

CHAPTER 173
SB 222 - FINAL VERSION

03/30/2023 1241s

2023 SESSION

23-0904
02/08

SENATE BILL

222

AN ACT relative to the definition of broadband infrastructure as a revenue-producing facility eligible for municipal revenue bonds.

SPONSORS: Sen. Bradley, Dist 3; Sen. Gray, Dist 6; Sen. Perkins Kwoka, Dist 21; Sen. Gendreau, Dist 1; Sen. Lang, Dist 2; Rep. J. MacDonald, Carr. 6; Rep. Leishman, Hills. 33

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill alters broadband municipal revenue bonding restrictions to be limited to formed communications districts and specifies the rates of transmission in the definition of broadband.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the definition of broadband infrastructure as a revenue-producing facility eligible for municipal revenue bonds.

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

1 173:1 Municipal Revenue Bonds; Definitions. Amend RSA 33-B:1, VI to read as follows:

2 VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in
3 RSA 38:38, I(e), purchased or constructed to serve any location within a municipality unserved by
4 broadband as defined in RSA 38:38, I(c) ***or any location within a communications district formed under***
5 ***RSA 53-G***, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource
6 recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of
7 electricity or gas, any other real or personal property or interests in a municipality or regional water district
8 owned or controlled by the municipality or regional water district, from the operation of which revenues are
9 or are expected to be derived by the municipality, or regional water district, and qualifying energy
10 conservation and clean energy improvements for which a municipality provides financing pursuant to RSA
11 53-F.

12 173:2 Municipal Electric, Gas, or Water Systems; Broadband Access; Broadband. Amend RSA
13 38:38, I(c) to read as follows:

14 (c) "Broadband" means the transmission of information, between or among points specified
15 by the user, with or without change in the form or content of the information as sent and received, at rates
16 of transmission ***greater than or equal to 100 megabits per second download and 20 megabits per second***
17 ***upload or at rates of transmission*** defined by the Federal Communications Commission as a wireline
18 advanced telecommunications capability as defined by section 706 of the Telecommunications Act of
19 1996, ***whichever rates of transmission are greater***, irrespective of the network technology used.

173:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 28, 2023
Effective Date: September 26, 2023