

[Fifth Reprint]

ASSEMBLY, No. 850

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman VERLINA REYNOLDS-JACKSON

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SYNOPSIS

Establishes "Broadband Access Study Commission."

CURRENT VERSION OF TEXT

As amended on May 17, 2021 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 5/20/2021)

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 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**]**¹;

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**]**¹;

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
40 expertise in community broadband networks and infrastructure and
41 an individual with expertise in municipal and county governance or
42 public utilities ¹, with one individual residing in the northern region

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 of the State, one individual residing in the central region of the
2 State, and one individual residing in the southern region of the
3 State¹; ⁴**[and]**⁴

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

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

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

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

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

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

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

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

42
43 2. The commission shall organize as soon as possible after the
44 appointment of a majority of the commission's members and shall
45 meet at the call of the chairperson at the times and in the places it
46 may deem appropriate and necessary to fulfill its duties.

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

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

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

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

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

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

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

30
31 4. The commission shall be entitled to call to its assistance and
32 avail itself of the services of the officials and employees of the
33 State and its political subdivisions and their departments, boards,
34 bureaus, commissions, and agencies as it may require and as may be
35 available to it for the purposes of the commission. The Board of
36 Public Utilities shall provide staff support services to the
37 commission.

38
39 5. The commission shall report its findings, conclusions, and
40 recommendations to the Governor and, pursuant to section 2 of
41 P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than one
42 year following the first meeting of the commission. The
43 commission shall expire upon the submission of the commission's
44 report, pursuant to this section.

45
46 6. This act shall take effect immediately and shall expire upon
47 the submission by the commission of its report pursuant to section 5
48 of this act.