

[Third Reprint]

ASSEMBLY, No. 850

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Benson, Assemblywoman Pinkin, Assemblymen Holley, Danielsen, Assemblywomen Jasey, Murphy, Assemblymen Space, Wirths, Moen, Senators A.M.Bucco, Pou and Ruiz

SYNOPSIS

Establishes "Broadband Access Study Commission."

CURRENT VERSION OF TEXT

As amended by the Senate on January 11, 2021.



(Sponsorship Updated As Of: 1/28/2021)

1 AN ACT establishing the “²**[Community]**² Broadband ²Access²
2 Study Commission.”

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. There is established the “²**[Community]**² Broadband
8 ²Access² Study Commission.” The commission shall consist of ²**[11]**
9 12² members as follows:

10 (1) the President of the Board of Public Utilities, ex officio, or the
11 president’s designee, who shall serve as chairperson of the
12 commission;

13 (2) the Chief Technology Officer of the Office of Information
14 Technology, ex officio, or the officer’s designee;

15 (3) the Director of the Division of Rate Counsel, ex officio, or the
16 director’s designee;

17 (4) ²the Secretary of the Department of Agriculture, ex officio, or
18 the secretary’s designee;

19 (5)² ¹**[two members]** one member¹ of the Senate to be appointed
20 by the President of the Senate ¹**[**, which members shall not be of the
21 same political party¹];

22 ²**[(5)]** (6)² ¹**[two members]** one member¹ of the General
23 Assembly to be appointed by the Speaker of the General Assembly ¹**[**,
24 which members shall not be of the same political party¹];

25 ²**[(6)]** (7)² ¹**[two]** three¹ public members to be appointed by the
26 President of the Senate, who shall include an individual with expertise
27 in community broadband networks and infrastructure and an individual
28 with expertise in municipal and county governance or public utilities ¹,
29 with one individual residing in the northern region of the State, one
30 individual residing in the central region of the State, and one
31 individual residing in the southern region of the State¹; and

32 ²**[(7)]** (8)² ¹**[two]** three¹ public members to be appointed by the
33 Speaker of the General Assembly, who shall include at least one
34 individual with expertise in community broadband networks and
35 infrastructure and an individual with expertise in municipal and county
36 governance or public utilities ¹, with one individual residing in the
37 northern region of the State, one individual residing in the central
38 region of the State, and one individual residing in the southern region
39 of the State¹.

40 b. Any vacancy in the membership of the commission shall be
41 filled in the same manner in which the original appointment was made.

42 c. Members of the commission shall serve without compensation
43 but shall be reimbursed for necessary and reasonable expenses

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 AST committee amendments adopted August 10, 2020.

²Senate SEG committee amendments adopted December 10, 2020.

³Senate floor amendments adopted January 11, 2021.

1 incurred in the performance of their duties pursuant to this act within
2 the limits of funds appropriated or otherwise made available to the
3 commission for its purposes.

4 d. For the purpose of this act ²**[.]**:

5 “broadband network” means a state-of-the-art network capable of
6 delivering download and upload speeds of no less than the standards as
7 defined by the Federal Communications Commission. The actual
8 speeds must be adjusted upwards to allow for improved technologies
9 and usage requirements as determined by the commission.

10 “broadband service” means any telecommunications service using
11 a broadband network for the purpose of offering high speed, switched,
12 broadband wireline telecommunications capability that enables users
13 to originate and receive high-quality voice, data, graphics, or video
14 telecommunications through the Internet and using any technology.²

15 “community broadband network” means a local shared network
16 consisting of a series of interlinked computers that allow persons with
17 devices connected to a wired network within the area served to gain
18 entry to the wider Internet through high speed Internet service
19 connections at designated access points.

20

21 2. The commission shall organize as soon as possible after the
22 appointment of a majority of the commission’s members and shall
23 meet at the call of the chairperson at the times and in the places it
24 may deem appropriate and necessary to fulfill its duties.

25

26 3. ²a. The commission shall evaluate the impediments of access
27 to broadband service for all residents of New Jersey. The
28 commission shall look at issues, including but not limited to,
29 physical access, deployment, and affordability of broadband
30 service.

31 b.² The commission shall evaluate the feasibility of establishing
32 community broadband networks in this State ²pursuant to the goals
33 of this act². The commission shall be responsible for, but not be
34 limited to, the following:

35 ²**[a.]** (1)² considering whether leasing or purchasing established
36 broadband infrastructure, such as ³, but not limited to,³ unused fiber
37 optic cable ³and unused broadcast television signal space³, is more
38 advantageous in ²**[creating a faster network]** achieving the goals
39 pursuant to this act;²

40 ²**[b.]** (2)² considering whether establishing a community
41 broadband municipal or county agency or a non-profit corporation
42 is more appropriate to administer ²**[the community]** a² broadband
43 network;

44 ²**[c.]** (3)² evaluating the different methods, including legislation
45 and contracts with private companies, that other municipalities or
46 counties in this country have used to implement community
47 broadband networks;

1 ²[d.] (4)² determining the most cost effective method in which
2 to establish community broadband networks, with a cost estimate
3 for the local government and a rate estimate for paying customers;
4 and

5 ²[e.] (5)² exploring all possible federal, State, and private
6 funding sources for the establishment of community broadband
7 networks in this State.

8
9 4. The commission shall be entitled to call to its assistance and
10 avail itself of the services of the officials and employees of the
11 State and its political subdivisions and their departments, boards,
12 bureaus, commissions, and agencies as it may require and as may be
13 available to it for the purposes of the commission. The Board of
14 Public Utilities shall provide staff support services to the
15 commission.

16
17 5. The commission shall report its findings, conclusions, and
18 recommendations to the Governor and, pursuant to section 2 of
19 P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than one
20 year following the first meeting of the commission. The
21 commission shall expire upon the submission of the commission's
22 report, pursuant to this section.

23
24 6. This act shall take effect immediately and shall expire upon
25 the submission by the commission of its report pursuant to section 5
26 of this act.