

## CHAPTER 35

**AN ACT** concerning the public broadcasting powers of the New Jersey Public Broadcasting Authority during an emergency, and amending P.L.1968, c.405 and P.L.1989, c.133.

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

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

C.48:23-2 Definitions.

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

"Authority" means the New Jersey Public Broadcasting Authority.

"Commission" means the New Jersey Public Broadcasting Commission.

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

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

2. Section 1 of P.L.1989, c.133 (C.48:23-11) is amended to read as follows:

C.48:23-11 Broadcast of news, information during emergency.

1. The New Jersey Public Broadcasting Authority shall, upon notification by the Director of the State Office of Emergency Management in the Division of State Police that an emergency condition exists, immediately operate its public broadcasting telecommunications stations to broadcast news and information concerning the emergency condition. If the emergency condition affects less than the entire State, the authority may limit its broadcast to its public broadcasting telecommunications stations which broadcast in the affected region or regions. The authority shall then operate its public broadcasting telecommunications stations for the duration of the emergency, or longer, as is necessary to provide information concerning the emergency.

3. Section 3 of P.L.1989, c.133 (C.53:1-21.6) is amended to read as follows:

C.53:1-21.6 Notification of emergency to Public Broadcasting Authority.

3. The Director of the State Office of Emergency Management in the Division of State Police shall notify the New Jersey Public Broadcasting Authority when an emergency condition exists or is imminent. The director shall give the authority all information necessary for the authority to operate its public broadcasting telecommunications stations in order to alert and inform the public about the emergency condition or broadcast information concerning the emergency condition. For the purpose of this section "emergency" means any flood, hurricane, storm, tornado, high water, wind driven water, tidal wave, fire, explosion, civil disorder or other catastrophe which is or threatens to be of sufficient severity and magnitude to substantially endanger the health, safety and property of the citizens of this State.

4. This act shall take effect immediately.

Approved February 25, 2005.