

CHAPTER 280
SB 445-FN - FINAL VERSION

03/31/2022 1263s
4May2022... 1537h
05/26/2022 2041CofC

2022 SESSION

22-3041
12/05

SENATE BILL ***445-FN***

AN ACT relative to the broadband matching grant initiative.

SPONSORS: Sen. Hennessey, Dist 1; Sen. Bradley, Dist 3; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Daniels, Dist 11; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. Sherman, Dist 24; Sen. Prentiss, Dist 5; Sen. Giuda, Dist 2; Sen. Gray, Dist 6

COMMITTEE: Finance

AMENDED ANALYSIS

This bill transfers funding to the broadband matching grant fund and makes various changes to the broadband matching grant initiative's guidelines.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the broadband matching grant initiative.

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

1 280:1 Broadband Matching Grant Initiative; Program Guidelines; Rulemaking. Amend RSA 12-O:62,
2 II(b) to read as follows:

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 has commenced. [~~Projects in planning, design, or terms negotiations,~~
6 ~~and not under construction as of January 1, 2021, shall be eligible for funding]~~ ***For the purposes of this***
7 ***subdivision, construction has commenced when a provider initiates the make-ready process or begins***
8 ***construction of broadband infrastructure in the project area. A provider who successfully challenges an***
9 ***application's eligibility for funding because construction has commenced shall complete construction as***
10 ***soon as practical and without undue delay.***

11 280:2 Broadband Matching Grant Initiative Established. Amend RSA 12-O:61, III to read as follows:

12 III. Any broadband provider, political subdivision, or communications district formed under RSA
13 53-G shall be eligible for a grant of up to [50] ***75*** percent of the total eligible costs of a project. Projects
14 under construction at the time of application shall be ineligible, ***unless the provisions of RSA 12-O:62, VIII***
15 ***apply.*** Projects in the planning stages shall be eligible.

16 280:3 Broadband Matching Grant Initiative; Program Guidelines; Cost Contribution. Amend RSA 12-
17 O:62, VI to read as follows:

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

24 280:4 New Paragraphs; Broadband Matching Grant Initiative; Conflicts and Reporting Requirement.
25 Amend RSA 12-O:62 by inserting after paragraph VII the following new paragraphs:

26 VIII. If the provisions of RSA 12-O:61, RSA 12-O:62, or RSA 12-O:63 conflict with the provisions
27 of the federal funding guidance, specifically for the purposes of the broadband matching grant initiative or
28 the broadband matching grant fund, the federal funding guidance shall control.

29 IX.(a) The commissioner of the department of business and economic affairs shall submit a
30 quarterly report, beginning July 1, 2022, to the fiscal committee of the general court, which includes:

31 (1) The number of grant applications received by the department.

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1 (2) A list of the grants approved by the department, including the broadband provider, the
2 political subdivisions covered, and the dollar amount of each grant.

3 (3) A list of grants denied by the department.

4 (4) The details of any successful or unsuccessful appeal of a department decision to
5 deny an application.

6 (5) The details of any federal coronavirus capital project funds, authorized by the
7 American Rescue Plan Act of 2021, appropriated for reasons not included in the broadband matching
8 grant initiative.

9 (6) The details of any remaining available federal coronavirus capital project funds,
10 authorized by the American Rescue Plan Act of 2021.

11 280:5 Effective Date. This act shall take effect upon its passage.

Approved: June 24, 2022
Effective Date: June 24, 2022

