

[Second Reprint]  
**SENATE, No. 2864**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**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 “<sup>1</sup>**[Community]**<sup>1</sup> Broadband <sup>1</sup>Access<sup>1</sup>  
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 “<sup>1</sup>**[Community]**<sup>1</sup> Broadband  
8 <sup>1</sup>Access<sup>1</sup> Study Commission.” The commission shall consist of  
9 <sup>1</sup>**[11]** <sup>1</sup>12<sup>1</sup> 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) <sup>1</sup>the Secretary of the Department of Agriculture, ex officio, or  
18 the secretary’s designee; <sup>1</sup>

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

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

23 <sup>1</sup>**[(6)]** <sup>1</sup>(7)<sup>1</sup> 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 <sup>1</sup>**[(7)]** <sup>1</sup>(8)<sup>1</sup> 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:

<sup>1</sup>Senate SEG committee amendments adopted December 10, 2020.

<sup>2</sup>Senate floor amendments adopted January 11, 2021.

1 d. For the purpose of this act<sup>1</sup> **[, ]**:

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.<sup>1</sup>

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. <sup>1</sup>a. 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.<sup>1</sup> The commission shall evaluate the feasibility of establishing  
31 community broadband networks in this State <sup>1</sup>pursuant to the goals  
32 of this act<sup>1</sup>. 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 <sup>1</sup>**[, but not limited to,]**<sup>1 2</sup>, but not  
36 limited to,<sup>2</sup> unused fiber optic cable <sup>1</sup>**[and unused broadcast**  
37 television signal space]<sup>1 2</sup>and unused broadcast television signal  
38 space<sup>2</sup>, is more advantageous in <sup>1</sup>**[creating a faster network]**  
39 achieving the goals pursuant to this act;<sup>1</sup>

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

43 (3) evaluating the different methods, including legislation and  
44 contracts with private companies, that other municipalities or  
45 counties in this country have used to implement community  
46 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.