

SB 247 - AS INTRODUCED

2022 SESSION

22-2957

12/04

SENATE BILL **247**

AN ACT relative to broadband infrastructure bonds.

SPONSORS: Sen. Ricciardi, Dist 9; Sen. Hennessey, Dist 1; Sen. Avard, Dist 12; Sen. Ward, Dist 8; Rep. Plett, Hills. 6

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill authorizes a municipality or county to issue bonds or notes for the financing of broadband infrastructure projects for any location within a municipality.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to broadband infrastructure bonds.

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

1 1 Municipal Finance; Purpose of Issue of Bonds or Notes. Amend RSA 33:3 to read as follows:
2 33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes
3 for the acquisition of land, for economic development, for planning relative to public facilities, for the
4 construction, reconstruction, alteration, and enlargement or purchase of public buildings, for other
5 public works or improvements, or for the financing of improvements, of a permanent nature
6 including broadband infrastructure as defined in RSA 38:38, I(e), ~~[to serve any location within a~~
7 ~~municipality unserved by broadband as defined in RSA 38:38, I(e)]~~ for the purchase of departmental
8 equipment of a lasting character, and for the payment of judgments. The issuance of such bonds or
9 notes shall include, but not be limited to, public-private partnerships involving capital
10 improvements, loans, financing, and guarantees. The public benefit in any public-private
11 partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes
12 of economic development may be issued only after the governing body of the municipality or county
13 has held hearings and presented the public benefit findings to the public and after such issuance has
14 been approved by the legislative body. A municipality or county shall not issue bonds or notes to
15 provide for the payment of expenses for current maintenance and operation except as otherwise
16 specifically provided by law.

17 2 Municipal Finance; Issue of Bonds for Preliminary Expenses. Amend RSA33:3-c, I(e) to read
18 as follows:

19 (e) Broadband infrastructure as defined in RSA 38:38, I(e) constructed to serve any
20 locations within a municipality ~~[unserved by broadband as defined in RSA 38:38, I(e)].~~

21 3 Municipal Finance; Broadband Infrastructure Bonds. Amend RSA 33:3-g, I to read as follows:

22 I. A municipality or communications district formed under RSA 53-G may issue bonds for
23 the purpose of financing the development, construction, reconstruction, renovation, improvement,
24 and acquisition of broadband infrastructure ~~[in any locations within a municipality unserved by~~
25 ~~broadband as defined in RSA 38:38, I(e)].~~ Without limiting the foregoing, broadband infrastructure
26 may be the subject of public-private partnerships established in accordance with the provisions of
27 RSA 33:3.

28 4 Municipal Finance; Broadband Infrastructure Bonds. Amend RSA 33:3-g, III to read as
29 follows:

30 III. A municipality, county, or communications district shall not issue bonds for the purpose
31 of financing the development, construction, reconstruction, renovation, improvement, and acquisition

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1 of broadband infrastructure in any location within a municipality, county, or communications
2 district [~~unserved by broadband as defined in RSA 38:38, I(e)~~] unless a request for information has
3 been issued, at a minimum, to all providers serving the issuing community in accordance with RSA
4 33:3-g, IV and such providers have been given 30 days to respond to the request. The request for
5 information shall include, but is not limited to, information identifying addresses within a
6 municipality, county, or communications district, served by broadband as defined in RSA 38:38, I(c).
7 A response shall meet the requirements of this paragraph if it includes, in either map or spreadsheet
8 form, street level information identifying the first and last serviceable address. After completing,
9 issuing, and receiving responses to such request for information, a municipality, county, or
10 communications district may issue a request for proposals for the purpose of engaging in a public-
11 private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband
12 infrastructure, as defined in RSA 38:38, I(e), and the provision of broadband service as defined in
13 RSA 38:38, I(f). A municipality, county, or communications district may select a proposal based on
14 criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband
15 network. Requests for proposals shall include, in either map or spreadsheet form, street level
16 information identifying the first and last serviceable address. A municipality, county, or
17 communications district may determine that no provider has met the criteria included in the request
18 for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B, including but
19 not limited to, open networks. If a broadband provider does not respond to a request for information
20 pursuant to this paragraph, the locations served by that broadband provider shall be considered
21 unserved, unless those locations are served by a broadband provider who responded to that
22 municipality's request for information.

23 5 Municipal Electric, Gas, or Water Systems; Broadband Access. Amend RSA 38:38, I(e) to read
24 as follows:

25 (e) "Broadband infrastructure" means all equipment and facilities, ***serv***
26 ***ing any***
27 ***location within a municipality***, including all changes, modifications, and expansions to existing
28 facilities, as well as the customer premises equipment used to provide broadband, as defined in
29 subparagraph (c), and any software integral to or related to the operations, support, facilitation, or
interconnection of such equipment.

30 6 Effective Date. This act shall take effect 60 days after its passage.