

1 H.657

2 Senators Wrenner and MacDonald move that the Senate propose to the
3 House that the bill be amended as follows:

4 First: By striking out Sec. 3, 30 V.S.A. § 7523, in its entirety and inserting
5 in lieu thereof a new Sec. 3 to read as follows:

6 Sec. 3. 30 V.S.A. § 7523 is amended to read:

7 § 7523. RATE OF CHARGE

8 (a)(1) ~~Beginning on July 1, 2014, the~~ Except as provided in subsection
9 7521(e) of this chapter, which pertains to prepaid wireless telecommunications
10 service, and in subdivision (4) of this subsection, the monthly rate of charge
11 shall be two percent of retail telecommunications service \$0.72 for each retail
12 access line in service.

13 (2) The number of access lines a telecommunications service provider
14 provides a customer shall be deemed equal to the number of inbound or
15 outbound, whichever is greater, two-way communications by any technology
16 that the customer can maintain at the same time as provisioned by the
17 provider's service.

18 (3) As used in this section, "access line" means a wire or wireless
19 connection that provides voice telecommunications service to or from any
20 device used by a customer, regardless of technology, that is associated with a
21 10-digit NPA-NXX number or other unique identifier and with a service

1 location or place of primary use in Vermont and that is capable of accessing
2 the 911 system.

3 (4) A customer enrolled in the federal Lifeline program or the Vermont
4 Lifeline program, or both, is exempt from the charge established by this
5 chapter.

6 ~~(b) Beginning on July 1, 2019, the rate of charge established under~~
7 ~~subsection (a) of this section shall be increased by four tenths of one percent of~~
8 ~~retail telecommunications service, and the monies collected from this increase~~
9 ~~shall be transferred to the Vermont Community Broadband Fund established~~
10 ~~under section 8083 of this title, and up to \$120,000.00 shall be used to fund a~~
11 ~~Rural Broadband Technical Assistance Specialist whose duties shall include~~
12 ~~providing outreach, technical assistance, and other support services to~~
13 ~~communications union districts established pursuant to chapter 82 of this title~~
14 ~~and other units of government, nonprofit organizations, cooperatives, and for-~~
15 ~~profit businesses for the purpose of expanding broadband service to unserved~~
16 ~~and underserved locations. Support services also may include providing~~
17 ~~business model templates for various approaches, including formation of or~~
18 ~~partnership with a cooperative, a communications union district, a rural~~
19 ~~economic development infrastructure district, an electric utility, or a new or~~
20 ~~existing Internet service provider as operator of the network.~~

1 (ε) Universal Service Charges imposed and collected by the fiscal agent
2 under this subchapter shall not be transferred to any other fund or used to
3 support the cost of any activity other than in the manner authorized by this
4 section and section 7511 of this title.

5 Second: In Sec. 5, 30 V.S.A. § 7511, in subdivision (a)(6), by striking out
6 the words “Connectivity Fund” and inserting in lieu thereof “~~Connectivity~~
7 Fund Vermont Community Broadband Board”

8 Third: In Sec. 10, 32 V.S.A. § 3602b, by adding subdivision (d)(5) to read
9 as follows:

10 (5) The Division shall seek input from the Agency of Transportation in
11 the creation of the inventories required under this section and shall share the
12 valuations obtained pursuant to this subsection with the Agency of
13 Transportation for inclusion in the right-of-way database developed and
14 maintained by the Agency.

15 Fourth: By striking out Sec. 13, one-time appropriation, in its entirety and
16 inserting in lieu thereof the following:

17 Sec. 13. ONE-TIME APPROPRIATIONS; INVENTORY AND
18 VALUATION

19 (a) Notwithstanding 32 V.S.A. § 3709(a), the sum of \$150,000.00 is
20 appropriated from the PILOT Special Fund to the Division of Property

1 Valuation and Review of the Department of Taxes in fiscal year 2025 for the
2 purpose of creating a property valuation model for communications property.

3 (b) In fiscal year 2025, up to \$XXX of the \$11,000,000.00 appropriated to
4 the Department of Public Safety for regional dispatch planning pursuant to
5 2022 Acts and Resolves No. 185, Sec. B.1100, shall be transferred to the
6 Agency of Transportation to provide funding for the inventory and study
7 required under Secs. 15 and 16, respectively, of this act.

8 Fifth: By striking out Secs. 13a, right-of-way charge, and 14, effective
9 dates, and their accompanying reader assistance heading in their entirety and
10 inserting in lieu thereof the following:

11 * * * State Highway ROW; Inventory; Economic Modeling * * *

12 Sec. 14. 19 V.S.A. § 26a is amended to read:

13 § 26a. DETERMINATION OF RENT TO BE CHARGED FOR LEASING
14 OR LICENSING STATE-OWNED PROPERTY UNDER THE
15 AGENCY'S JURISDICTION

16 (a) ~~Except as otherwise provided by subsection (b) of this section, or as~~
17 ~~otherwise provided by law, leases~~ Leases or licenses negotiated by the Agency
18 under 5 V.S.A. §§ 204 and 3405 and section 26 and subsection 1703(d) of this
19 title ~~ordinarily~~ shall require the payment of fair market value rent, as
20 determined by the prevailing area market prices for comparable space or
21 property. However, the Agency may adopt a rule pursuant to which the

1 Agency may lease or license State-owned property under its jurisdiction for
2 less than fair market value when the Agency determines that the proposed
3 occupancy or use serves a public purpose or that there exist other relevant
4 factors, such as a prior course of dealing between the parties, that justify
5 setting rent at less than fair market value.

6 (b)(1) ~~Unless otherwise required by federal law, Beginning on or before~~
7 ~~July 1, 2025,~~ the Agency shall annually assess, collect, and deposit in the
8 Transportation Fund ~~a reasonable charge or payment with respect to leases or~~
9 ~~licenses for access to or use of State-owned rights-of-way by providers of~~
10 ~~broadband or wireless communications facilities or services~~ the rent required
11 by this section. ~~The Agency may waive such charge or payment in whole or in~~
12 ~~part if the provider offers to provide comparable value to the State so as to~~
13 ~~meet the public good as determined by the Agency and the Department of~~
14 ~~Public Service. For the purposes of this section, the term “comparable value to~~
15 ~~the State” shall be construed broadly to further the State’s interest in~~
16 ~~ubiquitous broadband and wireless service availability at reasonable cost. Any~~
17 ~~waiver of charges or payments for comparable value to the State granted by the~~
18 ~~Agency may not exceed five years. Thereafter, the Agency may extend any~~
19 ~~waiver granted for an additional period not to exceed five years if the Agency~~
20 ~~makes affirmative written findings demonstrating that the State has received~~
21 ~~and will continue to receive value that is comparable to the value to the~~

1 ~~provider of the waiver, or it may revise the terms of the waiver in order to do~~
2 ~~so.~~

3 (2) The Secretary shall establish a schedule of rental rates after
4 consideration of the valuation of the property for taxation purposes pursuant to
5 32 V.S.A. § 3602b. The Secretary may adjust the rates prescribed in this
6 section to account for inflationary changes as measured by the Consumer Price
7 Index.

8 (c) Nothing in this section shall authorize the Agency to impose a charge or
9 payment for the use of a highway right-of-way that is ~~not otherwise authorized~~
10 ~~or required~~ prohibited by State or federal law.

11 ~~(d) Nothing in this section shall be construed to impair any contractual~~
12 ~~rights existing on June 9, 2007.~~ The State shall have no authority under this
13 section to waive any sums due to a railroad. The State shall also not offer any
14 grants or waivers of charges for any new broadband installations in segments
15 of rail corridor where an operating railroad has installed or allowed installation
16 of fiber optic facilities prior to June 9, 2007 unless the State offers equivalent
17 terms and conditions to the owner or owners of existing fiber optic facilities.

18 (e) In developing contracts, leases, and licenses under this section, the
19 Secretary of Transportation shall take into consideration the standard contract
20 and standard contracting procedure developed by the Secretary of Digital

1 Services pursuant to 30 V.S.A. § 227b, which pertains to wireless
2 telecommunications on State-owned buildings, structures, and land.

3 (f) Notwithstanding 2 V.S.A. § 20(d), beginning on January 1, 2026 and
4 annually thereafter, the Agency shall submit a written report to the General
5 Assembly itemizing all rent collected under this section.

6 * * * Agency of Transportation; Inventory; Revenue Modeling * * *

7 Sec. 15. COMMUNICATIONS AND UTILITY INFRASTRUCTURE;
8 INVENTORY; REVENUE MODELING

9 (a) The General Assembly finds:

10 (1) For purposes of efficiency and economy, it is essential that the State
11 expend public funds in a manner that maximizes the use and benefits of both
12 existing datasets as well as those that are currently in the process of being
13 developed pursuant to the charge of the Public Safety Communications Task
14 Force established by 2023 Acts and Resolves No. 78, Sec. C.114.

15 (2) The Public Safety Communications Task Force has recently retained
16 a System Planning vendor responsible for conducting an inventory of existing
17 communications infrastructure relevant to public safety communications in
18 Vermont, including along the State highway system and municipal roadways.

19 (3) This inventory can provide information useful to municipalities
20 when they prepare their grand lists, and it can serve as a useful basis for the

1 implementation of 19 V.S.A. § 26a(b) as it pertains to communications and
2 utility property in the public rights-of-way.

3 (b) The Secretary of Transportation shall contract for an inventory of all
4 infrastructure and attachments, including all aerial and underground
5 communications, electric, and natural gas assets, in the public rights-of-way.

6 The inventory shall be completed on or before July 1, 2025. Nonvisible
7 dataset attributes are exempt from public inspection and copying under the
8 Vermont Public Records Act.

9 (c) Prior to the data collection required by subsection (b) of this section, the
10 Secretary of Transportation, in consultation with the GIS unit within the
11 Agency of Digital Services and the Division of Property Valuation and Review
12 within the Department of Taxes, shall develop a data specification detailing the
13 needed attributes for collection and modeling pursuant to this section. Each
14 element of the inventory shall specify the location in GIS format and the owner
15 or lessee that is liable for payment of right-of-way rent or property tax, or both.

16 (d) The inventory required by this section shall be collected in a manner
17 that allows for modeling how much potential billable revenue may be realized
18 by the State and municipalities from all users of the public rights-of-way and in
19 a manner that facilitates local property tax valuation. The financial model shall
20 be based on a series of spreadsheets linked to the GIS map composed of the
21 location inventory of all infrastructure located in the public rights-of-way. The

1 inventory shall identify aerial and underground twisted-pair copper cable used
2 for telephone and data services; coaxial cable; fiber optic cable, identified by
3 sheathing type and strand count; aerial and underground electrical conductors
4 and the voltages of each; and underground natural gas lines.

5 (e) Each communications, electric, and natural gas company shall make
6 available all its mapped assets in GIS format to the Agency of Transportation
7 for compilation and then to be managed and maintained in a GIS database by
8 the Vermont Center for Geographic Information in perpetuity.

9 (f) The Secretary of Transportation, in cooperation with the Secretary of
10 Digital Services, shall create a portal through which all owners of network
11 infrastructure shall routinely update the GIS database with new build,
12 removals, or changes and shall establish the time and manner or providing such
13 updates.

14 (g) The inventory and revenue modeling developed pursuant to this section
15 shall be accessible by the Commissioner of Taxes, the Commissioner of Public
16 Service, the Commissioner of Public Safety, and the Director of Vermont
17 Emergency Management.

18 (h) Data collected pursuant to this section is exempt from public inspection
19 and copying under the Public Records Act until the report required by Sec. 16
20 of this act is completed and then shall be publicly available consistent with the
21 recommendations contained in that report.

1 (c) The General Assembly finds that information that is easily found via
2 public sources or visible in the right-of-way and not protected from disclosure
3 includes utility pole locations, aerial plant, pole-mounted cabinets, pedestals,
4 electric generation facilities, substations, and network building locations.

5 (d)(1) On or before December 15, 2024, the Secretary of Transportation
6 shall submit a written report to the General Assembly that includes its findings
7 and recommendations related to the study required by this section.

8 Specifically, and with the goal of maintaining maximum transparency and
9 public access to nonexempt records, the report shall include:

10 (A) standards and procedures for evaluating public records requests
11 concerning information contained within infrastructure databases, including
12 recommended redaction parameters, system security considerations, and a
13 process for evaluating and differentiating exempt information from publicly
14 available information; and

15 (B) any other standards and procedures deemed relevant by the Task
16 Force and consistent with the purpose and findings of this section.

17 (2) In addition, the report shall include recommendations specific to
18 communications union districts (CUDs), including recommendations
19 describing a policy to be enacted by the General Assembly that would govern
20 the extent of confidentiality of CUD network details regarding capacity,
21 resilience, strategies to support competition, operator agreements, and other

1 operational information held by the CUDs, including network designs, network
2 facilities locations, business records, and contracts, and including any
3 suggested amendments to the Vermont’s Public Records Act. In preparing
4 these recommendations, the Secretary shall consider at least the following:

5 (A) the policies underlying the Public Records Act, including the
6 importance of maintaining maximum transparency of and public access to
7 nonexempt records;

8 (B) the economic value to the public and to the communications
9 industry more broadly from wide dissemination of geographic information
10 relating to communications facilities’ locations;

11 (C) the nature an probability of risks to critical infrastructure and
12 risks to other communications facilities that would likely follow broad public
13 disclosure of the materials, functions, design, and locations of communications
14 infrastructure;

15 (D) the extent and value of trade secrets held by communications
16 providers with facilities in Vermont;

17 (E) the extent to which public knowledge of facility locations and
18 designs would compromise the security or operational functioning of existing
19 networks;

1 managed by the Department of Buildings and General Services, ~~the Agency of~~
2 ~~Transportation~~, the Department of Public Safety, and the Agency of Natural
3 Resources.

4 (2) The Secretary is granted all powers necessary to carry out ~~his or her~~
5 the Secretary's responsibilities under this section. Notwithstanding any other
6 provision of law to the contrary, the powers granted to the Secretary under this
7 section relating to wireless telecommunications facilities shall supersede the
8 authority granted to any other State official or agency relating to such facilities.

9 The powers granted by this section shall not affect the Secretary's duty, and
10 any duty of the facility owner, to seek and obtain any applicable gubernatorial,
11 quasi-judicial, or legislative review, approval, or permit required by law,
12 including as necessary permits under 10 V.S.A. chapter 151 (Act 250), local
13 planning and zoning permits, a certificate of public good under section 248a of
14 this title, and legislative approval under 29 V.S.A. § 166 (sale or long-term
15 lease of State lands), 10 V.S.A. § 2606 (exchange or lease of State forests and
16 parks), or 10 V.S.A. § 2606a (State-owned mountaintop use as
17 communications sites). A decision by the Secretary to contract or enter into or
18 renew a lease or license for the use of a State-owned building, structure, or
19 land for a wireless telecommunications facility shall have no presumptive or
20 binding effect with respect to the facility's compliance with the standards or

1 criteria used in determining whether to grant any such required approval or
2 permit.

3 (3) The Secretary shall consult with all affected State officials and
4 agencies concerning each proposed use of State properties for wireless
5 telecommunications facilities to determine the compatibility of the particular
6 building, structure, or parcel of land to accommodate such facilities, and to
7 determine and give due consideration to the compatibility of the proposed use
8 with the approved long-term management plan for the property under
9 consideration, but the approval of such officials or agencies is not required for
10 the Secretary to exercise ~~his or her~~ the Secretary's powers under this section.

11 In the case of lands managed by the Agency of Natural Resources, the
12 Secretary shall determine that the use is consistent with any management plan
13 to which the lands are subject.

14 (b) The Secretary of ~~Administration~~ Digital Services shall develop a
15 standard contract and a standard contracting procedure for the use of State-
16 owned buildings and land for wireless telecommunications facilities. The
17 contract and contracting procedure shall provide for:

18 (1) ~~criteria~~ Criteria and procedures for making a wireless facility
19 development proposal;

1 (2) ~~final~~ Final consideration of each completed facility development
2 proposal within 60 days of the proposal’s submission in the manner prescribed
3 by the Secretary;

4 (3) ~~appropriate~~ Appropriate public benefits as compensation for the use
5 of State properties, including public use of increased telecommunications
6 capacity, direct compensation, or other public benefits;

7 (4) ~~in~~ In the event that a wireless telecommunications facility is
8 abandoned, the restoration of the site to a natural state within 12 months
9 following abandonment. For the purpose of this subdivision, “natural state”
10 does not require the removal of equipment and material buried more than
11 12 inches below natural grade if the equipment and material do not constitute
12 hazardous material as defined under 10 V.S.A. § 6602(16), and the Secretary
13 concludes that in the context of a particular site, removal of such equipment
14 and material is not necessary to satisfy the purposes of this subsection.
15 Nothing in this subdivision shall constitute authority to dispose of or bury
16 waste or other material in contradiction of applicable law;

17 (5) ~~encouragement~~ Encouragement of competition in wireless
18 telecommunications, including requirements for open access for competing
19 providers;

1 (6) ~~encouragement~~ Encouragement of the use of advanced technology,
2 and the collocation of facilities whenever feasible, in order that the number of
3 wireless telecommunications facilities can be minimized or reduced;

4 (7) ~~terms~~ Terms and conditions requiring certification by the owners of
5 wireless telecommunications facilities on State-owned buildings, structures, or
6 land that such facilities have been installed, operated, and maintained in
7 accordance with applicable federal and State safety standards; ~~and~~.

8 (8) ~~the~~ The retaining of a portion of revenues accruing from the lease of
9 State-owned buildings, structures, or lands, as determined by the Secretary of
10 ~~Administration~~ Digital Services, by departments with management
11 responsibility for such buildings, structures, or lands in order to cover
12 operating and maintenance costs associated with two-way, interactive
13 telecommunications facilities.

14 (c) ~~By January 15, 2012, and by January 15 in the next succeeding three~~
15 ~~years~~ Notwithstanding 2 V.S.A. § 20(d), on or before January 15, 2025 and
16 annually thereafter, the Secretary of ~~Administration~~ shall report to the ~~Chairs~~
17 ~~of the~~ House Committee on Commerce and Economic Development and the
18 Senate Committee on Finance concerning the Secretary's activities under this
19 section.

20 (d) In the event of a conflict between the provisions of this section and any
21 other provision of law relating to the use of State-owned buildings, structures,

1 and land, including the provisions of 29 V.S.A. § 165, ~~and 19 V.S.A. § 26a~~, the
2 provisions of this section shall control.

3 (e) This section and the authority granted to the Secretary of Digital
4 Services pursuant to this section shall not apply to or in any manner supersede
5 the authority and granted to the Secretary of Transportation under 19 V.S.A.
6 § 26a.

7 * * * Effective Dates * * *

8 Sec. 19. EFFECTIVE DATES

9 This act shall take effect on passage, except that:

10 (1) Secs. 1–6 (VUSF contribution method; 988 funding) shall take effect
11 on July 1, 2025;

12 (2) Secs. 8–12 (communications property tax) shall take effect on July 1,
13 2025 and shall apply to grand lists lodged on or after April 1, 2025.