

LEGISLATIVE COMMITTEE MINUTES

**SB85**

# Bill as Introduced

SB 85-FN - AS INTRODUCED

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 struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

## Broadband Matching Grant Initiative

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

11  
12  
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 eligible political  
15 subdivisions and communications districts in order to improve broadband access across the state.

16           II. Eligible projects shall provide high speed Internet access that meets or exceeds 25 Mbps  
17 download and 3 Mbps upload (25/3 Mbps) to areas completely unserved by providers, or in areas  
18 served by providers at a lower speed.

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

## 4-C:39 Program Guidelines; Rulemaking.

23           I. Eligible costs for the program shall include, but not limited to:

24           (a) Purchase or lease of rights of way, including pole access.

25           (b) Construction of mainline or backbone lines.

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

27           (d) Upgrades to existing infrastructure that currently provides service that does not  
28 meet the minimum of 25 Mbps download and 3 Mbps upload (25/3 Mbps) speeds.

29           (e) All other costs directly attributable to the construction project. In cases where a cost  
30 is shared with another ongoing project, shared costs shall be prorated.  
31

**SB 85-FN - AS INTRODUCED**

**- Page 2 -**

1           II. Planning costs shall be ineligible for reimbursement. For cases of demonstrated financial  
2 hardship, applicants may apply for a waiver to this requirement, subject to the approval by the office  
3 of strategic initiatives.

4           III. The political subdivision or communications district shall provide up to 50 percent of the  
5 total cost of the project. Sources of the match may include revenue bonds issued by the political  
6 subdivision or bonds issued by the communication district. Political subdivisions may negotiate with  
7 broadband providers for private contribution. Any private contribution shall be credited towards the  
8 political subdivision or communications district share of the project.

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

11           4-C:40 Broadband Matching Grant Fund.

12           I. There is hereby established the broadband matching grant fund. The fund shall be keep  
13 separate and distinct from all other funds and shall be continually appropriated to the director of the  
14 office of strategic initiatives for the purposes of this subdivision. In addition to state appropriations,  
15 the office of strategic initiatives may accept gifts, grants, and donations for deposit into the fund.

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

19           3 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12,  
20 I(b) by inserting after subparagraph (364) the following new subparagraph:

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

22           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

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

*OTPA 5-0*

---

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 struck through~~].

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:

**SB 85-FN - AS AMENDED BY THE SENATE**

**- Page 2 -**

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

SB 85-FN - AS AMENDED BY THE HOUSE

03/04/2021 0449s  
3Jun2021... 1328h

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

---

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.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
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:

SB 85-FN - AS AMENDED BY THE HOUSE

- Page 2 -

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



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 New Subdivision; Broadband Matching Grant Initiative; Department of Energy. Amend RSA  
10 12-P by inserting after section 15 the following new subdivision:

11 Broadband Matching Grant Initiative

12 12-P:16 Broadband Matching Grant Initiative Established.

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

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

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

26 12-P:17 Program Guidelines; Rulemaking.

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

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

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

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

1 (c) A method to ensure an applicant's trade secrets, financial information, and  
2 proprietary information submitted as part of an application are exempt from disclosure under RSA  
3 91-A.

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

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

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

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

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

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

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

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

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

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

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

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

29 12-P:18 Broadband Matching Grant Fund.

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

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

**SB 85-FN - AS AMENDED BY THE HOUSE**  
**- Page 5 -**

1       5 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12,  
2 I(b) by inserting after subparagraph (364) the following new subparagraph:

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

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

9       7 Effective Date.

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

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

**SB 85-FN FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2021-1328h)**

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
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General Broadband Matching Grant Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**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 broadband providers, 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.

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. There is no appropriation in this bill.

Sections 4, 5, and 6 of the bill, as amended by the House, ensure that the broadband matching grant initiative and fund would be established within the Department of Energy instead of the Office of Strategic Initiatives if the Department of Energy is established by HB2 of the 2021 legislative session.

**AGENCIES CONTACTED:**

Office of Strategic Initiatives

**SB 85-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2021-1328h)

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
<i>Funding Source:</i>	<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 broadband providers, 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.

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. There is no appropriation in this bill.

Sections 4, 5, and 6 of the bill, as amended by the House, ensure that the broadband matching grant initiative and fund would be established within the Department of Energy instead of the Office of Strategic Initiatives if the Department of Energy is established by HB2 of the 2021 legislative session.

**AGENCIES CONTACTED:**

Office of Strategic Initiatives

CHAPTER 123  
SB 85-FN - FINAL VERSION

03/04/2021 0449s  
3Jun2021... 1328h

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

---

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.

-----

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.



CHAPTER 123  
SB 85-FN - FINAL VERSION

03/04/2021 0449s  
3Jun2021... 1328h

21-0832  
05/10

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:*

1 123:1 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.

9 123:2 New Subdivision; Broadband Matching Grant Initiative. Amend RSA 4-C by inserting  
10 after 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.

**CHAPTER 123**  
**SB 85-FN - FINAL VERSION**  
**- Page 2 -**

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

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

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

8                 (c) A method to ensure an applicant's trade secrets, financial information, and  
9 proprietary information submitted as part of an application are exempt from disclosure under RSA  
10 91-A.

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

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

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

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

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

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

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

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

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

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

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

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

36           4-C:40 Broadband Matching Grant Fund.

**CHAPTER 123**  
**SB 85-FN - FINAL VERSION**

- Page 3 -

1           I. There is hereby established the broadband matching grant fund. The fund shall be kept  
2 separate and distinct from all other funds and shall be continually appropriated to the director of the  
3 office of strategic initiatives for the purposes of this subdivision. In addition to state appropriations,  
4 the office of strategic initiatives may accept gifts, grants, and donations for deposit into the fund.

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

8           123:3 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA  
9 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

11           123:4 New Subdivision; Broadband Matching Grant Initiative; Department of Energy. Amend  
12 RSA 12-P by inserting after section 15 the following new subdivision:

Broadband Matching Grant Initiative

13           12-P:16 Broadband Matching Grant Initiative Established.

14           I. There is hereby established within the department of energy a broadband matching grant  
15 initiative, the purpose of which shall be to provide matching grants to broadband providers, political  
16 subdivisions, and communications districts in order to improve broadband availability across the  
17 state. When awarding grants, the department shall take into consideration broad geographic  
18 coverage of broadband services in New Hampshire and participation of political subdivisions and  
19 broadband providers in the grant process that will support business and residential users.  
20

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

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

28           12-P:17 Program Guidelines; Rulemaking.

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

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

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

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

**CHAPTER 123**  
**SB 85-FN - FINAL VERSION**  
**- Page 4 -**

1           (c) A method to ensure an applicant's trade secrets, financial information, and  
2 proprietary information submitted as part of an application are exempt from disclosure under RSA  
3 91-A.

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

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

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

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

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

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

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

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

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

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

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

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

29          12-P:18 Broadband Matching Grant Fund.

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

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

**CHAPTER 123**  
**SB 85-FN - FINAL VERSION**  
**- Page 5 -**

1       123:5 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA  
2 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

4       123:6 Contingency. If HB 2 of the 2021 general legislative session becomes law and includes  
5 provisions establishing a department of energy, sections 4 and 5 of this act shall take effect on July  
6 1, 2021, and sections 2 and 3 of this act shall not take effect. If HB 2 does not become law, and/or  
7 does not include provisions establishing a department of energy, sections 2 and 3 of this act shall  
8 take effect on July 1, 2021, and sections 4 and 5 of this act shall not take effect.

9       123:7 Effective Date.

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

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

Approved: July 13, 2021

Effective Date:

I. Sections 2-5 shall take effect as provided in section 6.

II. Remainder shall take effect July 1, 2021.

# Amendments

Amendment to SB 85-FN

1 Amend RSA 4-C:39, IV as inserted by section 2 of the bill by replacing it with the following:

2

3 IV. The director of the office of strategic initiatives, in consultation with the broadband  
4 oversight committee established in RSA 4-C:41, shall adopt rules under RSA 541-A and RSA 4-C:5,  
5 relative to grant application and distribution procedures.

6 V. The office of strategic initiatives shall submit an annual report to the broadband  
7 oversight committee established in RSA 4-C:41 regarding the broadband matching grant initiative  
8 and broadband infrastructure improvements across the state.

9

10 Amend section 2 of the bill by inserting after RSA 4-C:40 the following new RSA section:

11

12 4-C:41 Broadband Oversight Committee.

13 I. There is hereby established a broadband oversight committee that shall be comprised of:

14 (a) Two senators, appointed by the senate president, one of whom shall be nominated by  
15 the senate majority leader and one of whom shall be nominated by the senate minority leader.

16 (b) Three members of the house of representatives, appointed by the speaker of the  
17 house of representatives, one of whom shall be nominated by the house majority leader and one of  
18 whom shall be nominated by the house minority leader.

19 (c) The director of the office of strategic initiatives, or designee, who shall serve as a non-  
20 voting member of the committee.

21 II. Legislative members of the committee shall serve terms coterminous with their terms in  
22 office. Legislative members of the committee shall receive mileage at the legislative rate when  
23 attending to the duties of the committee.

24 III. The committee shall assist and advise the director of the office of strategic initiatives in  
25 developing criteria for awards and distributions from the broadband matching grant fund  
26 established in RSA 4-C:40 to:

27 (a) Assure the broadest geographic coverage for the state.

28 (b) Assure participation of towns and municipalities in the application process.

29 (c) Encourage financial participation of providers and/or investors.

30 (d) Provide a broadband infrastructure that will support business and residential users  
31 over the life of bond funding.

32 (e) Enable hotspots from municipal properties that support local access for people who

1 can't afford in-home services.

2 (f) Recommend mapping studies that enhance the state's competitive opportunities for  
3 funding.

4 (g) Recommend additional statutory provisions.

5 IV. The members of the oversight committee shall elect a chairperson from among the  
6 members. The first meeting of the committee shall be called by the first-named senate member. The  
7 first meeting of the committee shall be held within 45 days of the effective date of this section. Four  
8 members of the committee shall constitute a quorum.

9 V. Beginning December 1, 2021, and annually thereafter, the committee shall report its  
10 findings and any recommendations for proposed legislation to the president of the senate, the senate  
11 minority leader, the speaker of the house of representatives, the house minority leader, the senate  
12 clerk, the house clerk, the governor, and the state library.

UNAPPROVED



2021-0178s

AMENDED ANALYSIS

This bill establishes the broadband matching grant initiative and fund in the office of strategic initiatives. The bill also establishes a broadband oversight committee.

UNAPPROVED

Sen. Bradley, Dist 3  
January 29, 2021  
2021-0181s  
05/10

Amendment to SB 85-FN

1 Amend RSA 4-C:39, II as inserted by section 2 of the bill by replacing it with the following:

2

3 II. Planning costs shall be eligible for reimbursement.

UNAPPROVED

Amendment to SB 85-FN

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Subdivision; Broadband Matching Grant Initiative. Amend RSA 4-C by inserting after  
4 section 37 the following new subdivision:

5

Broadband Matching Grant Initiative

6

4-C:38 Broadband Matching Grant Initiative Established.

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

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  
16 provider.

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  
20 stages shall be eligible.

21

4-C:39 Program Guidelines; Rulemaking.

22

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

24

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

25

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

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  
30 complete within one year.

Amendment to SB 85-FN

- Page 2 -

1 (c) A method to ensure an applicant's trade secrets, financial information, and  
2 proprietary information submitted as part of an application are exempt from disclosure under RSA  
3 91-A.

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

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

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

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

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

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

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

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

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

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

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

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

29 4-C:40 Broadband Matching Grant Fund.

30 I. There is hereby established the broadband matching grant fund. The fund shall be kept  
31 separate and distinct from all other funds and shall be continually appropriated to the director of the  
32 office of strategic initiatives for the purposes of this subdivision. In addition to state appropriations,  
33 the office of strategic initiatives may accept gifts, grants, and donations for deposit into the fund.

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

Amendment to SB 85-FN

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Subdivision; Broadband Matching Grant Initiative. Amend RSA 4-C by inserting after  
4 section 37 the following new subdivision:

5 Broadband Matching Grant Initiative

6 4-C:38 Broadband Matching Grant Initiative Established.

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

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  
16 provider.

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  
20 stages shall be eligible.

21 4-C:39 Program Guidelines; Rulemaking.

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

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

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

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  
30 complete within one year.

1 (c) A method to ensure an applicant's trade secrets, financial information, and  
2 proprietary information submitted as part of an application are exempt from disclosure under RSA  
3 91-A.

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

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

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

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

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

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

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

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

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

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

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

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

29 4-C:40 Broadband Matching Grant Fund.

30 I. There is hereby established the broadband matching grant fund. The fund shall be kept  
31 separate and distinct from all other funds and shall be continually appropriated to the director of the  
32 office of strategic initiatives for the purposes of this subdivision. In addition to state appropriations,  
33 the office of strategic initiatives may accept gifts, grants, and donations for deposit into the fund.

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

# Committee Minutes

# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: January 28, 2021

### HEARINGS

Monday	02/01/2021	
(Day)	(Date)	
Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 84	adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.	
9:20 a.m. SB 85-FN	establishing a broadband matching grant initiative and fund.	
10:00 a.m. SB 88	adopting omnibus legislation relative to broadband.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97288468505>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 97288468505#, \*780982# or 16465588656, 97288468505#, \*780982#
4. Webinar ID: 972 8846 8505
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).



**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 84**

Sen. Reagan

**SB 85-FN**

Sen. Bradley

Sen. Sherman

Sen. Gannon

Sen. Hennessey

Rep. Cushing

**SB 88**

Sen. Kahn

Sen. Cavanaugh

Sen. Ward

Sen. Giuda

Sen. Carson

Sen. Avard

Sen. Watters

Sen. Rosenwald

Rep. Umberger

Sen. Prentiss

Sen. Daniels

Sen. D'Allesandro

Rep. Marsh

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**SB 85-FN**, establishing a broadband matching grant initiative and fund.

**Hearing Date:** February 1, 2021

**Members of the Committee Present:** Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

**Members of the Committee Absent :** None

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

---

**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	

---

**Who supports the bill:** Governor Christopher Sununu, Senator Ruth Ward, Senator Jeb Bradley, Senator Jay Kahn, Senator Bob Giuda, Senator Bill Gannon, Senator Kevin Avard, Senator Tom Sherman, Senator Cindy Rosenwald, Senator David Watters, Senator Gary Daniels, Senator Erin Hennessey, Senator Sharon Carson, Rep. Karen Umberger, Rep. William Marsh, Nik Coates, Joan McIntire, Joseph Kenney, Jared Chicoine, Carole Monroe, Doug McNutt, Rebecca Wilson, Robert Johnson II, Nicole Fordey, Rick Hiland, Margaret Byrnes, Glenn Coppelman, Ellen Scarponi, Anne Grossi, Carol Miller

**Who opposes the bill:** Maura Weston

**Who is neutral on the bill:** Teresa Rosenberger

**Summary of testimony presented in support:**

**Senator Jeb Bradley**

- This bill establishes a Broadband Matching Grant Initiative Fund that will be modeled after the State Aid Water Grants that have helped communities build their water infrastructure.
- The pandemic has clearly shown that all of NH has to have access to broadband.
- It is not just in the rural areas, there are pockets all over the state that do not have access to broadband.
- Broadband is so important for telecommuting, telemedicine, education, employment and staying in touch with family and friends.
- This grant initiative is a 50/50 split. He would like to see the Senate pass the bill and then have it go to the finance committee to be put into the budget for some amount of general fund appropriation.
- His hope is that through the efforts of Congress and the Administration there may be direct federal grants to states and municipalities or there will be specific federal funds allocated for broadband deployment.
- The first part of the grant could be utilized for that fifty percent, some state funds and some federal funds.

- On the other side is the ability for municipalities and telecommunication districts to work with providers to put up a 50 percent match as well.
- This gives broad participation of not only state and federal dollars but local dollars and provider dollars to be able to deploy broadband.
- The program would be run through the Office of Strategic Initiatives.
- Governor Sununu allocated 50 million dollars in CARES funding for broadband deployment but only 14 million was able to be used in the time allotted by the federal government.
- It would be implemented at the 25/3 speed limits with the goal to have higher speeds if possible.
- There have been some questions asked that he would like to address so there is no confusion.
- Counties are not specifically designated in the legislation. On page 2, line 19, it states “any political subdivision or communications district.”
- A bill from last year that was a joint effort between himself, Senator Kahn and Senator Dietsch, and was consolidated into HB 1111, created Communication Districts. A Political Subdivision also includes Counties, so they are eligible.
- On page 2, line 1, it states that planning costs are ineligible. That was an oversight, and he has an amendment to fix it. Planning costs should be eligible for reimbursement. Towns and Counties are in the process now of trying to figure out where they need to have broadband deployment and there is an expense to that.
- Much of the provider amendments make sense. He has one issue that will need to be addressed. If there are going to be direct grants to providers, they need to make sure that political subdivisions have a strong say in how those dollars are allocated.
- Senator Birdsell asked if he is aware of Senator Kahn’s amendment.
  - Senator Bradley replied that he spoke with him briefly about it but has not seen the amendment. It is his understanding that it has to do with having a Legislative Oversight Committee to determine how the funds get allocated. He believes that the Political Subdivisions need to have a say. He added that he would be opposed to anything that slows down the deployment of broadband and Senator Kahn’s amendment may do that. This needs to happen, and they cannot put a strangle hold on it.
- Senator Gray commented that the Committee has access to both amendments submitted for this bill 0178s and 0181s.

### **Senator Jay Kahn**

- He would like to work with Senator Bradley to make very certain that there is some Legislative input in to the award criteria of this program.
- He does not think it will take too long and the cycle for a town to prepare a warrant article for consideration would bring them to March 2022 before they could begin a project.
- This would give them time to enact this program right.
- He favors SB 85 because it will put the state in the position to allocate funds to towns to match the cost of extending broadband to all households and properties across New Hampshire.
- The towns and households lacking the FCC minimum standards, that have been in place since 2014, are small, and not a path to the future.
- If they only build at that level it is not worth the 20 year bond that it may take to pay those down.
- The program should include the unserved and underserved.
- He would encourage higher goals for the allocation of these dollars.
- The effort to allocate CARES relief funds this past year pointed out the importance of engaging with the towns and their representatives in setting the award criteria.
- In Nelson, a town of 700 people, an internet provider was awarded a CARES Broadband Grant. That was good news if you live on Granite Lake where there were existing pole permits.
- It was really bad news if you lived in the other eighty percent of the town.
- Complaints about the lack of broadband service came in every week, and now the complaints are about why they are not included.
- When he called the town Select Board and asked why some households were not included, they replied that they were not consulted about the grant application.

- This is the kind of cherry picking will make it difficult for a small town to bond for the most rural and less affluent parts of their community.
- There needs to be some type of legislative engagement in setting the award criteria for distribution from the Broadband Matching Grant Fund.
- This legislative group can work with the Office of Strategic Initiatives to be sure that broadband is reaching the biggest, broadest, geographic coverage for the state.
- They will need to be sure that the towns and municipalities are engaged in the application process and encourage financial participation of providers and investors in the process.
- They should provide a broadband infrastructure that will support business and residential users over the entire life of the bond, not just initial service.
- They should enable hot spots for municipal properties that support local access for people who cannot afford in home services.
- They need to be able to recommend mapping studies that enhance the states competitive opportunities for funding.
- If there are additional statutory provisions, this advisory committee could support the efforts of the Office of Strategic Initiatives.
- They should receive an annual report to see how the state is doing on broadband infrastructure improvements across the state.
- He would like to propose amendment # 0178s.
- He looks forward to working with stakeholders to see how this method of legislative input is best accommodated.
- Senator Perkins Kwoka asked if he was describing forming a broadband oversight committee to do its work and give recommendations by the fall in time for warrant articles to be drafted, so that they can reach as many municipalities as possible.
  - Senator Kahn replied yes, generally the cycle is that the towns are engaged in planning, which includes the bidding process, through December. They make their decisions in January on the preferred vendor and then February 1<sup>st</sup> they are presenting those findings in hearings to the towns. He added that the time between when the bill is signed through December would be a welcome time to work on this and communicate the award criteria guidance and process to competing towns.

#### **Joseph Kenney – Executive Counselor, District 1**

- Many of the rural areas in his District need high speed internet.
- He supports establishing a matching Broadband Initiative Fund.
- Previous speakers made very good points about the CARES Act funding and the way it was rolled out.
- There were only so many communities that could benefit from that funding because of the small time line.
- In his District, Clarksville, Colebrook, and Stewartstown, were all rushing trying to put their lines up, through NH Electric Co-Op, before the end of the year deadline.
- This legislation, amendments, and further dialogue and discussion will have to talk about time lines for approval, authority, funding and execution.
- This matching initiative can easily be partnered up with the Northern Borders, a rural funding program already in existence and other federal programs to further expand broadband.
- As indicated by Senator Bradley, broadband is critical for businesses, healthcare, education and government communities. Without broadband, rural NH is left behind.
- Also, people that move here expect this service along with the travel and tourism community.
- With the passage of SB 85, NH will make a statement that supports high speed internet infrastructure and the service that it provides.
- There are other initiatives around his District, such as the Carroll County Broadband Coalition, and the Grafton County Broadband Committee, which are resources that can be used to help facilitate broadband and this legislation will be beneficial to those groups.

### **Joan McIntire – NH Association of Realtors**

- She is here today representing 7000 members of the association.
- This legislation will be an important step towards greater deployment of broadband in underserved areas of New Hampshire, while increasing data speeds and lowering broadband prices.
- One of the first questions any prospective buyer will inquire about is broadband speeds.
- Access to fast reliable service is no longer an added benefit to any home, it is a necessity.
- Online schooling, telemedicine, and work from home requirements are now critical considerations in the home buying process.
- Affordable broadband is almost as essential as water, and electricity, and the absence of it makes a community a less attractive destination for new investment and job growth.
- More often than not a buyer will not even view a property with inadequate services.
- Communities prosper when they gain access to high speed internet. Property values increase, businesses grow and job creations flourish.
- A U.S. Department of Commerce study concluded that high speed internet access increased property values by six percent.
- Commercial real estate is more dependent on access than residential is.
- There is a trend for businesses to have many suburban satellite offices instead of one big main office.
- NH is in a great position to benefit from this trend if we can provide these businesses the highest speed internet access.

### **Nik Coates – Chairman, Grafton County Broadband Committee**

- They would like to ensure that the counties are eligible entities.
- The 25/3 standard should be the bare minimum.
- Planning funds should be eligible for the grant program. Many municipalities are just getting started and funds that provide an opportunity to get started are critical.
- In Bristol it took them three full years to plan at almost a full time rate.
- Planning allowed them to apply for and receive CARES Act funding.
- They were the only municipality to receive funding directly and completed the project on time and under budget.
- The Committee should consider that there should be an emphasis on larger scale type projects that build out back bones.
- There is a lack of infrastructure in the North Country which hampers the education and employment systems.
- The only way to make the ROI make sense is on larger, back bone projects which are spine networks that municipalities and communication districts can tap into.
- That is what makes the ROI work. In the North Country it has been too expensive to make it profitable for providers.
- The CARES Act did wonders for the state and there are other funds available that will be helpful to the state. He has given a list of those resources in his written testimony.

### **Carole Monroe – Board Chair, Valley Net Inc.**

- They have done many business and feasibility plans for NH and Vermont in terms of broadband access.
- They would like to see it worded in the bill that the minimum is the FCC definition of broadband as it changes over time.
- Even though the current FCC minimum definition of broadband is 25 Mbps Down/ 3 Mbps upload, that is not enough.
- Over this past year, this has become evident especially if you have multiple children and two adults all using the same access to work and attend school.

- She would encourage them to prioritize all state and federal matching grants to those telecommunication and internet service providers that will deliver a minimum of 100 Mbps symmetrical service and give preference to those that can deliver a gigabit to the premises.
- As seen in the recent FCC Rural Digital Opportunities Fund auction, most auction respondents bid at the low latency/gigabit service tier.
- Those grant applications should be prioritized over something that is not universal or sustainable over time.
- She agrees with previous speakers that planning dollars need to be considered. Particularly feasibility studies but also business plans.
- There were communities that were excluded from the CARES Act funding because they had already signed an agreement. The agreement is needed to get private/public obligation bonds to get the planning started.
- Those districts that spend money or will be spending money on pole collection, feasibility and planning should not be excluded because it states once you have started construction you are no longer eligible.
- The advisory committee is a good idea. Broadband is not easy topic to understand and subject matter expertise should be included in this committee.
- Not all broadband provides universal service, not all broadband is symmetrical and not all broadband is reliable.

#### **Carol Miller – Director of Broadband Initiatives, National Collaborative for Digital Equity**

- She has had many years of state service and experience in communications and providing advocacy for people who needed to connect to broadband but could not.
- She believes there are gaps in all Counties, not just the North Country.
- There is an opportunity here to create an Office of Broadband to fully embrace the initiatives across the state.
- This bill falls a little short of doing that. They need to create the office, create the fund, and appropriate the money.
- There are advantages to having an office with regards to federal money.
- Competitive grants score higher points if there is an office in place and someone in charge at the state level who can support the federal delegation.
- She agrees with Ms. Weston and others that have spoken today.
- She worked with an advisory board made up of providers, municipalities, regional planning commissions, and it worked well, without slowing down the process.
- They need to focus grant money on higher speeds. The 25/3 minimum does not work any longer. They need to set their sights on higher speeds and or fiber to the premise for the future.

#### **Matthew Plache – Vice Chair, Carroll County Broadband Committee**

- This program is much needed and will do a lot to help get broadband deployed.
- Carroll County has far too many gaps in broadband service.
- The 25/3 minimum is archaic. You cannot have a proper zoom conference with it, and it does not work for doing business or education at home.
- It will do a lot if they could raise it up to 100/100.
- Carroll County spoke with the FCC and they are looking at raising the bench mark.
- He would not tie this grant program to the 25/3 level but would encourage faster speeds by giving preference to providers that can give 100/100 symmetrical service.

## **Jared Chicoine – Director, Office of Strategic Initiatives**

- OSI administered the connecting New Hampshire broadband expansion program last year which was created to address the need for internet connectivity due to the COVID 19 pandemic.
- That program was authorized by Governor Chris Sununu and was funded through the CARES Act.
- The program spent roughly 13.9 million and connected 4500 previously unserved properties in 19 communities.
- They learned a lot about the challenges facing the rural communities as it relates to access to high speed internet.
- This bill does address the concerns that have been mentioned,, that communities be involved in the planning of these projects.
- He heard those concerns with the process last year under the CARES act program.
- They were under a very tight time frame as the funding had to be spent by the end of December.
- There were a number of communities that could not apply for the grant funds due to the time line.
- This bill is a step in the right direction, and they are ready to work with Senator Bradley and the co-sponsors.
- If this bill becomes law the Division of Planning in the OSI would administer the grant program.
- They are in regular communication with town administrators and town planners and are very involved at the local level.

### **Summary of testimony presented in opposition:**

#### **Maura Weston – New England Cable and Telecommunications Association**

- They are in opposition to the bill as written but look forward to working with the sponsors on an amendment.
- NECTA includes Atlantic Broadband, Charter and Comcast, some of NHs leading broadband providers.
- They service over 450 thousand customers in more than 184 communities.
- They appreciate the goals of this bill and generally support public private partnerships to solve the challenges of how best to bring broadband to the unserved areas of the state.
- Their members have partnered with a number of state programs to deploy broadband and they stand willing to do so here.
- They do recommend that to run a successful program certain principles are adhered to.
- NECTA believes that providers as well as communication districts should be eligible to apply directly to the state for funding through this program.
- They believe that 25:3 specifically should not be referenced in the bill, rather broadband should be tied to the federal definition.
- 25/3 is a floor for eligibility. It is not a static number it is evolving and that should be recognized to give NH the best opportunity and the most success with the program.
- Guidance is necessary in the grant making process to ensure is technology neutral, competitive and based on criteria.
- Grants should only fund capital costs of network construction.
- The economics of grants should be evaluated on a case by case basis with the state contributing no more than fifty percent to leverage the investment of the providers and municipalities together.
- Those projects that have already been funded through other federal grant programs should not be eligible for further state matching funds given the limited resources and the importance of these investments.

**Neutral Information Presented:**

**Teresa Rosenberger – NH Telephone Association**

- They would request some time before the Committee votes on the bill so that the providers can come up with an amendment.
- They have many of the same concerns that Ms. Weston outlined for NECTA.
- The NH Telephone Association is made up of all the land line providers, Consolidated, TDS, Granite State Telephone, Dunbarton Telephone, and Bretton Woods.
- Some of their members very successfully used and completed the broadband projects through the CARES Act.
- There were other members that could not use the funding due to the timing.
- That process did work, and they would like to make sure, when working with others in a coalition, that the effective aspects of that program will continue going forward.
- Their biggest goal is expediency, making sure that broadband gets deployed throughout the state, particularly in the rural areas, as quickly as possible.
- Senator Gray let Ms. Rosenberger know that there would be two weeks' time in which she could work with Senators Bradley and Kahn.

TJM

Date Hearing Report completed: February 7, 2021



**SENATE CALENDAR NOTICE**  
**Finance**

Sen Gary Daniels, Chair  
Sen John Reagan, Vice Chair  
Sen Bob Giuda, Member  
Sen Erin Hennessey, Member  
Sen Chuck Morse, Member  
Sen Lou D'Allesandro, Member  
Sen Cindy Rosenwald, Member

Date: March 3, 2021

**EXECUTIVE SESSION**

Tuesday	03/16/2021	
(Day)	(Date)	
Finance	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.

~~EXECUTIVE SESSION ON PENDING LEGISLATION~~

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/93064180322>
2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 13126266799,,93064180322# or 19292056099,,93064180322#
4. Webinar ID: [930 6418 0322](https://www.zoom.us/j/93064180322)
5. To view on YouTube, click here: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call 603-271-6931.

Deb Martone 271-4980

Gary L. Daniels  
Chairman

# Speakers

**Election Law and Municipal Affairs Committee Testify List for Bill SB85 on 2021-02-01**

Support: 31 Oppose: 1 Neutral: 1 Total to Testify: 10

Name	Title	Representing	Position	Testifying
Coates Nik	A Member of the Public	Town of Bristol	Support	Yes
Giuda Bob	An Elected Official	NH Senate District	Support	Yes
McIntire Joan	A Member of the Public	NH Association of REALTORS	Support	Yes
Kenney Joseph	An Elected Official	Myself	Support	Yes
Weston Maura	A Lobbyist	New England Cable and Telecommunication s Association	Oppose	Yes
Kahn Jay	An Elected Official	Myself	Support	Yes
Chicoine Jared	State Agency Staff	Office of Strategic Initiatives	Support	Yes
Rosenberger Teresa	A Lobbyist	NH Telephone Association	Neutral	Yes
Bradley jeb	An Elected Official	Myself SD 3	Support	Yes
Monroe Carole	A Member of the Public	Myself	Support	Yes
McNutt Doug	A Lobbyist	AARP	Support	No
Wilson Rebecca	A Lobbyist	New Hampshire School Boards Association	Support	No
Gannon Senator Bill	An Elected Official	SD23	Support	No
Avard Senator Kevin	An Elected Official	SD12	Support	No
Johnson II Robert	A Lobbyist	NH Farm Bureau Federation	Support	No
Sherman Senator	An Elected Official	SD24	Support	No
Rosenwald Cindy	An Elected Official	SD 13	Support	No
Codling Brigitte	A Member of the Public	Town of Haverhill	Support	No
Watters Senator	An Elected Official	Myself (SD 4)	Support	No
Fordey Nicole	A Member of the Public	Myself	Support	No
Hiland Rick	An Elected Official	Myself & Carroll County Broadband Committee	Support	No
Byrnes Margaret	A Lobbyist	NH Municipal Association	Support	No

		North Country		
Coppelman Glenn	A Member of the Public	Council	Support	No
Marsh William	An Elected Official	Carroll 8	Support	No
Daniels Senator	An Elected Official	SD 11	Support	No
Umberger Karen	An Elected Official	Myself	Support	No
Carson Sharon	An Elected Official	Senate District 14	Support	No
Hennessey Erin	An Elected Official	SD1	Support	No
		Consolidated		
Scarponi Ellen	A Lobbyist	Communications	Support	No
Ward Senator Ruth	An Elected Official	Senate District 8	Support	No
Sununu - cje				
Governor	An Elected Official	Executive Branch	Support	No
Grossi Anne	A Member of the Public	Myself	Support	No
Miller Carol	A Member of the Public	Myself	Support	No

# Testimony



January 31, 2021

Honorable James Gray, Chair  
Election Law and Municipal Affairs Committee  
Legislative Office Building  
Concord, New Hampshire

*Via Electronic Delivery Only*

*Re: SB 85 and 88, relative to broadband*

Dear Chairman Gray and Members of the Committee:

I write to express the support of the New Hampshire Municipal Association for SB 85 and SB 88. NHMA is a nonprofit, nonpartisan, voluntary membership organization for the cities and towns in our state. Our legislative policies are created and adopted by our members. All 234 cities and towns are members of NHMA.

The need for high-speed and reliable internet in all areas of the state has become a top priority for municipalities, but particularly those in the more rural areas of the state. Although access to the internet has long been an important issue for local government, the COVID-19 pandemic has created a new sense of urgency, as business, education, and the operation of government depends on access and connectivity.

This legislation would serve to address challenges municipalities face in undertaking broadband infrastructure projects. SB 85 would greatly increase the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities, through state and federal matching grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses.

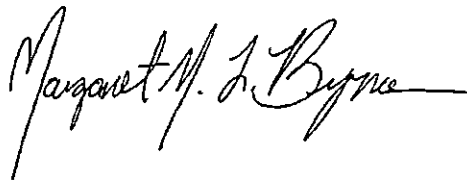
SB 88 helps remove other obstacles. Part I makes a small change to the communications district bill passed by the legislature last year. The amendment will allow governing bodies of municipalities to form a communications district planning committee, for the purpose of exploring whether to create a communications district. The creation of the district will still require a legislative body vote (i.e., a town meeting vote in most towns), but this amendment means that municipalities do not need to wait through two town meeting cycles to ultimately form a communications district.

Part II is directly in line with NHMA's policy to support legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called "One-Touch-Make-Ready" in order to facilitate bringing high-speed fiber optic cable to service all communities, homes, and businesses by internet service providers in an expedient and cost-effective manner.

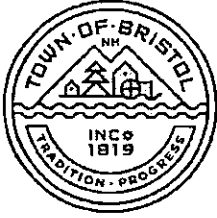
Finally, Part III helps to move along the RFI (request for information) process that is required by law for acquiring bonds for broadband infrastructure, by decreasing the response time for providers from two months to one month. We would support a slight amendment to the bill's language that would change "one month" to "30 days," as this will prevent any ambiguity in determining the timeframe. We also understand that an amendment may be presented to require providers to provide "address level detail" in response to an RFI. As this information is readily available to providers and will assist municipalities in moving forward with broadband infrastructure projects, we would also support this addition to the legislation, subject to reviewing the language.

Thank you for your time in considering these important pieces of legislation. Please do not hesitate to contact me if you require any additional information or have any questions.

Sincerely,

A handwritten signature in black ink, reading "Margaret M. J. Byrnes". The signature is written in a cursive style with a long horizontal flourish at the end.

Margaret Byrnes  
Executive Director



Town of Bristol  
5 School Street  
Bristol, NH 03222  
—  
townofbristolnh.org  
(603) 744-3354

---

TO: Senate Election Laws and Municipal Affairs and Senator Bradley

CC: Senator Giuda, Senator Hennessey and Grafton County Broadband Committee Members

FROM: Nik Coates, Bristol Town Administrator and Grafton County Broadband Committee Chair

DATE: February 3, 2021

RE: Follow Up Comments Regarding SB85

---

Honorable Committee Members, the Grafton Country Broadband Committee (GCBC) respectfully provides the following written comments follow up to our January 31 testimony on Senate Bill 88.

The GCBC reiterates our January 31 testimony in support of establishing matching funds, removing speed restrictions and including counties as eligible entities. That testimony is attached for your reference. We also agree with the testimony provided by Senator Bradley and the Carroll County Broadband Committee.

In response to some of the comments provided by the telcom and telephone companies, we submit the following.

Statement:

Grants should only be spent on capital projects, not on planning.

Response:

The GCBC disagrees. The planning process is the first step in any kind of construction project and maybe even more crucial for broadband systems. The notion that funding will be restricted from this vital portion of any potential project is merely an effort to prohibit governmental or other non-broadband entities from participating in the process. This it is simply an effort to



maintain the status quo which is that the broadband companies will dictate the level of service provided throughout New Hampshire.

Statement:

Entities that previously received funding should not be eligible.

Response:

Do we (here in New Hampshire) really want to create a funding system that essentially punishes those who stepped forward during a time of great need, in the middle of pandemic, to provide a vital service to the those living in the rural areas of this State? Moreover, a number of broadband companies (including those with large territories such as Consolidated Communications and Comcast) were awarded grants under the CARES Act. If these companies are excluded from any future financial assistance, who will be left to take advantage of any grants that become available? The reality is that there are very few broadband providers within the State and any solution to this problem is likely going to require the participation of all of these companies. The State should be creating a system that invites and encourages the private sector to take advantage of these funding sources as opposed to a process that depresses any sort of interest in expanding broadband service. At the end of the day, the goal is to incentivize these companies to build-out these broadband systems so, that New Hampshire remains connected and competitive in this 21st century.

Statement:

Public funds should not duplicate private investment.

Response:

New Hampshire's local governments have always undertaken any project that includes public funds with the utmost seriousness as well as prudence in order to ensure that public funds are being spent wisely and to only the extent necessary for each particular circumstance or community. It is not in New Hampshire's DNA to overbuild or waste taxpayer money on frivolous endeavors. Furthermore, the taxpayers would never allow for that kind of reckless spending.

Consequently, municipalities and counties proceed on a very conservative track in terms of only investing in projects that are both necessary and wanted by the residents that they serve. As a result, we firmly believe that local government will undertake the same approach to broadband systems that they apply to all other municipal projects in that they will only pursue and fund those that truly provide a public benefit.

Statement:

Providers should be eligible for the funds.

Response:

Broadband systems that serve the public's interest are best build by funding provided to public bodies. The primary goals of the Bristol broadband project, the State's only publicly constructed and owned broadband system, were controlling cost for residents and businesses and building the infrastructure that served the public's needs not driven by profits.

We support Senator Bradley's statements that if public funding goes to private entities, there needs to be a requirement of public involvement. As an example, Comcast was provided CARES Act funds to construct in the Town of Canaan, a member of the GCBC. Communication between the provider and the Town was non-existent despite several attempts by the Town to provide public input into a project being built in its community.

For More Information:

We appreciate your consideration of these requests. Please feel free to contact me at 744-3354 ext. 114 or at [townadmin@townofbristolnh.org](mailto:townadmin@townofbristolnh.org).

Respectfully submitted,

Nik Coates  
Bristol Town Administrator

Brigitte Codling  
Haverhill Town Manager

Andrew Dorsett  
Littleton Town Manager

Carina Park  
Campton Town Administrator

Michael Samson  
Canaan Town Administrator

**Tricia Melillo**

---

**From:** Rick Hiland <r.hiland@myfairpoint.net>  
**Sent:** Sunday, January 31, 2021 7:43 PM  
**To:** Tricia Melillo  
**Subject:** RE: SB 85 Testimony

**Importance:** High

Hello Committee Members,

My name is Rick Hiland and I am Co-Chairman of the Carroll County Broadband Committee and an Albany NH Selectman - Chairman.

**SB 85 establishes the broadband matching grant initiative and fund in the NH Office of Strategic Initiatives (OSI).**

- As you may know that funding is a major problem with bringing high speed internet access to rural NH. Our property taxes are already very high and to further burden them with funding is asking a lot.
- One recommendation that I would add to this legislation is to specifically include the planning process under the section "4-C:39 Program Guidelines; Rulemaking – II. Planning costs shall be ineligible for reimbursement." as an eligible part of any broadband project. The planning process is a major component to the implementation of high speed fiber optic internet infrastructure.
- I understand that Senator Bradley is offering an amendment to address the inclusion of the planning process as being eligible for grants.

**I encourage you to support passage of SB 85 with Senator Bradley's amendment.**

Thank you.

*Rick Hiland*

Carroll County Broadband, Co-Chairman  
Albany NH Selectman – Chairman  
Director - NHMA  
[r.hiland@myfairpoint.net](mailto:r.hiland@myfairpoint.net)  
603-447-4833



To: Senators of the Election Law and Municipal Affairs Committee

From: Carole D Monroe, Municipal Broadband Outreach, ValleyNet Inc. Board Chair; Dublin Select Board member and Dublin Broadband Committee.

RE: Senate Bill 85, Establishing a broadband matching grant initiative and fund.

Sponsors: Sen. Bradley, District 3; Sen Cavanaugh, District 16; Sen Avar, District 12; Sen Prentiss, District 5; Sen Sherman, District 24; Sen Ward, District 8; Sen. Waters, District 4; Sen Daniels, District 11; Sen Gannon, District 23; Sen Giuda, District 2; Sen Rosenwald, District 13; Sen D'Allesandro, District 20; Sen Hennessy, District 1; Sen Carson, District 14; Rep Umberger, Carr.2; Rep Marsh, Carr.8; Rep Cushing, Rock.21.

My name is Carole Monroe. I am the Chair of the Board of ValleyNet. ValleyNet is the Construction management and operations company of East Central Vermont Telecommunications District, better known as ECFiber. ECFiber is a district of 31 towns in east-central Vermont. The region is very rural from the base of the Green Mountains to the Connecticut River not unlike many of the unserved areas of New Hampshire. This organization began in 2011 and became a District in 2016. It has built out over 1,400 miles of network and has in excess of 5500 customers. It has been cash flow positive and EBITDA positive since 2015.

As you are all aware, significant broadband has proven to be a necessity for each and every home and business in New Hampshire during this time of the COVID pandemic.

SB 85 establishes the broadband matching grant initiative and fund in the Office of Strategic Initiatives with the purpose of providing matching grants of state and federal funds to political subdivisions and private funds to expand real broadband for universal access across the State of New Hampshire.

II. Although the current FCC minimum definition of broadband is 25 Mbps Down/ 3 Mbps upload, I encourage you to prioritize all state and federal matching grants to those telecommunication and internet service providers that will deliver a minimum of 100 Mbps symmetrical service and preference to those that can deliver a gigabit to the premises.

As seen in the recent FCC Rural Digital Opportunities Fund auction, most auction respondents bid at the low latency/gigabit service tier. For those building new networks or expanding old networks reaching those levels should not be difficult. Over this past year, it has become evident that the minimum FCC definition is not enough, especially if you have multiple children and two adults all using the same access to work and attend school.

III. Having completed several feasibility and business plans for communications districts, while waiting to establish a public private partnership a District may embark on the initial phases of network planning, including utility pole collection, high level design and network engineering.

**These tasks should not be seen as ‘construction’ and the entities should be able to participate in the matching grant program.** During the distribution of the Cares funding, towns that had already established a public private partnership but had not begun network construction were prohibited from participating in the Cares funding opportunity. These towns borrowed general obligation bonds to fund their portion of construction, when it might have been possible to reduce those costs to the town and resident tax payers.

I also encourage you to include subject matter experts on your committee as members or as needed. Broadband is often difficult to understand in all its various forms. Not all broadband provides universal service, not all service is symmetrical, and not all broadband is consistently reliable.



April 22, 2021

Representative Barbara Griffin  
Chair, Election Law Committee  
84 Merrill Road  
Goffstown, NH 03045-2138  
[barbara.griffin@leg.state.nh.us](mailto:barbara.griffin@leg.state.nh.us)

**RE: Senate Bill 83**

Dear Chair Griffin:

On behalf of Microsoft, I am writing to support Senate Bill 83, and in particular, Part II of SB 83. We believe that the right to vote is the most cherished aspect of democracy, and we support efforts to empower all Americans from all walks of life to register and vote conveniently, safely, and securely. We believe further that strengthening the right to vote is, fundamentally, a business issue; a healthy business requires a healthy community, and a healthy community requires that everyone have the right to vote legally, conveniently, and securely.

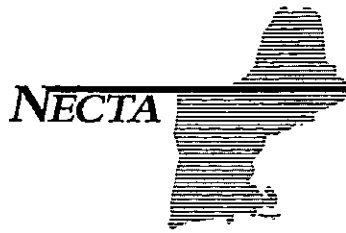
For these reasons, we support the provisions in SB 83 that would modernize and expand opportunities for eligible New Hampshire voters to register to vote and request an absentee ballot through a new online election information portal. Much of the country's election infrastructure is outdated and we applaud efforts like yours to modernize it in an effort to make voting easy, accessible, safe, and secure.

We appreciate that there may be disagreement on issues relating to voting and elections, that administering elections is challenging and complex, and that states have different histories and practices. However, we hope that there is one thing that we can all agree upon: voting in the United States in the 21<sup>st</sup> century should be safe, convenient, and secure for all Americans. Thank you for your leadership on this issue. We would encourage you to pass SB 83 and we would be happy to work with you on this issue moving forward. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian E. Burke".

Brian E. Burke  
Senior Attorney,  
Corporate External and legal Affairs



*New England Cable & Telecommunications Association, Inc.*

*New England Cable & Telecommunications Association, Inc.  
The Enterprise Center • 121 Loring Avenue • Suite 340 • Salem, MA 01970  
Tel: 781.843.3418*

**Statement of the New England Cable & Telecommunications Association, Inc. regarding Senate bill 85  
AN ACT establishing a broadband matching grant initiative and fund.**

**February 1, 2021**

Good morning, my name is Maura Weston, thank you for the opportunity to speak to you today on behalf of the New England Cable and Telecommunications Association (NECTA). Our members including Atlantic Broadband, Charter and Comcast, are New Hampshire's leading broadband providers with over 450,000 customers in more than 184 communities.

NECTA endorses partnerships between the public and private sectors to solve the challenge of how to best bring broadband to the very rural parts of the state that currently lack access. Successful programs are technology and provider neutral while including key safeguards to ensure that public dollars are invested in an efficient, sustainable, and transparent manner. Given the high cost of deployment, it is critical that programs adhere to these principles. Our members have partnered with a number of state programs to deploy broadband in unserved communities and stand willing and able to do so in New Hampshire.

While NECTA can support the concept of a state grant program we do not support SB 85 as written and are hopeful that we can work with the Sponsor, the Committee, and all stakeholders to amend the Bill to include the following policy principles.

- Private providers along with municipalities and the newly authorized communications districts should all be eligible to apply directly to the state in this program. Currently, only the latter two are eligible to directly receive grants. More than any other interested party, private providers have the knowledge, experience, and capacity to deploy and maintain broadband networks.
- Clear rule making guidance is necessary to ensure that the grant making process is technology neutral, competitive, and based on objective criteria and provides a mechanism for information sharing to ensure that scarce resources are only used to deploy broadband in areas where service is lacking. Effective project design and construction will require close collaboration between the state, communities and providers and rulemaking guidance must include provisions for sharing confidential and proprietary information.
- Grants should only fund the capital cost of network construction while operating and recurring costs must not be eligible for grant resources. Project sustainability and realistic business plans are critical to ensuring that these investments solve the problem and that scarce dollars are deployed wisely.
- Projects already funded through other federal grant programs should not be eligible for further state match. Providers have already committed to deploy broadband to thousands of New Hampshire homes and businesses through several federal programs. The scarce resources in the program

envisioned in this Bill should be directed to projects which have not already been committed to and funded.

We would like to thank the sponsor for his willingness to work with all stakeholders to ensure the success of this effort.

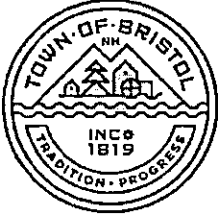
Thank you for your attention to this matter, I would be happy to answer any questions that you may have.

Respectfully Submitted,

---

Maura Weston





Town of Bristol  
5 School Street  
Bristol, NH 03222  
—  
townofbristolnh.org  
(603) 744-3354

---

TO: Senate Election Laws and Municipal Affairs

CC: Senator Bradley, Senator Giuda, Senator Hennessey and Grafton County Broadband Committee Members

From: Nik Coates, Bristol Town Administrator and Grafton County Broadband Committee Chair

DATE: January 31, 2021

RE: Testimony in Support of Senate Bill 85 and Other Funding Considerations

---

Honorable Committee Members, the Grafton County Broadband Committee (GCBC) writes to express its support of Senate Bill 85.

Inclusion of Counties and Minimum Speeds:

That said, just like our testimony submitted for Senate Bill 88, the GCBC requests that counties are included in the governmental entities that are eligible for these matching grant funds. And, similar to our SB 88 testimony, we want to reiterate that the 25/3 MbS is the bare minimum deployed speed for projects (versus advertised speed).

Planning Funds:

We request that a certain percentage of funds be allocated for planning purposes. For example, there are funds from Northern Community Investment Corporation (NCIC) that governmental entities can access with match. Many smaller municipalities and counties are struggling to figure out how to begin planning. Allocating a small percentage of funds from the SB 85 program would give municipalities, counties and communications districts just starting out the opportunity to access NCIC funds, which would provide them opportunities to compete for infrastructure construction funds in the future.

Go Big and Focus on the North Country:

We request that the scoring criteria for SB 85 funds be weighted to support larger scale projects to connect county, municipal and communications districts in Coos, Carroll and Grafton

Counties. The greatest need right now is backbone infrastructure and funding smaller projects one at a time isn't going to achieve the scale and speed that gets broadband to as many residents and businesses as possible. Instead, targeted investment on larger backbone projects proposed by public entities would create the more favorable return on investment needed to attract private investment. Focusing more SB 85 dollars in the North Country will create greater economic opportunities for areas of the state that need it the most.

Other Funding Opportunities:

We again applaud your foresight with this legislation. SB 85 funds will have the opportunity to leverage other funds coming to New Hampshire soon, including:

*Northern Border Region Commission* – Economic Infrastructure Grants are expected to be announced in March at a total amount of \$5 million. The Town of Bristol was successful in using these dollars to partner with CAREA Act funds to build a backbone and distribution fiber optic network. NBRC grants are typically a 50/50 match split and they can also match to other federal grant funds unlike many other federal grant programs.

*Economic Development Administration* – EDA has grants for broadband in a couple focus areas. One key area is supporting the connection to federal Opportunity Zones. OZs were created to facilitate economic investment in distressed areas. The problem is that OZs are not ubiquitous around the state. However, the EDA is interested in providing grants to areas that create connections to OZs and connections through broadband is a logical argument. Grants from the EDA are anywhere from 50/50 to 80/20 match.

*CARES Act: Emergency Broadband Program Part 2* – We are hopeful that CARES Act funds that weren't allocated in 2020 can be repurposed for another round of the Emergency Broadband Program. The Emergency Broadband Program did not require match and it is important that remains the case to allow for quick deployment due to the program being off cycle from Town Meeting. We request that the funds allocated from SB 85 are allowed to be combined with future Emergency Broadband Program funds. The more dollars that public entities can access for projects, the better.

*Federal Stimulus* – There has been a lot of talk about the next round of stimulus from Congress, if there is one, would be heavily weighted on infrastructure. This reinforces the discussion above about making planning dollars available so that municipalities, counties and communications districts who have yet to start planning can get themselves into the best position to compete if stimulus dollars are made available. In addition, it is thought that federal stimulus dollars will be targeted to large scale, multi-jurisdictional projects. This reinforces the discussion above about the need to support projects focusing on larger, backbone infrastructure projects.

For More Information:

I appreciate your consideration of these requests. I plan to attend your session on Monday morning, but may need to leave early due to attendance for another hearing. Please feel free to contact Littleton Town Manager Andrew Dorsett at 444-3996 or [adorsett@townoflittleton.org](mailto:adorsett@townoflittleton.org) or me at 744-3354 ext. 114 or at [townadmin@townofbristolnh.org](mailto:townadmin@townofbristolnh.org).

## Tricia Melillo

---

**From:** Joseph Kenney <kenneyfornh@gmail.com>  
**Sent:** Monday, February 1, 2021 9:55 AM  
**To:** Tricia Melillo  
**Subject:** I support SB 85

Executive Councilor District 1  
Joseph D. Kenney  
Wakefield, NH  
(603) 271-3632

To Senate Election Law and Municipal Affairs Committee:

I rise in support of Senate Bill 85, An ACT establishing a broadband matching grant initiative and fund. This bill establishes a broadband matching grant initiative with the office of Strategic Initiatives (OSI) and a nonlapsing continually appropriated Broadband Matching Grant Fund to provide matching grants to eligible political subdivisions and communication districts in order to improve broadband access across the state.

As someone who represents 108 towns and 4 cities in the Upper Connecticut Valley, the Lakes Region and the North Country, many of my rural areas are in need of high speed internet.

This matching initiative can easily partner up with Northern Borders and Rural Development funding programs already in existence to further expand broadband, not to mention other federal funding programs.

Broadband is critical for our business, health care, education, and government communities. Without it, rural New Hampshire is left behind. Also, our influx of outsiders who continue to move here, expect this service along with our travel and tourism community. It's a worthwhile investment and with this passage of SB85, New Hampshire will make a statement that it supports high speed internet infrastructure and the service that it provides.

# Voting Sheets

# Senate Election Law & Municipal Affairs Committee EXECUTIVE SESSION RECORD 2021 Session

Bill # SB 85-FN

Hearing date: 2-1-2021

Executive Session date: 2/17/21

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 03055 \*Requested of OBS Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A ~~\_\_\_\_\_~~ Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

~~Consent Soucy and~~

Reported out by: Sen. Birdsell

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Senate Finance Committee

## EXECUTIVE SESSION

Bill # SB 85-FW

Hearing date: N/A

Executive session date: 03/16/21

Motion of: OTF

VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input checked="" type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, February 17, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 85-FN**

AN ACT

establishing a broadband matching grant initiative  
and fund.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0449s

Senator Regina Birdsell  
For the Committee

Tricia Melillo 271-3077

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, March 16, 2021

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 7-0

Senator Erin Hennessey  
For the Committee

Deb Martone 271-4980

## General Court of New Hampshire - Bill Status System

**Docket of SB85**

Docket Abbreviations

**Bill Title:** establishing a broadband matching grant initiative and fund.*Official Docket of SB85.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/26/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Election Law and Municipal Affairs; <b>SJ 3</b>
2/9/2021	S	Remote <b>Hearing:</b> 02/01/2021, 09:20 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 9</b>
2/18/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0449s</b> , 03/04/2021; <b>SC 12</b>
3/4/2021	S	Committee Amendment <b>#2021-0449s</b> , RC 24Y-0N, AA; 03/04/2021; <b>SJ 6</b>
3/4/2021	S	<b>Ought to Pass with Amendment</b> 2021-0449s, RC 24Y-0N, MA; Refer to Finance Rule 4-5; 03/04/2021; <b>SJ 6</b>
3/16/2021	S	Committee Report: Ought to Pass, 03/25/2021; <b>SC 16</b>
3/25/2021	S	<b>Ought to Pass:</b> RC 24Y-0N, MA; OT3rdg; 03/25/2021; <b>SJ 9</b>
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Finance <b>HJ 4 P. 51</b>
4/28/2021	H	Public Hearing: 05/10/2021 10:50 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/92166004660">https://www.zoom.us/j/92166004660</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-1328h</b> (Vote 21-0; CC) <b>HC 26 P. 8</b>
6/3/2021	H	Amendment <b>#2021-1328h:</b> AA VV 06/03/2021
6/3/2021	H	<b>Ought to Pass with Amendment</b> 2021-1328h: MA VV 06/03/2021
6/10/2021	S	Sen. Gray Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>
6/22/2021	H	Enrolled (in recess of) 06/10/2021
6/22/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); <b>SJ 20</b>
7/15/2021	S	Signed by the Governor on 07/13/2021; Chapter 0123
7/15/2021	S	I. Sections 2-5 Effective as provided in Section 6
7/15/2021	S	II. Remainder Effective on 07/01/2021

NH House

NH Senate

**Docket of SB85****Bill Title:** establishing a broadband matching grant initiative and fund.*Official Docket of SB85.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/26/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Election Law and Municipal Affairs; <b>SJ 3</b>
2/9/2021	S	Remote <b>Hearing:</b> 02/01/2021, 09:20 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 9</b>
2/18/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0449s</b> , 03/04/2021; <b>SC 12</b>
3/4/2021	S	Committee Amendment <b>#2021-0449s</b> , RC 24Y-0N, AA; 03/04/2021; <b>SJ 6</b>
3/4/2021	S	<b>Ought to Pass with Amendment</b> 2021-0449s, RC 24Y-0N, MA; Refer to Finance Rule 4-5; 03/04/2021; <b>SJ 6</b>
3/16/2021	S	Committee Report: Ought to Pass, 03/25/2021; <b>SC 16</b>
3/25/2021	S	<b>Ought to Pass:</b> RC 24Y-0N, MA; OT3rdg; 03/25/2021; <b>SJ 9</b>
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Finance <b>HJ 4</b> P. 51
4/28/2021	H	Public Hearing: 05/10/2021 10:50 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/92166004660">https://www.zoom.us/j/92166004660</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-1328h</b> (Vote 21-0; CC) <b>HC 26</b> P. 8
6/3/2021	H	Amendment <b>#2021-1328h</b> : AA VV 06/03/2021
6/3/2021	H	<b>Ought to Pass with Amendment</b> 2021-1328h: MA VV 06/03/2021
6/10/2021	S	Sen. Gray Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>
6/22/2021	H	Enrolled (in recess of) 06/10/2021
6/22/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); <b>SJ 20</b>
7/15/2021	S	Signed by the Governor on 07/13/2021; Chapter 0123
7/15/2021	S	I. Sections 2-5 Effective as provided in Section 6
7/15/2021	S	II. Remainder Effective on 07/01/2021

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 85-FN

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 01785     - amendment # 0305s

- amendment # 0449s     - amendment # 0181s

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_    \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_    \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate

as amended by the house

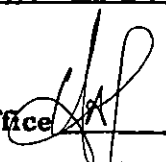
final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office



**Senate Inventory Checklist for Archives**

Bill Number: SB 85-FN

Senate Committee: FINANCE-AND  
COMMITTEE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate  as amended by the house

final version

**Completed Committee Report File Delivered to the Senate Clerk's Office By:**

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office \_\_\_\_\_