

P.L. 2021, CHAPTER 161, *approved July 7, 2021*
 Assembly, No. 850 (Fifth Reprint)

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 ⁵in the Board of Public Utilities⁵ the
 8 “²**[Community]**² Broadband ²Access² Study Commission.” The
 9 commission shall consist of ²**[11]** ⁴**[12²]** ⁵**[13⁴]** ¹⁹⁵ members as
 10 follows:

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

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

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

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

20 ⁵(5) the Chief Executive Officer of the New Jersey Economic
 21 Development Authority, ex officio, or the officer’s designee;

22 (6) the Commissioner of the Department of Education, ex
 23 officio, or the commissioner’s designee;

24 (7) the Commissioner of the Department of Community Affairs,
 25 ex officio, or the commissioner’s designee;

26 (8) three public members to be appointed by the Governor, who
 27 shall have expertise in community broadband networks and
 28 infrastructure;

29 ²**[(5)²]** ⁹⁵ ¹**[two members]** one member¹ of the Senate to be
 30 appointed by the ⁵Governor, upon the recommendation of the⁵
 31 President of the Senate ¹**[**, which members shall not be of the same
 32 political party¹**]**;

33 ²**[(5)]** ⁵**[(6)²]** ¹⁰⁵ ¹**[two members]** one member¹ of the
 34 General Assembly to be appointed by the ⁵Governor, upon the
 35 recommendation of the⁵ Speaker of the General Assembly ¹**[**,
 36 which members shall not be of the same political party¹**]**;

37 ²**[(6)]** ⁵**[(7)²]** ¹¹⁵ ¹**[two]** three¹ public members to be
 38 appointed by ⁵the Governor, upon recommendation by⁵ the
 39 President of the Senate, who shall include an individual with

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.

⁴Assembly floor amendments adopted March 1, 2021.

⁵Assembly amendments adopted in accordance with Governor's
 recommendations May 17, 2021.

1 expertise in community broadband networks and infrastructure and
 2 an individual with expertise in municipal and county governance or
 3 public utilities ¹, with one individual residing in the northern region
 4 of the State, one individual residing in the central region of the
 5 State, and one individual residing in the southern region of the
 6 State¹; ⁴[and]⁴

7 ²[(7)] ⁵[(8)²] (12)⁵ ¹[two] three¹ public members to be
 8 appointed by ⁵the Governor, upon recommendation by⁵ the Speaker
 9 of the General Assembly, who shall include at least one individual
 10 with expertise in community broadband networks and infrastructure
 11 and an individual with expertise in municipal and county
 12 governance or public utilities ¹, with one individual residing in the
 13 northern region of the State, one individual residing in the central
 14 region of the State, and one individual residing in the southern
 15 region of the State^{1 4}; and

16 ⁵[(9)] (13)⁵ a member representing the New Jersey Library
 17 Association to be appointed by the ⁵Governor, upon the
 18 recommendation of the⁵ association's executive board⁴ .

19 b. Any vacancy in the membership of the commission shall be
 20 filled in the same manner in which the original appointment was
 21 made.

22 c. Members of the commission shall serve without compensation
 23 but shall be reimbursed for necessary and reasonable expenses
 24 incurred in the performance of their duties pursuant to this act
 25 within the limits of funds appropriated or otherwise made available
 26 to the commission for its purposes.

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

28 “broadband network” means a state-of-the-art network capable of
 29 delivering download and upload speeds of no less than the standards
 30 as defined by the Federal Communications Commission. The actual
 31 speeds must be adjusted upwards to allow for improved
 32 technologies and usage requirements as determined by the
 33 commission.

34 “broadband service” means any telecommunications service
 35 using a broadband network for the purpose of offering high speed,
 36 switched, broadband wireline telecommunications capability that
 37 enables users to originate and receive high-quality voice, data,
 38 graphics, or video telecommunications through the Internet and
 39 using any technology.²

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

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 46 2. The commission shall organize as soon as possible after the
 47 appointment of a majority of the commission's members and shall

1 meet at the call of the chairperson at the times and in the places it
2 may deem appropriate and necessary to fulfill its duties.

3 3. ²a. The commission shall evaluate the impediments of access
4 to broadband service for all residents of New Jersey. The
5 commission shall look at issues, including but not limited to,
6 physical access, deployment, and affordability of broadband
7 service.

8 b.² The commission shall evaluate the feasibility of establishing
9 community broadband networks in this State ²pursuant to the goals
10 of this act². The commission shall be responsible for, but not be
11 limited to, the following:

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

17 ²[b.] (2)² considering whether establishing a community
18 broadband municipal or county agency or a non-profit corporation
19 is more appropriate to administer ²[the community] a² broadband
20 network;

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

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

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

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33 4. The commission shall be entitled to call to its assistance and
34 avail itself of the services of the officials and employees of the
35 State and its political subdivisions and their departments, boards,
36 bureaus, commissions, and agencies as it may require and as may be
37 available to it for the purposes of the commission. The Board of
38 Public Utilities shall provide staff support services to the
39 commission.

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41 5. The commission shall report its findings, conclusions, and
42 recommendations to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than one
44 year following the first meeting of the commission. The
45 commission shall expire upon the submission of the commission's
46 report, pursuant to this section.

1 6. This act shall take effect immediately and shall expire upon
2 the submission by the commission of its report pursuant to section 5
3 of this act.

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Establishes "Broadband Access Study Commission."