

CHAPTER 161

AN ACT establishing the “Broadband Access Study Commission.”

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

1. a. There is established in the Board of Public Utilities the “Broadband Access Study Commission.” The commission shall consist of 19 members as follows:

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

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

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

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

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

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

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

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

(9) one member of the Senate to be appointed by the Governor, upon the recommendation of the President of the Senate;

(10) one member of the General Assembly to be appointed by the Governor, upon the recommendation of the Speaker of the General Assembly;

(11) three public members to be appointed by the Governor, upon recommendation by the President of the Senate, who shall include an individual with expertise in community broadband networks and infrastructure and an individual with expertise in municipal and county governance or public utilities, with one individual residing in the northern region of the State, one individual residing in the central region of the State, and one individual residing in the southern region of the State;

(12) three public members to be appointed by the Governor, upon recommendation by the Speaker of the General Assembly, who shall include at least one individual with expertise in community broadband networks and infrastructure and an individual with expertise in municipal and county governance or public utilities, with one individual residing in the northern region of the State, one individual residing in the central region of the State, and one individual residing in the southern region of the State; and

(13) a member representing the New Jersey Library Association to be appointed by the Governor, upon the recommendation of the association’s executive board.

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

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

d. For the purpose of this act:

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

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

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

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

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

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

(1) considering whether leasing or purchasing established broadband infrastructure, such as, but not limited to, unused fiber optic cable and unused broadcast television signal space, is more advantageous in achieving the goals pursuant to this act;

(2) considering whether establishing a community broadband municipal or county agency or a non-profit corporation is more appropriate to administer a broadband network;

(3) evaluating the different methods, including legislation and contracts with private companies, that other municipalities or counties in this country have used to implement community broadband networks;

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

(5) exploring all possible federal, State, and private funding sources for the establishment of community broadband networks in this State.

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

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

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

Approved July 7, 2021.