



**LEGISLATIVE FISCAL ESTIMATE:**

No

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

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No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

CL

§§1,2 –  
C.48:2-10.1 &  
48:2-10.2  
§§3,4 –  
C.48:2-32.8 &  
48:2-32.9  
§6 - Note

**(CORRECTED COPY)**

P.L. 2021, CHAPTER 96, *approved May 12, 2021*  
Assembly Committee Substitute for  
Assembly, Nos. 4556 and 4145

1 **AN ACT** concerning certain functions and duties of the Board of  
2 Public Utilities and supplementing Title 48 of the Revised  
3 Statutes and amending R.S.48:2-40.

4

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

7

8 1. (New section) As used in sections 1 through 4 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill):

10 “Board” means the Board of Public Utilities or any successor  
11 agency.

12 “Contested case” shall have the same meaning as provided in  
13 section 2 of P.L.1968, c.410 (C.52:14B-2).

14 “Emergency” means a period of time during which the Governor  
15 has declared the existence of a public health emergency, pursuant to  
16 section 3 of P.L.2005, c.222 (C.26:13-3), or a state of emergency,  
17 pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.).

18 “Policy matter” means a matter:

19 a. where the board conducts quasi-legislative proceedings that  
20 are informational, intended to provide a forum for the expression of  
21 public sentiment on a proposed agency action, or to examine broad  
22 policy issues affecting entire industries or large, undefined classes  
23 of people;

24 b. where the board has not established a proceeding; or

25 c. that is not the subject of a pending or impending contested  
26 case.

27 “Public document search system” or “search system” means the  
28 electronic public document search system established, maintained,  
29 and updated, as appropriate, by the board, through the board’s  
30 Internet website, pursuant to section 2 of P.L. , c. (C. )  
31 (pending before the Legislature as this bill).

32

33 2. (New section) a. No later than 90 days after the effective  
34 date of P.L. , c. (C. ) (pending before the Legislature as this

**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.

1 bill), the board shall establish, maintain, and update, as appropriate,  
2 an electronic public document search system, through the board's  
3 Internet website, that shall allow users to obtain board proceeding  
4 documents and docket information online. The search system shall  
5 reflect all filings and comments made to the board, in electronic or  
6 in printed form, and shall provide for the managing and facilitating  
7 of public access to all filings, orders, notices, rulemakings,  
8 comments, or other board proceeding documents, as well as allow  
9 parties to electronically file these documents. The search system  
10 shall be subject to all of the following requirements:

11 (1) as soon as practicable, and not later than seven calendar days  
12 after a document is electronically filed with the board, the  
13 document shall be publicly accessible on the search system, unless a  
14 longer period of time is needed, as determined by the board, due to  
15 an emergency or to address confidentiality, other privacy claims, or  
16 digitization of non-electronic records;

17 (2) all documents on the search system shall be available to the  
18 public free of charge;

19 (3) any information within a document that is prohibited from  
20 public disclosure by law or board order shall be exempt from  
21 inclusion in the search system;

22 (4) all board-initiated documents shall be text-searchable and in  
23 a machine-readable format and the board shall encourage the filing  
24 of documents in text-searchable and machine-readable formats,  
25 which capabilities shall be preserved in the search system;

26 (5) to the extent practicable, external websites shall be able to  
27 link documents to the search system;

28 (6) the board shall provide access to all digital audio and visual  
29 files of board recordings when those files become available on its  
30 website, and shall explore the technical and financial practicality of  
31 including its recordings in the search system; and

32 (7) the search system shall provide a search function for public  
33 use.

34 b. In developing the search system, the board shall implement  
35 technology in order to improve security, data accessibility,  
36 affordability, and performance, and to minimize the burden on pro  
37 se litigants.

38  
39 3. (New section) a. Notwithstanding the provision of written  
40 advance notice of at least 48 hours, but otherwise in conformity  
41 with the other provisions of the "Senator Byron M. Baer Open  
42 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), the Board  
43 of Public Utilities shall make available to the public on its public  
44 document search system, established pursuant to section 2 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill),  
46 advance notice of every public meeting conducted by the board five  
47 calendar days prior to the day of the meeting, unless a longer period

1 of advance notice is required by law, pursuant to the "Senator  
2 Byron M. Baer Open Public Meetings Act," P.L.1975, c.231  
3 (C.10:4-6 et seq.); provided, however, that nothing in this  
4 subsection shall prohibit the board from updating any meeting  
5 agenda or adding an agenda item or removing an agenda item, as  
6 well as providing an updated agenda within the five calendar day  
7 period, consistent with public transparency. The provision of this  
8 subsection shall apply to every public board meeting, including any  
9 public comment meeting, as described in section 4 of P.L. ,  
10 c. (C. )(pending before the Legislature as this bill), regardless  
11 of the number of board members present at the meeting.

12 b. For every public meeting conducted by the Board of Public  
13 Utilities, as authorized by law, the board shall provide, in the  
14 advance notice of that public meeting, pursuant to subsection a. of  
15 this section, a description of any action that may be taken by the  
16 board under each listed agenda item in the notice.

17  
18 4. (New section) a. Members of the Board of Public Utilities  
19 may engage in a discussion with interested parties on policy  
20 matters, which discussions shall not be considered prohibited ex  
21 parte communications; provided that nothing in this section shall  
22 alter the prohibition on ex parte communications between members  
23 and interested parties with regard to a contested case.

24 b. In order to increase transparency and accountability to the  
25 public, the board shall hold a public comment meeting at least once  
26 every three months in order to hear from the public and interested  
27 stakeholders on policy matters before the board, and such matters as  
28 the Legislature may from time to time designate. The public  
29 comment meeting shall meet all requirements of the "Senator Byron  
30 M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et  
31 seq.) and shall allow for oral or written statements by:

32 (1) any member of the public who is not a party pursuant to  
33 paragraph (2) of this subsection, on any topic germane to the  
34 interests of the board; and

35 (2) any party to a proceeding or party represented by counsel or  
36 a government affairs agent, on specific topics noticed by the board.

37 c. The board shall adopt, within 30 days of the effective date of  
38 P.L. , c. (C. )(pending before the Legislature as this bill),  
39 written policies to govern the conduct of public comment meetings  
40 that shall maximize public engagement, provide annual notice of the  
41 scheduled dates for public comment meetings in accord with the  
42 "Senator Byron M. Baer Open Public Meetings Act," P.L.1975,  
43 c.231 (C.10:4-6 et seq.), allow for post-meeting written comments,  
44 and reasonably minimize the inadvertent discussion of pending or  
45 impending contested matters.

46  
47 5. R.S.48:2-40 is amended to read as follows:

1 48:2-40. a. A majority vote of the board shall be necessary to  
2 the issuance of an order.

3 b. (1) After the effective date of P.L.2011, c.63, the board  
4 shall issue every order in written form.

5 (2) If a matter is an emergency that affects public health and  
6 safety, the board may issue a temporary order on the matter orally,  
7 but shall within 14 days thereafter issue the order as a written order  
8 that does not differ substantively from the oral order. Any board  
9 order issued orally may be made effective immediately, but,  
10 regardless of its effective date, if that order is not issued in written  
11 form within 14 calendar days thereafter, or the written order is  
12 substantively different from the oral order, the oral order shall be  
13 void and of no effect as of the 15th calendar day after its issuance.

14 c. The board shall issue any written order by filing a copy  
15 thereof with the board secretary. Every written order issued by the  
16 board shall be:

17 (1) served upon the person or public utility affected thereby  
18 within ~~ten~~ seven calendar days from its filing by personally  
19 delivering or by mailing a certified copy thereof in a sealed package  
20 with postage prepaid to the person affected or to an officer or agent  
21 of the public utility upon whom a summons may be served; and

22 (2) posted ~~upon the Internet website of the board~~ on its public  
23 document search system, established pursuant to section 2 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill),  
25 within seven calendar days from its filing.

26 d. All written orders of the board shall become effective upon  
27 service thereof or upon such dates after the service thereof as may  
28 be specified therein.

29 e. The board at any time may order a rehearing and extend,  
30 revoke, or modify an order made by it.

31 (cf: P.L.2011, c.63, s.1)

32

33 6. This act shall take effect on the 90th day after the date of  
34 enactment and the Board of Public Utilities may take any  
35 anticipatory administrative action in advance thereof as shall be  
36 necessary for the timely implementation of P.L. , c. (C. )  
37 (pending before the Legislature as this bill).

38

39

40

41

42 \_\_\_\_\_  
43 Requires BPU to establish and maintain electronic public  
44 document search system on its website; requires BPU to provide  
45 certain notice of its meetings and hold quarterly public comment  
meetings.

# ASSEMBLY, No. 4556

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 24, 2020

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Requires BPU to establish and maintain electronic public records access service on its website; requires BPU to provide certain notice of its meetings and hearings and allow public comment.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/19/2020)**

1 AN ACT concerning certain functions and duties of the Board of  
2 Public Utilities and supplementing Title 48 of the Revised  
3 Statutes and amending R.S.48:2-40.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) As used in sections 1 and 2 of P.L. , c.  
9 (C. ) (pending before the Legislature as this bill):

10 “Access service” means the electronic public records access  
11 service established, maintained, and updated, as appropriate, by the  
12 board, through the board’s Internet website, pursuant to section 2 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill).

14 “Board” means the Board of Public Utilities or any successor  
15 agency.

16 “Emergency” means a period of time during which the Governor  
17 has declared the existence of a public health emergency, pursuant to  
18 section 3 of P.L.2005, c.222 (C.26:13-3), or a state of emergency,  
19 pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.).

20  
21 2. (New section) a. No later than 90 days after the effective  
22 date of P.L. , c. (C. ) (pending before the Legislature as this  
23 bill), the board shall establish, maintain, and update, as appropriate,  
24 an access service), through the board’s Internet website, that shall  
25 allow users to obtain board proceeding documents and docket  
26 information online. The access service shall allow users to submit  
27 all filings and comments, in electronic or in printed form, to the  
28 board and shall provide for the managing and facilitating of public  
29 access to all filings, orders, notices, rulemakings, comments, or  
30 other board proceeding documents. The access service shall be  
31 subject to all of the following requirements:

32 (1) as soon as practicable, and not later than seven calendar days  
33 after a document is filed with the board, the document shall be  
34 publicly accessible on the access service, unless a longer period of  
35 time is needed, as determined by the board, during an emergency;

36 (2) all documents on the access service shall be available to the  
37 public and to parties before the board free of charge;

38 (3) any information within a document that is prohibited from  
39 public disclosure by law or board order shall be redacted;

40 (4) all documents shall be text-searchable and machine-  
41 readable;

42 (5) to the extent practicable, external websites shall be able to  
43 link documents to the access service;

44 (6) the access service shall include digital audio and visual files  
45 of board recordings when those files become available; and

**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.



1 (7) the access service shall provide a search function for public  
2 use.

3 b. In developing the access service, the board:

4 (1) shall not impose, to the extent practicable, a disproportionate  
5 impact on pro se litigants; and

6 (2) shall implement technology in order to improve security,  
7 data accessibility, affordability, and performance, and to minimize  
8 the burden on pro se litigants.

9  
10 3. (New section) a. Notwithstanding the provision of written  
11 advance notice of at least 48 hours, but otherwise in conformity  
12 with the other provisions of the "Senator Byron M. Baer Open  
13 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), the Board  
14 of Public Utilities shall make available to the public on its  
15 electronic public records access service, established pursuant to  
16 section 2 of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill), advance notice of every public meeting and hearing  
18 conducted by the board seven calendar days prior to the day of the  
19 meeting or hearing, unless a longer period of advance notice is  
20 required by law, or a shorter period of advance notice is required, as  
21 determined by the board, during an emergency. The provision of  
22 this subsection shall apply to every public board meeting or hearing  
23 regardless of the number of board members present at the meeting  
24 or hearing.

25 b. For every public meeting or hearing conducted by the Board  
26 of Public Utilities, as authorized by law, the board shall:

27 (1) provide, in the advance notice of that public meeting or  
28 hearing, pursuant to subsection a. of this section, a description of  
29 any action that may be taken by the board under each listed agenda  
30 item in the notice; and

31 (2) set aside a portion of the meeting or hearing to allow  
32 members of the public to comment on the subject matter of the  
33 action described in the written advance notice.

34 c. As used in this subsection, "emergency" means a period of  
35 time during which the Governor has declared the existence of a  
36 public health emergency, pursuant to section 3 of P.L.2005, c.222  
37 (C.26:13-3), or a state of emergency, pursuant to P.L.1942, c.251  
38 (C.App.A:9-33 et seq.), within this State.

39

40 4. R.S.48:2-40 is amended to read as follows:

41 48:2-40. a. A majority vote of the board shall be necessary to the  
42 issuance of an order.

43 b. (1) After the effective date of P.L.2011, c.63, the board  
44 shall issue every order in written form. After the effective date of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill), if  
46 a written order, whether in draft or final form, is prepared for  
47 consideration by the board prior to a meeting, the board shall make  
48 available to the public on its electronic public records access

1 service, established pursuant to section 2 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill), the text of the written  
3 order seven calendar days prior to the day of that meeting.

4 (2) If a matter is an emergency that affects public health and  
5 safety, the board may issue a temporary order on the matter orally,  
6 but shall within 14 days thereafter issue the order as a written order  
7 that does not differ substantively from the oral order. Any board  
8 order issued orally may be made effective immediately, but,  
9 regardless of its effective date, if that order is not issued in written  
10 form within 14 calendar days thereafter, or the written order is  
11 substantively different from the oral order, the oral order shall be  
12 void and of no effect as of the 15th calendar day after its issuance.

13 c. The board shall issue any written order by filing a copy  
14 thereof with the board secretary. Every written order issued by the  
15 board shall be:

16 (1) served upon the person or public utility affected thereby  
17 within **【ten】** seven calendar days from its filing by personally  
18 delivering or by mailing a certified copy thereof in a sealed package  
19 with postage prepaid to the person affected or to an officer or agent  
20 of the public utility upon whom a summons may be served; and

21 (2) posted **【upon the Internet website of the board】** on its  
22 electronic public records access service, established pursuant to  
23 section 2 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill), within seven calendar days from its filing.

25 d. All written orders of the board shall become effective upon  
26 service thereof or upon such dates after the service thereof as may  
27 be specified therein.

28 e. The board at any time may order a rehearing and extend,  
29 revoke, or modify an order made by it.

30 (cf: P.L.2011, c.63, s.1)

31

32 5. This act shall take effect on the 90th day after the date of  
33 enactment and the Board of Public Utilities may take any  
34 anticipatory administrative action in advance thereof as shall be  
35 necessary for the timely implementation of P.L. , c. (C. )  
36 (pending before the Legislature as this bill).

37

38

39

#### STATEMENT

40

41 This bill requires the Board of Public Utilities (board) to  
42 establish, maintain, and update, as appropriate, an electronic public  
43 records access service (access service) through the board's Internet  
44 website that allows users to obtain board proceeding documents and  
45 docket information online. The access service is to allow users to  
46 submit all filings and comments, in electronic or in printed form, to  
47 the board and provide for the managing and facilitating of public

1 access to all filings, orders, notices, rulemakings, comments, or  
2 other board proceeding documents.

3 The access service is to be subject to the following requirements:

4 1) as soon as practicable, and not later than three business days  
5 after a document is filed with the board, the document is to be  
6 publicly accessible on the access service, unless a longer period of  
7 time is needed, as determined by the board, during an “emergency,”  
8 as that term is defined in the bill;

9 2) all documents on the access service are to be available to the  
10 public and to parties before the board free of charge;

11 3) any information within a document that is prohibited from  
12 public disclosure by law or board order is to be redacted;

13 4) all documents are to be text-searchable and machine-  
14 readable;

15 5) to the extent practicable, external websites are to be able to  
16 link documents to the access service;

17 6) the access service is to include digital audio and visual files  
18 of board recordings when those files become available; and

19 7) the access service is to provide a search function for public  
20 use.

21 In developing the access service, the board is not to impose, to  
22 the extent practicable, a disproportionate impact on pro se litigants,  
23 and the board is to implement appropriate technology in order to  
24 improve security, data accessibility, affordability, and performance,  
25 and to minimize the burden on pro se litigants.

26 Further, the bill requires the board to make available to the  
27 public on its access service advance notice of every public meeting  
28 and hearing conducted by the board seven calendar days prior to the  
29 day of the meeting or hearing, unless a longer period of advance  
30 notice is required by law, or a shorter period of advance notice is  
31 required, as determined by the board, during an emergency. This  
32 requirement is to apply to every public board meeting or hearing  
33 regardless of the number of board members present at the meeting  
34 or hearing. For these meetings and hearings, the bill requires the  
35 board to provide, in the written advance notice of the meeting or  
36 hearing, a description of any action that may be taken by the board  
37 under each listed agenda item in the notice and to set aside a portion  
38 of the meeting or hearing to allow members of the public to  
39 comment on the subject matter of the action described in the written  
40 advance notice. The bill requires that if a written order, whether in  
41 draft or final form, is prepared for consideration by the board prior  
42 to a meeting, the board is to make available to the public on its  
43 access service the text of the written order seven calendar days prior  
44 to the day of that meeting.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 4556 and 4145**

**STATE OF NEW JERSEY**

DATED: OCTOBER 19, 2020

The Assembly Telecommunications and Utilities Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 4556 and 4145.

As substituted and reported, this bill requires the Board of Public Utilities (BPU) to establish and maintain an electronic public document search system on its website, provide certain notice of its meetings, and hold quarterly public comment meetings.

Specifically, the bill requires the BPU to establish, maintain, and update an electronic public document search system (search system), through the BPU's Internet website, that allows users to obtain BPU proceeding documents and docket information online. The search system is to reflect all filings and comments made to the BPU, in electronic or printed form, and provide for the managing and facilitating of public access to all filings, orders, notices, rulemakings, comments, or other BPU proceeding documents. The search system is to allow parties to electronically file these documents. The search system is to be subject to the specific requirements set forth in the bill. In developing the search system, the BPU is required to implement technology in order to improve security, data accessibility, affordability, and performance, and to minimize the burden on pro se litigants.

The bill requires the BPU to make available to the public on its search system advance notice of every public meeting conducted by the BPU at least five calendar days prior to the day of the meeting, unless a longer period of advance notice is required by law. This provision is to apply to every public BPU meeting, regardless of the number of board members present. For every public meeting, the BPU is to provide in the advance notice of that public meeting a description of any action that may be taken by the BPU under each listed agenda item in the notice.

In order to increase transparency and accountability, the bill requires the BPU to hold a public comment meeting at least once every three months in order to hear from the public and interested stakeholders on policy matters before the BPU and matters as the Legislature may from time to time designate. The public comment meeting is to meet all requirements of the "Senator Byron M. Baer Open Public Meetings Act" and allow for oral or written statements by: 1) any member of the public on any topic germane to the interests of the BPU; and 2) any party to a proceeding or party represented by counsel or a government affairs agent, on specific topics noticed by the

BPU. The BPU is required to adopt written policies governing the conduct of public comment meetings which would maximize public engagement, provide annual notice of the scheduled dates for public comment meetings, allow for post-meeting written comments, and reasonably minimize the inadvertent discussion of pending or impending contested matters. Under the bill, members of the BPU would be permitted to engage in a discussion with an interested party on policy matters, and those discussions would not be considered prohibited ex parte communications.

The bill amends existing law to require that every written order issued by the BPU be served upon the person or public utility affected by the order within seven calendar days from the order's filing, instead of 10 days. The bill requires that every written order be posted on the search system.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 4556 and 4145

# STATE OF NEW JERSEY

DATED: MARCH 22, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill Nos. 4556 and 4145 ACS.

This bill requires the Board of Public Utilities (BPU) to establish and maintain an electronic public document search system on its website, provide certain notice of its meetings, and hold quarterly public comment meetings.

Specifically, the bill requires the BPU to establish, maintain, and update an electronic public document search system (search system), through the BPU's Internet website, that allows users to obtain BPU proceeding documents and docket information online. The search system is to reflect all filings and comments made to the BPU, in electronic or printed form, and provide for the managing and facilitating of public access to all filings, orders, notices, rulemakings, comments, or other BPU proceeding documents. The search system is to allow parties to electronically file these documents. The search system is to be subject to the specific requirements set forth in the bill. In developing the search system, the BPU is required to implement technology in order to improve security, data accessibility, affordability, and performance, and to minimize the burden on pro se litigants.

The bill requires the BPU to make available to the public on its search system advance notice of every public meeting conducted by the BPU at least five calendar days prior to the day of the meeting, unless a longer period of advance notice is required by law. This provision is to apply to every public BPU meeting, regardless of the number of board members present. For every public meeting, the BPU is to provide in the advance notice of that public meeting a description of any action that may be taken by the BPU under each listed agenda item in the notice.

In order to increase transparency and accountability, the bill requires the BPU to hold a public comment meeting at least once every three months in order to hear from the public and interested stakeholders on policy matters before the BPU and matters as the Legislature may from time to time designate. The public comment meeting is to meet all requirements of the "Senator Byron M. Baer Open Public Meetings Act" and allow for oral or written statements

by: 1) any member of the public on any topic germane to the interests of the BPU; and 2) any party to a proceeding or party represented by counsel or a government affairs agent, on specific topics noticed by the BPU. The BPU is required to adopt written policies governing the conduct of public comment meetings which would maximize public engagement, provide annual notice of the scheduled dates for public comment meetings, allow for post-meeting written comments, and reasonably minimize the inadvertent discussion of pending or impending contested matters. Under the bill, members of the BPU would be permitted to engage in a discussion with an interested party on policy matters, and those discussions would not be considered prohibited ex parte communications.

The bill amends existing law to require that every written order issued by the BPU be served upon the person or public utility affected by the order within seven calendar days from the order's filing, instead of 10 days. The bill requires that every written order be posted on the search system.

As reported by the committee, Assembly Bill Nos. 4556 and 4145 ACS is identical to Senate Bill No. 2611 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

# ASSEMBLY, No. 4145

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 11, 2020

**Sponsored by:**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Quijano**

**SYNOPSIS**

Requires BPU to establish and maintain electronic docketing system providing online document access to public.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/19/2020)**



A4145 ZWICKER

2

1 AN ACT requiring the Board of Public Utilities to establish and  
2 maintain an electronic docketing system and supplementing Title  
3 48 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

10 “Board” means the Board of Public Utilities or any successor  
11 agency.

12 “Docket system” means the central, digitized electronic docket  
13 system established by the board pursuant to section 2 of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill).

15 “Official record” means any official record of the board,  
16 including, but not limited to, all rules, regulations, orders, notices,  
17 and meeting minutes of the board, all annual and other reports  
18 produced by the board, all transcribed proceedings of the board, all  
19 testimony and comments from board commissioners and staff, all  
20 filings submitted to the board, and any written comments from the  
21 public as submitted to the board. “Official record” shall not include  
22 any pleading, petition, or complaint filed with the board at any date  
23 10 years prior to the effective date of P.L. , c. (C. )  
24 (pending before the Legislature as this bill) or any pleading,  
25 petition, or complaint determined to be defective by board staff.

26  
27 2. a. The Board of Public Utilities shall establish, maintain,  
28 and update, as appropriate, a docket system that shall contain every  
29 official record of the board. Within 90 days of the effective date of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill),  
31 the board shall make available on its docket system:

32 (1) all official records of the board as of the effective date of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill);

34 (2) all pleadings, petitions, and complaints filed with the board  
35 within 10 years prior to the effective date of P.L. , c. (C. )  
36 (pending before the Legislature as this bill); and

37 (3) all official records created and all pleadings, petitions, and  
38 complaints submitted to the board thereafter.

39 b. All documents provided on the docket system as required  
40 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
41 this bill) shall be available for online downloading by the public  
42 and have online text searching availability. The board shall provide  
43 any document required to be made available on the docket system  
44 within 24 hours of the date the document is submitted to and  
45 accepted by board staff.

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47 3. This act shall take effect immediately.

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STATEMENT

This bill requires the Board of Public Utilities (board) to establish, maintain, and update, as appropriate, a central, digitized electronic docket system (docket system) that is to contain every “official record,” as defined in the bill, of the board. Within 90 days of the effective date of the bill, the board is to make available on its docket system: 1) all official records of the board as of the effective date of the bill; 2) all pleadings, petitions, and complaints filed with the board within 10 years prior to the effective date of the bill; and 3) all official records created and all pleadings, petitions, and complaints submitted to the board thereafter. All documents provided on the docket system as required pursuant to the bill are to be available for online downloading by the public and have online text searching availability. The board is to provide any document required to be made available on the docket system within 24 hours of the date the document is submitted to and accepted by board staff.

# SENATE, No. 2611

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 25, 2020

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Senator Singleton**

**SYNOPSIS**

Requires BPU to establish and maintain electronic public records access service on its website; requires BPU to provide certain notice of its meetings and hearings and allow public comment.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning certain functions and duties of the Board of  
2 Public Utilities and supplementing Title 48 of the Revised  
3 Statutes and amending R.S.48:2-40.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) As used in sections 1 and 2 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill):

10 “Access service” means the electronic public records access  
11 service established, maintained, and updated, as appropriate, by the  
12 board, through the board’s Internet website, pursuant to section 2 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill).

14 “Board” means the Board of Public Utilities or any successor  
15 agency.

16 “Emergency” means a period of time during which the Governor  
17 has declared the existence of a public health emergency, pursuant to  
18 section 3 of P.L.2005, c.222 (C.26:13-3), or a state of emergency,  
19 pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.).

20  
21 2. (New section) a. No later than 90 days after the effective  
22 date of P.L. , c. (C. ) (pending before the Legislature as this  
23 bill), the board shall establish, maintain, and update, as appropriate,  
24 an access service), through the board’s Internet website, that shall  
25 allow users to obtain board proceeding documents and docket  
26 information online. The access service shall allow users to submit  
27 all filings and comments, in electronic or in printed form, to the  
28 board and shall provide for the managing and facilitating of public  
29 access to all filings, orders, notices, rulemakings, comments, or  
30 other board proceeding documents. The access service shall be  
31 subject to all of the following requirements:

32 (1) as soon as practicable, and not later than seven calendar days  
33 after a document is filed with the board, the document shall be  
34 publicly accessible on the access service, unless a longer period of  
35 time is needed, as determined by the board, during an emergency;

36 (2) all documents on the access service shall be available to the  
37 public and to parties before the board free of charge;

38 (3) any information within a document that is prohibited from  
39 public disclosure by law or board order shall be redacted;

40 (4) all documents shall be text-searchable and machine-  
41 readable;

42 (5) to the extent practicable, external websites shall be able to  
43 link documents to the access service;

44 (6) the access service shall include digital audio and visual files  
45 of board recordings when those files become available; and

**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.**

1 (7) the access service shall provide a search function for public  
2 use.

3 b. In developing the access service, the board:

4 (1) shall not impose, to the extent practicable, a disproportionate  
5 impact on pro se litigants; and

6 (2) shall implement technology in order to improve security,  
7 data accessibility, affordability, and performance, and to minimize  
8 the burden on pro se litigants.

9  
10 3. (New section) a. Notwithstanding the provision of written  
11 advance notice of at least 48 hours, but otherwise in conformity  
12 with the other provisions of the "Senator Byron M. Baer Open  
13 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), the Board  
14 of Public Utilities shall make available to the public on its  
15 electronic public records access service, established pursuant to  
16 section 2 of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill), advance notice of every public meeting and hearing  
18 conducted by the board seven calendar days prior to the day of the  
19 meeting or hearing, unless a longer period of advance notice is  
20 required by law, or a shorter period of advance notice is required, as  
21 determined by the board, during an emergency. The provision of  
22 this subsection shall apply to every public board meeting or hearing  
23 regardless of the number of board members present at the meeting  
24 or hearing.

25 b. For every public meeting or hearing conducted by the Board  
26 of Public Utilities, as authorized by law, the board shall:

27 (1) provide, in the advance notice of that public meeting or  
28 hearing, pursuant to subsection a. of this section, a description of  
29 any action that may be taken by the board under each listed agenda  
30 item in the notice; and

31 (2) set aside a portion of the meeting or hearing to allow  
32 members of the public to comment on the subject matter of the  
33 action described in the written advance notice.

34 c. As used in this subsection, "emergency" means a period of  
35 time during which the Governor has declared the existence of a  
36 public health emergency, pursuant to section 3 of P.L.2005, c.222  
37 (C.26:13-3), or a state of emergency, pursuant to P.L.1942, c.251  
38 (C.App.A:9-33 et seq.), within this State.

39

40 4. R.S.48:2-40 is amended to read as follows:

41 48:2-40. a. A majority vote of the board shall be necessary to  
42 the issuance of an order.

43 b. (1) After the effective date of P.L.2011, c.63, the board  
44 shall issue every order in written form. After the effective date of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill), if  
46 a written order, whether in draft or final form, is prepared for  
47 consideration by the board prior to a meeting, the board shall make  
48 available to the public on its electronic public records access

1 service, established pursuant to section 2 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill), the text of the written  
3 order seven calendar days prior to the day of that meeting.

4 (2) If a matter is an emergency that affects public health and  
5 safety, the board may issue a temporary order on the matter orally,  
6 but shall within 14 days thereafter issue the order as a written order  
7 that does not differ substantively from the oral order. Any board  
8 order issued orally may be made effective immediately, but,  
9 regardless of its effective date, if that order is not issued in written  
10 form within 14 calendar days thereafter, or the written order is  
11 substantively different from the oral order, the oral order shall be  
12 void and of no effect as of the 15th calendar day after its issuance.

13 c. The board shall issue any written order by filing a copy  
14 thereof with the board secretary. Every written order issued by the  
15 board shall be:

16 (1) served upon the person or public utility affected thereby  
17 within **ten** seven calendar days from its filing by personally  
18 delivering or by mailing a certified copy thereof in a sealed package  
19 with postage prepaid to the person affected or to an officer or agent  
20 of the public utility upon whom a summons may be served; and

21 (2) posted **upon the Internet website of the board** on its  
22 electronic public records access service, established pursuant to  
23 section 2 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill), within seven calendar days from its filing.

25 d. All written orders of the board shall become effective upon  
26 service thereof or upon such dates after the service thereof as may  
27 be specified therein.

28 e. The board at any time may order a rehearing and extend,  
29 revoke, or modify an order made by it.

30 (cf: P.L.2011, c.63, s.1)

31

32 5. This act shall take effect on the 90th day after the date of  
33 enactment and the Board of Public Utilities may take any  
34 anticipatory administrative action in advance thereof as shall be  
35 necessary for the timely implementation of P.L. , c. (C. )  
36 (pending before the Legislature as this bill).

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#### STATEMENT

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41 This bill requires the Board of Public Utilities (board) to  
42 establish, maintain, and update, as appropriate, an electronic public  
43 records access service (access service) through the board's Internet  
44 website that allows users to obtain board proceeding documents and  
45 docket information online. The access service is to allow users to  
46 submit all filings and comments, in electronic or in printed form, to  
47 the board and provide for the managing and facilitating of public

1 access to all filings, orders, notices, rulemakings, comments, or  
2 other board proceeding documents.

3 The access service is to be subject to the following requirements:

4 1) as soon as practicable, and not later than three business days  
5 after a document is filed with the board, the document is to be  
6 publicly accessible on the access service, unless a longer period of  
7 time is needed, as determined by the board, during an “emergency,”  
8 as that term is defined in the bill;

9 2) all documents on the access service are to be available to the  
10 public and to parties before the board free of charge;

11 3) any information within a document that is prohibited from  
12 public disclosure by law or board order is to be redacted;

13 4) all documents are to be text-searchable and machine-  
14 readable;

15 5) to the extent practicable, external websites are to be able to  
16 link documents to the access service;

17 6) the access service is to include digital audio and visual files  
18 of board recordings when those files become available; and

19 7) the access service is to provide a search function for public  
20 use.

21 In developing the access service, the board is not to impose, to  
22 the extent practicable, a disproportionate impact on pro se litigants,  
23 and the board is to implement appropriate technology in order to  
24 improve security, data accessibility, affordability, and performance,  
25 and to minimize the burden on pro se litigants.

26 Further, the bill requires the board to make available to the  
27 public on its access service advance notice of every public meeting  
28 and hearing conducted by the board seven calendar days prior to the  
29 day of the meeting or hearing, unless a longer period of advance  
30 notice is required by law, or a shorter period of advance notice is  
31 required, as determined by the board, during an emergency. This  
32 requirement is to apply to every public board meeting or hearing  
33 regardless of the number of board members present at the meeting  
34 or hearing. For these meetings and hearings, the bill requires the  
35 board to provide, in the written advance notice of the meeting or  
36 hearing, a description of any action that may be taken by the board  
37 under each listed agenda item in the notice and to set aside a portion  
38 of the meeting or hearing to allow members of the public to  
39 comment on the subject matter of the action described in the written  
40 advance notice. The bill requires that if a written order, whether in  
41 draft or final form, is prepared for consideration by the board prior  
42 to a meeting, the board is to make available to the public on its  
43 access service the text of the written order seven calendar days prior  
44 to the day of that meeting.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2611**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 17, 2020

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2611 with committee amendments.

This bill, as amended, would require the Board of Public Utilities (BPU) to establish and maintain an electronic public document search system on its website, and provide certain notice of its meetings and hold quarterly public comment meetings.

Specifically, the bill would require the BPU to establish, maintain, and update an electronic public document search system, through the BPU's Internet website, that allows users to obtain BPU proceeding documents and docket information online. The search system would reflect all filings and comments made to the BPU, in electronic or printed form, and provide for the managing and facilitating of public access to all filings, orders, notices, rulemakings, comments, or other BPU proceeding documents. The search system would also allow parties to electronically file these documents. The search system would be subject to the specific requirements set forth in subsection a. of section 2 of the bill. In developing the search system, the BPU would be required to implement technology in order to improve security, data accessibility, affordability, and performance, and to minimize the burden on pro se litigants.

The bill would also require the BPU to make available to the public on its public document search system advance notice of every public meeting conducted by the BPU at least five calendar days prior to the day of the meeting, unless a longer period of advance notice is required by law. This provision would apply to every public BPU meeting, regardless of the number of board members present. For every public meeting, the BPU would provide, in the advance notice of that public meeting, a description of any action that may be taken by the BPU under each listed agenda item in the notice.

In order to increase transparency and accountability, the bill would require the BPU to hold a public comment meeting at least once every three months in order to hear from the public and interested stakeholders on policy matters before the BPU and matters as the Legislature may from time to time designate. The public comment meeting would be required to meet all requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6



et seq.) and allow for oral or written statements by: (1) any member of the public on any topic germane to the interests of the BPU; and (2) any party to a proceeding or party represented by counsel or a government affairs agent, on specific topics noticed by the BPU. The BPU would be required to adopt written policies governing the conduct of public comment meetings which would maximize public engagement, provide annual notice of the scheduled dates for public comment meetings, allow for post-meeting written comments, and reasonably minimize the inadvertent discussion of pending or impending contested matters. Under the bill, members of the BPU would be permitted to engage in a discussion with an interested party on policy matters, and those discussions would not be considered prohibited ex parte communications.

The bill would amend existing law to require that every written order issued by the BPU be served upon the person or public utility affected thereby within seven calendar days from its filing, instead of ten days. The bill would also require that every written order be posted on the BPU's public document search system.

The amendments to the bill would:

(1) require the BPU to establish an "electronic public document search system," rather than an "access service," and change the requirements for the search system;

(2) require that the search system allow parties to electronically file documents;

(3) provide that the BPU may take longer than seven days to publish a document on the search system if there is an emergency, or in order to address confidentiality, other privacy claims, or digitization of non-electronic records;

(4) provide that information that is prohibited from disclosure by law or BPU order is exempt from inclusion in the search system;

(5) require the BPU to encourage the filing of documents in text-searchable and machine-readable formats;

(6) require the BPU to provide access to all digital audio and visual files on its website, and to explore the technical and financial practicality of including its recordings on the search system;

(7) remove the requirement that the BPU not impose, to the extent practicable, a disproportionate impact on pro se litigants;

(8) require that the BPU provide advance notice of every public meeting conducted by the BPU five calendar days prior to the day of the meeting, rather than seven days;

(9) remove language that would have allowed the BPU to provide shorter notice of a meeting during an emergency;

(10) provide that nothing in the bill would prohibit the BPU from updating a meeting agenda or adding or removing an agenda item, and providing an updated agenda within the five day period;

(11) remove the requirement that the BPU set aside a portion of each public meeting to allow members of the public to comment on the subject matter of the meeting;

(12) provide that members of the BPU may engage in discussions with interested parties on policy matters, as defined in the bill, and that those discussions are not considered prohibited ex parte communications;

(13) require the BPU to hold quarterly public comment meetings in order to hear from the public and interested stakeholders on policy matters before the BPU and matters as the Legislature may from time to time designate;

(14) require that public comment meetings meet the requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) and allow for oral or written statements by members of the public and any party to a proceeding or party represented by counsel or a government affairs agent;

(15) require the BPU to adopt written policies to govern the conduct of public comment meetings;

(16) remove a requirement that the BPU publish any written order, whether in draft or final form, prepared for consideration by the BPU seven calendar days prior to the day of the meeting;

(17) make technical corrections to the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2611**

# **STATE OF NEW JERSEY**

DATED: MARCH 22, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2611 (1R).

This bill would require the Board of Public Utilities (BPU) to establish and maintain an electronic public document search system on its website, and provide certain notice of its meetings and hold quarterly public comment meetings.

Specifically, the bill would require the BPU to establish, maintain, and update an electronic public document search system, through the BPU's Internet website, that allows users to obtain BPU proceeding documents and docket information online. The search system would reflect all filings and comments made to the BPU, in electronic or printed form, and provide for the managing and facilitating of public access to all filings, orders, notices, rulemakings, comments, or other BPU proceeding documents. The search system would also allow parties to electronically file these documents. The search system would be subject to the specific requirements set forth in subsection a. of section 2 of the bill. In developing the search system, the BPU would be required to implement technology in order to improve security, data accessibility, affordability, and performance, and to minimize the burden on pro se litigants.

The bill would also require the BPU to make available to the public on its public document search system advance notice of every public meeting conducted by the BPU at least five calendar days prior to the day of the meeting, unless a longer period of advance notice is required by law. This provision would apply to every public BPU meeting, regardless of the number of board members present. For every public meeting, the BPU would provide, in the advance notice of that public meeting, a description of any action that may be taken by the BPU under each listed agenda item in the notice.

In order to increase transparency and accountability, the bill would require the BPU to hold a public comment meeting at least once every three months in order to hear from the public and interested stakeholders on policy matters before the BPU and matters as the Legislature may from time to time designate. The public comment meeting would be required to meet all requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6

et seq.) and allow for oral or written statements by: (1) any member of the public on any topic germane to the interests of the BPU; and (2) any party to a proceeding or party represented by counsel or a government affairs agent, on specific topics noticed by the BPU. The BPU would be required to adopt written policies governing the conduct of public comment meetings which would maximize public engagement, provide annual notice of the scheduled dates for public comment meetings, allow for post-meeting written comments, and reasonably minimize the inadvertent discussion of pending or impending contested matters. Under the bill, members of the BPU would be permitted to engage in a discussion with an interested party on policy matters, and those discussions would not be considered prohibited ex parte communications.

The bill would amend existing law to require that every written order issued by the BPU be served upon the person or public utility affected thereby within seven calendar days from its filing, instead of ten days. The bill would also require that every written order be posted on the BPU's public document search system.

As reported by the committee, Senate Bill No. 2611 (1R) is identical to Assembly Bill No. 4556/4145 (ACS), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

# Governor Murphy Takes Action on Legislation

05/12/2021

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**A-740/S-2846 (Johnson, Conaway, DeCroce/Gopal, Singleton)** – Requires State agencies in awarding contracts for purchase of items that require power source to consider items powered by fuel cells

**A-3384/S-3171 (McKeon/Pou)** – Makes various revisions to "Uniform Fraudulent Transfer Act"; renames act to "Uniform Voidable Transactions Act"

**A-4240/S-2855 (Downey, Vainieri Huttle, Houghtaling, Coughlin/Pou, Turner)** – Provides for technological upgrade of application process for Supplemental Nutrition Assistance Program

**A-4246/S-3175 (Verrelli, Benson, Vainieri Huttle/Pou, Corrado)** – Permits expedited licensure in mental health professions for certain individuals during state of emergency or public health emergency

**A-4477/S-2789 (Chiaravalloti, Conaway, Downey/Vitale, Weinberg)** – Revises licensure, operational, and reporting requirements for nursing homes

**ACS for A-4556 and 4145/S-2611 (Karabinchak, Zwicker, Quijano/Smith, Bateman)** – Requires BPU to establish and maintain electronic public document search system on its website; requires BPU to provide certain notice of its meetings and hold quarterly public comment meetings

**A-4671/S-3326 (Schaer, Swain, Tully/Ruiz, Singleton)** – Requires public and local utilities to provide notice to residential customers of available relief measures during coronavirus disease 2019 pandemic

**ACS for A-4805/SCS for S-3169 (Freiman, Tully, Danielsen/Pou, Gopal)** – Requires certain insurers to provide summary concerning business interruption insurance

**A-4806/S-3188 (Dancer, Chiaravalloti/Pou, Singleton)** – Permits municipalities to authorize programs encouraging local shopping through property tax rewards; validates certain related municipal actions

**A-4932/S-3066 (Johnson, Murphy, Downey/Pou)** – Permits use of alternate names by limited liability partnerships

**A-5222/S-3306 (Mukherji, Verrelli, Lopez/Diegnan, Turner)** – Authorizes optometrists to administer immunizations against coronaviruses and influenza under certain circumstances

Governor Murphy conditionally vetoed the following bills:

**A-850/S-2864 (Chiaravalloti, Karabinchak, Reynolds-Jackson/Oroho, Singleton)** – **CONDITIONAL** – Establishes "Broadband Access Study Commission"

[Copy of Statement](#)

**A-2116/S-2009 (Tully, Swain, Armato/Lagana)** – **CONDITIONAL** – Requires State Treasurer to submit report to Legislature every six months identifying deadlines for applications for federal funds by State

agencies

Copy of Statement