

[First Reprint]

SENATE, No. 2864

STATE OF NEW JERSEY
219th LEGISLATURE

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SYNOPSIS

Establishes “Broadband Access Study Commission.”

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on December 10, 2020, with amendments.



(Sponsorship Updated As Of: 12/21/2020)

1 AN ACT establishing the “¹**[Community]**¹ Broadband ¹Access¹
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 “¹**[Community]**¹ Broadband
8 ¹Access¹ Study Commission.” The commission shall consist of ¹**[11]**
9 12¹ 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) ¹the Secretary of the Department of Agriculture, ex officio, or
18 the secretary’s designee; ¹

19 (5) one member of the Senate to be appointed by the President of
20 the Senate;

21 ¹**[(5)]** (6)¹ one member of the General Assembly to be appointed
22 by the Speaker of the General Assembly;

23 ¹**[(6)]** (7)¹ three public members to be appointed by the President
24 of the Senate, who shall include an individual with expertise in
25 community broadband networks and infrastructure and an individual
26 with expertise in municipal and county governance or public utilities,
27 with one individual residing in the northern region of the State, one
28 individual residing in the central region of the State, and one
29 individual residing in the southern region of the State; and

30 ¹**[(7)]** (8)¹ three public members to be appointed by the Speaker of
31 the General Assembly, who shall include at least one individual with
32 expertise in community broadband networks and infrastructure and an
33 individual with expertise in municipal and county governance or
34 public utilities, with one individual residing in the northern region of
35 the State, one individual residing in the central region of the State, and
36 one individual residing in the southern region of the State.

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

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

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:

¹Senate SEG committee amendments adopted December 10, 2020.

1 d. For the purpose of this act¹ **[,]**:

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

8 “broadband service” means any telecommunications service
9 using a broadband network for the purpose of offering high speed,
10 switched, broadband wireline telecommunications capability that
11 enables users to originate and receive high-quality voice, data,
12 graphics, or video telecommunications through the Internet and
13 using any technology.¹

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

19

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

24

25 3. ¹a. The commission shall evaluate the impediments of
26 access to broadband service for all residents of New Jersey. The
27 commission shall look at issues, including but not limited to,
28 physical access, deployment, and affordability of broadband
29 service.

30 b.¹ The commission shall evaluate the feasibility of establishing
31 community broadband networks in this State ¹pursuant to the goals
32 of this act¹. The commission shall be responsible for, but not be
33 limited to, the following:

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

39 (2) considering whether establishing a community broadband
40 municipal or county agency or a non-profit corporation is more
41 appropriate to administer ¹**[the community]** a¹ broadband network;

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

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

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

7

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

15

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

22

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