

Committee Report

CONSENT CALENDAR

May 12, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Finance to which was referred SB 85-FN,

AN ACT establishing a broadband matching grant initiative and fund. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Tracy Emerick

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Finance
Bill Number:	SB 85-FN
Title:	establishing a broadband matching grant initiative and fund.
Date:	May 12, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1328h

STATEMENT OF INTENT

This bill establishes the broadband matching grant initiative and fund. Because the COVID-19 pandemic has shown the absolute necessity for broadband Internet access for all New Hampshire residents for work, education, medicine, social interaction, and other purposes, this bill establishes a matching grant that utilizes state and federal funds shall be matched by a political subdivision and private funds is essential to improved broadband access. The general court recognizes that a public-private partnership is essential to developing broadband access required in New Hampshire. With the passage of the federal ARA, the state expects to receive infrastructure money from the federal government that can be used to fund the state's matching grant portion. The amendment allows either the Office of Strategic Initiatives (OSI) of the Department of Energy to manage the grant process. The amendment is necessary because OSI would disband after the passage of the budget.

Vote 21-0.

Rep. Tracy Emerick
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Finance

SB 85-FN, establishing a broadband matching grant initiative and fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill establishes the broadband matching grant initiative and fund. Because the COVID-19 pandemic has shown the absolute necessity for broadband Internet access for all New Hampshire residents for work, education, medicine, social interaction, and other purposes, this bill establishes a matching grant that utilizes state and federal funds shall be matched by a political subdivision and private funds is essential to improved broadband access. The general court recognizes that a public-private partnership is essential to developing broadband access required in New Hampshire. With the passage of the federal ARA, the state expects to receive infrastructure money from the federal government that can be used to fund the state's matching grant portion. The amendment allows either the Office of Strategic Initiatives (OSI) of the Department of Energy to manage the grant process. The amendment is necessary because OSI would disband after the passage of the budget.

Vote 21-0.

Amendment to SB 85-FN

1 Amend the bill by replacing all after section 3 with the following:

2

3 4 New Subdivision; Broadband Matching Grant Initiative; Department of Energy. Amend RSA
4 12-P by inserting after section 15 the following new subdivision:

5

Broadband Matching Grant Initiative

6

12-P:16 Broadband Matching Grant Initiative Established.

7

8 I. There is hereby established within the department of energy a broadband matching grant
9 initiative, the purpose of which shall be to provide matching grants to broadband providers, political
10 subdivisions, and communications districts in order to improve broadband availability across the
11 state. When awarding grants, the department shall take into consideration broad geographic
12 coverage of broadband services in New Hampshire and participation of political subdivisions and
broadband providers in the grant process that will support business and residential users.

13

14 II. Eligible projects shall provide high speed Internet access in unserved areas of the state
15 that lack access to broadband services, as defined in RSA 38:38, I(f), from at least one broadband
provider.

16

17 III. Any broadband provider, political subdivision, or communications district formed under
18 RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project.
19 Projects under construction at the time of application shall be ineligible. Projects in the planning
stages shall be eligible.

20

12-P:17 Program Guidelines; Rulemaking.

21

22 I. The department of energy shall adopt rules under RSA 541-A, relative to grant application
and distribution procedures.

23

II. The rules shall, at a minimum, include the following:

24

25 (a) Establishment of a technology-neutral competitive grant process based on objective
criteria.

26

27 (b) Establishment of a challenge process, with reasonable timelines, through which
28 information may be provided to the state to ensure that funds are not used to build projects in served
29 areas or areas where construction of a network to provide broadband service is planned to be
complete within one year.

30

31 (c) A method to ensure an applicant's trade secrets, financial information, and
32 proprietary information submitted as part of an application are exempt from disclosure under RSA
91-A.

Amendment to
- Page 2 -

1 (d) Establishment of a process that promotes faster service, up to and including gigabit
2 service.

3 III. The department of energy shall ensure that any grants awarded to broadband providers
4 are provided with an appropriate level of consultation with the local governing bodies and a
5 determination that the grants advance the goal of deploying broadband to unserved areas within
6 communities.

7 IV. Eligible costs for the program shall include, but are not limited to:

8 (a) Costs associated with access to utility poles and other necessary structures.

9 (b) Construction of broadband network infrastructure in eligible areas.

10 (c) Construction of service connections to individual homes or businesses.

11 (d) Upgrades to existing infrastructure that currently provides service that does not
12 meet the minimum definition of broadband in RSA 38:38, I(c).

13 (e) All other costs directly attributable to the construction project. In cases where a cost
14 is shared with another ongoing project, shared costs shall be prorated.

15 (f) Planning costs related to network design and program eligibility.

16 V. Eligible costs shall not include any operating expenses or other recurring costs.

17 VI. The broadband provider, political subdivision, or communications district shall provide a
18 minimum of 50 percent of the total cost of the project. Sources of the match may include revenue
19 bonds issued by the political subdivision, bonds issued by the communication district, or private
20 investment by broadband providers either jointly or independently. Sources of the match provided
21 by broadband providers shall not include other federal or state funding awarded specifically to
22 support the expansion of broadband networks.

23 VII. The department of energy shall not, as a condition of an award of grant money, impose
24 any requirement, rate regulation, or other term or condition of service that differs from the
25 applicant's terms or conditions of service in its other service areas.

26 12-P:18 Broadband Matching Grant Fund.

27 I. There is hereby established the broadband matching grant fund. The fund shall be kept
28 separate and distinct from all other funds and shall be continually appropriated to the commissioner
29 of the department of energy for the purposes of this subdivision. In addition to state appropriations,
30 the department may accept gifts, grants, and donations for deposit into the fund.

31 II. Any federal funds received by the state for the purposes of expanding or improving
32 Internet access that are not otherwise committed to other programs or required by the federal
33 legislation authorizing the funds shall be deposited into the broadband matching grant fund.

34 5 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12,
35 I(b) by inserting after subparagraph (364) the following new subparagraph:

36 (365) Moneys deposited in the broadband matching grant fund under RSA 12-P:18.

Amendment to
- Page 3 -

1 6 Contingency. If HB 2 of the 2021 general legislative session becomes law and includes
2 provisions establishing a department of energy, sections 4 and 5 of this act shall take effect on July
3 1, 2021, and sections 2 and 3 of this act shall not take effect. If HB 2 does not become law, and/or
4 does not include provisions establishing a department of energy, sections 2 and 3 of this act shall
5 take effect on July 1, 2021, and sections 4 and 5 of this act shall not take effect.

6 7 Effective Date.

7 I. Sections 2-5 of this act shall take effect as provided in section 6 of this act.

8 II. The remainder of this act shall take effect on July 1, 2021.

**Amendment to
- Page 4 -**

2021-1328h

AMENDED ANALYSIS

This bill establishes the broadband matching grant initiative and fund in the office of strategic initiatives. The bill also includes contingent provisions to establish the initiative within the department of energy.

Voting Sheets

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 85-FN

BILL TITLE: establishing a broadband matching grant initiative and fund.

DATE: May 10, 2021

LOB ROOM: REMOTE

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Emerick Seconded by Rep. L. Ober AM Vote: 21-0

Amendment # 2021-1328h

Moved by Rep. Emerick Seconded by Rep. L. Ober Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

EXECUTIVE SESSION on SB 85-FN

BILL TITLE: establishing a broadband matching grant initiative and fund.

DATE: 10 MAY 21

LOB ROOM: 210-211 + zoom

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 1328h (if offered) Interim Study (2nd year)

Moved by Rep. Emerick Secended by Rep. O'Brien Vote: 21-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # (if offered) Interim Study (2nd year)

Moved by Rep. Emerick Secended by Rep. O'Brien Vote: 21-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # (if offered) Interim Study (2nd year)

Moved by Rep. Secended by Rep. Vote:

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # (if offered) Interim Study (2nd year)

Moved by Rep. Secended by Rep. Vote:

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Motion

Respectfully submitted:

Rep Joseph Pitre, Clerk



2021 SESSION

Finance

Bill #: SB85 Motion: OTP/A AM # (2021-1328h) Exec Session Date: 10 MAY 2021

Members	YEAS	Nays	NV
Veyler, Kenneth L. Chairman	21		
Ober, Lynne M. Vice Chairman	1		
Imberger, Karen C.	2		
Danielson, David J. Rep Renzullo	3		
Theberge, Robert L.	4		
Witke, Joseph A. Clerk	5		
Wimmerick, Tracy	6		
Wright, Keith	7		
Griffin, Gerald	8		
Edwards, Jess C.	9		
Dean, Harry H.	10		
Wynn, Bob J.	11		
Wallner, Mary Jane	12		
Wardgren, Sharon L.	13		
Waco, Thomas L.	14		
Wishman, Peter R. Rep GRASSIE	15		
Witch, William A.	16		
Wongers, Katherine D.	17		
Walz, Mary Beth	18		
Wath, Mary	19		
Wurray, Kate R.	20		

Total 21 0



2021 SESSION

Finance

Bill #: SB-85 Motion: GTP AM #: ²⁰²¹⁻1328h Exec Session Date: 10 MAY 2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Veyler, Kenneth L. Chairman	21		
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Danielson, David J. <i>Rep Renzullo</i>	3		
Theberge, Robert L.	4		
Titre, Joseph A. Clerk	5		
Merick, Tracy	6		
rf, Keith	7		
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dwards, Jess C.	9		
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ynn, Bob J.	11		
allner, Mary Jane	12		
ordgren, Sharon L.	13		
uco, Thomas L.	14		
ishman, Peter R. <i>Rep GRASSIE</i>	15		
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ogers, Katherine D.	17		
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UNAPPROVED

2021-1328h

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UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON SB 85-FN

BILL TITLE: establishing a broadband matching grant initiative and fund.

DATE: May 10, 2021

LOB ROOM: REMOTE **Time Public Hearing Called to Order:** 10:53 a.m.

Time Adjourned: 11:39 a.m.

Committee Members: Reps. Weyler, L. Ober, Pitre, Umberger, Danielson, Theberge, Emerick, Erf, G. Griffin, Edwards, Bean, Lynn, Wallner, Nordgren, Buco, Leishman, Hatch, Rogers, Walz, Heath and K. Murray

Bill Sponsors:

Sen. Bradley

Sen. Cavanaugh

Sen. Avard

Sen. Prentiss

Sen. Sherman

Sen. Ward

Sen. Watters

Sen. Daniels

Sen. Gannon

Sen. Giuda

Sen. Rosenwald

Sen. D'Allesandro

Sen. Hennessey

Sen. Carson

Rep. Umberger

Rep. Marsh

Rep. Cushing

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Bra

Sen. Bradley, sponsor, introduced funds a 50-50 match. Match of funds from either federal or state source. Retroactive to January 21.

Rep. Edwards - Are matching funds asking to compete with lower standard of service? Bond timing payback?

Sen. Bradley - Municipal bonds not favored but doable.

Rep. L. Ober - Amendments conflict, Will it affect existing spending?

Sen. Bradley - This does not affect existing spending.

Sen. Kahn - If projects are in the que for implementation towns are waiting for funding in many cases.

Rep. Ober - Are those involved working on joint amendment?

Rep. Edwards - Federal standard vs. this standard?

Sen. Kahn - 25mx3meg Towns sets RFP and xxxx their own standard. Could federal standard and get grant..

Sen. Bradley - Can this bill be xxxxxxxx through HB 2 in the Senate?

Rep. Nordgren - Is process to xxxxx?

Chris Norwood, NH Association of Realtors - Need SB 85. Fast reliable service is necessity. Adds 6% to home sale value.

Maura Weston, NE Cable and Telecommunications Assoc. - Will attract Internet providers and their expertise. Services unserved areas.

John Pasquarelli - Federal standard DSL 3mb, his system DSL. Fiber optics better much like phone network. Should not limit already existing customers from increasing existing service standard.

Lisa Steadman, Troy - Will in process be affected and be included in program?

Tim Bascom - Is timing critical to receiving grant?

Respectfully submitted,

Rep. Joseph Pitre
Clerk

PUBLIC HEARING ON SB 85

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DATE: 10 May 2021

LOB ROOM: 210-211 + zoom

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TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SEN BRADLEY INTRODUCES SB 85 FUNDS A 50-50 MATCH.
MATCH OF FUNDS FROM EITHER FED OR STATE
SOURCE. RETROACTIVE TO JAN 21

REP EDWARDS - ARE MATCHING FUNDS ASKING TO COMPLETE
WITH LOWER STANDARD OF SERVICE.

ARE BOND TIMING PAYBACK?

SEN BRADLEY - MUNICIPAL BONDS NOT FAVORED BUT
DOABLE

REP OBER - AMENDMENTS CONFLICT.
WILL IT AFFECT EXISTING SPENDING

SEN BRADLEY - THIS DOES NOT AFFECT EXISTING SPENDING

SEN KAHN
IS PROJECT. ARE IN THE "Q" FOR IMPLEMENTATION
TOWNS ARE WAITING FOR FUNDING IN MANY CASES

REP OBER
ARE YOU INVOLVED WORKING ON JOINT AMENDMENT?

REP EDWARDS
FED STANDARD VS. THIS STD?

SEN KAHN
25m x 3meg
TOWNS SETS REQ AND RECEIVE THEIR OWN STANDARD
COULD EXCEED FED STANDARD AND GET GRANT.

SEN BRADLEY - CAN THIS BE
PROPOSED THROUGH HB 2 IN THE SENATE?
REP NORDGREN IS PROCESS TO CHECK?

CHRIS NORWOOD REALTORS GROUP - NEED SB 85, FAST RELIABLE SERVICE
A NECESSITY? ADDS 6% TO HOME SALE VALUE
NEW ENGLAND PROVIDERS
WILL ATTRACT INTERNET PROVIDERS & THEIR EXPERTISE.

PUBLIC HEARING ON SB 85

BILL TITLE: Establishing a broadband matching grant initiative and fund.

DATE: 10 May 2021

LOB ROOM: 210-211 + zoom

Time Public Hearing Called to Order: 10:53 AM

Time Adjourned: 11:39 AM

SB 85

Ms. Weston Services UNSEALED AREAS

~~DANIEL~~
JOHN

PASQUARELLI -

Fed STD DSL, ^{HIS SYSTEM} 3mb DSL

Fiber optics better much like phone networks
Should not limit already existing customers
FROM INCREASING existing service STD.

LISA STEADMAN - TROY

will in process be affected and
be included in program

Tom BASCOM - ESTIMATING CRITICAL to receiving GRANT.

House Remote Testify

Finance Committee Testify List for Bill SB85 on 2021-05-10

Support: 93 Oppose: 0 Neutral: 0 Total to Testify: 4

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
Kahn, Jay	Keene, NH jessica.bourque@leg.state.nh.us	An Elected Official	Senate District 10	Support	Yes (5m)	No
Bradley, Jeb	Concord, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3 (Prime)	Support	Yes (4m)	No
Norwood, Chris	Bedford, NH Bob@nhar.com	A Member of the Public	NH Association of REALTORS	Support	Yes (2m)	No
Weston, Maura	Concord, NH mauraweston@comcast.net	A Lobbyist	New England Cable and Telecommunications Association	Support	Yes (0m)	No
Northrop, Faith	Durham, NH f.northrop@comcast.net	A Member of the Public	Myself	Support	No	No
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No
Christina, Barrett	Concord, NH bchristina@nhsba.org	A Lobbyist	New Hampshire School Boards Association	Support	No	No
St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	No
Bergevin, Leslie	Loudon, NH Leslie.bergevin@gmail.com	A Member of the Public	Myself	Support	No	No
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No
Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No
West, Christie	Mont Vernon, NH christiemwest@gmail.com	A Member of the Public	Myself	Support	No	No
Smith, Sara	Pembroke, NH sara.rose.ssmith@gmail.com	A Member of the Public	Myself	Support	No	No
Wells, Lee	Andover, NH leewells.locustfarm@gmail.com	A Member of the Public	Myself	Support	No	No
KARRICK, DAVID	NH, NH davidonpumpkinhill@yahoo.com	A Member of the Public	Myself	Support	No	No
Westlake, Jane	Center Barnstead, NH janewestlake57@gmail.com	A Member of the Public	Myself	Support	No	No
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No
Rosenberger, Teresa	Concord, NH Trosenberger@bernsteinshur.com	A Lobbyist	NH Telephone Association	Support	No	No

Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No
Folsom, Andrea	Hopkinton, NH aahfolsom@gmail.com	A Member of the Public	Myself	Support	No	No
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	A Member of the Public	Myself	Support	No	No
Brown, William	Mont Vernon, NH brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No
Sherman, Senator Tom	SD24, NH jennifer.horgan@leg.state.nh.us	An Elected Official	SD24	Support	No	No
Brown, Morgan	Mont Vernon, NH mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No
Liberman, Sheryl	Merrimack, NH sam154@comcast.net	A Member of the Public	Myself	Support	No	No
Minton, Faith	Warner, New Hampshire, NH minton.faiht@gmail.com	A Member of the Public	Myself	Support	No	No
Donahue, Nancy	Campton, NH Nancyd114@roadrunner.com	A Member of the Public	Myself	Support	No	No
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No
Hinebauch, Melissa	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No
King, Walter	Dover, NH genedocwk@comcast.net	A Member of the Public	Myself	Support	No	No
Cevasco, Karin	Milford, NH Karin.Cevasco@gmail.com	A Member of the Public	Myself	Support	No	No
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	No
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	No
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No
Hatch, Sally	Concord, NH SALLYHATCH@COMCAST.COM	A Member of the Public	Myself	Support	No	No
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	District 23	Support	No	No
McNutt, Doug	Concord, NH dmcnutt@aarp.org	A Lobbyist	AARP	Support	No	No
Smiley, Julie	Amherst, NH smilesjusa@yahoo.com	A Member of the Public	Myself	Support	No	No
perencevich, ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No
Cutshall, Catherine	Bedford, NH vivadofamily@aol.com	A Member of the Public	Myself	Support	No	No
Vivado, Mauricio	Bedford, NH maumajo@aol.com	A Member of the Public	Myself	Support	No	No
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No

Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No
McLeod, Martha	Franconia, NH mmcleod823@gmail.com	A Member of the Public	Myself	Support	No	No
Reed, Barbara	NORTH SWANZEY, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No
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Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	No
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	SD 14	Support	No	No
Giuda, Bob	Warren, NH bob.giuda@leg.state.nh.us	An Elected Official	NH Senate District 2	Support	No	No
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself (SD 4)	Support	No	No
Isaak, James	Bedford, NH cvd@JimIsaak.com	A Member of the Public	Myself	Support	No	No
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Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No
Scarponi, Ellen	Canterbury, NH ellenscarp1@gmail.com	A Lobbyist	Consolidated Communications	Support	No	No
O'Neill, Nan	Salisbury, NH Raptorko@gmail.com	A Member of the Public	Myself	Support	No	No
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Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No

Bill
as
Amended
by the
Senate

SB 85-FN - AS AMENDED BY THE SENATE

03/04/2021 0449s

2021 SESSION

21-0832
05/10

SENATE BILL

85-FN

AN ACT

establishing a broadband matching grant initiative and fund.

SPONSORS:

Sen. Bradley, Dist 3; Sen. Cavanaugh, Dist 16; Sen. Avard, Dist 12; Sen. Prentiss, Dist 5; Sen. Sherman, Dist 24; Sen. Ward, Dist 8; Sen. Watters, Dist 4; Sen. Daniels, Dist 11; Sen. Gannon, Dist 23; Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Hennessey, Dist 1; Sen. Carson, Dist 14; Rep. Umberger, Carr. 2; Rep. Marsh, Carr. 8; Rep. Cushing, Rock. 21

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill establishes the broadband matching grant initiative and fund in the office of strategic initiatives.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT establishing a broadband matching grant initiative and fund.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Findings and Purpose. The COVID-19 pandemic has shown the absolute necessity for
2 broadband Internet access for all New Hampshire residents for working, education, medicine, social
3 interaction, and other purposes. The pandemic has also shown gaps in adequate coverage primarily
4 in rural areas of New Hampshire. Increasingly residents are going to require better access to
5 broadband at a sufficient upload and download speed. A matching grant that utilizes state and
6 federal funds shall be matched by political subdivision and private funds is essential to improved
7 broadband access. The general court recognizes that a public-private partnership is essential to
8 developing broadband access required in New Hampshire.

9 2 New Subdivision; Broadband Matching Grant Initiative. Amend RSA 4-C by inserting after
10 section 37 the following new subdivision:

11 Broadband Matching Grant Initiative

12 4-C:38 Broadband Matching Grant Initiative Established.

13 I. There is hereby established within the office of strategic initiatives a broadband matching
14 grant initiative, the purpose of which shall be to provide matching grants to broadband providers,
15 political subdivisions, and communications districts in order to improve broadband availability
16 across the state. When awarding grants, the office of strategic initiatives shall take into
17 consideration broad geographic coverage of broadband services in New Hampshire and participation
18 of political subdivisions and broadband providers in the grant process that will support business and
19 residential users.

20 II. Eligible projects shall provide high speed Internet access in unserved areas of the state
21 that lack access to broadband services, as defined in RSA 38:38, I(f), from at least one broadband
22 provider.

23 III. Any broadband provider, political subdivision, or communications district formed under
24 RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project.
25 Projects under construction at the time of application shall be ineligible. Projects in the planning
26 stages shall be eligible.

27 4-C:39 Program Guidelines; Rulemaking.

28 I. The office of strategic initiatives shall adopt rules under RSA 541-A and RSA 4-C:5,
29 relative to grant application and distribution procedures.

30 II. The rules shall, at a minimum, include the following:

1 (a) Establishment of a technology-neutral competitive grant process based on objective
2 criteria.

3 (b) Establishment of a challenge process, with reasonable timelines, through which
4 information may be provided to the state to ensure that funds are not used to build projects in served
5 areas or areas where construction of a network to provide broadband service is planned to be
6 complete within one year.

7 (c) A method to ensure an applicant's trade secrets, financial information, and
8 proprietary information submitted as part of an application are exempt from disclosure under RSA
9 91-A.

10 (d) Establishment of a process that promotes faster service, up to and including gigabit
11 service.

12 III. The office of strategic initiatives shall ensure that any grants awarded to broadband
13 providers are provided with an appropriate level of consultation with the local governing bodies and
14 a determination that the grants advance the goal of deploying broadband to unserved areas within
15 communities.

16 IV. Eligible costs for the program shall include, but are not limited to:

17 (a) Costs associated with access to utility poles and other necessary structures.

18 (b) Construction of broadband network infrastructure in eligible areas.

19 (c) Construction of service connections to individual homes or businesses.

20 (d) Upgrades to existing infrastructure that currently provides service that does not
21 meet the minimum definition of broadband in RSA 38:38, I(c).

22 (e) All other costs directly attributable to the construction project. In cases where a cost
23 is shared with another ongoing project, shared costs shall be prorated.

24 (f) Planning costs related to network design and program eligibility.

25 V. Eligible costs shall not include any operating expenses or other recurring costs.

26 VI. The broadband provider, political subdivision, or communications district shall provide a
27 minimum of 50 percent of the total cost of the project. Sources of the match may include revenue
28 bonds issued by the political subdivision, bonds issued by the communication district, or private
29 investment by broadband providers either jointly or independently. Sources of the match provided
30 by broadband providers shall not include other federal or state funding awarded specifically to
31 support the expansion of broadband networks.

32 VII. The office of strategic initiatives shall not, as a condition of an award of grant money,
33 impose any requirement, rate regulation, or other term or condition of service that differs from the
34 applicant's terms or conditions of service in its other service areas.

35 4-C:40 Broadband Matching Grant Fund.

36 I. There is hereby established the broadband matching grant fund. The fund shall be kept
37 separate and distinct from all other funds and shall be continually appropriated to the director of the

SB 85-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 office of strategic initiatives for the purposes of this subdivision. In addition to state appropriations,
2 the office of strategic initiatives may accept gifts, grants, and donations for deposit into the fund.

3 II. Any federal funds received by the state for the purposes of expanding or improving
4 Internet access that are not otherwise committed to other programs or required by the federal
5 legislation authorizing the funds shall be deposited into the broadband matching grant fund.

6 3 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12,
7 I(b) by inserting after subparagraph (364) the following new subparagraph:

8 (365) Moneys deposited in the broadband matching grant fund under RSA 4-C:40.

9 4 Effective Date. This act shall take effect July 1, 2021.

**SB 85-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a broadband matching grant initiative and fund.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Broadband Matching Grant Fund			

COUNTY:

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill establishes a broadband matching grant initiative within the Office of Strategic Initiatives (OSI) and a nonlapsing continually appropriated Broadband Matching Grant Fund to provide matching grants to eligible political subdivisions and communications districts in order to improve broadband access across the state. OSI anticipates partnering with other state agencies to fulfill the objectives of the bill. The program shall be funded with state appropriations, gifts grants and donations and any federal funds received by the state for the purposes of expanding or improving Internet access that are not otherwise committed to other programs or required by the federal legislation to be used for other purposes. There is no appropriation in this bill.

The Office is unable to estimate a potential administrative cost as the number of applications are unknown, and therefore the fiscal impact of this new program is indeterminable.

Any political subdivision or communications district formed under RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project. The fiscal impact would be based on the number and scale of eligible projects and based on rules for eligibility determined by the Office of Strategic Initiatives.

AGENCIES CONTACTED:

Office of Strategic Initiatives