

CHAPTER 231  
SB 395 - FINAL VERSION

02/03/2022 0330s  
4May2022... 1639h

2022 SESSION

22-3074  
04/10

SENATE BILL **395**

AN ACT establishing the wireless development initiative and the wireless deployment grant fund.

SPONSORS: Sen. Kahn, Dist 10; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24; Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21; Sen. Hennessey, Dist 1; Rep. Maneval, Ches. 9; Rep. Weber, Ches. 1; Rep. Bucu, Carr. 2; Rep. Porter, Hills. 1

COMMITTEE: Election Law and Municipal Affairs

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AMENDED ANALYSIS

This bill establishes a wireless deployment grant initiative and fund in the department of business and economic affairs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                    establishing the wireless development initiative and the wireless deployment grant fund.

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

1            231:1 Findings. The general court hereby finds that the COVID-19 pandemic has shown Internet  
2 access is not a luxury in a connected society and mobile connectivity for all New Hampshire residents is  
3 crucial for public safety, to enable remote work, telehealth services, education access, and for other  
4 purposes. The pandemic has also shown gaps in wireless coverage in many areas of New Hampshire  
5 and a critical need to eliminate those gaps. The need to eliminate those gaps in coverage is critical for  
6 individuals, our communities, and economic development in the state of New Hampshire. A grant  
7 program using a competitive award process is essential to a wireless infrastructure deployment initiative  
8 throughout New Hampshire. This fund would invest in capital assets designed directly to support work,  
9 education, safety, and health care-related services.

10           231:2 New Subdivision; Wireless Deployment Initiative and Grant Fund. Amend RSA 12-O by  
11 inserting after section 64 the following new subdivision:

Wireless Deployment Initiative and Grant Fund

12           12-O:65 Wireless Deployment Grant Initiative Established.

13           I. There is hereby established within the department of business and economic affairs a wireless  
14 deployment grant initiative, the purpose of which shall be to award grants to wireless providers in order to  
15 improve wireless connectivity within municipalities and across the state.

16           II. Eligible projects shall provide wireless infrastructure in areas unserved by or lacking consistent  
17 mobile wireless coverage.

18           III. Eligible projects shall be evaluated as part of a competitive process.

19           IV. Selected projects shall meet the needs of consumers with the lowest possible cost and  
20 highest possible functionality.

21           V. Projects under construction at the time of application shall be ineligible.

22           VI. Projects that have been awarded funding, but not yet built shall be ineligible. This includes  
23 projects for which a provider is already obligated to deploy wireless service pursuant to regulatory or other  
24 legally enforceable commitment.

25           VII. Funding shall be awarded for no more than one project in any proposed coverage area.

26           12-O:66 Program Guidelines; Rulemaking.

27           I. The department of business and economic affairs shall adopt rules under RSA 541-A, relative  
28 to grant application and distribution procedures for wireless initiatives pursuant to 12-O:65.

29           II. The rules shall, at a minimum, include the following:  
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(a) Establishment of a competitive grant process based on objective criteria, prioritizing areas unserved by or lacking consistent mobile wireless coverage.

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are used to build projects in areas unserved by or lacking consistent mobile wireless coverage.

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

(d) Establishment of a process that promotes wireless connectivity statewide.

(e) Establishment of a program or mechanisms to encourage adoption of wireless services.

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

(a) Costs of construction and government permitting, installation, and operation of wireless network infrastructure, including but not limited to buildings, towers, digital devices, equipment, and fiber-optic lines.

(b) Upgrades to existing wireless network infrastructure.

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

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

(e) Awards pursuant to this subdivision shall be contingent on the issuance of necessary government permits.

IV. The department of business and economic affairs shall not, as a condition of an award of grant money, impose any requirement, rate regulation, or other term or condition of service that differs from the applicant's terms or conditions of service in its other service areas.

12-O:67 Wireless Deployment Grant Fund.

I. There is hereby established in the state treasury the wireless deployment grant fund. The fund shall be kept separate and distinct from all other funds and shall be nonlapsing and continually appropriated to the commissioner of the department of business and economic affairs for the purposes of this subdivision. In addition to state appropriations, the department may accept gifts, grants, and donations for deposit into the fund.

II. Federal funds received by the state for the purposes of expanding or improving Internet access or wireless connectivity may be credited to the wireless deployment grant fund.

12-O:68 Federal Law Supersedes. If any provision of this subdivision conflicts with any provision of funding guidance under federal law, the federal funding guidance shall supersede.

231:3 New Subparagraph; Application of Receipts; Wireless Deployment Grant Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys credited to the wireless deployment grant fund established in RSA 12-O:67.

231:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 17, 2022  
Effective Date: August 16, 2022