

SB 459 - AS INTRODUCED

2020 SESSION

20-2871

08/10

SENATE BILL **459**

AN ACT relative to determining access to broadband.

SPONSORS: Sen. Bradley, Dist 3; Sen. Giuda, Dist 2; Rep. McGhee, Hills. 40; Rep. Marsh, Carr. 8; Rep. Somssich, Rock. 27; Rep. Josephson, Graf. 11; Rep. Knirk, Carr. 3

COMMITTEE: Election Law and Municipal Affairs

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ANALYSIS

This bill defines areas where broadband providers do not respond to certain municipal requests as unserved.

This bill also allows E911 services to share broadband information with municipalities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to determining access to broadband.

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

1 1 Broadband Infrastructure. Amend RSA 33:3-g, III to read as follows:

2 III. A municipality shall not issue bonds for the purpose of financing the development,  
3 construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure  
4 in any location within a municipality unserved by broadband as defined in RSA 38:38, I(c) unless a  
5 request for information has been issued, at a minimum, to all providers serving the issuing  
6 community and such providers have been given 2 months to respond to the request. The request for  
7 information may include, but is not limited to, information identifying locations within a  
8 municipality unserved by broadband as defined in RSA 38:38, I(c). After completing, issuing, and  
9 receiving responses to such request for information, a municipality may issue a request for proposals  
10 for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the  
11 deployment of broadband infrastructure, as defined in RSA 38:38, I(e), and the provision of  
12 broadband service as defined in RSA 38:38, I(f). A municipality may select a proposal based on  
13 criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband  
14 network which meets or exceeds the anticipated needs of the community. A municipality may  
15 determine that no provider has met the criteria included in the request for proposals and may issue  
16 bonds for purposes pursuant to RSA 33:3 and RSA 33-B, including but not limited to, open networks.  
17 ***If a provider does not provide a response to the request for information in this paragraph,***  
18 ***the properties covered by that provider shall be considered unserved by broadband.***

19 2 New Paragraph; Broadband Access. Amend RSA 38:38 by inserting after paragraph II the  
20 following new paragraph:

21 III. Unless an existing provider has identified properties unserved by broadband, as defined  
22 in paragraph I(c), during the request for information process, all properties in a municipality shall  
23 be considered unserved. Municipalities may nullify the claims of service by an existing provider.

24 3 New Paragraph; Information Not Subject to Right-to-Know Law. Amend RSA 106-H:14 by  
25 inserting after paragraph II the following new paragraph:

26 III. Municipal and city governments may receive access to E911 systems for purposes of  
27 determining broadband access. Access shall be limited to information regarding parcels or lots of  
28 land that have been assigned an E911 street number, however the personal information of the owner  
29 shall not be required as part of the request.

30 4 Effective Date. This act shall take effect 60 days after its passage.