

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 117 entitled
3 “An act relating to creating a Division for Telecommunications and
4 Connectivity within the Department of Public Service” respectfully reports that
5 it has considered the same and recommends that the Senate propose to the
6 House that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 * * * Division for Telecommunications and Connectivity * * *

9 Sec. 1. REPEAL

10 3 V.S.A. § 2225 (creating the Division for Connectivity within the Agency
11 of Administration) and 2014 Acts and Resolves No. 190, Secs. 12 (Division
12 for Connectivity), 14 (creation of positions; transfer; reemployment rights),
13 and 30(a)(2) and (b) (statutory revision authority regarding the Division for
14 Connectivity) are repealed.

15 Sec. 2. 30 V.S.A. § 1 is amended to read:

16 § 1. COMPOSITION OF DEPARTMENT

17 (a) ~~The department of public service~~ Department of Public Service shall
18 consist of the ~~commissioner of public service, a director for regulated utility~~
19 ~~planning, a director for public advocacy, a director for energy efficiency,~~
20 Commissioner of Public Service, a Director for Regulated Utility Planning,
21 a Director for Public Advocacy, a Director for Energy Efficiency, a Director

1 for Telecommunications and Connectivity, and such other persons as the
2 ~~commissioner~~ Commissioner considers necessary to conduct the business of
3 the ~~department~~ Department.

4 (b) The ~~commissioner of public service~~ Commissioner shall be appointed
5 by the ~~governor~~ Governor with the advice and consent of the ~~senate~~ Senate.

6 The ~~commissioner of public service~~ Commissioner shall serve for a term of
7 two years beginning on February 1 of the year in which the appointment is
8 made. The ~~commissioner~~ Commissioner shall serve at the pleasure of the

9 ~~governor~~ Governor. The ~~directors for regulated utility planning, for energy~~
10 ~~efficiency and for public advocaey~~ Directors for Regulated Utility Planning,

11 for Public Advocacy, and for Energy Efficiency shall be appointed by the

12 ~~commissioner~~ Commissioner. The Director for Telecommunications and

13 Connectivity shall be appointed by the Commissioner in consultation with the

14 Secretary of Administration.

15 (c) The ~~director for public advocaey~~ Directors for Public Advocacy and for

16 Telecommunications and Connectivity may employ, with the approval of the

17 ~~commissioner~~ Commissioner, legal counsel and other experts, and clerical

18 assistance, and the ~~directors of regulated utility planning and energy efficiency~~

19 Directors for Regulated Utility Planning and for Energy Efficiency may

20 employ, with the approval of the ~~commissioner~~ Commissioner, experts and

21 clerical assistance.

1 Sec. 3. 30 V.S.A. § 202d is amended to read:

2 § 202d. TELECOMMUNICATIONS PLAN

3 (a) The Department of Public Service shall constitute the responsible
4 planning agency of the State for the purpose of obtaining for all consumers in
5 the State stable and predictable rates and a technologically advanced
6 telecommunications network serving all service areas in the State. The
7 Department shall be responsible for the provision of plans for meeting
8 emerging trends related to telecommunications technology, markets, financing,
9 and competition.

10 (b) The Department shall prepare a Telecommunications Plan for the State.
11 The Department of Innovation and Information, ~~the Division for Connectivity~~
12 ~~and the Agency of Commerce and Community Development, and the Agency~~
13 ~~of Transportation~~ shall assist the Department of ~~Public Service~~ in preparing the
14 Plan. The Plan shall be for a ten-year period and shall serve as a basis for State
15 telecommunications policy. Prior to preparing the Plan, the Department shall
16 prepare:

17 (1) an overview, looking ten years ahead, of future requirements for
18 telecommunications services, considering services needed for economic
19 development, technological advances, and other trends and factors which, as
20 determined by the Department of Public Service, will significantly affect State
21 telecommunications policy and programs;

1 (2) a survey of Vermont residents and businesses, conducted in
2 cooperation with the Agency of Commerce and Community Development ~~and~~
3 ~~the Division for Connectivity~~, to determine what telecommunications services
4 are needed now and in the succeeding ten years;

5 (3) an assessment of the current state of telecommunications
6 infrastructure;

7 (4) an assessment, conducted in cooperation with the Department of
8 Innovation and Information and the ~~Division for Connectivity~~ Agency of
9 Transportation, of the current State telecommunications system and evaluation
10 of alternative proposals for upgrading the system to provide the best available
11 and affordable technology for use by government; and

12 (5) an assessment of the state of telecommunications networks and
13 services in Vermont relative to other states, including price comparisons for
14 key services and comparisons of the state of technology deployment.

15 (c) In developing the Plan, the Department shall take into account the State
16 telecommunications policies and goals of section 202c of this title.

17 (d) In establishing plans, public hearings shall be held and the Department
18 shall consult with members of the public, representatives of
19 telecommunications utilities with a certificate of public good, other providers,
20 including the Vermont Electric Power Co., Inc. (VELCO), and other interested
21 State agencies, particularly the Agency of Commerce and Community

1 Development, ~~the Division for Connectivity,~~ the Agency of Transportation,
2 and the Department of Innovation and Information, whose views shall be
3 considered in preparation of the Plan. To the extent necessary, the Department
4 shall include in the Plan surveys to determine existing, needed, and desirable
5 plant improvements and extensions, access and coordination between
6 telecommunications providers, methods of operations, and any change that will
7 produce better service or reduce costs. To this end, the Department may
8 require the submission of data by each company subject to supervision by the
9 Public Service Board.

10 (e) Before adopting a Plan, the Department shall conduct public hearings
11 on a final draft and shall consider the testimony presented at such hearings in
12 preparing the final Plan. At least one hearing shall be held jointly with
13 Committees of the General Assembly designated by the General Assembly for
14 this purpose. The Plan shall be adopted by September 1, 2014, and then
15 reviewed and updated as provided in subsection (f) of this section.

16 (f) The Department, from time to time, but in no event less than every three
17 years, shall institute proceedings to review ~~a~~ the Plan and make revisions,
18 where necessary. The three-year major review shall be made according to the
19 procedures established in this section for initial adoption of the Plan. For good
20 cause or upon request by a Joint Resolution passed by the General Assembly,
21 an interim review and revision of any section of the Plan may be made after

1 conducting public hearings on the interim revision. At least one hearing shall
2 be held jointly with Committees of the General Assembly designated by the
3 General Assembly for this purpose.

4 (g) The Department shall review and update the minimum technical service
5 characteristic objectives not less than every three years beginning in 2017. In
6 the event such review is conducted separately from an update of the Plan, the
7 Department shall issue revised minimum technical service characteristic
8 objectives as an amendment to the Plan.

9 Sec. 4. 30 V.S.A. § 202e is added to read:

10 § 202e. TELECOMMUNICATIONS AND CONNECTIVITY

11 (a) Among other powers and duties specified in this title, the Department of
12 Public Service, through the Division for Telecommunications and
13 Connectivity, shall promote:

14 (1) access to affordable broadband service to all residences and
15 businesses in all regions of the State, to be achieved in a manner that is
16 consistent with the State Telecommunications Plan;

17 (2) universal availability of mobile telecommunication services,
18 including voice and high-speed data along roadways, and near universal
19 availability statewide;

20 (3) investment in telecommunications infrastructure in the State that
21 creates or completes the network for service providers to create last-mile

1 connection to the home or business and supports the best available and
2 economically feasible service capabilities;

3 (4) the continuous upgrading of telecommunications and broadband
4 infrastructure in all areas of the State to reflect the rapid evolution in the
5 capabilities of available broadband and mobile telecommunications
6 technologies, the capabilities of broadband and mobile telecommunications
7 services needed by persons, businesses, and institutions in the State; and

8 (5) the most efficient use of both public and private resources through
9 State policies by encouraging the development, funding, and implementation
10 of open access telecommunications infrastructure.

11 (b) To achieve the goals specified in subsection (a) of this section, the
12 Division shall:

13 (1) provide resources to local, regional, public, and private entities in the
14 form of grants, technical assistance, coordination, and other incentives;

15 (2) prioritize the use of existing buildings and structures, historic or
16 otherwise, as sites for visually-neutral placement of mobile
17 telecommunications and wireless broadband antenna facilities;

18 (3) inventory and assess the potential to use federal radio frequency
19 licenses held by instrumentalities of the State to enable broadband service in
20 unserved areas of the State; take steps to promote the use of those licensed
21 radio frequencies for that purpose; and recommend to the General Assembly

1 any further legislative measures with respect to ownership, management, and
2 use of these licenses as would promote the general good of the State;

3 (4) coordinate telecommunications initiatives among Executive Branch
4 agencies, departments, and offices;

5 (5) identify the types and locations of infrastructure and services needed
6 to carry out the goals stated in subsection (a) of this section;

7 (6) formulate, with the advice and assistance of the Telecommunications
8 and Connectivity Board and with input from the Regional Planning
9 Commissions, an action plan that conforms with the State Telecommunications
10 Plan, as updated and revised, and carries out the goals stated in subsection (a)
11 of this section;

12 (7) coordinate the agencies of the State to make public resources
13 available to support the extension of broadband and mobile
14 telecommunications infrastructure and services to all unserved and
15 underserved areas;

16 (8) support and facilitate initiatives to extend the availability of
17 broadband and mobile telecommunications, and promote development of the
18 infrastructure that enables the provision of these services;

19 (9) work cooperatively with the Agency of Transportation and the
20 Department of Buildings and General Services to assist in making available
21 transportation rights-of-way and other State facilities and infrastructure for

1 telecommunications projects in conformity with applicable federal statutes and
2 regulations; and

3 (10) receive all technical and administrative assistance as deemed
4 necessary by the Director for Telecommunications and Connectivity.

5 (c)(1) The Director may request from telecommunications service
6 providers voluntary disclosure of information regarding deployment of
7 broadband, telecommunications facilities, or advanced metering infrastructure
8 that is not publicly funded. Such information may include data identifying
9 projected coverage areas, projected average speed of service, service type, and
10 the anticipated date of completion in addition to identifying the location and
11 routes of proposed cables, wires, and telecommunications facilities.

12 (2) The Director may enter into a nondisclosure agreement with respect
13 to any voluntary disclosures under this subsection, and the information
14 disclosed pursuant thereto shall remain confidential. Alternatively, entities that
15 voluntarily provide information requested under this subsection may select a
16 third party to be the recipient of such information. The third party may
17 aggregate information provided by the entities, but shall not disclose
18 provider-specific information it has received under this subsection to any
19 person, including the Director. The third party shall only disclose the
20 aggregated information to the Director. The Director may publicly disclose
21 aggregated information based upon the information provided under this

1 subsection. The confidentiality requirements of this subsection shall not affect
2 whether information provided to any agency of the State or a political
3 subdivision of the State pursuant to other laws is or is not subject to disclosure.

4 (d) The Division shall only promote the expansion of broadband services
5 that offer actual speeds that meet or exceed the minimum technical service
6 characteristic objectives contained in the State’s Telecommunications Plan.

7 (e) Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year,
8 the Director, with the advice and assistance of the Telecommunications and
9 Connectivity Board, shall submit a report of its activities pursuant to this
10 section and duties of title 30 V.S.A. subsection 202f (f) for the preceding fiscal
11 year to the General Assembly. Each report shall include an operating and
12 financial statement covering the Division’s operations during the year,
13 including a summary of all grant awards and contracts and agreements entered
14 into by the Division, as well as the action plan required under subdivision
15 (b)(6) of this section. In addition, the report shall include an accurate map and
16 narrative description of each of the following:

17 (1) the areas served and the areas not served by broadband that has a
18 download speed of at least 4 Mbps and an upload speed of at least 1 Mbps, and
19 cost estimates for providing such service to unserved areas;

20 (2) the areas served and the areas not served by broadband that has a
21 download speed of at least 25 Mbps and an upload speed of at least 3 Mbps, or

1 as defined by the FCC in its annual report to Congress required by section 706
2 of the Telecommunications Act of 1996, whichever is higher, and the cost
3 estimates for providing such service to unserved areas;

4 (3) the areas served and the areas not served by broadband that has a
5 download speed of at least 100 Mbps and is symmetrical, and the cost
6 estimates for providing such service to unserved areas; and

7 (4) if monetarily feasible, the areas served and the areas not served by
8 wireless communications service, and cost estimates for providing such service
9 to unserved areas.

10 Sec. 5. 30 V.S.A. § 202f is added to read:

11 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY **ADVISORY**

12 BOARD

13 (a) There is created a Telecommunications and Connectivity **Advisory**
14 Board for the purpose of making recommendations to the Commissioner of
15 Public Service regarding his or her telecommunications responsibilities and
16 duties as provided in this section. The Connectivity Advisory Board shall
17 consist of **eight members, seven** voting and one nonvoting, selected as follows:

18 (1) the State Treasurer or designee;

19 (2) the Secretary of Commerce and Community Development or
20 designee;

1 ~~(3) one member of the House of Representatives appointed by the~~
2 ~~Speaker of the House;~~

3 ~~(4) one member of the Senate appointed by the Committee on~~
4 ~~Committees of the Senate;~~

5 (3) five at-large members appointed by the Governor, who shall not be
6 employees or officers of the State at the time of appointment; and

7 (4) the Secretary of Transportation or designee, who shall be a
8 nonvoting member.

9 (b) A quorum of the Connectivity Advisory Board shall consist of four
10 voting members. No action of the Board shall be considered valid unless the
11 action is supported by a majority vote of the members present and voting and
12 then only if at least four members vote in favor of the action. The Governor
13 shall select, from among the at-large members, a Chair and Vice Chair, who
14 shall not be members of the General Assembly or employees or officers of the
15 State at the time of the appointment.

16 (c) In making appointments of at-large and legislative members, the
17 appointing authorities Governor shall give consideration to citizens of the State
18 with knowledge of telecommunications technology, telecommunications
19 regulatory law, transportation rights-of-way and infrastructure, finance,
20 environmental permitting, and expertise regarding the delivery of
21 telecommunications services in rural, high-cost areas. However, the legislative

1 and five at-large-members may not be persons with a financial interest in or
2 owners or employees of an enterprise that provides broadband or cellular
3 service or that is seeking in-kind or financial support from the Department of
4 Public Service. The conflict of interest provision in this subsection shall not be
5 construed to disqualify a member who has ownership in a mutual fund,
6 exchange traded fund, pension plan, or similar entity that owns shares in such
7 enterprises as part of a broadly diversified portfolio. The legislative and at-
8 large members shall serve terms of two years beginning on February 1 in odd-
9 numbered years, and until their successors are appointed and qualified.
10 However, three of the five at-large members first appointed by the Governor
11 shall serve an initial term of three years. Vacancies shall be filled by the
12 respective appointing bodies for the balance of the unexpired term. A member
13 may be reappointed for up to three consecutive terms. Upon completion of a
14 term of service for any reason, including the term's expiration or a member's
15 resignation, and for one year from the date of such completion, a former Board
16 member shall not advocate before the Connectivity Board, Department of
17 Public Service, or the Public Service Board on behalf of an enterprise that
18 provides broadband or cellular service.

19 (d) Except for those members otherwise regularly employed by the State,
20 the compensation of the Board's members is that provided by 32 V.S.A.
21 § 1010(a). Legislative members are entitled to compensation for services and

1 ~~reimbursement of expenses as provided in 2 V.S.A. § 406.~~ All members of the
2 Board, including those members otherwise regularly employed by the State,
3 shall receive their actual and necessary expenses when away from home or
4 office upon their official duties.

5 (e) In performing its duties, the Connectivity Advisory Board may use the
6 legal and technical resources of the Department of Public Service. The
7 Department of Public Service shall provide the Board with administrative
8 services.

9 (f) The Connectivity Advisory Board shall:

10 (1) have review and nonbinding approval authority with respect to the
11 awarding of grants under the Connectivity Initiative. The Commissioner shall
12 have sole authority to make the final decision on grant awards, as provided in
13 subsection (g) of this section.

14 (2) function in an advisory capacity to the Commissioner on the
15 development of State telecommunications policy and planning, including the
16 action plan required under subdivision 202e(b)(6) of this chapter and the State
17 Telecommunications Plan.

18 (3) annually advise the Commissioner on the development of requests
19 for proposals under the Connectivity Initiative.

1 (4) annually provide the Commissioner with recommendations for the
2 apportionment of funds to the High-Cost Program and the Connectivity
3 Initiative.

4 (5) annually provide the Commissioner with recommendations on the
5 appropriate Internet access speeds for publicly funded telecommunication and
6 connectivity projects.

7 (g) The Commissioner shall make an initial determination as to whether a
8 proposal submitted under the Connectivity Initiative meets the criteria of the
9 request for proposals. The Commissioner shall then provide the Connectivity
10 Advisory Board a list of all eligible proposals and recommendations. The
11 Connectivity Advisory Board shall review the recommendations of the
12 Commissioner and may review any proposal submitted, as it deems necessary,
13 and either approve or disapprove each recommendation and may make new
14 recommendations for the Commissioner's final consideration. The
15 Commissioner shall have final decision-making authority with respect to the
16 awarding of grants under the Connectivity Initiative. If the Commissioner
17 does not accept a recommendation of the Board, he or she shall provide the
18 Board with a written explanation for such decision.

19 (h) On September 15, 2015, and annually thereafter, the Commissioner
20 shall submit to the Connectivity Advisory Board an accounting of monies in
21 the Connectivity Fund and anticipated revenue for the next year. On or before

1 January 1 of each year, the Commissioner, after consulting with the
2 Connectivity Advisory Board, shall recommend to the relevant legislative
3 committees of jurisdiction a plan for apportioning such funds to the High-Cost
4 Program and the Connectivity Initiative.

5 (i) The Chair shall call the first meeting of the Connectivity Advisory
6 Board. The Chair or a majority of Board members may call a Board meeting.
7 The Board may meet up to six times a year.

8 (j) At least annually, the Connectivity Advisory Board and the
9 Commissioner or designee shall jointly hold a public meeting to review and
10 discuss the status of State telecommunications policy and planning, the
11 Telecommunications Plan, the Connectivity Fund, the Connectivity Initiative,
12 the High-Cost Program, and any other matters they deem necessary to fulfill
13 their obligations under this section.

14 (k) Information and materials submitted by a telecommunications service
15 provider concerning confidential financial or proprietary information shall be
16 exempt from public inspection and copying under the Public Records Act, nor
17 shall any information that would identify a provider who has submitted a
18 proposal under the Connectivity Initiative be disclosed without the consent of
19 the provider, unless a grant award has been made to that provider. Nothing in
20 this subsection shall be construed to prohibit the publication of statistical
21 information, determinations, reports, opinions, or other information so long as

1 the data are disclosed in a form that cannot identify or be associated with a
2 particular telecommunications service provider.

3 Sec. 6. CREATION OF POSITIONS; TRANSFER OF VACANT

4 POSITIONS; REEMPLOYMENT RIGHTS; TRANSITIONAL

5 PROVISIONS

6 (a) Up to three additional exempt full-time positions are created within the
7 Division for Telecommunications and Connectivity, as deemed necessary by
8 the Secretary of Administration.

9 (b) The positions created under subsection (a) of this section shall only be
10 filled to the extent there are existing vacant positions in the Executive Branch
11 available to be transferred and converted to the new positions in the Division
12 for Telecommunications and Connectivity, as determined by the Secretary of
13 Administration and the Commissioner of Human Resources, so that the total
14 number of authorized positions in the State shall not be increased by this act.

15 (c) All full-time personnel of the Vermont Telecommunications Authority
16 employed by the Authority on the day immediately preceding the effective date
17 of this act who do not obtain a position in the Division for
18 Telecommunications and Connectivity pursuant to subsection (a) of this
19 section shall be entitled to the same reemployment or recall rights available to
20 nonmanagement State employees under the existing collective bargaining

1 agreement entered into between the State and the Vermont State Employees'
2 Association.

3 (d) The Department of Public Service shall assume possession and
4 responsibility for all assets and liabilities of the Vermont Telecommunications
5 Authority (VTA).

6 (e) The VTA shall not enter into any new contracts without the approval of
7 the Commissioner of Public Service.

8 * * * Universal Service Fund * * *

9 Sec. 7. 30 V.S.A. § 7503 is amended to read:

10 § 7503. FISCAL AGENT

11 (a) A fiscal agent shall be selected to receive and distribute funds under this
12 chapter.

13 (b) The fiscal agent shall be selected by the ~~Public Service Board~~
14 Commissioner of Public Service after competitive bidding. No
15 telecommunications service provider shall be eligible to be the fiscal agent.

16 The duties of the fiscal agent shall be determined by a contract with a term not
17 greater than three years.

18 (c) In order to finance grants and other expenditures that have been
19 approved by the ~~Public Service Board~~ Commissioner of Public Service, the
20 fiscal agent may borrow money from time to time in anticipation of receipts
21 during the current fiscal year. No such note shall have a term of repayment in

1 excess of one year, but the fiscal agent may pledge its receipts in the current
2 and future years to secure repayment. Financial obligations of the fiscal agent
3 are not guaranteed by the State of Vermont.

4 (d) The fiscal agent shall be audited annually by a certified public
5 accountant in a manner determined by and under the direction of the ~~Public~~
6 ~~Service Board~~ Commissioner of Public Service.

7 (e) The financial accounts of the fiscal agent shall be available at
8 reasonable times to any telecommunications service provider in this State. The
9 ~~Public Service Board~~ Commissioner of Public Service may investigate the
10 accounts and practices of the fiscal agent and may enter orders concerning the
11 same.

12 (f) The fiscal agent acts as a fiduciary and holds funds in trust for the
13 ratepayers until the funds have been disbursed as provided pursuant to ~~sections~~
14 ~~7511 through 7515~~ section 7511 of this chapter.

15 Sec. 8. REPEAL

16 30 V.S.A. § 7515a (additional program support for Executive Branch
17 activities) is repealed.

18 Sec. 9. 30 V.S.A. § 7511 is amended to read:

19 § 7511. DISTRIBUTION GENERALLY

1 (a)(1) As directed by the ~~Public Service Board~~ Commissioner of Public
2 Service, funds collected by the fiscal agent, and interest accruing thereon, shall
3 be distributed as follows:

4 ~~(1)(A)~~ (A) to pay costs payable to the fiscal agent under its contract with the
5 ~~Board~~ Commissioner;

6 ~~(2)(B)~~ (B) to support the Vermont telecommunications relay service in the
7 manner provided by section 7512 of this title;

8 ~~(3)(C)~~ (C) to support the Vermont Lifeline program in the manner provided
9 by section 7513 of this title;

10 ~~(4)(D)~~ (D) to support Enhanced-911 services in the manner provided by
11 section 7514 of this title; and

12 ~~(5)(E)~~ (E) to support the Connectivity Fund established in section 7516 of
13 ~~this chapter; and of this title; and~~

14 (2) For fiscal year 2016 only, any personnel or administrative costs
15 associated with the Connectivity Initiative shall come from the Connectivity
16 Fund, as determined by the Commissioner in consultation with the
17 Connectivity Board.

18 (b) If insufficient funds exist to support all of the purposes contained in
19 subsection (a) of this section, the ~~Board~~ Commissioner shall ~~conduct an~~
20 ~~expedited proceeding to~~ allocate the available funds, giving priority in the
21 order listed in subsection (a).

1 Sec. 9a. FUNDING FOR CONNECTIVITY PERSONNEL; GROSS
2 RECEIPTS TAX

3 Not later than January 15, 2016, the Commissioner shall determine whether
4 the revenues raised from the existing gross receipts tax on public service
5 companies, 30 V.S.A. § 22, is sufficient to finance the personnel and
6 administrative costs associated with the Connectivity Initiative, beginning in
7 fiscal year 2017. If the Commissioner determines the revenues are not
8 sufficient for this purpose, he or she shall recommend to the General Assembly
9 either:

10 (1) a new rate of tax applicable to one or more categories of public
11 service companies, as he or she deems necessary and appropriate; or

12 (2) a proposal to fund such personnel and administrative costs with
13 monies in the Connectivity Fund.

14 Sec. 10. 30 V.S.A. § 7516 is amended to read:

15 § 7516. CONNECTIVITY FUND

16 There is created a Connectivity Fund for the purpose of providing support
17 to the High-Cost Program established under section 7515 of this chapter and
18 the Connectivity Initiative established under section 7515b of this chapter.

19 The fiscal agent shall determine annually, on or before September 1, the
20 amount of monies available to the Connectivity Fund. Such funds shall be

1 apportioned ~~equally~~ as follows: 45 percent to the High-Cost Program and
2 55 percent to the Connectivity Initiative ~~referenced in this section~~.

3 Sec. 11. 30 V.S.A. § 7515 is amended to read:

4 § 7515. HIGH-COST PROGRAM

5 (a) The Universal Service Charge shall be used as a means of keeping basic
6 telecommunications service affordable in all parts of this State, thereby
7 maintaining universal service, and as a means of supporting access to
8 broadband service in all parts of the State.

9 (b) The Public Service Board, after review of a petition of a company
10 holding a certificate of public good to provide telecommunications service in
11 Vermont, and upon finding that the company meets all requirements for
12 designation as an “eligible telecommunications carrier” as defined by the FCC,
13 may designate the company as a Vermont-eligible telecommunications carrier
14 (VETC).

15 (c) The supported services a designated VETC must provide are voice
16 telephony services, as defined by the FCC, and broadband Internet access,
17 directly or through an affiliate. A VETC receiving support under this section
18 shall use that support for capital improvements in high cost areas, as defined in
19 subsection (f) of this section, to build broadband capable networks.

20 (d) The Board may designate multiple VETCs for a single high cost area,
21 but each designated VETC shall:

1 (1) offer supported services to customers at all locations throughout the
2 ~~service~~ high cost area or areas for which it has been designated; and

3 (2) for its voice telephone services, meet service quality standards set by
4 the Board.

5 (e) A VETC shall receive support as defined in subsection (i) of this
6 section from the fiscal agent of the Vermont Universal Service Fund for each
7 telecommunications line in service or service location, whichever is greater in
8 number, in each high cost area it services. Such support may be made in the
9 form of a net payment against the carrier's liability to the Fund. If multiple
10 VETCs are designated for a single area, then each VETC shall receive support
11 for each line it has in service.

12 (f) As used in this section, a Vermont telephone exchange is a "high cost
13 area" if the exchange is served by a rural telephone company, as defined by
14 federal law, or if the exchange is designated as a rural exchange in the
15 wholesale tariff of a regional bell operating company (RBOC), as defined by
16 the FCC, or of a successor company to an RBOC. An exchange is not a high
17 cost area if the Public Service Board finds that the supported services are
18 available to all locations throughout the exchange from at least two service
19 providers.

20 (g) Except as provided in subsection (h) of this section, a VETC shall
21 provide broadband Internet access at speeds no lower than 4 Mbps download

1 and 1 Mbps upload in each high cost area it serves within five years of
2 designation. A VETC need not provide broadband service to a location that
3 has service available from another service provider, as determined by the
4 Department of Public Service.

5 (h) The Public Service Board may modify the build out requirements of
6 subsection (d) of this section as it relates to broadband Internet access to be the
7 geographic area that could be reached using one-half of the funds to be
8 received over five years. A VETC may seek such waiver of the build out
9 requirements ~~in subsection (e)~~ within one year of designation and shall
10 demonstrate the cost of meeting broadband Internet access requirements on an
11 exchange basis and propose an alternative build out plan.

12 (i) The amount of the monthly support under this section shall be the pro
13 rata share of available funds ~~as provided in subsection (e) of this section~~ based
14 on the total number of incumbent local exchange carriers in the State and
15 reflecting each carrier's lines in service or service locations in its high-cost
16 area or areas, as determined under subsection (e) of this section. If an
17 incumbent local exchange carrier does not petition the Board for VETC
18 designation, or is found ineligible by the Board, the share of funds it otherwise
19 would have received under this section shall be used to support the
20 Connectivity Initiative established in section 7515b of this chapter.

1 (j) The Public Service Board shall adopt by rule standards and procedures
2 for ensuring projects funded under this section are not competitive overbuilds
3 of existing wired telecommunications services.

4 (k) Each VETC shall submit certification that it is meeting the
5 requirements of this section and an accounting of how it expended the funds
6 received under this section in the previous calendar year, with its annual report
7 to the Department of Public Service. For good cause shown, the Public
8 Service Board may investigate submissions required by this subsection and
9 may revoke a company's designation if it finds that the company is not
10 meeting the requirements of this subsection.

11 Sec. 12. 30 V.S.A. § 7515b is amended to read:

12 § 7515b. CONNECTIVITY INITIATIVE

13 (a) The purpose of the Connectivity Initiative is to provide each service
14 location in Vermont access to Internet service that is capable of speeds of at
15 least ~~4~~ 10 Mbps download and 1 Mbps upload, or the FCC speed requirements
16 established under Connect America Fund Phase II, whichever is higher,
17 beginning with locations not served as of December 31, 2013 according to the
18 minimum technical service characteristic objectives applicable at that time.
19 Within this category of service locations, priority shall be given first to
20 unserved and then to underserved locations. As used in this section,
21 "unserved" means a location having access to only satellite or dial-up Internet

1 service and “underserved” means a location having access to Internet service
2 with speeds that exceed satellite and dial-up speeds but are less than 4 Mbps
3 download and 1 Mbps upload. Any new services funded in whole or in part by
4 monies ~~in this Fund~~ from this Initiative shall be capable of being continuously
5 upgraded to reflect the best available, most economically feasible service
6 capabilities.

7 (b) The Department of Public Service shall publish annually a list of census
8 blocks eligible for funding based on the Department’s most recent broadband
9 mapping data. The Department annually shall solicit proposals from service
10 providers, ~~the Vermont Telecommunications Authority, and the Division for~~
11 ~~Connectivity~~ to deploy broadband to eligible census blocks. The Department
12 shall give priority to proposals that reflect the lowest cost of providing services
13 to unserved and underserved locations; however, the Department also shall
14 consider:

15 (1) the proposed data transfer rates and other data transmission
16 characteristics of services that would be available to consumers;

17 (2) the price to consumers of services;

18 (3) the proposed cost to consumers of any new construction, equipment
19 installation service, or facility required to obtain service;

20 (4) whether the proposal would use the best available technology that is
21 economically feasible;

1 (5) the availability of service of comparable quality and speed; and

2 (6) the objectives of the State's Telecommunications Plan.

3 * * * 248a; Meteorological Station Conversions * * *

4 Sec. 13. 30 V.S.A. § 246(e) is added to read:

5 (e) Notwithstanding any contrary provisions of this section, the holder of a
6 certificate of public good for a constructed meteorological station may apply
7 under section 248a of this title or 10 V.S.A. chapter 151 to convert the station
8 to a wireless telecommunications facility, provided the application is filed at
9 least 90 days before the expiration of the certificate for the station. Any such
10 application shall constitute a new application to be reviewed under the facts
11 and circumstances as they exist at the time of the review.

12 * * * Agency of Transportation; State-owned Rights-of-Way; Leasing;

13 Telecommunications Providers * * *

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

15 § 26A. DETERMINATION OF RENT TO BE CHARGED FOR LEASING

16 OR LICENSING STATE-OWNED PROPERTY UNDER THE

17 AGENCY'S JURISDICTION

18 * * *

19 (b) Unless otherwise required by federal law, the Agency shall assess,
20 collect, and deposit in the Transportation Fund a reasonable charge or payment
21 with respect to leases or licenses for access to or use of State-owned rights-of-

1 way by providers of broadband or wireless communications facilities or
2 services. The ~~Vermont Telecommunications Authority, established by 30~~
3 ~~V.S.A. chapter 91, Agency~~ may waive such charge or payment in whole or in
4 part if the provider offers to provide comparable value to the State so as to
5 meet the public good as determined by the ~~Authority Agency and the~~
6 Department of Public Service. For the purposes of this section, the terms
7 “comparable value to the State” shall be construed broadly to further the
8 State’s interest in ubiquitous broadband and wireless service availability at
9 reasonable cost. Any waiver of charges or payments for comparable value to
10 the State granted by the ~~Authority Agency~~ may not exceed five years.
11 Thereafter, the ~~Authority Agency~~ may extend any waiver granted for an
12 additional period not to exceed five years if the ~~Authority Agency~~ makes
13 affirmative written findings demonstrating that the State has received and will
14 continue to receive value that is comparable to the value to the provider of the
15 waiver, or it may revise the terms of the waiver in order to do so. ~~The~~
16 ~~Authority, in consultation with the Agency of Transportation, shall adopt rules~~
17 ~~under 3 V.S.A. chapter 25 to implement this section. For the purpose of~~
18 ~~establishing rules to implement 30 V.S.A. chapter 91 by July 1, 2007, or as~~
19 ~~soon thereafter as possible, the authority is authorized to adopt initial rules~~
20 ~~under this section using emergency rulemaking procedures of 3 V.S.A. chapter~~

1 ~~25. Any emergency rules initially adopted may remain in effect longer than~~
2 ~~120 days, but in no event shall they remain in effect for more than six months.~~

3 * * *

4 * * * Retransmission Fees; Reporting * * *

5 Sec. 15. 30 V.S.A. § 518 is amended to read:

6 **§ 518. RETRANSMISSION FEES; REPORTING**

7 (a) Purpose. The purpose of this section is to provide the Attorney General
8 with information necessary to investigate certain conduct within the cable and
9 broadcast network industries to determine whether unfair methods of
10 competition ~~or unfair or deceptive acts or practices~~ are occurring in violation
11 of 9 V.S.A. chapter 63.

12 (b) Reporting. Annually, beginning on January 1, 2015, each commercial
13 broadcasting station doing business with a Vermont cable company shall report
14 to the Attorney General any fees charged for program content retransmitted on
15 the cable network under a retransmission consent agreement entered into
16 pursuant to 47 U.S.C. § 325, for the prior calendar year.

17 (c) Investigations. The Attorney General may investigate retransmission
18 fees charged by commercial broadcasting stations, pursuant to his or her
19 investigatory powers established under 9 V.S.A. chapter 63.

20 (d) Public disclosure. The information received ~~under this section~~ by the
21 Attorney General under subsection (b) of this section ~~shall be disclosed to the~~

1 ~~public at a time and in a manner determined by the Attorney General to be~~
2 ~~consistent with and permitted by the Public Records Act and relevant~~
3 ~~provisions of federal law~~ shall be kept confidential and is exempt from public
4 inspection and copying under the Public Records Act, unless otherwise ordered
5 by a court.

6 (e) Enforcement. A violation of this section constitutes ~~an unfair and~~
7 ~~deceptive act and practice in commerce~~ unfair competition under 9 V.S.A. §
8 2453.

9 (f) The Attorney General may adopt rules he or she deems necessary to
10 implement this section. The rules, as well as any finding of unfair ~~or deceptive~~
11 ~~practices~~ competition with regard to retransmission consent fees, shall not be
12 inconsistent with the rules, regulations, and decisions of the Federal
13 Communications Commission and the federal courts interpreting the
14 Communications Act of 1934, as amended.

15 * * * E-911 System; Operations; Savings * * *

16 **Sec. 16. E-911 OPERATIONS AND SAVINGS**

17 (a) The General Assembly finds as follows:

18 (1) 2014 Acts and Resolves No. 190, Sec. 24 directed the Secretary of
19 Administration to submit a report to the General Assembly proposing a plan
20 for transferring the responsibilities and powers of the Enhanced 911 Board,

1 including necessary positions, to either the Division for Connectivity, the
2 Department of Public Service, or the Department of Public Safety.

3 (2) The plan was to include budgetary recommendations, striving to
4 achieve annual operational savings of at least \$300,000.00, as well as enhanced
5 coordination and efficiency, and reduction in operational redundancies.

6 (3) On December 15, 2014, the Secretary of Administration made a
7 recommendation to the General Assembly to transfer responsibilities and
8 powers of the Enhanced 911 Board to the Department of Public Safety. In the
9 report, the Secretary estimated that such transfer could be expected to save
10 between \$210,000.00 and \$350,000.00 each year on an ongoing basis by virtue
11 of personal services savings.

12 (4) During the 2015 legislative session, a representative of the Enhanced
13 911 Board testified before the Senate Committee on Appropriations that the
14 Board's current, administrative expenses could be reduced by approximately
15 \$300,000.00.

16 (b) By July 1, 2015, the administration of the Vermont Enhanced 911
17 system shall be transferred to the Department of Public Safety, as provided in
18 Secs. 17, 18, and 19 of this act; or, if such transfer does not occur, then in
19 fiscal year 2016, not less than \$510,000.00 shall be transferred from the
20 Enhanced 911 Fund to the General Fund to offset E-911-eligible costs incurred

1 by the Department of Public Safety, and not less than one, full-time employee
2 position in the Enhanced 911 system shall be eliminated.

3 **Sec. 17. 20 V.S.A. § 1811 is amended to read:**

4 § 1811. CREATION OF DEPARTMENT

5 There is ~~hereby~~ created a ~~department of public safety~~ Department of Public
6 Safety for the purpose of consolidating certain existing police and investigating
7 agencies, to promote the detection and prevention of crime generally, ~~and~~ to
8 participate in searches for lost or missing persons, ~~and~~ to assist in case of
9 statewide or local disasters or emergencies, and to administer the statewide
10 Enhanced 911 system established under 30 V.S.A. chapter 87.

11 **Sec. 18. 20 V.S.A. § 1872 is amended to read:**

12 § 1872. DUTIES OF COMMISSIONER GENERALLY

13 The ~~commissioner shall be~~ Commissioner is the chief enforcement officer
14 of all the statutes, rules, and regulations pertaining to the law of the road and
15 the display of lights on vehicles. In addition, the ~~commissioner~~ Commissioner
16 shall supervise and direct the activities of the ~~state police~~ State Police and of
17 the Vermont ~~criminal information center~~ Crime Information Center and, as fire
18 marshal, ~~be responsible for enforcing~~ shall enforce the laws pertaining to the
19 investigation of fires, the prevention of fires, the promotion of fire safety, and
20 the delivery of fire service training. In addition, the Commissioner shall

1 administer the statewide Enhanced 911 system established under 30 V.S.A.
2 chapter 87.

3 **Sec. 19. 30 V.S.A. chapter 87 is amended to read:**

4 CHAPTER 87. ENHANCED 911; EMERGENCY SERVICES

5 § 7051. DEFINITIONS

6 As used in this chapter:

7 (1) “Automatic location identification” or “ALI” means the system
8 capability to identify automatically the geographical location of the electronic
9 device being used by the caller to summon assistance and to provide that
10 location information to an appropriate device located at any public safety
11 answering point for the purpose of sending emergency assistance.

12 (2) ALI “database” means a derivative, verified set of records ~~which~~ that
13 contain at a minimum a telephone number and location identification for each
14 unique building or publicly used facility within a defined geographic area in
15 Vermont.

16 (3) “Automatic number identification” or “ANI” means the system
17 capability to identify automatically the calling telephone number and to
18 provide a display of that number at any public safety answering point.

19 (4) “Board” means the Vermont Enhanced 911 Advisory Board
20 established under section 7053 of this ~~title~~ chapter.

1 (5) “Caller” means a person or an automated device calling on behalf of
2 a person.

3 (6) “Commissioner” means the Commissioner of Public Safety.

4 (7) “Director” means the Director for statewide Enhanced 911.

5 (7)(8) “Emergency call system” or “Enhanced 911 system” means a
6 system consisting of devices with the capability to determine the location and
7 identity of a caller that initiates communication for the purpose of summoning
8 assistance in the case of an emergency. In most cases summoning assistance
9 will occur when a caller dials the digits 9-1-1 on a telephone, mobile phone, or
10 other IP-enabled service, or by a communication technology designed for the
11 purpose of summoning assistance in the case of an emergency.

12 (8)(9) “Emergency services” means fire, police, medical, and other
13 services of an emergency nature as identified by the ~~Board~~ Commissioner.

14 (9)(10) “IP-enabled service” means a service, device, or application that
15 makes use of Internet protocol, or IP, and ~~which~~ that is capable of entering the
16 digits 9-1-1 or otherwise contacting the ~~emergency~~ Enhanced 911 system.
17 IP-enabled service includes voiceover IP and other services, devices, or
18 applications provided through or using wire line, cable, wireless, ~~or~~ satellite, or
19 other facilities.

20 (10)(11) “Municipality” means any city, town, incorporated village,
21 unorganized town, gore, grant, or other political subdivision of the State.

1 ~~(11)~~(12) “Other methods of locating caller” means those commercially
2 available technologies designed to provide the location information of callers
3 when a call is initiated to access emergency 911 services regardless of the type
4 of device ~~that is~~ used.

5 ~~(12)~~(13) “Public safety answering point” means a facility with the
6 capability to receive emergency calls, operated on a 24-hour basis, assigned the
7 responsibility of receiving 911 calls and dispatching, transferring, or relaying
8 emergency 911 calls to other public safety agencies or private safety agencies.

9 ~~(13)~~(14) “Selective routing” means a telecommunications switching
10 system that enables all 911 calls originating from within a defined
11 geographical region to be answered at a ~~pre-designated~~ predesignated public
12 service answering point.

13 § 7052. VERMONT ENHANCED 911 ADVISORY BOARD

14 (a) The Vermont Enhanced 911 Advisory Board is established to ~~develop,~~
15 ~~implement and supervise the operation~~ make recommendations to the
16 Commissioner regarding the development and implementation of the statewide
17 Enhanced 911 system.

18 (b) The Board shall consist of nine members: one county law enforcement
19 officer elected by the membership of the Vermont ~~State sheriff's association~~
20 Sheriff's Association; one municipal law enforcement officer elected by the
21 ~~chiefs of police association of Vermont~~ Association of Chiefs of Police; one

1 official of a municipality; a firefighter; an emergency medical services
2 provider; a Department of Public Safety representative; and three members of
3 the public. Board members shall be appointed by the Governor to three-year
4 terms, except that the Governor shall stagger initial appointments so that the
5 terms of no more than four members expire during a calendar year. In
6 appointing Board members, the Governor shall give due consideration to the
7 different geographical regions of the State; and the need for balance between
8 rural and urban areas. Board members shall serve at the pleasure of the
9 Governor.

10 (c) Members who are not State employees or not otherwise compensated in
11 the course of their employment shall receive per diem compensation and
12 expense reimbursement for meetings in accordance with the provisions of 32
13 V.S.A. § 1010. Members who receive per diem shall receive compensation for
14 no more than 12 meetings per year.

15 (d) The Governor shall annually appoint a member to serve as Board chair
16 and a member to serve as Board vice chair. The Board shall hold at least four
17 regular meetings a year. Meetings of the Board may be held at any time or
18 place within Vermont upon call of the Chair or a majority of the members,
19 after reasonable notice to the other members and shall be held at such times
20 and places as in the judgment of the Board will best serve the convenience of
21 all parties in interest. The Board shall adopt rules and procedures with respect

1 to the conduct of its meetings and other affairs. Membership on the Board
2 does not constitute the holding of an office for any purpose, and members of
3 the Board shall not be required to take and file oaths of office before serving
4 on the Board. A member of the Board shall not be disqualified from holding
5 any public office or employment, and shall not forfeit any office or
6 employment, by reason of ~~their~~ his or her appointment to the ~~board~~ Board,
7 notwithstanding any statute, ordinance, or charter to the contrary.

8 (e) The Board shall ~~appoint~~ recommend, subject to the approval of the
9 ~~Governor~~ Commissioner, an Executive Director who shall hold office at the
10 pleasure of the ~~Board~~ Commissioner. He or she shall perform such duties as
11 may be assigned by the ~~Board~~ Commissioner. The Executive Director is
12 entitled to compensation, as established by law, and reimbursement for the
13 expenses within the amounts available by appropriation. ~~The Executive~~
14 ~~Director may, with the approval of the Board, hire employees, agents, and~~
15 ~~consultants and prescribe their duties.~~

16 § 7053. ~~BOARD~~ COMMISSIONER; RESPONSIBILITIES AND POWERS

17 (a) The ~~Board shall be the single governmental agency~~ Commissioner is
18 responsible for statewide ~~enhanced~~ Enhanced 911. To the extent feasible, the
19 ~~Board~~ Commissioner shall consult with the ~~Agency~~ Secretary of Human
20 Services, the ~~Department of Public Safety, the Department~~ Commissioner of
21 Public Service, and local community service providers on the development of

1 policies, system design, standards, and procedures. The ~~Board~~ Commissioner
2 shall develop designs, standards, and procedures and shall adopt rules on the
3 following:

4 (1) the technical and operational standards for public safety
5 answering points;

6 (2) the system ~~data base~~ database, standards and procedures for
7 developing and maintaining the ~~data base~~ database. The system ~~data base~~
8 database shall be the property of the ~~Board~~ Department of the Public Safety;

9 (3) statewide, locatable means of identifying customer location, such as
10 addressing, geo-coding, or other methods of locating the caller; and

11 (4) standards and procedures to ensure system and ~~data base~~ database
12 security.

13 ~~(b) (d) [Repealed.]~~

14 ~~(e)(b)~~ The ~~Board~~ Commissioner is authorized to:

15 (1) ~~to~~ make or cause to be made studies of any aspect of the ~~enhanced~~
16 Enhanced 911 system, including service, operations, training, ~~data base~~
17 database development, and public awareness;

18 (2) ~~to~~ accept and use in the name of the ~~state~~ State, subject to review and
19 approval by the ~~joint fiscal committee~~ Joint Fiscal Committee, any and all
20 donations or grants, both real and personal, from any governmental unit or
21 public agency or from any institution, person, firm, or corporation, consistent

1 with the rules established by the Board and the purpose or conditions of the
2 donation or grant; and

3 (3) ~~to~~ exercise all powers and conduct such activities as are necessary in
4 carrying out the ~~Board's~~ Commissioner's responsibilities in fulfilling the
5 purposes of this chapter.

6 ~~(f)~~(c) The ~~Board~~ Commissioner shall adopt such rules as are necessary to
7 carry out the purposes of this chapter, including, where appropriate, imposing
8 reasonable fines or sanctions against persons that do not adhere to applicable
9 ~~board~~ rules.

10 ~~(g), (h) [Repealed.]~~

11 § 7054. FUNDING

12 (a) The Enhanced 911 Fund is created as a special fund subject to the
13 provisions of 32 V.S.A. chapter 7, subchapter 5. Balances in the Fund on
14 June 30 of each year shall carry forward and shall not revert to the
15 General Fund.

16 (b) The General Assembly shall annually review and approve an amount to
17 be transferred by the universal service fiscal agent to the Enhanced 911 Fund
18 and shall appropriate some or all of that amount for expenditures related to
19 providing Enhanced 911 services.

20 (c) Into the Enhanced 911 Fund shall be deposited monies transferred from
21 the universal service fiscal agent, any State or federal funds appropriated to the

1 Fund by the General Assembly, any taxes specifically required by law to be
2 deposited into the Fund, and any grants or gifts received by the State for the
3 benefit of the Enhanced 911 system.

4 (d) Disbursements from the Enhanced 911 Fund shall be made by the State
5 Treasurer on warrants drawn by the ~~Director~~ Commissioner solely for the
6 purposes specified in this chapter. The ~~Director~~ Commissioner may issue such
7 warrants pursuant to contracts or grants.

8 (e) Disbursements may be made for:

9 (1) nonrecurring costs, including establishing public safety answering
10 points, purchasing network equipment and software, developing ~~data bases~~
11 databases, and providing for initial training and public education;

12 (2) recurring costs, including network access fees and other telephone
13 charges, software, equipment, ~~data base~~ database management and
14 improvement, public education, ongoing training and equipment maintenance;

15 (3) expenses of the Board and the Department of Public ~~Service~~ Safety
16 incurred under this chapter;

17 (4) costs solely attributable to statewide public safety answering point
18 operations; and

19 (5) costs attributable to demonstration projects designed to enhance the
20 delivery of ~~emergency~~ Enhanced 911 and other emergency services.

21 (f) Disbursements may not be made for:

- 1 (1) personnel costs for emergency dispatch answering points;
- 2 (2) construction, purchase, renovation, or furnishings for buildings at
- 3 emergency dispatch points;
- 4 (3) two-way radios; and
- 5 (4) vehicles and associated equipment.

6 § 7055. TELECOMMUNICATIONS COMPANY COORDINATION

7 (a) Every telecommunications company under the jurisdiction of the Public
8 Service Board offering access to the public network shall make available, in
9 accordance with rules adopted by the Public Service Board, the universal
10 emergency telephone number 911 for use by the public in seeking assistance
11 from fire, police, medical, and other emergency service providers through a
12 public safety answering point.

13 (b) Every local exchange telecommunications provider shall provide the
14 ANI and any other information required by rules adopted under section 7053
15 of this ~~title~~ chapter to the ~~Board~~ Commissioner, or to any administrator of the
16 Enhanced 911 database, for purposes of maintaining the Enhanced 911
17 database. Each such provider ~~shall be~~ is responsible for updating the
18 information at a frequency specified by such rules. All persons receiving
19 confidential information under this section, as defined by the Public Service
20 Board, shall use it solely for the purposes of providing ~~emergency~~ Enhanced

1 911 services, and shall not disclose such confidential information for any
2 other purpose.

3 (c) Each local exchange telecommunications company, cellular company,
4 and mobile or personal communications service company within the State shall
5 designate a person to coordinate with and provide all relevant information to
6 the ~~E-911 Board~~ Commissioner and the Public Service Board ~~in~~ for carrying
7 out the purposes of the chapter.

8 (d) Wire line and nonwire cellular carriers certificated to provide service in
9 the ~~state~~ State shall provide ANI signaling ~~which~~ that identifies geographical
10 location as well as cell site address for cellular 911 calls. Personal
11 communications networks and any future mobile or personal communications
12 systems ~~shall also be~~ are also required to identify the location of the caller.
13 The telephone company shall provide ANI signaling ~~which~~ that identifies the
14 name of the carrier and identify the type of service as cellular, mobile, or
15 personal communications as part of the ALI along with a screen message that
16 advises the call answerer to verify the location of the reported emergency.
17 Telecommunication providers of mobile wireless, IP-enabled, and other
18 communication services ~~which~~ that have systems with the capability to send
19 data related to the location of the caller with the call or transmission instead of
20 relying on location data otherwise contained in the ALI database shall provide
21 this data with calls or transmissions for the sole purpose of enabling the

1 ~~emergency~~ Enhanced 911 system to locate an individual seeking emergency
2 services. Location data shall be provided in accordance with relevant national
3 standards for next generation ~~9-1-1~~ 911 technology.

4 (e) Each local exchange telecommunications provider in the State shall file
5 with the Public Service Board tariffs for each service element necessary for the
6 provision of ~~enhanced~~ Enhanced 911 services. The Public Service Board shall
7 review each company's proposed tariff, and shall ensure that tariffs for each
8 necessary basic service element are effective within six months of filing. The
9 ~~Department~~ Commissioner of Public Service, by rule or emergency rule, may
10 establish the basic service elements that each company must provide for in
11 tariffs. Such tariffs must be filed with the Public Service Board within 60 days
12 after the basic service elements are established by the ~~Department~~
13 Commissioner of Public Service.

14 § 7056. MUNICIPAL COOPERATION; ENHANCED ANI/ALI

15 CAPABILITY

16 (a) Each municipality, by its legislative body, may participate in the
17 Enhanced 911 system. 3 Municipalities choosing to participate shall identify
18 all building locations and other public and private locations frequented by the
19 public and shall cooperate in the development and maintenance of the
20 necessary databases. The ~~Board~~ Commissioner shall work with municipalities
21 to identify nonmonetary incentives designed to streamline and reduce the

1 administrative burdens imposed by this requirement. Any municipality that
2 changes its system for addresses shall ensure that the modified address system
3 is consistent with the standards established by the ~~Board~~ Commissioner.

4 (b) After the effective date of this chapter, any municipality that changes its
5 system for addresses shall ensure that the modified address system is consistent
6 with the standards established by the ~~Board~~ Commissioner.

7 ~~(c)-(e) [Repealed.]~~

8 § 7057. PRIVATELY OWNED TELEPHONE SYSTEMS

9 Any privately owned telephone system shall provide to those end users the
10 same level of 911 service that other end users receive and shall provide ANI
11 signaling, station identification data, and updates to Enhanced 911 databases
12 under rules adopted by the ~~Board~~ Commissioner. The ~~Board~~ Commissioner
13 may waive the provisions of this section for any privately owned telephone
14 system, provided that in the judgment of the ~~Board~~ Commissioner, the owner
15 of the system is actively engaged in becoming compliant with this section, is
16 likely to comply with this section in a reasonable amount of time, and will do
17 so in accordance with standards and procedures adopted ~~by the Board~~ by rule
18 by the Commissioner.

19 § 7058. PAY TELEPHONES

20 Each provider or other owner or lessee of a pay station telephone shall
21 permit a caller to dial 911 without first inserting a coin or paying any other

1 charge. The provider or other owner or lessee shall prominently display on
2 each notice advising callers to dial 911 in an emergency and that deposit of a
3 coin is not required.

4 § 7059. CONFIDENTIALITY OF SYSTEM INFORMATION

5 (a)(1) A person shall not access, use, or disclose to any other person any
6 individually identifiable information contained in the system database created
7 ~~under subdivision 7053(a)(4) of this title~~ subsection 7053(a) of this chapter,
8 including any customer or user ALI or ANI information, except in accordance
9 with rules adopted by the ~~Board~~ Commissioner ~~and~~ for the purpose of:

10 (A) responding to emergency calls;

11 (B) system maintenance and quality control under the direction of the
12 Director;

13 (C) investigation, by law enforcement personnel, of false or
14 intentionally misleading reports of incidents requiring emergency services;

15 (D) assisting in the implementation of a statewide emergency
16 notification system;

17 (E) provision of emergency dispatch services by public safety
18 answering points in other states that are under contract with local law
19 enforcement and emergency response organizations; or

1 (F) coordinating with ~~state~~ State and local service providers for the
2 provision of emergency dispatch services that serve individuals with a
3 disability, elders, and other populations with special needs.

4 (2) ~~No person shall~~ A person shall not use customer ALI or ANI
5 information to create special 911 databases for any private purpose or any
6 public purpose unauthorized by this chapter.

7 (b) Notwithstanding the provisions of subsection (a) of this section to the
8 contrary, customer ALI or ANI information obtained in the course of
9 responding to an emergency call may be included in an incident report
10 prepared by emergency response personnel, in accordance with rules adopted
11 by the ~~Board~~ Commissioner.

12 (c) Information relating to customer name, address, and any other specific
13 customer information collected, organized, acquired, or held by the ~~board~~
14 Department of Public Safety, the entity operating a public safety answering
15 point or administering the Enhanced 911 database, or emergency service
16 provider is not public information and is exempt from ~~disclosure under 1~~
17 ~~V.S.A. chapter 5, subchapter 3~~ public inspection and copying under the Public
18 Records Act.

19 (d) If a municipality has adopted conventional street addressing for
20 Enhanced 911 addressing purposes, the municipality shall ensure that an
21 individual who so requests will not have his or her street address and name

1 linked in a municipal public record, but the individual shall be required to
2 provide a mailing address. The request required by this subsection shall be in
3 writing and shall be filed with the municipal clerk. Requests under this
4 subsection shall be confidential and exempt from public inspection and
5 copying under the Public Records Act. A form shall be prepared by the ~~Board~~
6 Commissioner and made generally available to the public by which the
7 confidentiality option established by this subsection may be exercised.

8 (e) Notwithstanding any provision of law to the contrary, no person acting
9 on behalf of the State of Vermont or any political subdivision of the ~~state~~ State
10 shall require an individual to disclose his or her Enhanced 911 address,
11 provided that the individual furnishes his or her alternative mailing address.

12 § 7060. LIMITATION OF LIABILITY

13 ~~No person shall~~ A person shall not be liable in any suit for civil damages
14 ~~who~~ if he or she in good faith receives, develops, collects, or processes
15 information for the Enhanced 911 database or develops, designs, adopts,
16 establishes, installs, participates in, implements, maintains, or provides access
17 to telephone, mobile, or IP-enabled service for the purpose of helping persons
18 obtain emergency assistance in accordance with this chapter unless such action
19 constitutes gross negligence or an intentional tort. In addition, no provider of
20 telephone, mobile, or other IP-enabled service or a provider's respective
21 employees, directors, officers, assigns, affiliates, or agents shall be liable for

1 civil damages in connection with the release of customer information to any
2 governmental entity, including any public safety answering point, as required
3 under this chapter.

4 * * * Telecommunications Union Districts * * *

5 Sec. 20. 30 V.S.A. chapter 82 is added to read:

6 **CHAPTER 82. TELECOMMUNICATIONS UNION DISTRICTS**

7 **§ 3051. FORMATION**

8 (a) Two or more towns and cities may elect to form a union district for the
9 delivery of communications services and the operation of communications
10 plants, which union district shall be a body politic and corporate.

11 (b) A town or city electing to form a union district under this chapter shall
12 submit to the eligible voters of such municipality a proposition in substantially
13 the following form: “Shall the Town of _____ enter into a
14 telecommunications union district to be known as _____, under
15 the provisions of Chapter 82 of Title 30, Vermont Statutes Annotated?” at an
16 annual or special meeting of such town or city.

17 (c) Additional towns or cities may be admitted to the union district in the
18 manner provided in section 3085 of this chapter.

19 **§ 3052. COMPOSITION**

20 A union district formed under this chapter shall be composed of and include
21 all of the lands and residents within those towns and cities electing the

1 provisions of this chapter, and such other towns and cities as are subsequently
2 admitted to the union district as provided in this chapter except for those towns
3 and cities that may withdraw as provided in this chapter. Registered voters in
4 each member municipality shall be eligible to vote in all union district
5 meetings.

6 § 3053. CREATION; DURATION; NONCONTESTABILITY

7 (a) Following the organizational meeting called for in section 3060 of this
8 chapter, the governing board shall cause to be filed with the Office of the
9 Secretary of State a certificate attesting to the vote conducted under subsection
10 3051(b) of this chapter.

11 (b) A union district formed under this chapter shall continue as a body
12 politic and corporate unless and until dissolved according to the procedures set
13 forth in this chapter.

14 (c) No action shall be brought directly or indirectly challenging,
15 questioning, or in any manner contesting the legality of the formation, or the
16 existence as a body corporate and politic of any telecommunications union
17 district created under this chapter after six months from the date of the
18 recording in the Office of the Secretary of State of the certificate required by
19 subsection 3053(a) of this chapter; nor shall any action be brought directly or
20 indirectly challenging, questioning, or in any manner contesting the legality or
21 validity of obligations or long-term contracts or other contracts, to defray costs

1 of communication plant improvements approved by the district governing
2 board, after six months from the date upon which the district governing board
3 voted affirmatively to issue obligations or to enter into long-term contracts or
4 other contracts to defray costs of communications plant improvements. This
5 section shall be liberally construed to effect the legislative purpose to validate
6 and make certain the legal existence of all telecommunications union districts
7 in this State and the validity of obligations, long-term contracts, and other
8 contracts by such district, and to bar every remedy therefor notwithstanding
9 any defects or irregularities, jurisdictional or otherwise, after expiration of the
10 six-month period.

11 § 3054. POWERS

12 (a) In addition to the powers enumerated in 24 V.S.A. § 4866, and, subject
13 to the limitations and restrictions set forth in section 3056 of this chapter, a
14 telecommunications union district created under this chapter shall have the
15 power to:

16 (1) operate, cause to be operated, or contract for the construction,
17 ownership, management, financing, and operation of any and all
18 communications plants for the delivery of communications services, as
19 provided in 24 V.S.A. chapter 54, and all enactments supplementary and
20 amendatory thereto;

1 (2) purchase, sell, lease, own, acquire, convey, mortgage, improve, and
2 use real and personal property in connection with its purpose;

3 (3) hire and fix the compensation and terms of employment of
4 employees;

5 (4) sue and be sued;

6 (5) enter into contracts for any term or duration;

7 (6) contract with architects, engineers, financial and legal consultants,
8 and others for professional services;

9 (7) contract with individuals, corporations, associations, authorities, and
10 agencies for services and property, including the assumption of the liabilities
11 and assets thereof;

12 (8) provide communications services for its member municipalities, the
13 inhabitants thereof, and the businesses therein, and for such others as its
14 facilities and obligations may allow;

15 (9) contract with the State of Vermont, the United States of America, or
16 any subdivision or agency thereof for services, assistance, and joint ventures;

17 (10) contract with any municipality for the services of any officers or
18 employees of that municipality useful to it;

19 (11) promote cooperative arrangements and coordinated action among
20 its members and other public and private entities;

1 (12) make recommendations for review and action to its members and
2 other public agencies which perform functions within the region in which its
3 members are located;

4 (13) exercise any other powers which are necessary or desirable for
5 dealing with telecommunications matters of mutual concern and that are
6 exercised or are capable of exercise by any of its members;

7 (14) enter into financing agreements as provided by 24 V.S.A. § 1789
8 and chapter 53, subchapter 2, or other provisions of law authorizing the pledge
9 of net revenue, or alternative means of financing capital improvements and
10 operations;

11 (15) establish a budget to provide for the funding thereof out of general
12 revenue;

13 (16) appropriate and expend monies;

14 (17) establish sinking and reserve funds for retiring and securing its
15 obligations;

16 (18) establish capital reserve funds and make appropriations thereto for
17 public improvements and the financing thereof;

18 (19) enact and enforce any and all necessary or desirable regulations for
19 the orderly conduct of its affairs for carrying out its purpose and for protection
20 of its property;

1 (20) solicit, accept, and administer gifts, grants, and bequests in trust or
2 otherwise for its purpose;

3 (21) exercise all powers incident to a public corporation;

4 (22) adopt a name under which it shall be known and shall conduct
5 business; and

6 (23) establish an effective date of its creation.

7 (b) Before a telecommunications union district may sell any service using a
8 communications plant subject to Public Service Board jurisdiction and for
9 which a certificate of public good is required under 30 V.S.A. chapter 5 or 13,
10 it shall obtain a certificate of public good for such service. Each such
11 certificate of public good shall be nonexclusive and shall not contain terms or
12 conditions more favorable than those imposed on existing certificate holders
13 authorized to serve the municipality.

14 § 3055. COMMUNICATIONS PLANTS

15 Each member municipality shall make available for lease to the union
16 district one or more sites for communications plants or components thereof
17 within such member municipality.

18 § 3056. LIMITATIONS

19 (a) Notwithstanding any grant of authority in this chapter to the contrary, a
20 union district created under this chapter shall not exercise any power,
21 authority, or prerogative in contravention of any general law restricting,

1 limiting, or proscribing the direct or indirect use of any taxing or assessment
2 power to support or subsidize the ownership or operation of a communications
3 plant.

4 (b) Notwithstanding any grant of authority in this chapter to the contrary, a
5 union district created under this chapter shall not have the power to levy,
6 assess, apportion, or collect any tax upon property within the union district, nor
7 upon any of its constituent members, without specific authorization of the
8 General Assembly.

9 § 3057. AUTHORITY

10 The legislative power and authority of a union district created under this
11 chapter and the administration and the general supervision of all fiscal,
12 prudential, and governmental affairs thereof shall be vested in a legislative
13 branch known as the governing board, except as specifically provided
14 otherwise in this chapter.

15 § 3058. GOVERNING BOARD; COMPOSITION

16 The union district governing board shall be composed of one representative
17 from each member town and city and one or more alternates to serve in the
18 absence of the designated representative.

19 § 3059. GOVERNING BOARD; APPOINTMENT

20 Annually on or before the last Monday in April commencing in the year
21 following the effective date of the union district's creation, the legislative

1 branch of each member town and city shall appoint its representative and one
2 or more alternate members to the governing board. Appointments of
3 representatives and alternates shall be in writing, signed by the chair of the
4 legislative branch of the appointing town or city, and presented to the clerk of
5 the union district. The legislative branch of a member town or city, by
6 majority vote, may replace its appointed representative or alternate at any time
7 and shall promptly notify the clerk of the union district of such replacement.

8 § 3060. ORGANIZATIONAL MEETING

9 Annually, on the second Tuesday in May following the appointments
10 contemplated in section 3059 of this chapter, the governing board shall hold its
11 organizational meeting. At such meeting, the governing board shall elect from
12 among its appointed representatives a chair and a vice chair, each of whom
13 shall hold office for one year and until his or her successor is duly elected and
14 qualified.

15 § 3061. REGULAR MEETINGS

16 A schedule of regular meetings of the governing board shall be established
17 at the organizational meeting.

18 § 3062. SPECIAL MEETINGS

19 Special meetings of the governing board may be called at any time by its
20 chair or shall be called by the clerk upon written request of a majority of the
21 members of the governing board. Except in case of an emergency, each

1 member of the governing board shall be given at least 24 hours' notice of any
2 special meeting of the governing board by notice in person, electronically, by
3 telephone, or by written notice delivered personally, mailed, or left at such
4 member's usual place of residence.

5 § 3063. QUORUM

6 For the purpose of transacting business, the presence of delegates or
7 alternates representing more than 50 percent of member municipalities shall
8 constitute a quorum. However, a smaller number may adjourn to another date.
9 Any action adopted by a majority of the votes cast at a meeting of the
10 governing board at which a quorum is present shall be the action of the
11 governing board, except as otherwise provided in this chapter.

12 § 3064. VOTING

13 Each member municipality's delegation shall be entitled to cast one vote.

14 § 3065. TERM

15 Unless replaced in the manner provided in section 3059 of this chapter, all
16 representatives to the governing board shall hold office until their successors
17 are duly appointed and qualified. Any representative or alternate may be
18 reappointed to successive terms without limit.

19 § 3066. VACANCY

20 Any vacancy on the governing board shall be filled within 30 days after
21 such vacancy occurs by appointment by the authority which appointed the

1 representative or alternate whose position has become vacant. An appointee to
2 a vacancy shall serve until the expiration of the term of the representative or
3 alternate to whose position the appointment was made and may thereafter be
4 reappointed.

5 § 3067. RULES OF PROCEDURE

6 Except as otherwise provided by law, or as may be agreed upon by the
7 governing board, Robert's Rules of Order shall govern at all meetings.

8 § 3068. COMPENSATION OF MEMBERS

9 Each member municipality may reimburse its representatives to the
10 governing board for expenses as it shall determine reasonable.

11 § 3069. OFFICERS; BOND

12 (a) The officers of the union district shall be the chair and the vice chair of
13 the governing board, the clerk of the district, and the treasurer of the district.
14 Prior to assuming their offices, officers may be required to post bond in such
15 amounts as shall be determined by resolution of the governing board. The cost
16 of such bond shall be borne by the union district.

17 (b) The chair of the governing board shall be the chief executive officer of
18 the union district. The chair shall preside at all meetings of the governing
19 board and shall make and sign all contracts on behalf of the union district upon
20 approval by the governing board. The chair shall perform all of the duties
21 incident to the position and office.

1 (c) During the absence of or inability of the chair to render or perform his
2 or her duties or exercise his or her powers, the same shall be performed and
3 exercised by the vice chair, and when so acting the vice chair shall have all the
4 powers and be subject to all the responsibilities hereby given to or imposed
5 upon the chair.

6 (d) During the absence or inability of the vice chair to render or perform his
7 or her duties or exercise his or her powers, the governing board shall elect from
8 among its membership an acting vice chair who shall have the powers and be
9 subject to all the responsibilities hereby given or imposed upon the vice chair.

10 (e) Upon the death, disability, resignation, or removal of the chair or vice
11 chair, the governing board shall forthwith elect a successor to such vacant
12 office until the next annual meeting.

13 § 3070. CLERK

14 The clerk of the union district shall be appointed by the governing board,
15 and shall serve at its pleasure. The clerk shall have the exclusive charge and
16 custody of the records of the union district and the seal of the union district.
17 The clerk shall record all votes and proceedings of the union district, including
18 meetings of the union district and meetings of the governing board, and shall
19 prepare and cause to be posted and published all warnings of meetings of the
20 union district. Following approval by the governing board, the clerk shall
21 cause the annual report to be distributed to the legislative branches of its

1 member municipalities. The clerk shall prepare and distribute any other
2 reports required by laws of the State and resolutions or regulations of the
3 governing board. The clerk shall perform all of the duties and functions
4 incident to the office of secretary or clerk of a body corporate.

5 § 3071. TREASURER

6 The treasurer of the union district shall be appointed by the governing
7 board, and shall serve at its pleasure. The treasurer shall have the exclusive
8 charge and custody of the funds of the union district and shall be the disbursing
9 officer of the union district. When authorized by the governing board, the
10 treasurer may sign, make, or endorse in the name of the union district all
11 checks and orders for the payment of money and pay out and disburse the same
12 and receipt therefor. The treasurer shall keep a record of every obligation
13 issued and contract entered into by the union district and of every payment
14 thereon. The treasurer shall keep correct books of account of all the business
15 and transactions of the union district and such other books and accounts as the
16 governing board may require. The treasurer shall render a statement of the
17 condition of the finances of the union district at each regular meeting of the
18 governing board and at such other times as shall be required of the treasurer.
19 The treasurer shall prepare the annual financial statement and the budget of the
20 union district for distribution, upon approval of the governing board, to the
21 legislative bodies of the member municipalities. The treasurer shall do and

1 perform all of the duties appertaining to the office of treasurer of a body politic
2 and corporate. Upon removal or the treasurer's termination from office by
3 virtue of removal or resignation, the treasurer shall immediately pay over to the
4 successor all of the funds belonging to the union district and at the same time
5 deliver to the successor all official books and papers.

6 § 3072. RECORDS

7 The conduct of all meetings and public access thereto, and the maintaining
8 of all records, books, and accounts of the union district shall be governed by
9 the laws of this State relating to open meetings and accessibility of public
10 records.

11 § 3073. AUDIT

12 Once the telecommunications union district becomes operational, the
13 governing board shall cause an audit of the financial condition of the union
14 district to be performed annually by an independent professional accounting
15 firm.

16 § 3074. EXECUTIVE BOARD; COMMITTEES

17 The governing board shall have the authority to establish an executive
18 committee and grant and delegate to it such powers as it may deem necessary.
19 Members of the executive committee shall serve staggered terms. The
20 governing board shall have the authority to establish any and all committees as
21 it may deem necessary.

1 § 3075. COMPENSATION OF OFFICERS

2 Officers of the union district shall be paid such compensation or
3 reimbursement of expenses, or both, as shall be determined by the governing
4 board.

5 § 3076. RECALL OF OFFICERS

6 An officer may be removed by a two-thirds vote of the governing board
7 whenever, in its judgment, the best interest of the union district will be served.

8 § 3077. FISCAL YEAR

9 The fiscal year of the union district shall commence on January 1 and end
10 on December 31 of each year.

11 § 3078. BUDGET

12 (a) Annually on or before the 15th day of September, the governing board
13 shall approve and cause to be distributed to the legislative branch of each
14 member municipality for review and comment an annual report of its activities,
15 together with a financial statement, a proposed budget of the union district for
16 the next fiscal year, and a forecast presenting anticipated year-end results. The
17 proposed budget shall include reasonably detailed estimates of:

18 (1) deficits and surpluses from prior fiscal years;

19 (2) anticipated expenditures for the administration of the union district;

20 (3) anticipated expenditures for the operation and maintenance of any
21 union district communications plants;

1 (4) payments due on obligations, long-term contracts, leases, and
2 financing agreements;

3 (5) payments due to any sinking funds for the retirement of union
4 district obligations;

5 (6) payments due to any capital or financing reserve funds;

6 (7) anticipated revenues from all sources; and

7 (8) such other estimates as the governing board shall deem necessary to
8 propose.

9 (b) Coincident with a regular meeting thereof, the governing board shall
10 hold a public hearing on or before the first day of October of each year to
11 receive comments from the legislative branches of member municipalities and
12 hear all other interested persons regarding the proposed budget. Notice of such
13 hearing shall be given to the legislative branches of member municipalities at
14 least 30 days prior to such public hearing. The governing board shall give
15 consideration to all comments received and make such changes to the proposed
16 budget as it deems advisable.

17 (c) Annually on or before December 1, the governing board shall adopt the
18 budget, and appropriate the sums which it deems necessary to meet its
19 obligations and operate and carry out the union district's functions for the next
20 ensuing fiscal year.

1 (d) Actions or resolutions of the governing board for the annual
2 appropriations of any year shall not cease to be operative at the end of the
3 fiscal year for which they were adopted. Appropriations made by the
4 governing board for the various estimates of the budget shall be expended only
5 for such estimates, but by majority vote of the governing board the budget may
6 be amended from time to time to transfer funds between or among such
7 estimates. Any balance left or unencumbered in any such budget estimate, or
8 the amount of any deficit at the end of the fiscal year, shall be included in and
9 paid out of the operating budget and appropriations in the next fiscal year. All
10 such budget amendments shall be reported by the district treasurer to the
11 legislative branches of each member municipality within 14 days of the end of
12 the fiscal year.

13 (e) Financial statements and audit results shall be delivered to the
14 legislative branches of each member municipality within 10 days of delivery to
15 the governing board.

16 § 3079. INDEBTEDNESS

17 The governing board may borrow money through the issuance of notes of
18 the telecommunications union district for the purpose of paying current
19 expenses of the union district. Such notes must mature within one year, and
20 may be refunded in the manner provided by law, and shall be payable solely
21 from the union district's operating revenues. The governing board may borrow

1 money in anticipation of the receipt of grants-in-aid from any source and any
2 revenues. Such notes must mature within one year, but may be renewed as
3 provided by general law.

4 § 3080. PLEDGE OF REVENUES

5 (a) When the governing board, at a regular or special meeting called for
6 such purpose, shall determine by resolution passed by a vote of a majority of
7 members present and voting that the public interest or necessity demands
8 communications plant improvements, or a long-term contract, and that the cost
9 of the same will be too great to be paid out of the ordinary annual income and
10 revenue, the governing board shall be authorized to pledge communications
11 plant net revenues and enter into long-term contracts to provide for such
12 improvements. A “long-term contract” means an agreement in which the
13 union district incurs direct or conditional obligations for which the costs are
14 too great to be paid out of the ordinary annual income and revenues of the
15 union district, in the judgment of the governing board. “Long-term contract”
16 includes an agreement authorized under 24 V.S.A. § 1789, wherein
17 performance by the union district is conditioned upon periodic appropriations.
18 The term “communications plant improvements” includes improvements that
19 may be used for the benefit of the public, whether or not publicly owned or
20 operated.

1 (b) The pledge of communications plant net revenues, and other obligations
2 allowed by law, may be authorized for any purpose permitted by this chapter,
3 24 V.S.A. chapter 53, subchapter 2, and chapter 54, or any other applicable
4 statutes. Communications plants are declared to be projects within the
5 meaning of 24 V.S.A. § 1821(4).

6 § 3081. SINKING AND RESERVE FUNDS

7 (a) The governing board may establish and provide for sinking and reserve
8 funds, however denominated, for the retirement and security of pledges of
9 communications plant net revenue, or for long-term contracts. When so
10 established, such funds shall be kept intact and separate from other monies at
11 the disposal of the union district, and shall be accounted for as a pledged asset
12 for the purpose of retiring or securing such obligations or contracts. The cost
13 of payments to any sinking or reserve fund shall be included in the annual
14 budget of the union district.

15 (b) The governing board shall establish and provide for a capital reserve
16 fund to pay for communications plant improvements, replacement of worn out
17 buildings and equipment, and planned and unplanned major repairs in
18 furtherance of the purpose for which the union district was created. Any such
19 capital reserve fund shall be kept in a separate account and invested as are
20 other public funds and shall be expended for such purposes for which

1 established. The cost of payments to any capital reserve fund shall be included
2 in the annual budget of the union district.

3 § 3082. SERVICE FEES

4 The governing board may from time to time establish and adjust service,
5 subscription, access, and utility fees for the purpose of generating revenues
6 from the operation of its communications plants.

7 § 3083. SPECIAL MEETINGS

8 (a) The governing board may call a special meeting of the union district
9 when it deems it necessary or prudent to do so and shall call a special meeting
10 of the union district when action by the voters is necessary under this chapter.
11 In addition, the governing board shall call a special meeting upon receipt of a
12 petition signed by at least five percent of the registered voters within the
13 district, request of at least 25 percent of member towns or cities evidenced by
14 formal resolutions of the legislative bodies thereof, or petitions signed by at
15 least one percent of the registered voters of such town or city. The governing
16 board may rescind the call of a special meeting called by it but not a special
17 meeting called as provided in this subsection. The governing board may
18 schedule the date of such special meetings to coincide with the date of annual
19 municipal meetings, primary elections, general elections, or similar meetings
20 when the electorate within the member municipalities will be voting on other
21 matters.

1 (b) At any special meeting of the union district, voters of each member
2 municipality shall cast their ballots at such polling places within the
3 municipality of their residence as shall be determined by the governing board
4 of the union district in cooperation within the boards of civil authority of each
5 member municipality.

6 (c) Not less than three nor more than 14 days prior to any special meeting,
7 at least one public hearing shall be held by the governing board at which time
8 the issues under consideration shall be presented and comments received.
9 Notice of such public hearing shall include the publication of a warning in a
10 newspaper of general circulation in the union district at least once a week, on
11 the same day of the week, for three consecutive weeks, the last publication not
12 less than five nor more than 10 days before the public hearing. Such notice
13 may be included in the warning called for in subsection (d) of this section.

14 (d) The governing board shall warn a special meeting by filing a notice
15 with the clerk of each member municipality and by posting a notice in at least
16 five public places in each municipality in the union district not less than 30 nor
17 more than 40 days before the meeting. In addition, the warning shall be
18 published in a newspaper of general circulation in the union district once a
19 week on the same day of the week for three consecutive weeks before the
20 meeting, the last publication to be not less than five nor more than 10 days
21 before the meeting.

1 (e) The original warning of any special meeting of the union district shall
2 be signed by a majority of the governing board and shall be filed with the clerk
3 before being posted.

4 (f) The posted and published warning notification shall include the date,
5 time, place, and nature of the meeting. It shall, by separate articles,
6 specifically indicate the business to be transacted and the questions to be
7 voted upon.

8 (g) The Australian Ballot system shall be used at all special meetings of the
9 union district when voting is to take place. Ballots shall be commingled and
10 counted under the supervision of the district clerk.

11 (h) All legal voters of the member municipalities shall be legal voters of
12 the union district. The member municipalities shall post and revise checklists
13 in the same manner as for municipal meetings prior to any union district
14 meeting at which there will be voting.

15 (i) At all special meetings the provisions of 17 V.S.A. chapter 51 regarding
16 election officials, voting machines, polling places, absentee voting, process of
17 voting, count and return of votes, validation, recounts and contest of elections,
18 reconsideration or rescission of vote, and jurisdiction of courts shall apply
19 except where clearly inapplicable. The clerk shall perform the functions
20 assigned to the Secretary of State under that chapter. **The Washington**
21 Superior Court shall have jurisdiction over petitions for recounts. Election

1 expenses shall be borne by the union district, unless within 30 days of the date
2 of such resolution there is filed with the clerk of the union district a request to
3 call a special district meeting under this section to consider a proposition to
4 rescind such resolution.

5 § 3084. WITHDRAWAL OF A MEMBER MUNICIPALITY

6 A member municipality may withdraw from the union district upon the
7 terms and conditions specified below:

8 (1) Prior to the union district pledging communications plant net
9 revenues, or entering into a long-term contract, or contract subject to annual
10 appropriation, a member municipality may vote to withdraw in the same
11 manner as the vote for admission to the union district by such member
12 municipality. If a majority of the voters of a member municipality present and
13 voting at a meeting duly warned for such purpose shall vote to withdraw from
14 the union district, the vote shall be certified by the clerk of that municipality
15 and presented to the governing board. Thereafter, the governing board shall
16 give notice to the remaining member municipalities of the vote to withdraw
17 and shall hold a meeting to determine if it is in the best interest of the union
18 district to continue to exist. Representatives of the member municipalities
19 shall be given an opportunity to be heard at such meeting together with any
20 other interested persons. After such a meeting the governing board may
21 declare the union district dissolved immediately or as soon thereafter as its

1 financial obligations and of each member municipality on account thereof have
2 been satisfied, or it may declare that the union district shall continue to exist
3 despite the withdrawal of such member municipality. The membership of the
4 withdrawing municipality shall terminate as soon after such vote to withdraw
5 as any financial obligations of the withdrawing municipality have been paid to
6 the union district.

7 (2) After the union district has pledged communications plant net
8 revenues, or entered into a long-term contract or contract subject to annual
9 appropriations, a member municipality may vote to withdraw in the same
10 manner as the vote for admission to the union district by such member
11 municipality. It shall be a condition that the withdrawing municipality shall
12 enter into a written agreement with the union district whereby such
13 withdrawing municipality shall be obligated to continue to pay its share of any
14 contract obligations incurred by the union district for the remaining term of the
15 contract term.

16 § 3085. ADMISSION OF MEMBERS

17 The governing board may authorize the inclusion of additional member
18 municipalities in the union district upon such terms and conditions as it in its
19 sole discretion shall deem to be fair, reasonable, and in the best interests of the
20 union district. The legislative branch of any nonmember municipality which
21 desires to be admitted to the union district shall make application for admission

1 to the governing board. The governing board shall determine the financial,
2 economic, governance, and operational effects that are likely to occur if such
3 municipality is admitted and shall thereafter either grant or deny authority for
4 admission of the petitioning municipality. If the governing board grants such
5 authority, it shall also specify any terms and conditions, including financial
6 obligations upon which such admission is predicated. Upon resolution of the
7 governing board, such applicant municipality shall become and thereafter be a
8 member municipality of the union district.

9 § 3086. DISSOLUTION

10 (a) If the governing board by resolution approved by two-thirds of all the
11 votes entitled to be cast determines that it is in the best interests of the public,
12 the member municipalities, and the union district that the union district be
13 dissolved, and if the union district then has no outstanding obligations under
14 pledges of communications plant net revenue, long-term contracts, or contracts
15 subject to annual appropriation, or will have no such debt or obligation upon
16 completion of the plan of dissolution, it shall prepare a plan of dissolution and
17 thereafter adopt a resolution directing that the question of such dissolution and
18 the plan of dissolution be submitted to the voters of the union district at a
19 special meeting thereof duly warned for such purpose. If a majority of the
20 voters of the union district present and voting at such special meeting shall
21 vote to dissolve the union district and approve the plan of dissolution, the

1 union district shall cease to conduct its affairs except insofar as may be
2 necessary for the winding up thereof. The governing board shall immediately
3 cause a notice of the proposed dissolution to be mailed to each known creditor
4 of the union district and to the Secretary of State and shall proceed to collect
5 the assets of the union district and apply and distribute them in accordance
6 with the plan of dissolution.

7 (b) The plan of dissolution shall:

8 (1) identify and value all unencumbered assets;

9 (2) identify and value all encumbered assets;

10 (3) identify all creditors and the nature or amount of all liabilities and
11 obligations;

12 (4) identify all obligations under long-term contracts and contracts
13 subject to annual appropriation;

14 (5) specify the means by which assets of the union district shall be
15 liquidated and all liabilities and obligations shall be paid and discharged, or
16 adequate provision shall be made for the satisfaction thereof;

17 (6) specify the nature and amount of any liabilities or obligations to be
18 assumed and paid by the member municipalities;

19 (7) specify the means by which any assets remaining after discharge of
20 all liabilities shall be liquidated if necessary;

1 foregoing such as utility lines, storage accommodations, offices, dependent
2 care facilities, or transportation facilities.

3 * * *

4 Sec. 23. 10 V.S.A. § 261 is amended to read:

5 § 261. ADDITIONAL POWERS

6 In addition to powers enumerated elsewhere in this chapter, the
7 Authority may:

8 (1) make loans secured by mortgages, which may be subordinate to one
9 or more prior mortgages, upon application by the proposed mortgagor, who
10 may be a private corporation, partnership ~~or~~ person, or municipality financing
11 an eligible project described in subdivision 212(6) of this title, upon such terms
12 as the Authority may prescribe, for the purpose of financing the establishment
13 or expansion of eligible facilities. Such loans shall be made from the Vermont
14 Jobs Fund established under subchapter 3 of this chapter. The Authority may
15 provide for the repayment and redeposit of such loans in the manner provided
16 hereinafter.

17 * * *

18 Sec. 24. 10 V.S.A. § 262 is amended to read:

19 § 262. FINDINGS

20 Before making any loan, the Authority shall receive from an applicant a
21 loan application in such form as the Authority may by regulation prescribe, and

1 the Authority, or the Authority's loan officer pursuant to the provisions of
2 subdivision 216(15) of this title, shall determine and incorporate findings in its
3 minutes that:

4 * * *

5 (5) The principal obligation of the Authority's mortgage does not
6 exceed \$1,500,000.00 which may be secured by land and buildings or by
7 machinery and equipment, or both; unless:

8 (A) an integral element of the project consists of the generation of
9 heat or electricity employing biomass, geothermal, methane, solar, or wind
10 energy resources to be primarily consumed at the project, in which case the
11 principal obligation of the Authority's mortgage does not exceed
12 \$2,000,000.00, which may be secured by land and by buildings, or machinery
13 and equipment, or both; such principal obligation does not exceed 40 percent
14 of the cost of the project; and the mortgagor is able to obtain financing for the
15 balance of the cost of the project from other sources as provided in the
16 following section; or

17 (B) a single loan for which the principal amount of the Authority's
18 mortgage does not exceed \$3,000,000.00 for an eligible facility consisting of a
19 municipal telecommunications plant, as defined in 24 V.S.A. § 1911(2); or

20 * * *

21 Sec. 25. 10 V.S.A. § 263 is amended to read:

1 § 263. MORTGAGE LOAN; LIMITATIONS

2 * * *

3 (b) Any loan of the ~~authority~~ Authority under this subchapter shall be for a
4 period of time and shall bear interest at such rate as determined by the
5 ~~authority~~ Authority and shall be secured by a mortgage on the eligible facility
6 for which the loan was made or upon the assets of a municipal communications
7 plant, including the net revenues derived from the operation thereof, or both.

8 The mortgage may be subordinate to one or more prior mortgages, including
9 the mortgage securing the obligation issued to secure the commitment of funds
10 from the independent and responsible sources and used in the financing of the
11 economic development project. Monies loaned by the authority shall be
12 withdrawn from the Vermont jobs fund fund and paid over to the mortgagor in
13 such manner as provided and prescribed by the rules and regulations of the
14 authority. All payments of principal and interest on the loans shall be
15 deposited by the authority in the Vermont jobs fund.

16 * * *

17 (h) All actions of a municipality taken under this subchapter for the
18 financing of an eligible project described in subsection 212(b) shall be as
19 authorized in section 245 of this title.

20 (i) The provisions of section 247 of this title shall apply to the financing of
21 an eligible project described in subdivision 216(6) of this title.

1 * * * Rapid Response; Pole Attachments * * *

2 **Sec. 26. POLE ATTACHMENTS; APPLICATIONS; DISPUTE**

3 **RESOLUTION**

4 (a) Within 90 days of this act’s passage, the Public Service Board by order
5 shall institute a process for the filing of applications and the rapid and binding
6 resolution of disputes pertaining to the attachment of a wire, cable, or other
7 facility to an electric or communications pole for the purpose of supporting a
8 broadband, telecommunications, or cable television deployment project. This
9 process shall ensure that such projects proceed in a timely and coordinated
10 manner and shall include notice to all potentially affected persons. In issuing
11 this order, the Board shall have full authority to establish standards and
12 procedures for the earliest feasible filing of pole attachment applications such
13 that pole-owning utilities are able to complete their make-ready surveys and
14 make-ready work and to establish a dispute resolution process that uses an
15 expedited time frame and to which the contested case procedures of 3 V.S.A.
16 chapter 25 do not apply.

17 (b) The process instituted by the Public Service Board under this section
18 shall include a more rapid time frame for dispute resolution than is currently
19 provided under Public Service Board rule 3.700.

20 * * * Statutory Revision * * *

21 **Sec. 27. STATUTORY REVISION**

1 Secretary of Administration that the administration of the E-911 system should
2 be transferred to the Department of Public Safety not later than July 1, 2015.

3

4 and that after passage the title of the bill be amended to read: “An act relating
5 to telecommunications” .

6

7

8

9

10 (Committee vote: _____)

11

12

Senator _____

13

FOR THE COMMITTEE