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RWH 4/10/08

P.L. 2007, CHAPTER 41, *approved January 29, 2007*
Assembly, No. 2051 (*Second Reprint*)

1 AN ACT concerning public school district participation in certain
2 voluntary associations and supplementing chapter 11 of Title
3 18A of the New Jersey Statutes.

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

7
8 1. a. As used in this section:

9 "CPI" means the average annual increase, expressed as a
10 decimal, in the consumer price index for the New York City and
11 Philadelphia areas during the fiscal year preceding the prebudget
12 year as reported by the United States Department of Labor.

13 b. A public school district shall not join pursuant to section 1 of
14 P.L. 1979, c. 172 (C.18A:11-3), any voluntary association which
15 oversees activities associated with Statewide interscholastic sports
16 programs if:

17 (1) the association charges a cable television company an
18 increased licensing fee, rate, assessment or other consideration for
19 the broadcast of playoff games over local access or local originating
20 channels, or both ¹, compared to the licensing fee, rate, assessment
21 or other consideration charged by the district for the broadcast of
22 regular season games over local access or local originating
23 channels, or both ¹;

24 (2) ²**[**the association charges the parent or guardian of an athlete
25 participating in a playoff game admission to attend the playoff
26 game;

27 (3) ²**]** the association requires increased ticket prices for
28 attendance at playoff games compared to regular season games,
29 unless the playoff game is held at a location other than a public
30 school and the increased ticket prices are deemed necessary by the
31 Commissioner of Education. In the event that the playoff game is
32 held at a location other than a public school and the commissioner
33 deems an increase in playoff ticket prices is necessary, a public
34 school district shall not join an association that increases adult
35 ticket prices by more than ²**[**175% ² 200% ² of the cost of the
36 ²highest ² adult ticket prices for the regular season games ²**[**of the
37 playoff team school ² charged by any of the member teams of the
38 athletic conference ² that is located in closest proximity to the
39 playoff game location ², regardless of whether or not any of the
40 playoff teams are members of that athletic conference; and in the
41 event that two or more athletic conferences are equal in distance to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted January 26, 2006.

²Senate SED committee amendments adopted October 16, 2006.

1 the playoff game location, by not more than 200% of the cost of the
2 highest adult ticket prices for regular season games charged by any
3 of the member teams of those athletic conferences.
4 Notwithstanding the provisions of this paragraph to the contrary,
5 the commissioner may allow a public school district to join an
6 association that charges in excess of the amount herein provided if
7 the association demonstrates to the commissioner that the increased
8 ticket prices are required to offset rental, staffing, security, or
9 insurance costs specific to the location site².

10 In no event shall the commissioner deem an increase in ticket
11 prices for senior citizens or children to be necessary;

12 ²[(4)] (3)² the association charges a membership fee for the
13 2009-2010 school year which exceeds the membership fee for the
14 2008-2009 school year multiplied by 1 plus the CPI, and in any
15 subsequent school year charges a membership fee that exceeds the
16 prior school year fee multiplied by 1 plus the CPI, unless the
17 Commissioner of Education deems a greater increase in the
18 membership fee is necessary;

19 ²[(5)] (4)² the association charges members an entry fee for
20 teams or individuals competing in playoff games for the 2009-2010
21 school year which exceeds the entry fee for the 2008-2009 school
22 year multiplied by 1 plus the CPI, and in any subsequent school
23 year charges members an entry fee that exceeds the prior school
24 year fee multiplied by 1 plus the CPI, unless the Commissioner of
25 Education deems a greater increase in the entry fee is necessary; or

26 ²[(6)] (5)² the association charges members any assessment in
27 addition to the membership fee, unless the Commissioner of
28 Education deems an additional assessment is necessary.

29 ¹c. If any provision of this section is determined by the
30 Commissioner of Education to jeopardize the amateur status of the
31 student-athlete, that provision shall be null and void.¹

32

33 2. This act shall take effect three years after the date of
34 enactment, but the Commissioner of Education may take such
35 anticipatory administrative action in advance thereof as shall be
36 necessary for the implementation of this act.

37

38

39

40

41 Prohibits public school districts from joining under certain
42 circumstances voluntary associations which oversee Statewide
43 interscholastic sports programs.

ASSEMBLY, No. 2051

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)
Assemblywoman JOAN M. VOSS
District 38 (Bergen)
Assemblyman FREDERICK SCALERA
District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Prohibits public school districts from joining under certain circumstances voluntary associations which oversee Statewide interscholastic sports programs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/31/2006)

1 AN ACT concerning public school district participation in certain
2 voluntary associations and supplementing chapter 11 of Title
3 18A of the New Jersey Statutes.

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

7
8 1. a. As used in this section:

9 "CPI" means the average annual increase, expressed as a
10 decimal, in the consumer price index for the New York City and
11 Philadelphia areas during the fiscal year preceding the prebudget
12 year as reported by the United States Department of Labor.

13 b. A public school district shall not join pursuant to section 1 of
14 P.L. 1979, c. 172 (C.18A:11-3), any voluntary association which
15 oversees activities associated with Statewide interscholastic sports
16 programs if:

17 (1) the association charges a cable television company an
18 increased licensing fee, rate, assessment or other consideration for
19 the broadcast of playoff games over local access or local originating
20 channels, or both;

21 (2) the association charges the parent or guardian of an athlete
22 participating in a playoff game admission to attend the playoff
23 game;

24 (3) the association requires increased ticket prices for attendance
25 at playoff games compared to regular season games, unless the
26 playoff game is held at a location other than a public school and the
27 increased ticket prices are deemed necessary by the Commissioner
28 of Education. In the event that the playoff game is held at a
29 location other than a public school and the commissioner deems an
30 increase in playoff ticket prices is necessary, a public school district
31 shall not join an association that increases adult ticket prices by
32 more than 175% of the cost of the adult ticket prices for the regular
33 season games of the playoff team school that is located in closest
34 proximity to the playoff game location. In no event shall the
35 commissioner deem an increase in ticket prices for senior citizens
36 or children to be necessary;

37 (4) the association charges a membership fee for the 2009-2010
38 school year which exceeds the membership fee for the 2008-2009
39 school year multiplied by 1 plus the CPI, and in any subsequent
40 school year charges a membership fee that exceeds the prior school
41 year fee multiplied by 1 plus the CPI, unless the Commissioner of
42 Education deems a greater increase in the membership fee is
43 necessary;

44 (5) the association charges members an entry fee for teams or
45 individuals competing in playoff games for the 2009-2010 school
46 year which exceeds the entry fee for the 2008-2009 school year
47 multiplied by 1 plus the CPI, and in any subsequent school year
48 charges members an entry fee that exceeds the prior school year fee

1 multiplied by 1 plus the CPI, unless the Commissioner of Education
2 deems a greater increase in the entry fee is necessary; or

3 (6) the association charges members any assessment in addition
4 to the membership fee, unless the Commissioner of Education
5 deems an additional assessment is necessary.

6
7 2. This act shall take effect three years after the date of
8 enactment, but the Commissioner of Education may take such
9 anticipatory administrative action in advance thereof as shall be
10 necessary for the implementation of this act.

11
12 STATEMENT

13
14 This bill prohibits public school districts from joining voluntary
15 associations which oversee Statewide interscholastic sports
16 programs under certain circumstances. Under the bill, public school
17 districts are prohibited from joining any such association if the
18 association: charges a cable television company an increased
19 licensing fee, rate, assessment or other consideration for the
20 broadcast of playoff games over local access or local originating
21 channels, or both; charges the parent or guardian of an athlete
22 participating in a playoff game admission to attend the playoff
23 game; requires increased ticket prices for attendance at playoff
24 games compared to regular season games, unless the playoff game
25 is held at a location other than a public school and an increase in
26 adult ticket prices is deemed necessary by the Commissioner of
27 Education, and the increase is within certain prescribed limits;
28 charges a membership fee for the 2009-2010 school year which
29 exceeds the membership fee for the 2008-2009 school year indexed
30 by the CPI, and in any subsequent school year charges a
31 membership fee that exceeds the prior school year fee indexed by
32 the CPI, unless the commissioner deems a greater increase in the
33 membership fee is necessary; charges members an entry fee for
34 teams or individuals competing in playoff games for the 2009-2010
35 school year which exceeds the entry fee for the 2008-2009 school
36 year indexed by the CPI, and in any subsequent year charges
37 members an entry fee that exceeds the prior school year fee indexed
38 by the CPI, unless the commissioner deems a greater increase in the
39 entry fee is necessary; or charges members any assessment in
40 addition to the membership fee, unless the commissioner deems an
41 additional assessment is necessary.

42 The bill's provisions will take effect three years after its
43 enactment, but the Commissioner of Education is authorized to take
44 such action prior to that date as may be necessary to implement
45 those provisions.

46 High school athletics often serve an integral role in the
47 development of students. Along with providing healthy forms of
48 exercise, high school athletics foster friendships and camaraderie

A2051 BURZICHELLI, VOSS

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1 while promoting sportsmanship and fair play and instill the value of
2 competition. The benefits and values of participating in high school
3 athletics should be actively promoted and not curtailed by an
4 association originally established to promote athletics. In addition,
5 increased fees and charges deter and deprive many people of the
6 opportunity to view and attend Statewide interscholastic playoff
7 games.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2051

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The Assembly Education Committee favorably reports Assembly Bill No. 2051 with committee amendments.

This bill prohibits public school districts from joining voluntary associations which oversee Statewide interscholastic sports programs under certain circumstances. Under the bill, public school districts are prohibited from joining any such association if the association: charges a cable television company an increased licensing fee, rate, assessment or other consideration for the broadcast of playoff games over local access or local originating channels, or both, compared to the licensing fee, rate, assessment or other consideration charged by the district for the broadcast of regular season games over local access or local originating channels, or both; charges the parent or guardian of an athlete participating in a playoff game admission to attend the playoff; requires increased ticket prices for attendance at playoff games compared to regular season games, unless the playoff game is held at a location other than a public school and an increase in adult ticket prices is deemed necessary by the Commissioner of Education, and the increase is within certain prescribed limits; charges a membership fee for the 2009-2010 school year which exceeds the membership fee for the 2008-2009 school year indexed by the CPI, and in any subsequent school year charges a membership fee that exceeds the prior school year fee indexed by the CPI, unless the commissioner deems a greater increase in the membership fee is necessary; charges members an entry fee for teams or individuals competing in playoff games for the 2009-2010 school year which exceeds the entry fee for the 2008-2009 school year indexed by the CPI, and in any subsequent year charges members an entry fee that exceeds the prior school year fee indexed by the CPI, unless the commissioner deems a greater increase in the entry fee is necessary; or charges members any assessment in addition to the membership fee, unless the commissioner deems an additional assessment is necessary. The bill specifies that if any provision of the bill jeopardizes the amateur status of a student athlete, that provision will be null and void.

The bill's provisions will take effect three years after its enactment, but the Commissioner of Education is authorized to take such action prior to that date as may be necessary to implement those

provisions.

The committee amended the bill to: clarify that the prohibition of increased charges for a cable television company in the form of a licensing fee, rate, assessment or other consideration for the broadcast of playoff games over local access or local originating channels, or both is to be compared with the licensing fee, rate, assessment or other consideration charged by the district for the broadcast of regular season games over local access or local originating channels, or both; and specify that if any provision of the bill jeopardizes the amateur status of the student athlete as determined by the Commissioner, that provision will be null and void.

High school athletics often serve an integral role in the development of students. Along with providing healthy forms of exercise, high school athletics foster friendships and camaraderie while promoting sportsmanship and fair play and instill the value of competition. The benefits and values of participating in high school athletics should be actively promoted and not curtailed by an association originally established to promote athletics. In addition, increased fees and charges deter and deprive many people of the opportunity to view and attend Statewide interscholastic playoff games.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2051

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 16, 2006

The Senate Education Committee reports favorably Assembly Bill No. 2051(1R) with committee amendments.

As amended, this bill prohibits public school districts from joining voluntary associations which oversee Statewide interscholastic sports programs under certain circumstances. Under the bill, public school districts are prohibited from joining any such association if the association:

1. charges a cable television company an increased licensing fee, rate, assessment or other consideration for the broadcast of playoff games over local access or local originating channels, or both, compared to the licensing fee, rate, assessment or other consideration charged by the district for the broadcast of regular season games over local access or local originating channels, or both;
2. requires increased ticket prices for attendance at playoff games compared to regular season games, unless the playoff game is held at a location other than a public school and an increase in adult ticket prices is deemed necessary by the Commissioner of Education and the increase is within certain prescribed limits; however, the association may demonstrate to the commissioner that ticket prices over the prescribed limits are required to offset certain costs specific to the site;
3. charges a membership fee for the 2009-2010 school year which exceeds the membership fee for the 2008-2009 school year indexed by the CPI, and in any subsequent school year charges a membership fee that exceeds the prior school year fee indexed by the CPI, unless the commissioner deems a greater increase in the membership fee is necessary;
4. charges members an entry fee for teams or individuals competing in playoff games for the 2009-2010 school year which exceeds the entry fee for the 2008-2009 school year indexed by the CPI, and in any subsequent year charges members an entry fee that exceeds the prior school year fee

indexed by the CPI, unless the commissioner deems a greater increase in the entry fee is necessary; or

5. charges members any assessment in addition to the membership fee, unless the commissioner deems an additional assessment is necessary.

The bill specifies that if any provision of the bill jeopardizes the amateur status of a student athlete, that provision will be null and void.

The bill's provisions will take effect three years after its enactment, but the Commissioner of Education is authorized to take such action prior to that date as may be necessary to implement those provisions.

The committee amended the bill to delete the provision that prohibited districts from joining a voluntary association which charges the parent or guardian of an athlete participating in a playoff game admission to attend the playoff game. The amendments also modify the pricing structure that will be permitted if the commissioner deems an increased ticket price is necessary at playoff locations other than at a public school. Adult ticket prices will be permitted to be increased up to 200% of the cost of the highest adult ticket price for the regular season games charged by any of the member teams of the athletic conference that is located in closest proximity to the playoff game location. The amendments, however, allow the association to exceed this amount if it can demonstrate to the commissioner that an additional increase is necessary to offset rental, staffing, security, or insurance costs specific to the location site.

As amended by committee, this bill is identical to Senate Bill No. 1030 with Senate committee amendments.

SENATE, No. 1030

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senator Coniglio

SYNOPSIS

Prohibits public school districts from joining under certain circumstances voluntary associations which oversee Statewide interscholastic sports programs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/28/2006)

S1030 SWEENEY

2

1 AN ACT concerning public school district participation in certain
2 voluntary associations and supplementing chapter 11 of Title
3 18A of the New Jersey Statutes.

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

7
8 1. a. As used in this section:

9 "CPI" means the average annual increase, expressed as a
10 decimal, in the consumer price index for the New York City and
11 Philadelphia areas during the fiscal year preceding the prebudget
12 year as reported by the United States Department of Labor.

13 b. A public school district shall not join pursuant to section 1 of
14 P.L.1979, c.172 (C.18A:11-3), any voluntary association which
15 oversees activities associated with Statewide interscholastic sports
16 programs if:

17 (1) the association charges a cable television company an
18 increased licensing fee, rate, assessment or other consideration for
19 the broadcast of playoff games over local access or local originating
20 channels, or both;

21 (2) the association charges the parent or guardian of an athlete
22 participating in a playoff game admission to attend the playoff
23 game;

24 (3) the association requires increased ticket prices for attendance
25 at playoff games compared to regular season games, unless the
26 playoff game is held at a location other than a public school and the
27 increased ticket prices are deemed necessary by the Commissioner
28 of Education. In the event that the playoff game is held at a
29 location other than a public school and the commissioner deems an
30 increase in playoff ticket prices is necessary, a public school district
31 shall not join an association that increases adult ticket prices by
32 more than 175% of the cost of the adult ticket prices for the regular
33 season games of the playoff team school that is located in closest
34 proximity to the playoff game location. In no event shall the
35 commissioner deem an increase in ticket prices for senior citizens
36 or children to be necessary;

37 (4) the association charges a membership fee for the 2009-2010
38 school year which exceeds the membership fee for the 2008-2009
39 school year multiplied by 1 plus the CPI, and in any subsequent
40 school year charges a membership fee that exceeds the prior school
41 year fee multiplied by 1 plus the CPI, unless the Commissioner of
42 Education deems a greater increase in the membership fee is
43 necessary;

44 (5) the association charges members an entry fee for teams or
45 individuals competing in playoff games for the 2009-2010 school
46 year which exceeds the entry fee for the 2008-2009 school year
47 multiplied by 1 plus the CPI, and in any subsequent school year
48 charges members an entry fee that exceeds the prior school year fee

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1 multiplied by 1 plus the CPI, unless the Commissioner of Education
2 deems a greater increase in the entry fee is necessary; or

3 (6) the association charges members any assessment in addition
4 to the membership fee, unless the Commissioner of Education
5 deems an additional assessment is necessary.

6
7 2. This act shall take effect three years after the date of
8 enactment, but the Commissioner of Education may take such
9 anticipatory administrative action in advance thereof as shall be
10 necessary for the implementation of this act.

11
12
13 **STATEMENT**

14
15 This bill prohibits public school districts from joining voluntary
16 associations which oversee Statewide interscholastic sports
17 programs under certain circumstances. Under the bill, public school
18 districts are prohibited from joining any such association if the
19 association: charges a cable television company an increased
20 licensing fee, rate, assessment or other consideration for the
21 broadcast of playoff games over local access or local originating
22 channels, or both; charges the parent or guardian of an athlete
23 participating in a playoff game admission to attend the playoff
24 game; requires increased ticket prices for attendance at playoff
25 games compared to regular season games, unless the playoff game
26 is held at a location other than a public school and an increase in
27 adult ticket prices is deemed necessary by the Commissioner of
28 Education, and the increase is within certain prescribed limits;
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30 exceeds the membership fee for the 2008-2009 school year indexed
31 by the CPI, and in any subsequent school year charges a
32 membership fee that exceeds the prior school year fee indexed by
33 the CPI, unless the commissioner deems a greater increase in the
34 membership fee is necessary; charges members an entry fee for
35 teams or individuals competing in playoff games for the 2009-2010
36 school year which exceeds the entry fee for the 2008-2009 school
37 year indexed by the CPI, and in any subsequent year charges
38 members an entry fee that exceeds the prior school year fee indexed
39 by the CPI, unless the commissioner deems a greater increase in the
40 entry fee is necessary; or charges members any assessment in
41 addition to the membership fee, unless the commissioner deems an
42 additional assessment is necessary.

43 The bill's provisions will take effect three years after its
44 enactment, but the Commissioner of Education is authorized to take
45 such action prior to that date as may be necessary to implement
46 those provisions.

47 High school athletics often serve an integral role in the
48 development of students. Along with providing healthy forms of

S1030 SWEENEY

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1 exercise, high school athletics foster friendships and camaraderie
2 while promoting sportsmanship and fair play and instill the value of
3 competition. The benefits and values of participating in high school
4 athletics should be actively promoted and not curtailed by an
5 association originally established to promote athletics. In addition,
6 increased fees and charges deter and deprive many people of the
7 opportunity to view and attend Statewide interscholastic playoff
8 games.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1030

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 16, 2006

The Senate Education Committee reports favorably Senate Bill No. 1030 with committee amendments.

As amended, this bill prohibits public school districts from joining voluntary associations which oversee Statewide interscholastic sports programs under certain circumstances. Under the bill, public school districts are prohibited from joining any such association if the association:

1. charges a cable television company an increased licensing fee, rate, assessment or other consideration for the broadcast of playoff games over local access or local originating channels, or both, compared to the licensing fee, rate, assessment or other consideration charged by the district for the broadcast of regular season games over local access or local originating channels, or both;
2. requires increased ticket prices for attendance at playoff games compared to regular season games, unless the playoff game is held at a location other than a public school and an increase in adult ticket prices is deemed necessary by the Commissioner of Education and the increase is within certain prescribed limits; however, the association may demonstrate to the commissioner that ticket prices over the prescribed limits are required to offset certain costs specific to the site;
3. charges a membership fee for the 2009-2010 school year which exceeds the membership fee for the 2008-2009 school year indexed by the CPI, and in any subsequent school year charges a membership fee that exceeds the prior school year fee indexed by the CPI, unless the commissioner deems a greater increase in the membership fee is necessary;
4. charges members an entry fee for teams or individuals competing in playoff games for the 2009-2010 school year which exceeds the entry fee for the 2008-2009 school year indexed by the CPI, and in any subsequent year charges members an entry fee that exceeds the prior school year fee indexed by the CPI, unless the commissioner deems a greater

increase in the entry fee is necessary; or

5. charges members any assessment in addition to the membership fee, unless the commissioner deems an additional assessment is necessary.

The bill specifies that if any provision of the bill jeopardizes the amateur status of a student athlete, that provision will be null and void.

The bill's provisions will take effect three years after its enactment, but the Commissioner of Education is authorized to take such action prior to that date as may be necessary to implement those provisions.

The committee amended the bill to: clarify that the prohibition of increased charges for a cable television company in the form of a licensing fee, rate, assessment or other consideration for the broadcast of playoff games over local access or local originating channels, or both is to be compared with the licensing fee, rate, assessment or other consideration charged by the district for the broadcast of regular season games over local access or local originating channels, or both; and specify that if any provision of the bill jeopardizes the amateur status of the student athlete as determined by the Commissioner, that provision will be null and void.

The committee also amended the bill to delete the provision that prohibited districts from joining a voluntary association which charges the parent or guardian of an athlete participating in a playoff game admission to attend the playoff game. The amendments also modify the pricing structure that will be permitted if the commissioner deems an increased ticket price is necessary at playoff locations other than at a public school. Adult ticket prices will be permitted to be increased up to 200% of the cost of the highest adult ticket price for the regular season games charged by any of the member teams of the athletic conference that is located in closest proximity to the playoff game location. The amendments, however, allow the association to exceed this amount if it can demonstrate to the commissioner that an additional increase is necessary to offset rental, staffing, security, or insurance costs specific to the location site.

As amended by committee, this bill is identical to Assembly, No. 2051 (1R) with Senate committee amendments.