

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.