for conducting the operations of the public  
13 broadcasting system, to a nonprofit corporation; provided, however,  
14 that no such transfer or transfers shall occur unless the committee  
15 shall determine, upon application by or on behalf of the nonprofit  
16 corporation, that:

17 (1) The nonprofit corporation is an educational and charitable  
18 corporation validly existing and in good standing under the "New  
19 Jersey Nonprofit Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1  
20 et seq.) and is incorporated, organized and operated in such a  
21 manner as to qualify as a nonprofit corporation described in section  
22 501(c)(3) of the federal Internal Revenue Code, 26U.S.C.  
23 s.501(c)(3) or any successor provision that is exempt from taxation  
24 pursuant to section 501(a) of the federal Internal Revenue Code, 26  
25 U.S.C. s.501(a) or any successor provision;

26 (2) The nonprofit corporation's certificate of incorporation and  
27 by-laws authorize the receipt of the FCC licenses currently assigned  
28 to the authority and the ownership of the assets and liabilities of the  
29 authority, and provide that the purposes of the nonprofit corporation  
30 include the ownership, maintenance, and operation of a public  
31 broadcasting system; and

32 (3) Upon the assignment of any broadcasting licenses and the  
33 transfer of assets, the nonprofit corporation shall provide public  
34 broadcasting services and operate a public broadcasting system  
35 consistent with FCC license requirements.

36 b. Any assets and liabilities, including receivables, shall  
37 automatically, without any further act or deed and by operation of  
38 law, be assigned, transferred, or conveyed to the nonprofit  
39 corporation upon the committee's approval and shall become vested  
40 in the nonprofit corporation, any of which assignments, transfers or  
41 conveyances may also be evidenced by such instruments of  
42 assignment, transfer, or conveyance as the committee may approve,  
43 and all liabilities listed in a schedule of assets and liabilities, as well  
44 as all outstanding obligations and commitments lawfully undertaken  
45 or contracted for by the authority in respect of the public  
46 broadcasting system, shall be assumed and performed by the  
47 nonprofit corporation through the execution, delivery, and  
48 performance of such instruments of assumption as the committee



1 shall prescribe, in each case subject to the approval by the  
2 committee.

3 c. The committee shall take such other actions, and may  
4 require the nonprofit corporation to take such other actions, as the  
5 committee deems to be necessary or convenient to implement the  
6 provisions of P.L. , c. (C. ) (pending before the Legislature  
7 as this bill).

8 d. The committee may assign, transfer, or convey to the  
9 nonprofit corporation from time to time such additional public  
10 broadcasting system assets as the committee deems appropriate to  
11 further the purposes of P.L. , c. .

12 e. As an alternative to a transfer or transfers as authorized by  
13 this section, the committee is authorized to solicit, receive and  
14 approve, in the committee's discretion, one or more proposals to  
15 transfer the FCC licenses held by the authority to one or more  
16 existing nonprofit entities whose mission is public broadcasting or  
17 to other entities who are eligible to operate a public broadcasting  
18 system, on such terms and conditions as the committee shall  
19 determine to be in the public interest; provided, however, that the  
20 successor nonprofit entity or entities shall maintain a public media  
21 presence in New Jersey and be dedicated to serving the cultural,  
22 educational, and civic needs of the residents of New Jersey.

23 f. The committee may solicit, receive, and approve, in the  
24 committee's discretion, one or more proposals to sell all or any part  
25 of the assets of the authority, other than the FCC licenses, to a for-  
26 profit corporation, not-for-profit corporation, or other entity, subject  
27 to such terms, conditions, limitations, rights of reversion and first  
28 refusal, provisions for liquidated damages and other contractual  
29 penalty provisions, and such other provisions as the committee shall  
30 determine to be in the public interest; provided, however, that no  
31 such transfer shall occur unless the committee shall determine, upon  
32 review of proposals, that, at the committee's discretion, maximum  
33 value to the State and its citizens will be achieved.

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

A3604 GREENWALD, POU

7

1 8. (New section) The committee is authorized to enter into any  
2 and all agreements as may be required to carry out any transfer or  
3 sale of assets pursuant to P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), as well as to set forth the terms and  
5 conditions of such transfer or sale.

6  
7 9. (New section) Upon the transfer of all of the assets held by  
8 the authority, the activities of the authority and the foundation shall  
9 cease and the authority and the foundation shall be dissolved.  
10 Following the enactment of P.L. , c. (C. ) (pending before  
11 the Legislature as this bill), but prior to the transfer of all of the  
12 assets held by the authority, the authority and the foundation shall  
13 cooperate fully to ensure the implementation of P.L. , c. . The  
14 committee shall take any and all actions necessary to effectuate the  
15 termination of the foundation.

16  
17 10. (New section) Notwithstanding the provisions of any other  
18 law, rule, or regulation to the contrary, contracts may be entered  
19 into and assets may be transferred, leased, subleased, licensed, or  
20 sublicensed, or authorized to be transferred, leased subleased,  
21 licensed, or sublicensed pursuant to P.L. , c. (C. ) (pending  
22 before the Legislature as this bill) without the approval of the State  
23 House Committee, established pursuant to R.S.52:20-1, the State  
24 Leasing and Space Utilization Committee, established pursuant to  
25 section 4 of P.L.1992, c.130 (C.52:18A-191.4), or the Office of  
26 Leasing Operations in the General Services Administration of the  
27 Department of the Treasury, established pursuant to section 3 of  
28 P.L.1992, c.130 (C.52:18A-191.3), or of any other person or  
29 agency, provided that the contract, transfer, lease, sublease, license,  
30 or sublicense has been approved in writing by the committee.

31  
32 11. (New section) Public broadcasting system assets transferred,  
33 or authorized to be transferred, by contract or otherwise, pursuant to  
34 P.L. , c. (C. ) (pending before the Legislature as this bill),  
35 may be leased, subleased, licensed, sublicensed, sold, devised,  
36 donated, or otherwise disposed of, at the committee's discretion, for  
37 a nominal or other consideration, in order to effectuate the transfer  
38 of the State's public broadcasting system to a nonprofit corporation  
39 or other entity eligible to operate a public broadcasting system  
40 required by P.L. , c. .

41  
42 12. Section 3 of P.L.1977, c.44 (C.34:1B-24) is amended to read  
43 as follows:

44 3. a. There is hereby established in but not of the **[Department**  
45 **of Labor and Industry] Division of Business Assistance, Marketing,**  
46 **and International Trade in the New Jersey Economic Development**  
47 **Authority** a Motion Picture and Television Development  
48 Commission.

1       b. The commission shall consist of eight public members, no  
2 more than four of whom shall be members of the same political  
3 party, who shall be appointed by the Governor with the advice and  
4 consent of the Senate, and the Chairman of the New Jersey State  
5 Council on the Arts, [the Chairman of the Public Broadcasting  
6 Authority] and the Commissioner of Labor and [Industry on]  
7 Workforce Development or their designees serving in an ex officio  
8 capacity. The Governor shall appoint from the [11] ten members a  
9 chairman who shall serve in [said] that office at the pleasure of the  
10 Governor.

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

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

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

27

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

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

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

41

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

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

46       a. Review, evaluate and recommend to the Legislature any  
47 necessary changes in any existing compact between this State and

1 the federal government or between this State and any other state  
2 created for the purposes set forth in this act or develop such  
3 compacts where they do not exist.

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

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

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

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

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

18

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

28

29 16. The following sections are repealed:

30 Section 14 of P.L.1974, c.26 (C.19:44A-39);

31 Sections 1 through 10 of P.L.1968, c.405 (C.48:23-1 through  
32 C.48:23-10);

33 Sections 1 and 2 of P.L.1989, c.133 (C.48:23-11 and C.48:23-12);

34 Sections 1 through 5 of P.L.1990, c.114 (C.48:23-13 through  
35 C.48:23-17);

36 Section 4 of P.L.1989, c.133 (C.52:14E-8.1);

37 Section 10 of P.L.1987, c.365 (C.52:27H-20.3); and

38 Section 3 of P.L.1989, c.133 (C.53:1-21.6).

39

40 17. The committee shall expire six months after the date that the  
41 State ceases to be the operator of the public broadcasting system.

42

43 18. Sections 1 through 11, section 15, and section 17 of this act  
44 shall take effect immediately. Sections 12 through 14 and section  
45 16 of this act shall take effect upon the transfer of the State's public  
46 broadcasting system to a nonprofit corporation or other entity  
47 eligible to operate a public broadcasting system.

## STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

This bill establishes a “New Jersey Public Media Restructuring Committee” (“committee”) empowered 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 and to take any and all actions necessary to effectuate the termination of the authority and the foundation in light of the cessation of State financial support to the New Jersey Public Broadcasting Authority (“authority”) on January 1, 2011.

The committee shall consist of seven voting members as follows: 1) the State Treasurer or the State Treasurer’s designee; 2) two members appointed by the President of the Senate; 3) two members appointed by the Speaker of the General Assembly; 4) one member appointed by the Minority Leader of the Senate; and 5) one member appointed by the Minority Leader of the General Assembly. No more than four legislative members appointed as members of the committee shall be of the same political party and members of the same political party shall reflect geographical diversity. The committee shall organize as soon as practicable following the appointment of its members and shall hold its initial meeting no later than the 10th day after the effective date of the bill. The committee shall select two co-chairpersons from among its members and each co-chairperson shall be a member of a different political party. Any and all committee action authorized by sections 4 through 11 of the bill shall be approved only by a majority vote of the members of the committee.

Specifically, the bill abolishes the authority and the Foundation for New Jersey Public Broadcasting (“foundation”) on the date the committee authorizes the transfer. Prior to this date, the bill requires the authority, upon authorization from the committee, to undertake all acts necessary to accomplish the transfer, including, but not limited to, applying or assisting in applying in the transfer of the Federal Communications Commission (“FCC”) licenses held by the authority or other governmental entity for any required approval, executing any authorization or authorizations required to implement the transfer, and seeking any other approval or approvals as may be necessary and convenient to accomplish the transfer.

The bill requires the committee, in consultation with the authority, to prepare a complete inventory identifying the public broadcasting system’s assets and liabilities appropriate for transfer or sale and include a description and recommendations, if any, concerning the most appropriate mechanism or mechanisms through which a transfer of such assets and liabilities to a qualifying nonprofit corporation or one or more sales to another entity or entities should be accomplished. The inventory shall be approved by the committee and copies of the inventory shall be delivered to

1 the Governor, the Speaker of the General Assembly, and the  
2 President of the Senate upon its completion.

3 The bill authorizes the committee to receive and approve one or  
4 more proposals to transfer, through a sale, lease or any other  
5 arrangement, all or any part of the assets of the authority, or  
6 delegation by contract of the responsibility for operating the public  
7 broadcasting system, to a nonprofit corporation; provided, however,  
8 that no such transfer or transfers shall occur unless the committee  
9 shall determine, upon application by or on behalf of the nonprofit  
10 corporation, that: 1) the nonprofit corporation is an educational and  
11 charitable corporation validly existing and in good standing under  
12 the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127  
13 (N.J.S.15A:1-1 et seq.) and is incorporated, organized and operated  
14 in such a manner as to qualify as a nonprofit corporation described  
15 in section 501(c)(3) of the federal Internal Revenue Code, 26  
16 U.S.C. s.501(c)(3) (or any successor provision) that is exempt from  
17 taxation pursuant to section 501(a) of the federal Internal Revenue  
18 Code, 26U.S.C. s.501(a) (or any successor provision); 2) the  
19 nonprofit corporation's certificate of incorporation and by-laws  
20 authorize the receipt of the FCC licenses currently assigned to the  
21 authority and the ownership of the assets and liabilities of the  
22 authority, and provide that the purposes of the nonprofit corporation  
23 include the ownership, maintenance, and operation of a public  
24 broadcasting system; and 3) upon the assignment of any  
25 broadcasting licenses and the transfer of assets, the nonprofit  
26 corporation shall provide public broadcasting services and operate a  
27 public broadcasting system consistent with FCC license  
28 requirements. Any assets and liabilities, including receivables,  
29 shall automatically, without any further act or deed and by  
30 operation of law, be assigned, transferred, or conveyed to the  
31 nonprofit corporation upon the committee's approval and shall  
32 become vested in the nonprofit corporation (any of which  
33 assignments, transfers, or conveyances may also be evidenced by  
34 such instruments of assignment, transfer, or conveyance as the  
35 committee may approve), and all liabilities listed in a schedule of  
36 assets and liabilities, as well as all outstanding obligations and  
37 commitments lawfully undertaken or contracted for by the authority  
38 in respect of the public broadcasting system, shall be assumed and  
39 performed by the nonprofit corporation through the execution,  
40 delivery, and performance of such instruments of assumption as the  
41 committee shall prescribe, in each case subject to action by the  
42 committee.

43 As an alternative to a transfer or transfers as authorized by the  
44 bill, the committee is authorized to solicit, receive and approve, in  
45 the committee's discretion, one or more proposals to transfer the  
46 FCC licenses held by the authority to one or more existing nonprofit  
47 entities whose mission is public broadcasting or to other entities  
48 who are eligible to operate a public broadcasting system, on such

1 terms and conditions as the committee shall determine to be in the  
2 public interest; provided, however, that the successor nonprofit  
3 entity or entities shall a maintain public media presence in New  
4 Jersey and be dedicated to serving the cultural, educational and  
5 civic needs of the residents of New Jersey. The bill further  
6 authorizes the committee to solicit, receive, and approve, in the  
7 committee's discretion, one or more proposals to sell all or any part  
8 of the assets of the authority, other than the FCC licenses, to a for-  
9 profit corporation, not-for-profit corporation, or other entity, subject  
10 to such terms, conditions, limitations, rights of reversion and first  
11 refusal, provisions for liquidated damages and other contractual  
12 penalty provisions, and such other provisions as the committee shall  
13 determine to be in the public interest; provided, however, that no  
14 such transfer shall occur unless the committee shall determine, upon  
15 review of proposals, that, at the committee's discretion, maximum  
16 value to the State and its citizens will be achieved.

17 The bill authorizes the committee to enter into any and all  
18 agreements as may be required to carry out any transfer or sale of  
19 assets pursuant to the bill's provisions, as well as to set forth the  
20 terms and conditions of such transfer or sale.

21 The bill provides that, upon the transfer of all of the assets held  
22 by the authority, the activities of the authority and the foundation  
23 shall cease and the authority and the foundation shall be dissolved.  
24 Following the enactment of the bill, but prior to the transfer of all of  
25 the assets held by the authority, the authority and the foundation  
26 shall cooperate fully to ensure the implementation of the bill's  
27 provisions. The committee shall take any and all actions necessary  
28 to effectuate the termination of the foundation.

29 The bill provides that contracts may be entered into and assets  
30 may be transferred, leased, subleased, licensed, or sublicensed, or  
31 authorized to be transferred, leased subleased, licensed, or  
32 sublicensed pursuant to the bill's provisions without the approval of  
33 the State House Committee, the State Leasing and Space Utilization  
34 Committee, or the Office of Leasing Operations in the General  
35 Services Administration of the Department of the Treasury, or of  
36 any other person or agency, provided that the contract, transfer,  
37 lease, sublease, license or sublicense has been approved in writing  
38 by the committee.

39 The bill provides that public broadcasting system assets  
40 transferred, or authorized to be transferred, by contract or  
41 otherwise, pursuant to the bill's provisions, may be leased,  
42 subleased, licensed, sublicensed, sold, devised, donated or  
43 otherwise disposed of, at the committee's discretion, for a nominal  
44 or other consideration, in order to effectuate the transfer of the  
45 State's public broadcasting system to a nonprofit corporation or  
46 other entity eligible to operate a public broadcasting system as  
47 required by the bill.

1       The bill repeals, effective on the date of the transfer of the  
2 State's public broadcasting system to a nonprofit corporation or  
3 other entity eligible to operate a public broadcasting system, those  
4 provisions of law that establish the authority and the foundation, as  
5 well as their duties and responsibilities. The bill provides that the  
6 committee shall expire six months after the date that the State  
7 ceases to be the operator of the public broadcasting system.

8       Finally, the bill removes the membership of a representative of  
9 the authority from the Motion Picture and Television Development  
10 Commission and the Governor's Advisory Council for Emergency  
11 Services and removes the provision of the council's statute that  
12 reimburses the authority for the cost of the authority's emergency  
13 broadcasts.



# ASSEMBLY STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3604

# STATE OF NEW JERSEY

DATED: DECEMBER 9, 2010

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3604.

This Assembly Committee Substitute provides for the transfer of all or any part of the assets of the New Jersey Public Broadcasting Authority (“authority”), as well as the radio operating licenses, but not the television operating licenses, to a nonprofit corporation or other entity eligible to operate a public broadcasting system in light of the eventual cessation of State financial support to the authority, the operator of New Jersey Network Public Television and Radio.

The substitute bill changes the mission of the authority to comply with the minimum requirements of the FCC necessary for the authority to hold those licenses, including the minimum number of authority employees and broadcast transmission facilities. Given its changed mission, the substitute bill eliminates the terms of office of the current members of the New Jersey Public Broadcasting Commission and replaces them with a five member board of the authority. Except for the first-appointed members having staggered terms as provided in the substitute bill, the members of the authority are to be appointed for five-year terms, as follows: 1) three members appointed by the Governor, two of whom are public members; 2) one member appointed by the President of the Senate; and (3) one member appointed by the Speaker of the General Assembly.

The substitute bill requires the authority to undertake all acts necessary to accomplish the transfer, including, but not limited to, applying or assisting in applying in the possible transfer of the FCC radio operating licenses held by the authority or other governmental entity for any required approval, executing any authorization or authorizations required to implement the transfer, and seeking any other approval or approvals as may be necessary and convenient to accomplish the transfer.

The substitute bill requires the authority, to prepare a complete inventory identifying the public broadcasting system’s assets and liabilities appropriate for transfer or sale and include a description and recommendations, if any, concerning the most appropriate mechanism or mechanisms through which a transfer of such assets and liabilities

to a qualifying nonprofit corporation or one or more sales to another entity or entities should be accomplished.

The substitute bill authorizes the State Treasurer to receive one or more proposals and to transfer, through a sale, lease, or any other arrangement, all or any part of the assets of the authority, as well as the radio operating licenses, but not the television operating licenses held by the authority, or delegate by contract of the responsibility for operating the public broadcasting system, to a nonprofit corporation.

Upon selecting any such proposal, the State Treasurer shall negotiate a contract to transfer all or any part of the assets of the authority, including, but not limited to the radio operating licenses, but not including the television operating licenses, to the selected nonprofit corporation or other entity, or delegate by contract responsibility for conducting the operations of the public broadcasting system to the selected nonprofit corporation or other entity and submit the negotiated contract to the Legislature pursuant to the provisions of the substitute bill.

The substitute bill requires that prior to any proposed transfer, sale, or lease of any assets of the authority or any of its radio broadcasting licenses, the State Treasurer shall make the submission to the Legislature to the President of the Senate and the Speaker of the General Assembly on a day when both houses are meeting. Unless the contract as described in the submission is disapproved by adoption of a concurrent resolution to this effect by the affirmative vote of a majority of the authorized membership of both houses within the time period prescribed in the substitute bill, the contract shall be deemed approved.

Any transfer or transfers pursuant to the provisions of the substitute bill shall not occur unless the State Treasurer determines, upon application by or on behalf of the nonprofit corporation, if a nonprofit corporation is selected that: 1) the nonprofit corporation is an educational and charitable corporation validly existing and in good standing under the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1 et seq.) and is incorporated, organized, and operated in such a manner as to qualify as a nonprofit corporation described in section 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3) (or any successor provision) that is exempt from taxation pursuant to section 501(a) of the federal Internal Revenue Code, 26U.S.C. s.501(a) (or any successor provision); 2) the nonprofit corporation's certificate of incorporation and by-laws authorize the receipt of the radio operating licenses currently assigned to the authority and the ownership of the assets and liabilities of the authority, and provide that the purposes of the nonprofit corporation include the ownership, maintenance, and operation of a public broadcasting system; and 3) upon the assignment of any radio operating licenses and the transfer of assets, the nonprofit corporation

shall provide public broadcasting services and operate a public broadcasting system consistent with FCC license requirements.

Subject to the provisions of the substitute bill and any federal law to the contrary, as an alternative to a transfer or transfers, the Treasurer is authorized to solicit and receive one or more proposals to sell all or any part of the assets of the authority, including, but not limited to, the radio operating licenses, but not including the television operating licenses, to a for-profit corporation or other entity, subject to such terms, conditions, limitations, rights of reversion and first refusal, provisions for liquidated damages, and other contractual penalty provisions, and such other provisions as the Treasurer shall determine to be in the public interest, subject to the approval of the Legislature, as provided pursuant to the substitute bill.

Any assets and liabilities, including receivables, may be assigned, transferred, or conveyed to the nonprofit corporation upon the State Treasurer's approval and shall become vested in the nonprofit corporation, and all liabilities listed in a schedule of assets and liabilities, as well as all outstanding obligations and commitments lawfully undertaken or contracted for by the authority with respect to the public broadcasting system, may be assumed and performed by the nonprofit corporation through the execution, delivery, and performance of such instruments of assumption.

The substitute bill authorizes the State Treasurer to enter into any and all agreements as may be required to carry out any transfer or sale of assets pursuant to the bill's provisions, as well as to set forth the terms and conditions of such transfer or sale, provided that the Legislature approves such agreement, as provided pursuant to the substitute bill.

The substitute bill provides that 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 the bill's provisions without the approval of the State House Committee, the State Leasing and Space Utilization Committee, or the Office of Leasing Operations in the General Services Administration of the Department of the Treasury, 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.

The substitute bill provides that, subject to Legislative approval, public broadcasting system assets transferred, or authorized to be transferred, by contract or otherwise, pursuant to the substitute bill's provisions, may be leased, subleased, licensed, sublicensed, sold, devised, donated, or otherwise disposed of, at the State Treasurer's discretion, 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 as required by the substitute bill.

The substitute bill also creates in the Department of the Treasury the “Trust Fund for the Support of Public Broadcasting,” a restricted, nonlapsing, revolving fund to be managed and invested by the State Treasurer. All moneys appropriated to the fund, all interest accumulated on balances in the fund, and all cash received for the fund from any other source are dedicated solely for the support of a public broadcasting system serving New Jersey as provided for in this substitute bill. All moneys deposited in the fund are to be appropriated to the entity selected to operate a public broadcasting system pursuant to the substitute bill for that purpose and shall, within 10 days of deposit in the fund, be expended by the State Treasurer to that entity, or, if moneys are deposited prior to such entity being designated, as soon as may be practicable after approval of that entity pursuant to the provisions of the substitute bill.

Finally, the substitute bill removes the membership of a representative of the authority from the Motion Picture and Television Development Commission and the Governor's Advisory Council for Emergency Services and removes the provision of the council's statute that reimburses the authority for the cost of the authority's emergency broadcasts.

# SENATE, No. 2406

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 15, 2010

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Creates NJ Public Media Restructuring Committee to authorize transfer of State's public broadcasting system to an entity eligible to operate such system; abolishes NJ Public Broadcasting Authority and Foundation for NJ Public Broadcasting.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/10/2010)**

1 AN ACT concerning the State's public broadcasting system,  
2 supplementing Title 48 of the Revised Statutes, amending  
3 P.L.1977, c.44 and P.L.1972, c.133, and repealing various parts  
4 of the statutory law.

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

8  
9 1. (New section) This act shall be known and may be cited as  
10 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 the 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.), establishing the  
22 Foundation for New Jersey Public Broadcasting ("foundation") as  
23 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 assets to a non-profit entity. The  
41 task force concluded that such entity should: (1) continue to provide  
42 New Jersey-centric programming; (2) operate Statewide; (3) engage  
43 in new technology; and (4) provide independent, civic journalism.

44 e. It is therefore, necessary and in the public interest to  
45 establish a legal structure within which the authorization of a

**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 transfer, either by sale or lease, of the State’s public broadcasting  
2 system , or delegation by contract of the responsibility for operating  
3 that system, to a nonprofit corporation or other entity eligible to  
4 operate a public broadcasting system, including, but not limited to,  
5 a transfer of its assets, transfer or retention of its television and  
6 radio operating licenses, or transfer of responsibility for its  
7 operations, or an interest in them, may be accomplished in a timely  
8 manner that provides maximum benefits for the citizens of the State  
9 while, at the same time, minimizing disruption to affected  
10 employees and other interested parties. It is also in the public  
11 interest to authorize the establishment of a “New Jersey Public  
12 Media Restructuring Committee” empowered to effectuate the  
13 transfer and to take any and all actions necessary to effectuate the  
14 termination of the authority and the foundation.

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

21 3. (New section) a. There is established a “New Jersey Public  
22 Media Restructuring Committee” (“committee”) which is  
23 empowered to effectuate the transfer of the State’s public  
24 broadcasting system to a nonprofit corporation or other entity  
25 eligible to operate a public broadcasting system and to take any and  
26 all actions necessary to effectuate the termination of the authority  
27 and the foundation. The committee shall consist of seven voting  
28 members as follows:

- 29 (1) the State Treasurer or the State Treasurer’s designee;  
30 (2) two members appointed by the President of the Senate;  
31 (3) two members appointed by the Speaker of the General  
32 Assembly;  
33 (4) one member appointed by the Minority Leader of the Senate;  
34 and  
35 (5) one member appointed by the Minority Leader of the  
36 General Assembly.

37 No more than four members of the Legislature who are appointed  
38 as members of the committee shall be of the same political party  
39 and members of the same political party shall reflect geographical  
40 diversity. Vacancies in the membership of the committee shall be  
41 filled in the same manner as the original appointments were made.

42 b. The committee shall organize as soon as practicable  
43 following the appointment of its members and shall hold its initial  
44 meeting no later than the 10th day after the effective date of P.L. ,

45 c. (C. ) (pending before the Legislature as this bill). The  
46 committee shall select two co-chairpersons from among its  
47 members and each co-chairperson shall be a member of a different  
48 political party.

1 c. The committee may meet and hold hearings at the places it  
2 designates during the sessions or recesses of the Legislature.

3 d. Any and all committee action authorized by sections 4  
4 through 11 of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill), shall be approved only by a majority vote of the  
6 members of the committee.

7  
8 4. (New section) Upon authorization from the committee, the  
9 authority shall undertake all acts necessary to accomplish the  
10 transfer of the State's public broadcasting system to an entity  
11 eligible to operate a public broadcasting system as authorized by  
12 P.L. , c. (C. ) (pending before the Legislature as this bill),  
13 including, but not limited to, applying or assisting in applying to the  
14 Federal Communications Commission ("FCC") or other  
15 governmental entity for any required approval, executing any  
16 authorization or authorizations required to implement such transfer,  
17 and seeking any other approval or approvals as may be necessary  
18 and convenient to accomplish the transfer. All State departments  
19 and agencies, boards, committees, and authorities, as well as all  
20 municipal and county governing bodies, boards, commissions, and  
21 authorities, shall cooperate fully with the transfer authorized by  
22 P.L. , c. , and facilitate the transfer of assets, the rendering of  
23 approvals, and other acts necessary or convenient to accomplish the  
24 transfer. The committee is authorized to retain any consultants,  
25 experts, brokers, advisors, or other professionals whose services  
26 may be necessary in order to effectuate the transaction or  
27 transactions contemplated by P.L. , c. , and there are  
28 appropriated such sums as may be necessary for such fees and  
29 services, as well as any other costs determined to be necessary to  
30 effectuate such transaction or transactions, subject to the approval  
31 of the Director of the Division of Budget and Accounting in the  
32 Department of the Treasury.

33  
34 5. (New section) a. The committee, in consultation with the  
35 authority, shall prepare a complete inventory identifying the public  
36 broadcasting system's assets and liabilities appropriate for transfer  
37 or sale pursuant to section 6 of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill). The inventory shall include a  
39 description and recommendations, if any, concerning the most  
40 appropriate mechanism or mechanisms through which a transfer of  
41 such assets and liabilities to a qualifying nonprofit corporation or  
42 one or more sales to another entity or entities pursuant to P.L. ,  
43 c. , should be accomplished. The inventory shall be approved by  
44 the committee and copies of the inventory shall be delivered to the  
45 Governor, the Speaker of the General Assembly, and the President  
46 of the Senate upon its completion.

47 b. Any assets or properties owned by the State or any  
48 department, agency, board, authority, or committee thereof or any



1 county or municipal board, commission, or authority used in the  
2 operation of the public broadcasting system or an interest therein,  
3 may be leased or licensed, in lieu of an assignment or transfer of  
4 such assets or properties, except as may otherwise be prohibited or  
5 limited by the terms of any debt issued to acquire such assets or  
6 properties, as determined by the committee.

7  
8 6. (New section) a. The committee is authorized to receive and  
9 approve, in the committee's discretion, one or more proposals to  
10 transfer, through a sale, lease or any other arrangement, all or any  
11 part of the assets of the authority, or to delegate by contract  
12 responsibility for conducting the operations of the public  
13 broadcasting system, to a nonprofit corporation; provided, however,  
14 that no such transfer or transfers shall occur unless the committee  
15 shall determine, upon application by or on behalf of the nonprofit  
16 corporation, that:

17 (1) The nonprofit corporation is an educational and charitable  
18 corporation validly existing and in good standing under the "New  
19 Jersey Nonprofit Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1  
20 et seq.) and is incorporated, organized and operated in such a  
21 manner as to qualify as a nonprofit corporation described in section  
22 501(c)(3) of the federal Internal Revenue Code, 26U.S.C.  
23 s.501(c)(3) or any successor provision that is exempt from taxation  
24 pursuant to section 501(a) of the federal Internal Revenue Code, 26  
25 U.S.C. s.501(a) or any successor provision;

26 (2) The nonprofit corporation's certificate of incorporation and  
27 by-laws authorize the receipt of the FCC licenses currently assigned  
28 to the authority and the ownership of the assets and liabilities of the  
29 authority, and provide that the purposes of the nonprofit corporation  
30 include the ownership, maintenance, and operation of a public  
31 broadcasting system; and

32 (3) Upon the assignment of any broadcasting licenses and the  
33 transfer of assets, the nonprofit corporation shall provide public  
34 broadcasting services and operate a public broadcasting system  
35 consistent with FCC license requirements.

36 b. Any assets and liabilities, including receivables, shall  
37 automatically, without any further act or deed and by operation of  
38 law, be assigned, transferred, or conveyed to the nonprofit  
39 corporation upon the committee's approval and shall become vested  
40 in the nonprofit corporation, any of which assignments, transfers or  
41 conveyances may also be evidenced by such instruments of  
42 assignment, transfer, or conveyance as the committee may approve,  
43 and all liabilities listed in a schedule of assets and liabilities, as well  
44 as all outstanding obligations and commitments lawfully undertaken  
45 or contracted for by the authority in respect of the public  
46 broadcasting system, shall be assumed and performed by the  
47 nonprofit corporation through the execution, delivery, and  
48 performance of such instruments of assumption as the committee

1 shall prescribe, in each case subject to the approval by the  
2 committee.

3 c. The committee shall take such other actions, and may  
4 require the nonprofit corporation to take such other actions, as the  
5 committee deems to be necessary or convenient to implement the  
6 provisions of P.L. , c. (C. ) (pending before the Legislature  
7 as this bill).

8 d. The committee may assign, transfer, or convey to the  
9 nonprofit corporation from time to time such additional public  
10 broadcasting system assets as the committee deems appropriate to  
11 further the purposes of P.L. , c. .

12 e. As an alternative to a transfer or transfers as authorized by  
13 this section, the committee is authorized to solicit, receive and  
14 approve, in the committee's discretion, one or more proposals to  
15 transfer the FCC licenses held by the authority to one or more  
16 existing nonprofit entities whose mission is public broadcasting or  
17 to other entities who are eligible to operate a public broadcasting  
18 system, on such terms and conditions as the committee shall  
19 determine to be in the public interest; provided, however, that the  
20 successor nonprofit entity or entities shall maintain a public media  
21 presence in New Jersey and be dedicated to serving the cultural,  
22 educational, and civic needs of the residents of New Jersey.

23 f. The committee may solicit, receive, and approve, in the  
24 committee's discretion, one or more proposals to sell all or any part  
25 of the assets of the authority, other than the FCC licenses, to a for-  
26 profit corporation, not-for-profit corporation, or other entity, subject  
27 to such terms, conditions, limitations, rights of reversion and first  
28 refusal, provisions for liquidated damages and other contractual  
29 penalty provisions, and such other provisions as the committee shall  
30 determine to be in the public interest; provided, however, that no  
31 such transfer shall occur unless the committee shall determine, upon  
32 review of proposals, that, at the committee's discretion, maximum  
33 value to the State and its citizens will be achieved.

34

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

1       8. (New section) The committee is authorized to enter into any  
2 and all agreements as may be required to carry out any transfer or  
3 sale of assets pursuant to P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), as well as to set forth the terms and  
5 conditions of such transfer or sale.

6  
7       9. (New section) Upon the transfer of all of the assets held by  
8 the authority, the activities of the authority and the foundation shall  
9 cease and the authority and the foundation shall be dissolved.  
10 Following the enactment of P.L. , c. (C. ) (pending before  
11 the Legislature as this bill), but prior to the transfer of all of the  
12 assets held by the authority, the authority and the foundation shall  
13 cooperate fully to ensure the implementation of P.L. , c. . The  
14 committee shall take any and all actions necessary to effectuate the  
15 termination of the foundation.

16  
17       10. (New section) Notwithstanding the provisions of any other  
18 law, rule, or regulation to the contrary, contracts may be entered  
19 into and assets may be transferred, leased, subleased, licensed, or  
20 sublicensed, or authorized to be transferred, leased subleased,  
21 licensed, or sublicensed pursuant to P.L. , c. (C. ) (pending  
22 before the Legislature as this bill) without the approval of the State  
23 House Committee, established pursuant to R.S.52:20-1, the State  
24 Leasing and Space Utilization Committee, established pursuant to  
25 section 4 of P.L.1992, c.130 (C.52:18A-191.4), or the Office of  
26 Leasing Operations in the General Services Administration of the  
27 Department of the Treasury, established pursuant to section 3 of  
28 P.L.1992, c.130 (C.52:18A-191.3), or of any other person or  
29 agency, provided that the contract, transfer, lease, sublease, license,  
30 or sublicense has been approved in writing by the committee.

31  
32       11. (New section) Public broadcasting system assets transferred,  
33 or authorized to be transferred, by contract or otherwise, pursuant to  
34 P.L. , c. (C. ) (pending before the Legislature as this bill),  
35 may be leased, subleased, licensed, sublicensed, sold, devised,  
36 donated, or otherwise disposed of, at the committee's discretion, for  
37 a nominal or other consideration, in order to effectuate the transfer  
38 of the State's public broadcasting system to a nonprofit corporation  
39 or other entity eligible to operate a public broadcasting system  
40 required by P.L. , c. .

41  
42       12. Section 3 of P.L.1977, c.44 (C.34:1B-24) is amended to read  
43 as follows:

44       3. a. There is hereby established in but not of the **[Department**  
45 **of Labor and Industry] Division of Business Assistance, Marketing,**  
46 **and International Trade in the New Jersey Economic Development**  
47 **Authority** a Motion Picture and Television Development  
48 Commission.

1       b. The commission shall consist of eight public members, no  
2 more than four of whom shall be members of the same political  
3 party, who shall be appointed by the Governor with the advice and  
4 consent of the Senate, and the Chairman of the New Jersey State  
5 Council on the Arts, [the Chairman of the Public Broadcasting  
6 Authority] and the Commissioner of Labor and [Industry on]  
7 Workforce Development or their designees serving in an ex officio  
8 capacity. The Governor shall appoint from the [11] ten members a  
9 chairman who shall serve in [said] that office at the pleasure of the  
10 Governor.

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

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

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

27

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

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

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

41

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

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

46       a. Review, evaluate and recommend to the Legislature any  
47 necessary changes in any existing compact between this State and

1 the federal government or between this State and any other state  
2 created for the purposes set forth in this act or develop such  
3 compacts where they do not exist.

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

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

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

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

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

18

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

28

29 16. The following sections are repealed:

30 Section 14 of P.L.1974, c.26 (C.19:44A-39);

31 Sections 1 through 10 of P.L.1968, c.405 (C.48:23-1 through  
32 C.48:23-10);

33 Sections 1 and 2 of P.L.1989, c.133 (C.48:23-11 and C.48:23-12);

34 Sections 1 through 5 of P.L.1990, c.114 (C.48:23-13 through  
35 C.48:23-17);

36 Section 4 of P.L.1989, c.133 (C.52:14E-8.1);

37 Section 10 of P.L.1987, c.365 (C.52:27H-20.3); and

38 Section 3 of P.L.1989, c.133 (C.53:1-21.6).

39

40 17. The committee shall expire six months after the date that the  
41 State ceases to be the operator of the public broadcasting system.

42

43 18. Sections 1 through 11, section 15, and section 17 of this act  
44 shall take effect immediately. Sections 12 through 14 and section  
45 16 of this act shall take effect upon the transfer of the State's public  
46 broadcasting system to a nonprofit corporation or other entity  
47 eligible to operate a public broadcasting system.

## STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

This bill establishes a “New Jersey Public Media Restructuring Committee” (“committee”) empowered 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 and to take any and all actions necessary to effectuate the termination of the authority and the foundation in light of the cessation of State financial support to the New Jersey Public Broadcasting Authority (“authority”) on January 1, 2011.

The committee shall consist of seven voting members as follows: 1) the State Treasurer or the State Treasurer’s designee; 2) two members appointed by the President of the Senate; 3) two members appointed by the Speaker of the General Assembly; 4) one member appointed by the Minority Leader of the Senate; and 5) one member appointed by the Minority Leader of the General Assembly. No more than four legislative members appointed as members of the committee shall be of the same political party and members of the same political party shall reflect geographical diversity. The committee shall organize as soon as practicable following the appointment of its members and shall hold its initial meeting no later than the 10th day after the effective date of the bill. The committee shall select two co-chairpersons from among its members and each co-chairperson shall be a member of a different political party. Any and all committee action authorized by sections 4 through 11 of the bill shall be approved only by a majority vote of the members of the committee.

Specifically, the bill abolishes the authority and the Foundation for New Jersey Public Broadcasting (“foundation”) on the date the committee authorizes the transfer. Prior to this date, the bill requires the authority, upon authorization from the committee, to undertake all acts necessary to accomplish the transfer, including, but not limited to, applying or assisting in applying in the transfer of the Federal Communications Commission (“FCC”) licenses held by the authority or other governmental entity for any required approval, executing any authorization or authorizations required to implement the transfer, and seeking any other approval or approvals as may be necessary and convenient to accomplish the transfer.

The bill requires the committee, in consultation with the authority, to prepare a complete inventory identifying the public broadcasting system’s assets and liabilities appropriate for transfer or sale and include a description and recommendations, if any, concerning the most appropriate mechanism or mechanisms through which a transfer of such assets and liabilities to a qualifying nonprofit corporation or one or more sales to another entity or entities should be accomplished. The inventory shall be approved by the committee and copies of the inventory shall be delivered to

1 the Governor, the Speaker of the General Assembly, and the  
2 President of the Senate upon its completion.

3 The bill authorizes the committee to receive and approve one or  
4 more proposals to transfer, through a sale, lease or any other  
5 arrangement, all or any part of the assets of the authority, or  
6 delegation by contract of the responsibility for operating the public  
7 broadcasting system, to a nonprofit corporation; provided, however,  
8 that no such transfer or transfers shall occur unless the committee  
9 shall determine, upon application by or on behalf of the nonprofit  
10 corporation, that: 1) the nonprofit corporation is an educational and  
11 charitable corporation validly existing and in good standing under  
12 the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127  
13 (N.J.S.15A:1-1 et seq.) and is incorporated, organized and operated  
14 in such a manner as to qualify as a nonprofit corporation described  
15 in section 501(c)(3) of the federal Internal Revenue Code, 26  
16 U.S.C. s.501(c)(3) (or any successor provision) that is exempt from  
17 taxation pursuant to section 501(a) of the federal Internal Revenue  
18 Code, 26U.S.C. s.501(a) (or any successor provision); 2) the  
19 nonprofit corporation's certificate of incorporation and by-laws  
20 authorize the receipt of the FCC licenses currently assigned to the  
21 authority and the ownership of the assets and liabilities of the  
22 authority, and provide that the purposes of the nonprofit corporation  
23 include the ownership, maintenance, and operation of a public  
24 broadcasting system; and 3) upon the assignment of any  
25 broadcasting licenses and the transfer of assets, the nonprofit  
26 corporation shall provide public broadcasting services and operate a  
27 public broadcasting system consistent with FCC license  
28 requirements. Any assets and liabilities, including receivables,  
29 shall automatically, without any further act or deed and by  
30 operation of law, be assigned, transferred, or conveyed to the  
31 nonprofit corporation upon the committee's approval and shall  
32 become vested in the nonprofit corporation (any of which  
33 assignments, transfers, or conveyances may also be evidenced by  
34 such instruments of assignment, transfer, or conveyance as the  
35 committee may approve), and all liabilities listed in a schedule of  
36 assets and liabilities, as well as all outstanding obligations and  
37 commitments lawfully undertaken or contracted for by the authority  
38 in respect of the public broadcasting system, shall be assumed and  
39 performed by the nonprofit corporation through the execution,  
40 delivery, and performance of such instruments of assumption as the  
41 committee shall prescribe, in each case subject to action by the  
42 committee.

43 As an alternative to a transfer or transfers as authorized by the  
44 bill, the committee is authorized to solicit, receive and approve, in  
45 the committee's discretion, one or more proposals to transfer the  
46 FCC licenses held by the authority to one or more existing nonprofit  
47 entities whose mission is public broadcasting or to other entities  
48 who are eligible to operate a public broadcasting system, on such

1 terms and conditions as the committee shall determine to be in the  
2 public interest; provided, however, that the successor nonprofit  
3 entity or entities shall a maintain public media presence in New  
4 Jersey and be dedicated to serving the cultural, educational and  
5 civic needs of the residents of New Jersey. The bill further  
6 authorizes the committee to solicit, receive, and approve, in the  
7 committee's discretion, one or more proposals to sell all or any part  
8 of the assets of the authority, other than the FCC licenses, to a for-  
9 profit corporation, not-for-profit corporation, or other entity, subject  
10 to such terms, conditions, limitations, rights of reversion and first  
11 refusal, provisions for liquidated damages and other contractual  
12 penalty provisions, and such other provisions as the committee shall  
13 determine to be in the public interest; provided, however, that no  
14 such transfer shall occur unless the committee shall determine, upon  
15 review of proposals, that, at the committee's discretion, maximum  
16 value to the State and its citizens will be achieved.

17 The bill authorizes the committee to enter into any and all  
18 agreements as may be required to carry out any transfer or sale of  
19 assets pursuant to the bill's provisions, as well as to set forth the  
20 terms and conditions of such transfer or sale.

21 The bill provides that, upon the transfer of all of the assets held  
22 by the authority, the activities of the authority and the foundation  
23 shall cease and the authority and the foundation shall be dissolved.  
24 Following the enactment of the bill, but prior to the transfer of all of  
25 the assets held by the authority, the authority and the foundation  
26 shall cooperate fully to ensure the implementation of the bill's  
27 provisions. The committee shall take any and all actions necessary  
28 to effectuate the termination of the foundation.

29 The bill provides that contracts may be entered into and assets  
30 may be transferred, leased, subleased, licensed, or sublicensed, or  
31 authorized to be transferred, leased subleased, licensed, or  
32 sublicensed pursuant to the bill's provisions without the approval of  
33 the State House Committee, the State Leasing and Space Utilization  
34 Committee, or the Office of Leasing Operations in the General  
35 Services Administration of the Department of the Treasury, or of  
36 any other person or agency, provided that the contract, transfer,  
37 lease, sublease, license or sublicense has been approved in writing  
38 by the committee.

39 The bill provides that public broadcasting system assets  
40 transferred, or authorized to be transferred, by contract or  
41 otherwise, pursuant to the bill's provisions, may be leased,  
42 subleased, licensed, sublicensed, sold, devised, donated or  
43 otherwise disposed of, at the committee's discretion, for a nominal  
44 or other consideration, in order to effectuate the transfer of the  
45 State's public broadcasting system to a nonprofit corporation or  
46 other entity eligible to operate a public broadcasting system as  
47 required by the bill.



**S2406 SWEENEY, KYRILLOS**

13

1       The bill repeals, effective on the date of the transfer of the  
2 State's public broadcasting system to a nonprofit corporation or  
3 other entity eligible to operate a public broadcasting system, those  
4 provisions of law that establish the authority and the foundation, as  
5 well as their duties and responsibilities. The bill provides that the  
6 committee shall expire six months after the date that the State  
7 ceases to be the operator of the public broadcasting system.

8       Finally, the bill removes the membership of a representative of  
9 the authority from the Motion Picture and Television Development  
10 Commission and the Governor's Advisory Council for Emergency  
11 Services and removes the provision of the council's statute that  
12 reimburses the authority for the cost of the authority's emergency  
13 broadcasts.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2406**

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2010

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2406.

This Senate Committee Substitute provides for the transfer of all or any part of the assets of the New Jersey Public Broadcasting Authority (“authority”), as well as the radio operating licenses, but not the television operating licenses, to a nonprofit corporation or other entity eligible to operate a public broadcasting system in light of the eventual cessation of State financial support to the authority, the operator of New Jersey Network Public Television and Radio.

The substitute bill changes the mission of the authority to comply with the minimum requirements of the FCC necessary for the authority to hold those licenses, including the minimum number of authority employees and broadcast transmission facilities. Given its changed mission, the substitute bill eliminates the terms of office of the current members of the New Jersey Public Broadcasting Commission and replaces them with a five member board of the authority. Except for the first-appointed members having staggered terms as provided in the substitute bill, the members of the authority are to be appointed for five-year terms, as follows: 1) three members appointed by the Governor, two of whom are public members; 2) one member appointed by the President of the Senate; and (3) one member appointed by the Speaker of the General Assembly.

The substitute bill requires the authority to undertake all acts necessary to accomplish the transfer, including, but not limited to, applying or assisting in applying in the possible transfer of the FCC radio operating licenses held by the authority or other governmental entity for any required approval, executing any authorization or authorizations required to implement the transfer, and seeking any other approval or approvals as may be necessary and convenient to accomplish the transfer.

The substitute bill requires the authority, to prepare a complete inventory identifying the public broadcasting system’s assets and liabilities appropriate for transfer or sale and include a description and

recommendations, if any, concerning the most appropriate mechanism or mechanisms through which a transfer of such assets and liabilities to a qualifying nonprofit corporation or one or more sales to another entity or entities should be accomplished.

The substitute bill authorizes the State Treasurer to receive one or more proposals and to transfer, through a sale, lease, or any other arrangement, all or any part of the assets of the authority, as well as the radio operating licenses, but not the television operating licenses held by the authority, or delegate by contract of the responsibility for operating the public broadcasting system, to a nonprofit corporation.

Upon selecting any such proposal, the State Treasurer shall negotiate a contract to transfer all or any part of the assets of the authority, including, but not limited to the radio operating licenses, but not including the television operating licenses, to the selected nonprofit corporation or other entity, or delegate by contract responsibility for conducting the operations of the public broadcasting system to the selected nonprofit corporation or other entity and submit the negotiated contract to the Legislature pursuant to the provisions of the substitute bill.

The substitute bill requires that prior to any proposed transfer, sale, or lease of any assets of the authority or any of its radio broadcasting licenses, the State Treasurer shall make the submission to the Legislature to the President of the Senate and the Speaker of the General Assembly on a day when both houses are meeting. Unless the contract as described in the submission is disapproved by adoption of a concurrent resolution to this effect by the affirmative vote of a majority of the authorized membership of both houses within the time period prescribed in the substitute bill, the contract shall be deemed approved.

Any transfer or transfers pursuant to the provisions of the substitute bill shall not occur unless the State Treasurer determines, upon application by or on behalf of the nonprofit corporation, if a nonprofit corporation is selected that: 1) the nonprofit corporation is an educational and charitable corporation validly existing and in good standing under the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1 et seq.) and is incorporated, organized, and operated in such a manner as to qualify as a nonprofit corporation described in section 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3) (or any successor provision) that is exempt from taxation pursuant to section 501(a) of the federal Internal Revenue Code, 26U.S.C. s.501(a) (or any successor provision); 2) the nonprofit corporation's certificate of incorporation and by-laws authorize the receipt of the radio operating licenses currently assigned to the authority and the ownership of the assets and liabilities of the authority, and provide that the purposes of the nonprofit corporation include the ownership, maintenance, and operation of a public broadcasting system; and 3) upon the assignment of any radio

operating licenses and the transfer of assets, the nonprofit corporation shall provide public broadcasting services and operate a public broadcasting system consistent with FCC license requirements.

Subject to the provisions of the substitute bill and any federal law to the contrary, as an alternative to a transfer or transfers, the Treasurer is authorized to solicit and receive one or more proposals to sell all or any part of the assets of the authority, including, but not limited to, the radio operating licenses, but not including the television operating licenses, to a for-profit corporation or other entity, subject to such terms, conditions, limitations, rights of reversion and first refusal, provisions for liquidated damages, and other contractual penalty provisions, and such other provisions as the Treasurer shall determine to be in the public interest, subject to the approval of the Legislature, as provided pursuant to the substitute bill.

Any assets and liabilities, including receivables, may be assigned, transferred, or conveyed to the nonprofit corporation upon the State Treasurer's approval and shall become vested in the nonprofit corporation, and all liabilities listed in a schedule of assets and liabilities, as well as all outstanding obligations and commitments lawfully undertaken or contracted for by the authority with respect to the public broadcasting system, may be assumed and performed by the nonprofit corporation through the execution, delivery, and performance of such instruments of assumption.

The substitute bill authorizes the State Treasurer to enter into any and all agreements as may be required to carry out any transfer or sale of assets pursuant to the bill's provisions, as well as to set forth the terms and conditions of such transfer or sale, provided that the Legislature approves such agreement, as provided pursuant to the substitute bill.

The substitute bill provides that 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 the bill's provisions without the approval of the State House Committee, the State Leasing and Space Utilization Committee, or the Office of Leasing Operations in the General Services Administration of the Department of the Treasury, 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.

The substitute bill provides that, subject to Legislative approval, public broadcasting system assets transferred, or authorized to be transferred, by contract or otherwise, pursuant to the substitute bill's provisions, may be leased, subleased, licensed, sublicensed, sold, devised, donated, or otherwise disposed of, at the State Treasurer's discretion, 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 as required by the substitute bill.

The substitute bill also creates in the Department of the Treasury the “Trust Fund for the Support of Public Broadcasting,” a restricted, nonlapsing, revolving fund to be managed and invested by the State Treasurer. All moneys appropriated to the fund, all interest accumulated on balances in the fund, and all cash received for the fund from any other source are dedicated solely for the support of a public broadcasting system serving New Jersey as provided for in this substitute bill. All moneys deposited in the fund are to be appropriated to the entity selected to operate a public broadcasting system pursuant to the substitute bill for that purpose and shall, within 10 days of deposit in the fund, be expended by the State Treasurer to that entity, or, if moneys are deposited prior to such entity being designated, as soon as may be practicable after approval of that entity pursuant to the provisions of the substitute bill.

Finally, the substitute bill removes the membership of a representative of the authority from the Motion Picture and Television Development Commission and the Governor's Advisory Council for Emergency Services and removes the provision of the council's statute that reimburses the authority for the cost of the authority's emergency broadcasts.

Ch. 104



# Christie Administration Takes Action to Move Forward Transition of New Jersey Network

Friday, December 17, 2010 Tags: [Bill Action](#)

**Trenton, NJ** – Moving forward with the next steps in securing the future for public broadcasting in New Jersey, Governor Christie today took several actions aimed at carrying out the Administration's goal of transitioning New Jersey Network into an independent broadcast entity that will continue to serve a New Jersey-centric programming mission, without taxpayer subsidy.

These steps include: the signing of the New Jersey Public Broadcasting System Transfer Act; the direct appointment of three members to the reconstituted New Jersey Public Broadcasting Authority, as provided for in the Act; and, the temporary suspension of layoffs for NJN employees while the transition process develops.

"Today, we are taking the next steps to secure the future of New Jersey public television as an independent public media organization able to stand on its own without any continuing taxpayer subsidy," said Governor Christie. "In addition to our work already underway, these actions today pave the way for New Jersey focused programming to continue uninterrupted while New Jersey Network's transition to a free-standing institution is completed."

Governor Christie signed S-2406, the New Jersey Public Broadcasting System Transfer Act, a bill modeled on the Christie Administration's proposal submitted to the legislature in September to accomplish the conversion of New Jersey Network from a government body to an independent entity, either to a non-profit corporation or through an agreement with an existing public broadcasting entity.

The Department of Treasury will be responsible for implementing the law, aspects of which is already underway, including:

- compiling an inventory of the authority's and foundation's assets and liabilities;
- identifying the methods or mechanisms required to transfer assets and liabilities;
- receiving and approving proposals for the transfer of any or all of the authority's or foundation's assets; and
- assuring that the successor to NJN can fulfill the responsibilities of a maintaining a New Jersey-focused public broadcasting operation.

In addition, Governor Christie today named the following three individuals to serve on the New Jersey Public Broadcasting Authority, effective immediately:

- Treasurer Andrew Sidamon-Eristoff
- John Inglesino, Rockaway, New Jersey
- Anthony Della Pelle, Morristown, New Jersey

S-2406 provides for the current membership of the Authority to be sunset and reconstituted. These appointments represent the three direct appointments authorized by the Governor under the new statute. Two additional members will be appointed to provide for the remaining membership, one by the Senate President Steve Sweeney (D-Gloucester/Cumberland/Salem) and one by the Assembly Speaker Sheila Y. Oliver (D-Essex/Passaic).

Finally, Governor Christie also announced that the layoff plan for NJN employees, initiated in September in accordance with existing collective bargaining agreements, Civil Service Commission rules and regulations, and with the goals of moving NJN from a government body to an independent entity, will be temporarily suspended to provide for the continued temporary operation of NJN while the transition is completed.

Senate sponsors of the legislation are Senate President Steve Sweeney (D-Gloucester/Cumberland/Salem) and Joseph Kyriilos Jr. (R-Monmouth) and in the Assembly it was sponsored by Assemblymembers Lou Greenwald (D-Camden), Alex DeCroce (R-Morris and Passaic) and Upendra Chivukula (D-Somerset/Middlesex).

Stay Connected with Social Media

Stay Connected with Email Alerts

Submit Que

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.

