
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **1223** Session of
2011

INTRODUCED BY FOLMER, TARTAGLIONE AND ALLOWAY,
SEPTEMBER 16, 2011

REFERRED TO INTERGOVERNMENTAL OPERATIONS, SEPTEMBER 16, 2011

AN ACT

Amending the act of November 20, 1968 (P.L.1075, No.329), entitled "An act providing for the growth and development of noncommercial educational television; creating the Pennsylvania Public Television Network Commission as an independent commission and defining its powers and duties," abolishing the Pennsylvania Public Television Network Commission; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1 of the act of November 20, 1968 (P.L.1075, No.329), referred to as the Public Television Network System Law, is amended to read:

Section 1. Declaration of Public Policy.--The General Assembly hereby declares that it is in the public interest of the Commonwealth to encourage and develop the growth of noncommercial educational television broadcasting, including the use of such media for instructional purposes; that the expansion and development of noncommercial educational television broadcasting and its programming diversity depend on freedom, imagination and initiative; that it furthers the general welfare to encourage such programming which will be responsive to the

interests of people throughout the Commonwealth and which will constitute an expression of diversity and excellence; that it is necessary and appropriate for the State government to complement, assist and support a policy that will most effectively make noncommercial educational television service available to the people of the Commonwealth[; and that an independent commission should be created to facilitate the development of educational television broadcasting and to afford maximum protection from extraneous interference and control].

Section 2. Section 2 of the act, amended June 18, 1998 (P.L.682, No.87), is repealed:

[Section 2. Creation of Commission.--(a) There is hereby created the Pennsylvania Public Television Network Commission, hereinafter referred to as "commission," as an independent commission with powers to encourage the growth and development of noncommercial television broadcasting and programming.

(b) The commission shall consist of the following twenty-four members:

(1) The Secretary of Education or the secretary's designee.

(2) The chief telecommunications technology policy officer of the Executive Department of the Commonwealth or the officer's designee.

(3) The Chairman of the Pennsylvania Council of the Arts.

(4) One member appointed by each of the following from the respective chambers:

(i) The President pro tempore of the Senate.

(ii) The Minority Leader of the Senate.

(iii) The Speaker of the House of Representatives.

(iv) The Minority Leader of the House of Representatives.

(5) Two members appointed by the Governor who shall serve at

his pleasure, one of whom shall represent institutions of private education and one of whom shall represent institutions of public education.

(6) Nine members appointed by the Governor, subject to the advice and consent of a majority of the members elected to the Senate, as follows:

(i) One member shall be appointed from Philadelphia County.

(ii) One member shall be appointed from Allegheny County.

(iii) One member shall be appointed from among Bucks, Chester, Delaware and Montgomery Counties.

(iv) One member shall be appointed from among Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington and Westmoreland Counties.

(v) One member shall be appointed from among Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Perry and York Counties.

(vi) One member shall be appointed from among Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Fulton, Huntingdon, McKean, Mifflin, Potter and Somerset Counties.

(vii) One member shall be appointed from among Berks, Carbon, Lehigh, Monroe, Northampton and Pike Counties.

(viii) One member shall be appointed from among Bradford, Columbia, Lackawanna, Luzerne, Lycoming, Montour, Northumberland, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming Counties.

(ix) One member shall be appointed from among Crawford, Erie, Forest and Warren Counties.

(7) Six members at large appointed by the Governor, subject to the advice and consent of a majority of the members elected

to the Senate, from any part of the Commonwealth.

(c) Members shall be subject to the following terms:

(1) Each member appointed by the Governor with the advice and consent of a majority of the members elected to the Senate shall serve for a term of six years or until a successor has been appointed and has qualified, but not to exceed six months after the expiration of the member's term.

(2) Of the nine members from specific areas of the Commonwealth initially appointed by the Governor with the advice and consent of a majority of the members elected to the Senate, three shall serve for a six-year term, three shall serve for a four-year term and three shall serve for a two-year term.

(d) No member shall be appointed who is also a member of the governing authority of a public television station or is otherwise affiliated with a public television station.

(e) Any member appointed by the Governor who fails to attend three consecutive board meetings shall forfeit his membership on the commission unless the chairman upon written request from the member determines that the member should be excused from a meeting or meetings for reasons of illness or the death of an immediate family member.

(f) Such commissioners shall receive no salary but shall be reimbursed for expenses incurred in the performance of their official duties. The commission shall appoint such deputies, secretaries, officers as it may deem necessary, and shall perform all things necessary and proper, consistent with the powers and duties imposed upon it by this act.

(g) Such commission shall, annually, make a full report to the Governor and the General Assembly as soon as possible after the close of each fiscal year, and make such other reports at

such intervals as it deems necessary and advisable.]

Section 3. Section 3 of the act is repealed:

[Section 3. Powers and Duties of the Pennsylvania Public Television Network Commission.--The powers and duties of the commission shall include, but not be limited to, the following:

(1) To assist, develop and support a statewide policy to encourage the growth and development of a dynamic, free and effective public television service;

(2) To make grants to public television stations serving Pennsylvania to aid in the improvement of their broadcast operations, programming, and capital facilities;

(3) To establish and develop and operate, on behalf of the Commonwealth, a public television network system interconnecting all noncommercial television stations serving Pennsylvania;

(4) To insure the diversity of programming to allow for freedom, imagination, objectivity and initiative on both the State and local level and to insure that the networks shall not be misused for political or other propoganda purposes contrary to the Federal Constitution or the Constitution of the Commonwealth of Pennsylvania;

(5) To apply for, receive and distribute Federal funds, State funds and public or private funds from any source whatsoever, and to serve as a coordination agency in connection with those funds which are available through the Federal Public Broadcasting Act of 1967 and other Federal legislation now or hereinafter enacted;

(6) To enter into contracts, leases and other arrangements to own and operate interconnection and switching facilities and equipment pertinent to a statewide network and to apply to the Federal Communications Commission and other Federal agencies for

such licenses necessary to operate and maintain such a network;

(7) To contract with or make plans with other agencies or individuals to program productions and otherwise to procure educational and public television programs for distribution to the noncommercial educational television network;

(8) To conduct research, demonstration and training activities in matters relating to noncommercial educational and public television broadcasting;

(9) To establish and maintain a library and archives for programs and related materials and to develop and promote public awareness of and disseminate information concerning noncommercial educational and public television; and

(10) To do all things necessary and proper to effectuate the provisions of this act which are not inconsistent with law, and to promulgate rules and regulations relative thereto.]

Section 4. Section 4 of the act, amended December 22, 1981 (P.L.545, No.158), is amended to read:

Section 4. Contracts.--All contracts or purchases made by the [commission] Office of Administration involving the expenditure of over four thousand dollars (\$4,000), except those involving personal services or items that can only be obtained from one source, shall be in writing, awarded on the basis of competitive bidding and shall be made only after notice of the proposed contract or purchase is published in at least twelve newspapers, as the [commission] Office of Administration shall determine will be sufficient to ensure distribution of the notice throughout the Commonwealth, at least twenty days before the letting of the contract or purchase.

Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works

shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

Section 5. Section 4.1 of the act, added June 18, 1998 (P.L.682, No.87), is amended to read:

Section 4.1. Public Television Broadcasting Advisory Council.--There is hereby created [and placed within the commission] a Public Television Broadcasting Advisory Council, whose members shall consist of the highest-ranking, full-time professional employee from each of the public television station licensees serving this Commonwealth or his designee. The council shall elect from among its members a chairman and vice chairman. [The chairman or his designee shall serve as an ad hoc, nonvoting representative to the commission.] The members of the council shall meet from time to time as they deem necessary but shall receive no compensation for their service.

Section 6. The Pennsylvania Public Television Network Commission is abolished.

Section 7. This act shall take effect in 60 days.