

1 H.360

2 Introduced by Committee on Energy and Technology

3 Date:

4 Subject: Communications; broadband deployment; communications union

5 districts; Vermont Community Broadband Authority

6 Statement of purpose of bill as introduced: This bill proposes to coordinate,

7 facilitate, support, and accelerate community broadband deployment

8 throughout Vermont.

9 An act relating to accelerated community broadband deployment

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 \* \* \* Legislative Findings and Intent \* \* \*

12 Sec. 1. FINDINGS AND INTENT

13 (a) The General Assembly finds that:

14 (1) For over a decade, Vermont has pursued many approaches and

15 strategies designed to ensure that every Vermonter has access to reliable,

16 affordable, high-speed broadband.

17 (2) In 2018, through Acts and Resolves No. 169, the General Assembly

18 found that broadband is essential for supporting economic and educational

1 opportunities, strengthening health and public safety networks, and reinforcing  
2 freedom of expression and democratic, social, and civic engagement.

3 (3) We further found in Act No. 169 that the lack of a thriving  
4 competitive market in Vermont, particularly in isolated locations,  
5 disadvantages the ability of consumers and businesses to protect their interests  
6 sufficiently, and we recognized that the State may exercise its traditional role  
7 in protecting consumers.

8 (4) In 2019, through Acts and Resolves No. 79, the General Assembly  
9 found that despite the FCC’s “light-touch” regulatory approach under Title I of  
10 the Communications Act of 1934, rather than “utility-style” regulation under  
11 Title II, existing broadband providers are not providing adequate service to  
12 many rural areas where fewer potential customers reduce the profitability  
13 necessary to justify network expansion.

14 (5) Accordingly, reaching the last mile will require a grassroots  
15 approach founded on input from and support of local communities. Existing  
16 broadband grant programs do not offer the scale to solve this problem, and  
17 traditional capital sources typically shy away from businesses with limited  
18 revenue history and little equity or collateral.

19 (6) To this end, public investment in programs and personnel that  
20 provide local communities with much-needed resources and technical  
21 assistance is required.

1           (7) In 2020, the COVID-19 public health emergency served as an  
2           accelerant to the socioeconomic disparities between the connected and the  
3           unconnected in our State. Vermonters who cannot access or cannot afford  
4           broadband, many of whom are geographically isolated, face challenges with  
5           respect to distance learning; remote working; accessing telehealth services; and  
6           accessing government programs and services, including our institutions of  
7           democracy, such as the court system.

8           (8) Indeed, the ongoing public health emergency has highlighted the  
9           extent to which robust and resilient broadband networks are critical to our  
10           economic future as a whole and provide a foundation for our educational,  
11           health care, public health and safety, and democratic institutions.

12           (9) Broadband infrastructure is critical infrastructure fundamental to  
13           accessing other critical services in sectors such as energy, public safety,  
14           government, healthcare, education, and commerce.

15           (10) The goal of universal broadband needs to be elevated as a top  
16           priority of the State to meet the economic, health, safety, educational, and  
17           social needs of Vermonters.

18           (11) While private broadband providers have brought broadband  
19           services to many households, businesses, and locations in Vermont, significant  
20           gaps remain.

1           (12) When existing broadband providers fail to achieve the goal of  
2           providing reliable, high-quality, universal broadband, it is imperative for the  
3           State to support and facilitate the construction of broadband infrastructure  
4           through financial and other means.

5           (13) Communications union districts (CUDs) were created by the State  
6           to coordinate and implement creative and innovative solutions in their  
7           respective territories, particularly where existing providers are not providing  
8           adequate service that meets the needs of their residents and businesses while  
9           ensuring public accountability.

10          (14) CUDs are thus positioned to be the unofficial “provider of last  
11          resort” for broadband and ensure public accountability for serving all  
12          Vermonters within their respective service territories. Yet CUDs have limited  
13          access to financial capital necessary for expansion of broadband to unserved  
14          and underserved areas of the State.

15          (15) All Vermont electric ratepayers are supporting the rollout of clean  
16          energy technologies, however not all ratepayers are able to access those  
17          technologies because they do not have access to adequate broadband. Equity  
18          in the energy sector requires universal broadband.

19          (16) The Department of Public Service simultaneously plays a  
20          regulatory role in the telecommunications market while also supporting the  
21          development of CUDs in an unregulated competitive broadband market.

1           (17) To ensure universal broadband in Vermont, there is a need for  
2           greater coordination of grassroots broadband solutions both among the CUDs  
3           themselves and also with respect to their other potential partners, such as  
4           electric distribution utilities, nonprofit organizations, the federal government,  
5           and private broadband providers.

6           *(18) The Department of Public Service estimates that 82 percent of*  
7           *Vermont addresses (254,000 locations) lack access to 100 Mbps symmetrical*  
8           *service. The total cost to provide 100 Mbps symmetrical service to each of*  
9           *these locations is approximately \$1,000,000,000.00. This figure is based on*  
10           *estimates in the Magellan Advisors' report commissioned by the Department,*  
11           *and it includes estimates of both fixed and variable capital costs for fiber to*  
12           *the premise infrastructure (Feasibility Study of Electric Companies Offering*  
13           *Broadband in Vermont, dated December 31, 2019).*

14           (b) Therefore, this act is intended to protect the public interest by:

15           (1) ensuring broadband availability to all Vermonters and Vermont  
16           addresses;

17           (2) ensuring public accountability for maintaining and upgrading critical  
18           broadband infrastructure;

19           (3) increasing the reliability of the electric grid and ensuring equal  
20           access to clean energy services among all electric ratepayers;

1           (4) protecting Vermonters' privacy and unrestricted access to the  
2 Internet;

3           (5) alleviating the inherent tension the Department of Public Service  
4 currently experiences as a result of its dual roles as both regulator and  
5 community project developer;

6           (6) directing public resources to the development of public broadband  
7 assets intended to provide universal access;

8           (7) developing favorable taxing, financing, and regulatory mechanisms  
9 to support communications union districts; and

10           (8) providing time-limited leadership for coordinating the buildout of  
11 Vermont's communications union districts and their partners and for  
12 developing financing mechanisms to fully support that buildout through a  
13 newly created State entity, the Vermont Community Broadband Authority,  
14 designed specifically to effectuate these purposes.

15                   \* \* \* Vermont Community Broadband Authority \* \* \*

16           Sec. 2. 30 V.S.A. chapter 91A is added to read:

17           CHAPTER 91A: VERMONT COMMUNITY BROADBAND AUTHORITY

18           § 8081. POLICY, FINDINGS, AND PURPOSE

19           (a) Policy. It is the policy of the State of Vermont to support and accelerate  
20 community efforts that advance the State's goal of achieving universal access  
21 to reliable, high-quality, affordable broadband.

1        (b) Findings. Broadband is an essential service unavailable to many  
2        Vermonters. Federal policies that promote an unregulated, competitive  
3        broadband market have failed to deliver this essential service in many rural  
4        areas of the State. In addition, federal programs designed to subsidize the  
5        buildout of broadband in rural areas have fallen far short of delivering  
6        broadband to the most remote regions of our State, often as a result of  
7        inadequate federal broadband mapping data or insufficient accountability. As  
8        a consequence, many locations in Vermont continue to lack access to  
9        broadband, and a comprehensive, funded solution through existing federal and  
10       State broadband programs is not available to address this critical need we face  
11       in Vermont. Despite these challenges, local communities have assembled in  
12       the form of communications union districts to address the digital divide  
13       collectively and creatively. These local projects, and ultimately all  
14       Vermonters, will benefit from the establishment of robust statewide leadership  
15       and support for community broadband solutions.

16       (c) Purpose. It is the purpose of this chapter to establish the Vermont  
17       Community Broadband Authority to coordinate, facilitate, support, and  
18       accelerate the development and implementation of universal community  
19       broadband solutions.

20       § 8082. DEFINITIONS

21       As used in this chapter:

1           (1) “Authority” means the Vermont Community Broadband Authority  
2 established by this chapter.

3           (2) “Board” means the Board of Directors of the Vermont Community  
4 Broadband Authority.

5           (3) “Connectivity Initiative” means the initiative established under  
6 section 7515b of this title.

7           (4) “Department” means the Department of Public Service.

8           (5) “Division” means the Division for Telecommunications and  
9 Connectivity within the Department of Public Service.

10          (6) “Fund” means the Vermont Community Broadband Fund established  
11 by this chapter.

12          (7) “Underserved” has the same meaning as in subsection 7515b(a) of  
13 this title.

14          (8) “Unserved” has the same meaning as in subsection 7515b(a) of this  
15 title.

16          § 8083. ESTABLISHMENT AND ORGANIZATION

17          (a) The Vermont Community Broadband Authority is hereby created and  
18 established as a body corporate and politic and a public instrumentality of the  
19 State. The exercise by the Authority of the powers conferred upon it in this  
20 chapter constitutes the performance of essential governmental functions.



1        (b) The Authority shall have a Board of Directors of seven members as  
2 follows:

3            (1) the Commissioner of Public Service or designee;

4            (2) the Secretary of Commerce and Community Development or  
5 designee;

6            (2) two public members selected by the Vermont Communications  
7 Union District Association;

8            (3) one public member appointed by the Governor, who shall not be an  
9 employee or officer of the State at the time of appointment;

10           (4) one public member appointed by the Speaker of the House, who  
11 shall not be a member of the General Assembly at the time of the appointment;

12 and

13           (5) one public member appointed by the Senate Committee on  
14 Committees, who shall not be a member of the General Assembly at the time  
15 of the appointment.

16 ~~(c) In making appointments of public members, the appointing authorities~~  
17 ~~shall give consideration to persons with knowledge of communications~~  
18 ~~technology; communications law and policy; broadband deployment in rural,~~  
19 ~~high-cost areas; finance; and electric utility law and policy. However, the~~  
20 ~~public members may not be persons with a financial interest in or owners,~~  
21 ~~employees, or members of a governing board of an Internet service provider or~~

1 ~~a communications union district. The conflict of interest provision in this~~  
2 ~~subsection shall not be construed to disqualify a member who has ownership in~~  
3 ~~a mutual fund, exchange traded fund, pension plan, or similar entity that owns~~  
4 ~~shares in such enterprises as part of a broadly diversified portfolio.~~

5 *(c) In making appointments of public members, the appointing authorities*  
6 *shall coordinate to ensure that at least one of the public members has expertise*  
7 *in the area of finance. In addition, the appointing authorities shall give*  
8 *consideration to persons with knowledge of communications technology;*  
9 *communications law and policy; broadband deployment in rural, high-cost*  
10 *areas; and electric utility law and policy. However, the public members may*  
11 *not be persons with a financial interest in or owners, employees, or members*  
12 *of a governing board of an Internet service provider or a communications*  
13 *union district. The conflict of interest provision in this subsection shall not be*  
14 *construed to disqualify a member who has ownership in a mutual fund,*  
15 *exchange traded fund, pension plan, or similar entity that owns shares in such*  
16 *enterprises as part of a broadly diversified portfolio.*

17 (d) The public members shall serve terms of three years beginning on  
18 February 1 of the year of appointment. However, the public member first  
19 appointed by the Governor shall serve an initial term of one year, and the  
20 public members first appointed by the Speaker of the House and the  
21 Committee on Committees shall serve initial terms of two years. A vacancy

1 occurring among the public members shall be filled by the respective  
2 appointing authority for the balance of the unexpired term. A member may be  
3 reappointed.

4 (e) The Authority's powers are vested in the Board of Directors. At its  
5 initial organizational meeting, and annually thereafter at the first meeting  
6 following February 1, the Board shall elect from among its public members a  
7 chair and vice chair. The Board may elect officers as it may determine.  
8 Meetings shall be held at the call of the Chair or at the request of three  
9 members. A majority of sitting members shall constitute a quorum, and action  
10 taken by the Board under the provisions of this chapter may be authorized by a  
11 majority of the members present and voting at any regular or special meeting.

12 (f) Members other than ex officio members shall be entitled to per diem  
13 compensation authorized under 32 V.S.A. § 1010 for each day spent in the  
14 performance of their duties, and each member shall be reimbursed from the  
15 Fund for his or her reasonable expenses incurred in carrying out his or her  
16 duties under this chapter.

17 (g) The Authority shall hire and employ an Executive Director who shall  
18 serve as the Authority's chief administrative officer and shall direct and  
19 supervise the Authority's administrative affairs and technical activities in  
20 accordance with any rules and policies set forth by the Authority. In addition  
21 to any other duties, the Executive Director shall:

1           (1) attend all meetings of the Authority, act as its secretary, and keep  
2           minutes of its proceedings;

3           (2) approve all accounts of the Authority, including accounts for  
4           salaries, per diems, and allowable expenses of any employee or consultant  
5           thereof and expenses incidental to the operation of the Authority;

6           (3) make recommendations to the Board of Directors for financial  
7           awards or assistance authorized by this chapter, including grants and loans;

8           (4) make an annual report to the Authority documenting the actions of  
9           the Authority and such other reports as the Authority may request; and

10          (5) perform such other duties as may be directed by the Authority in the  
11          carrying out of the purposes and provisions of this chapter.

12          (h) The Executive Director may retain or employ technical experts and  
13          other officers, agents, employees, and contractors as are necessary to give  
14          effect to the purposes of this chapter, including in the areas of finance, network  
15          planning, technical design, and grant writing, and may fix their qualifications,  
16          duties, and compensation. The Authority shall use the Office of the Attorney  
17          General for legal services as well as contract for legal services as needed.

18          § 8084. VERMONT COMMUNITY BROADBAND FUND

19          (a) There is created a special fund in the State Treasury to be known as the  
20          “Vermont Community Broadband Fund.” The Fund shall be administered by  
21          the Authority and expenditures therefrom shall only be made to implement and

1 effectuate the policies and purposes of this chapter. The Fund shall be  
2 composed of any monies from time to time appropriated to the Fund by the  
3 General Assembly or received from any other source, private or public,  
4 approved by the Authority. Unexpended balances and any earnings shall  
5 remain in the Fund for use in accord with the purposes of this chapter.

6 (b) The money transferred to the Fund pursuant to subsection 7523(b) of  
7 this title shall be used to fund the operational expenses of the Authority,  
8 including a Rural Broadband Technical Assistance Specialist, who shall report  
9 to the Executive Director and whose duties shall include providing outreach,  
10 technical assistance, and other support services to communications union  
11 districts.

12 (c) From the funds transferred to the Fund under subsection (b) of this  
13 section and used to pay the operational expenses of the Authority, any  
14 remaining funds shall be used to provide administrative, technical, and  
15 financial assistance to communications union districts as authorized in this  
16 chapter and, commencing on January 1, 2022, under the Connectivity Initiative  
17 established in section 7515b of this title.

18 § 8085. GENERAL POWERS AND DUTIES; CONFIDENTIALITY

19 (a) The Authority shall have all the powers necessary and convenient to  
20 carry out and effectuate the purposes and provisions of this chapter, including  
21 those general powers provided to a business corporation by Title 11A and

1 those general powers provided to a nonprofit corporation by Title 11B and  
2 including, without limitation of the general powers under Titles 11A and 11B,  
3 the power to:

4 (1) coordinate and facilitate community broadband efforts and to  
5 provide resources to communications union districts in the form of  
6 administrative and technical support as well as through grants, loans, and other  
7 forms of financial assistance consistent with the purposes and provisions of  
8 this chapter and as deemed appropriate by the Board of Directors, with input  
9 by the Executive Director;

10 (2) assist communications union districts with development of business  
11 plans that reflect local preferences;

12 (3) facilitate partnerships between communications union districts and  
13 potential partners, including incumbent and competitive communications  
14 providers and electric transmission and distribution utilities;

15 (4) advocate at the federal level for programs and policies that will  
16 accelerate the deployment of universal broadband in rural Vermont that is  
17 capable of speeds of at least 100 Mbps symmetrical;

18 (5) receive and accept grants, gifts, loans, or contributions from any  
19 source subject to the provisions of 32 V.S.A. § 5 and for the purpose of  
20 carrying out the purposes of this chapter;

1           (6) when authorized by one or more communications union districts,  
2           apply for grants, loans, permits, licenses, certificates, or approvals, or enter  
3           into contractual arrangements for goods or services on behalf of or jointly with  
4           a communications union district or districts;

5           (7) consult with the Vermont Economic Development Authority and the  
6           Vermont Municipal Bond Bank with regard to financing community  
7           broadband projects;

8           (8) consult with agencies and departments regarding the establishment  
9           or modification of taxes and fees applicable to broadband providers, including  
10          the establishment of criteria for the waiver of such taxes and fees when  
11          providers offer to furnish comparable value to the State to meet the public  
12          good;

13          (9) assist communications union districts with pursuing route  
14          identification for fiber-optic infrastructure and with obtaining pole surveys and  
15          negotiating pole attachments;

16          (10) identify and publish State, federal, nonprofit, and any other  
17          broadband funding opportunities and assist communications union districts  
18          with completing grant and loan applications;

19          (11) provide input to the Department of Public Service on the  
20          development of the State's Telecommunications Plan; and

1           (12) do any and all things necessary or convenient to effectuate the  
2           purposes and provisions of this chapter and to carry out its purposes and  
3           exercise the powers given and granted in this chapter.

4           (b) Any records or information produced or acquired by the Authority that  
5           are trade secrets or confidential business information shall be exempt from  
6           public inspection and copying pursuant to 1 V.S.A. § 317(c)(9).

7           § 8086. ALLOCATION SYSTEM; FUNDING PRIORITIES

8           In reviewing funding proposals and determining the allocation of funds  
9           pursuant to programs administered by the Authority, the Authority shall give  
10           priority to projects that:

11           (1) provide service to unserved and underserved locations as part of a  
12           plan that achieves universal broadband coverage in a community or  
13           communications union district;

14           (2) support broadband service that is capable of speeds of at least 100  
15           Mbps symmetrical;

16           (3) leverage federal or public-private partnership resources;

17           (4) support low-income or disadvantaged communities;

18           (5) promote geographic diversity of fund allocations;

19           (6) provide consumers with affordable service options; and

20           (7) include public broadband assets that can be shared by multiple  
21           service providers and that can support a variety of public purposes.



1     § 8087. COMMUNITY BROADBAND PRECONSTRUCTION GRANT

2             PROGRAM

3             (a) There is established the Community Broadband Preconstruction Grant  
4             Program to be administered by the Authority. The purpose of the Program is  
5             to provide grants to communications union districts for preconstruction costs  
6             related to broadband projects. As used in this section, “preconstruction costs”  
7             include expenses for feasibility studies, business planning, pole data surveys,  
8             engineering and design, and make-ready work associated with the construction  
9             of broadband networks, including consultant, legal, and administrative  
10            expenses, and any other costs deemed appropriate by the Authority.

11            (b) To ensure an equitable distribution of funds under this Program and to  
12            encourage collaborative work among communications union districts, grant  
13            awards shall be scalable and shall be commensurate with the size of a  
14            broadband project as determined by the project’s service area, road mileage,  
15            the number of unserved or underserved locations, or any other metric deemed  
16            appropriate by the Authority. In addition, the Authority may permit a grantee  
17            to use a percentage of a grant award for grant management and may develop  
18            standards for the disbursement of grant funds in a manner that both supports  
19            the efficient and timely use of funds and also ensures accountability.

20            (c) To ensure the expeditious allocation of funds prior to the organization  
21            of the Vermont Community Broadband Authority, the Department of Public

1 Service is authorized to allocate up to \$9,000,000.00 under this Program on or  
2 before September 30, 2021.

3 § 8088. SUBORDINATED LOAN PROGRAM

4 (a) The Authority shall establish a subordinated loan program for  
5 communications union districts to support projects that are consistent with the  
6 funding priorities established in section 8086 of this chapter, including by  
7 supplementing financing under the Vermont Economic Development  
8 Authority's Broadband Expansion Loan Program. Loans under this section  
9 shall be made upon such terms and conditions as may reasonably be expected  
10 to be fulfilled by the borrower.

11 (b) Lending decisions under this section shall be made by the Vermont  
12 Community Broadband Authority Board of Directors. The Vermont Economic  
13 Development Authority shall service all loans made pursuant to this section.  
14 In the event of default by a loan recipient, the Vermont Economic  
15 Development Authority shall consult with the Vermont Community Broadband  
16 Authority prior to commencing any collection action.

§ 8088. CONSTRUCTION GRANT AND SUBORDINATED DEBT  
PROGRAM

(a) The Authority shall establish the Construction Grant and Subordinated  
Debt Program for communications union districts to support projects that are  
consistent with the funding priorities established in section 8086 of this

chapter, including by supplementing financing under the Vermont Economic Development Authority's Broadband Expansion Loan Program.

(b) Lending and grant decisions under this section shall be made by the Vermont Community Broadband Authority Board of Directors. The Vermont Economic Development Authority shall service all loans made pursuant to this section. In the event of default by a loan recipient, the Vermont Economic Development Authority shall consult with the Vermont Community Broadband Authority prior to commencing any collection action.

1     § 8089. ANNUAL REPORT

2             Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the  
3     Authority shall submit a report of its activities pursuant to this chapter for the  
4     preceding year to the Senate Committee on Finance, the House Committee on  
5     Energy and Technology, and the Joint Information Technology Oversight  
6     Committee. The report shall include an operating and financial statement  
7     covering the Authority's operations during the year, including a summary of  
8     all grant awards and contracts and agreements entered into by the Authority.  
9     In addition, the report shall include a description of the progress each start-up  
10    communications union district has made in achieving long-term financial  
11    sustainability that is not dependent upon public funding, an update on its  
12    efforts to secure additional federal funds for broadband deployment, and  
13    progress made towards meeting the State's goal of ensuring every E-911

1 location has access to broadband capable of delivering a minimum of 100  
2 Mbps symmetrical service as required in 30 V.S.A. § 202c(b)(10).

3 § 8089a. SUNSET; TRANSFER PLAN

4 (a) The Authority shall cease to exist on July 1, 2029.

5 (b) As part of its annual report submitted on or before January 15, 2029,  
6 the Authority shall develop a plan for transferring its assets, liabilities, and  
7 legal and contractual obligations to another appropriate State entity. The  
8 Authority may include in its report a recommendation regarding the continued  
9 existence of the Authority beyond its statutory sunset date.

10 Sec. 3. ORGANIZATIONAL MEETING; SPACE ALLOCATION

11 (a) Within 60 days following the effective date of this act, the Vermont  
12 Community Broadband Authority Board of Directors shall hold its initial  
13 organizational meeting. The Department of Public Service shall provide  
14 administrative support to the Authority for 180 days commencing on the date  
15 of the Authority's initial organizational meeting, which shall be paid for from  
16 the Vermont Community Broadband Fund established in Sec. 2 of this act.

17 (b) Within 60 days following the effective date of this act, the  
18 Commissioner of Buildings and General Services shall allocate space for the  
19 Vermont Community Broadband Authority established in Sec. 2 of this act.

20 Sec. 4. REPEALS

21 The following provisions of law are repealed:

1           (1) 2019 Acts and Resolves No. 79, Sec. 10 (Broadband Innovation  
2           Grant Program); and

3           (2) 2020 Acts and Resolves No. 154, Sec. B1105.2 (amending the  
4           Broadband Innovation Grant Program).

5           Sec. 4a. POSITION TRANSFER

The position of Rural Broadband Technical Assistance Specialist shall be  
transferred from the Department of Public Service to the Vermont Community  
Broadband Authority upon the hiring of the Authority's Executive Director.

*The position shall remain in the classified service created in 3 V.S.A. chapter*  
*13. The Authority shall reimburse the Department for any expenses associated*  
*with the position and incurred by the Department in fiscal year 2022 prior to*  
*the transfer required by this section.*

6           \* \* \* Universal Service Charge; Vermont Community Broadband Fund \* \* \*

7           Sec. 5. 30 V.S.A. § 7516 is amended to read:

8           § 7516. CONNECTIVITY FUND

9           (a) There is created a Connectivity Fund for the purpose of providing  
10           support to the High-Cost Program established under section 7515 of this  
11           chapter and the Connectivity Initiative established under section 7515b of this  
12           chapter. The fiscal agent shall determine annually, on or before November 1,  
13           the amount of monies available to the Connectivity Fund. Such funds shall be

1 apportioned as follows: 45 percent to the High-Cost Program and 55 percent to  
2 the Connectivity Initiative.

3 (b) ~~Of the money transferred to the Connectivity Fund pursuant to~~  
4 ~~subsection 7523(b) of this title, up to \$120,000.00 shall be appropriated~~  
5 ~~annually to the Department of Public Service to fund a Rural Broadband~~  
6 ~~Technical Assistance Specialist whose duties shall include providing outreach,~~  
7 ~~technical assistance, and other support services to communications union~~  
8 ~~districts established pursuant to chapter 82 of this title and other units of~~  
9 ~~government, nonprofit organizations, cooperatives, and for-profit businesses~~  
10 ~~for the purpose of expanding broadband service to unserved and underserved~~  
11 ~~locations. Support services also may include providing business model~~  
12 ~~templates for various approaches, including formation of or partnership with a~~  
13 ~~cooperative, a communications union district, a rural economic development~~  
14 ~~infrastructure district, an electric utility, or a new or existing Internet service~~  
15 ~~provider as operator of the network. Any remaining funds shall be used to~~  
16 ~~support the Connectivity Initiative established under section 7515b of this title.~~

17 [Repealed.]

18 Sec. 6. 30 V.S.A. § 7523(b) is amended to read:

19 (b) Beginning on July 1, 2019, the rate of charge established under  
20 subsection (a) of this section shall be increased by four-tenths of one percent  
21 of retail telecommunications service, and the monies collected from this

1 increase shall be transferred to the ~~Connectivity Fund established under section~~  
2 ~~7516 of this title~~ Vermont Community Broadband Fund established under  
3 section 8084 of this title.

4 \* \* \* Transfer of Fiber-optic Assets \* \* \*

5 Sec. 7. TRANSFER OF FIBER-OPTIC ASSETS

6 On or before September 30, 2021, the Department of Public Service shall  
7 transfer ownership of its fiber-optic assets to the communications union district  
8 in which those assets are located. The transfer shall include the transfer of  
9 rights and obligations under any existing contracts or lease agreements with  
10 third parties regarding the maintenance or use of the fiber-optic assets. In  
11 addition, the transfer shall include a requirement that, upon the dissolution of a  
12 communications union district, any such fiber assets shall become the property  
13 of the State to be managed by the Department of Public Service. A  
14 communications union district may refuse to accept the transfer of assets  
15 authorized by this section, in which case the assets shall remain the property of  
16 the Department of Public Service. Nothing in this section shall preclude the  
17 Department from transferring fiber-optic assets to a communications union  
18 district that initially declined to accept such assets prior to September 30,  
19 2021.

20 \* \* \* Connectivity Initiative; Department of Public Service \* \* \*

21 Sec. 8. 30 V.S.A. § 7515b is amended to read:

1 § 7515b. CONNECTIVITY INITIATIVE

2 (a) The purpose of the Connectivity Initiative is to provide each service  
3 location in Vermont access to Internet service broadband that is capable of  
4 speeds of at least ~~25 Mbps download and 3 Mbps upload, or the FCC speed~~  
5 ~~requirements established under Connect America Fund Phase II, whichever is~~  
6 ~~higher, beginning with locations not served as of December 31, 2013~~  
7 ~~according to the minimum technical service characteristic objectives applicable~~  
8 ~~at that time~~ 100 Mbps symmetrical. Within this category of service locations,  
9 priority shall be given first to unserved and then to underserved locations that  
10 are part of a plan to achieve universal broadband coverage in a community or  
11 communications union district. As used in this section, “unserved” means a  
12 location ~~having access to only satellite or dial-up Internet service~~ that only has  
13 access to broadband capable of speeds of less than 4 Mbps download and 1  
14 Mbps upload and “underserved” means a location ~~having access to Internet~~  
15 ~~service with speeds that exceed satellite and dial-up speeds but are less than~~  
16 that only has access to broadband capable of speeds of at least 4 Mbps  
17 download and 1 Mbps upload but less than 25 Mbps download and 3 Mbps  
18 upload. Any new services funded in whole or in part by monies from this  
19 Initiative ~~shall be capable of being continuously upgraded to reflect the best~~  
20 ~~available, most economically feasible service capabilities.~~



1           (b) The Department of Public Service shall publish annually a list of  
2           ~~eensus blocks~~ E-911 locations eligible for funding based on the Department's  
3           most recent broadband mapping data. The Department annually shall solicit  
4           proposals from ~~service providers~~ communications union districts and from  
5           service providers working in conjunction with a communications union district  
6           to provide universal broadband service in a community or communications  
7           union district, to deploy broadband to eligible ~~eensus blocks~~ E-911 locations.  
8           Funding shall be available for capital improvements only, not for operating  
9           and maintenance expenses. The Department shall give priority to proposals  
10          that reflect the lowest cost of providing services to unserved and underserved  
11          locations; however, the Department also shall consider:

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

14               (2) the price to consumers of services;

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

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

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

20               (6) the objectives of the State's Telecommunications Plan; and

1           (7) the extent to which a proposal leverages federal or private funding  
2 opportunities.

3           (c) In order to ensure that grants are disbursed based on the value of work  
4 completed, the Department shall develop with each grantee a payment  
5 schedule that reflects the verified percentage of project completion. To verify  
6 project completion, the grantee shall retain a Department-approved third party  
7 to conduct independent field testing, which the Department may supplement  
8 with provider-supplied data and crowd-sourced user data. If deemed necessary  
9 by the Department, the Department may advance a grantee funds necessary for  
10 project commencement. The Department shall retain five percent of an award  
11 for two years after project completion to ensure continued compliance with  
12 contract terms. A grantee shall reimburse the Department any funds received  
13 for contracted work that is not completed pursuant to contract specifications.

14           (d) The Department shall maintain a publicly accessible inventory of  
15 completed broadband projects financed in whole or in part with grants under  
16 this section.

17           \* \* \* Connectivity Initiative; Vermont Community Broadband Authority \* \* \*

18           Sec. 9. 30 V.S.A. § 7515b is amended to read:

19           § 7515b. CONNECTIVITY INITIATIVE

20           (a) The Connectivity Initiative shall be administered by the Vermont  
21 Community Broadband Authority. The purpose of the Connectivity Initiative

1 is to provide each service location in Vermont access to broadband that is  
2 capable of speeds of at least 100 Mbps symmetrical. Within this category of  
3 service locations, priority shall be given first to unserved and then to  
4 underserved locations that are part of a plan to achieve universal broadband  
5 coverage in a community or communications union district. As used in this  
6 section, “unserved” means a location that only has access to broadband  
7 capable of speeds of less than 4 Mbps download and 1 Mbps upload and  
8 “underserved” means a location that only has access to broadband capable of  
9 speeds of at least 4 Mbps download and 1 Mbps upload but less than 25 Mbps  
10 download and 3 Mbps upload.

11 (b) The Department of Public Service shall publish annually a list of E-911  
12 locations eligible for funding based on the Department’s most recent  
13 broadband mapping data. The ~~Department~~ Authority annually shall solicit  
14 proposals from communications union districts and from service providers  
15 working in conjunction with a communications union district to provide  
16 universal broadband service in a community or communications union district,  
17 to deploy broadband to eligible E-911 locations. Funding shall be available  
18 for capital improvements only, not for operating and maintenance expenses.  
19 The ~~Department~~ Authority shall give priority to proposals that reflect the  
20 lowest cost of providing services to unserved and underserved locations;  
21 however, the ~~Department~~ Authority also shall consider:

- 1 (1) the proposed data transfer rates and other data transmission
  - 2 characteristics of services that would be available to consumers;
  - 3 (2) the price to consumers of services;
  - 4 (3) the proposed cost to consumers of any new construction, equipment
  - 5 installation service, or facility required to obtain service;
  - 6 (4) whether the proposal would use the best available technology that is
  - 7 economically feasible;
  - 8 (5) the availability of service of comparable quality and speed;
  - 9 (6) the objectives of the State's Telecommunications Plan; and
  - 10 (7) the extent to which a proposal leverages federal or private funding
  - 11 opportunities.
- 12 (c) In order to ensure that grants are disbursed based on the value of work
- 13 completed, the ~~Department~~ Authority shall develop with each grantee a
- 14 payment schedule that reflects the verified percentage of project completion.
- 15 To verify project completion, the grantee shall retain a ~~Department-approved~~
- 16 an Authority-approved third party to conduct independent field testing, which
- 17 the ~~Department~~ Authority may supplement with provider-supplied data and
- 18 crowd-sourced user data. If deemed necessary by the ~~Department~~ Authority,
- 19 the ~~Department~~ Authority may advance a grantee funds necessary for project
- 20 commencement. The ~~Department~~ Authority shall retain five percent of an
- 21 award for two years after project completion to ensure continued compliance

1 with contract terms. A grantee shall reimburse the ~~Department~~ Authority any  
2 funds received for contracted work that is not completed pursuant to contract  
3 specifications.

4 (d) The ~~Department~~ Authority shall maintain a publicly accessible  
5 inventory of completed broadband projects financed in whole or in part with  
6 grants under this section.

7 \* \* \* Telecommunications and Connectivity Advisory Board \* \* \*

8 Sec. 10. 30 V.S.A. § 202f is amended to read:

9 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY  
10 BOARD

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

16 (1) the State Treasurer or designee;

17 (2) the Secretary of Commerce and Community Development or  
18 designee;

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

21 (4) the Secretary of Transportation or designee.

1 (b) A quorum of the Connectivity Advisory Board shall consist of four  
2 voting members. No action of the Board shall be considered valid unless the  
3 action is supported by a majority vote of the members present and voting and  
4 then only if at least four members vote in favor of the action. The Governor  
5 shall select, from among the at-large members, a chair and vice chair.

6 (c) In making appointments of at-large members, the Governor shall give  
7 consideration to citizens of the State with knowledge of telecommunications  
8 technology, telecommunications regulatory law, transportation rights-of-way  
9 and infrastructure, finance, environmental permitting, and expertise regarding  
10 the delivery of telecommunications services in rural, high-cost areas.  
11 However, the five at-large members may not be persons with a financial  
12 interest in or owners or employees of an enterprise that provides broadband or  
13 cellular service or that is seeking in-kind or financial support from the  
14 Department of Public Service. The conflict of interest provision in this  
15 subsection shall not be construed to disqualify a member who has ownership in  
16 a mutual fund, exchange traded fund, pension plan, or similar entity that owns  
17 shares in such enterprises as part of a broadly diversified portfolio. The at-  
18 large members shall serve terms of two years beginning on February 1 in odd-  
19 numbered years and until their successors are appointed and qualified.  
20 However, three of the five at-large members first appointed by the Governor  
21 shall serve an initial term of three years. Vacancies shall be filled for the

1 balance of the unexpired term. A member may be reappointed for up to three  
2 consecutive terms. Upon completion of a term of service for any reason,  
3 including the term's expiration or a member's resignation, and for one year  
4 from the date of such completion, a former Board member shall not advocate  
5 before the Connectivity Board, Department of Public Service, or the Public  
6 Utility Commission on behalf of an enterprise that provides broadband or  
7 cellular service.

8 (d) Except for those members otherwise regularly employed by the State,  
9 the compensation of the Board's members is that provided by 32 V.S.A.

10 § 1010(a). All members of the Board, including those members otherwise  
11 regularly employed by the State, shall receive their actual and necessary  
12 expenses when away from home or office upon their official duties.

13 (e) In performing its duties, the Connectivity Advisory Board may use the  
14 legal and technical resources of the Department of Public Service. The  
15 Department of Public Service shall provide the Board with administrative  
16 services.

17 (f) The Connectivity Advisory Board shall:

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

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

5           ~~(3) annually advise the Commissioner on the development of requests~~  
6           ~~for proposals under the Connectivity Initiative.~~

7           ~~(4) annually provide the Commissioner with recommendations for the~~  
8           ~~apportionment of funds to the High-Cost Program and the Connectivity~~  
9           ~~Initiative.~~

10           ~~(5)~~(2) annually provide the Commissioner with recommendations on the  
11           appropriate Internet access speeds for publicly funded telecommunications and  
12           connectivity broadband projects.

13           ~~(g) The Commissioner shall make an initial determination as to whether a~~  
14           ~~proposal submitted under the Connectivity Initiative meets the criteria of the~~  
15           ~~request for proposals. The Commissioner shall then provide the Connectivity~~  
16           ~~Advisory Board a list of all eligible proposals and recommendations. The~~  
17           ~~Connectivity Advisory Board shall review the recommendations of the~~  
18           ~~Commissioner and may review any proposal submitted, as it deems necessary,~~  
19           ~~and either approve or disapprove each recommendation and may make new~~  
20           ~~recommendations for the Commissioner's final consideration. The~~  
21           ~~Commissioner shall have final decision-making authority with respect to the~~



1     ~~awarding of grants under the Connectivity Initiative. If the Commissioner~~  
2     ~~does not accept a recommendation of the Board, he or she shall provide the~~  
3     ~~Board with a written explanation for such decision.~~

4         ~~(h)~~ On November 15, 2019, and annually thereafter, the Commissioner  
5     shall submit to the Connectivity Advisory Board an accounting of monies in  
6     the Connectivity Fund and anticipated revenue for the next year.

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

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

16        ~~(k)~~(j) Information and materials submitted by a telecommunications  
17     service provider concerning confidential financial or proprietary information  
18     shall be exempt from public inspection and copying under the Public Records  
19     Act, nor shall any information that would identify a provider who has  
20     submitted a proposal under the Connectivity Initiative be disclosed without the  
21     consent of the provider, unless a grant award has been made to that provider.

1 Nothing in this subsection shall be construed to prohibit the publication of  
2 statistical information, determinations, reports, opinions, or other information  
3 ~~so long as~~ provided the data are disclosed in a form that cannot identify or be  
4 associated with a particular telecommunications service provider.

5 \* \* \* VEDA; Broadband Expansion Loan Program; Lending Capacity \* \* \*

6 Sec. 11. 10 V.S.A. § 280ee is amended to read:

7 § 280ee. BROADBAND EXPANSION LOAN PROGRAM

8 (a) Creation. There is established within the Authority the Vermont  
9 Broadband Expansion Loan Program (~~the Program~~), the purpose of which is to  
10 enable the Authority to make loans that expand broadband service to unserved  
11 and underserved Vermonters as part of a plan to achieve universal broadband  
12 coverage in a community or communications union district.

13 (b) Intent. It is understood that loans under the Program may be high-  
14 risk loans to likely start-up businesses and therefore losses in the Program may  
15 be higher than the Authority's historical loss rate. Loans shall be underwritten  
16 by the Authority utilizing underwriting parameters that acknowledge the  
17 higher risk nature of these loans. The Authority shall not make a loan unless  
18 the Authority has a reasonable expectation of the long-term viability of the  
19 business. The Program is intended to provide start-up loans until such time as  
20 the borrower can refinance the loans through, for example, the municipal  
21 revenue bond market.

1 (c)(1) Requirements. The Authority shall make loans for start-up and  
2 expansion ~~that enable Internet service providers to expand broadband~~  
3 availability of broadband projects in unserved and underserved locations as  
4 part of a plan to achieve universal broadband coverage in a community or  
5 communications union district.

6 (2) The Authority shall establish policies and procedures for the  
7 Program necessary to ensure the expansion of broadband availability to the  
8 largest number of Vermont addresses as possible. The policies shall specify  
9 that:

10 (A) loans may be made in an amount of up to \$4,000,000.00;

11 (B) eligible borrowers include ~~communications union districts and~~  
12 ~~other units of government, nonprofit organizations, cooperatives, and for-profit~~  
13 ~~businesses;~~

14 (i) communications union districts;

15 (ii) Internet service providers working in conjunction with a  
16 communications union district to expand broadband service to unserved and  
17 underserved locations as part of a plan to achieve universal broadband  
18 coverage in the district; and

19 (iii) Internet service providers working in conjunction with a  
20 municipality that was not part of a communications union district prior to  
21 December 1, 2020 to expand broadband service to unserved and underserved

1 locations as part of a plan to achieve universal broadband coverage in such  
2 municipality;

3 (C) ~~a loan shall not exceed 90 percent of project costs;~~

4 (~~D~~) interest and principal may be deferred up to ~~two~~ three years;

5 (~~E~~)(D) a maximum of \$10,800,000.00 in Authority loans may be  
6 ~~made~~ outstanding under the Program commencing on June 20, 2019; ~~and~~

7 (~~F~~)(E) the provider shall offer to all customers broadband service that  
8 is capable of speeds of at least 100 Mbps symmetrical; and

9 (F) not more than one-sixth of the total allowable loans under this  
10 Program shall be available to eligible borrowers under subdivision (2)(B)(iii)  
11 of this subsection (c).

12 (3) To ensure the limited funding available through the Program  
13 supports the highest-quality broadband available to the most Vermonters and  
14 prioritizes delivering services to the unserved and underserved, the Authority  
15 shall consult with the Department of Public Service and the Vermont  
16 Community Broadband Authority.

17 (d) On or before January 1, 2020, and annually thereafter, the Authority  
18 shall submit a report of its activities pursuant to this section to the Senate  
19 Committee on Finance and the House Committees on Commerce and  
20 Economic Development and on Energy and Technology. Each report shall  
21 include operating and financial statements for the two most recently concluded

1 State fiscal years. In addition, each report shall include information on the  
2 Program portfolio, including the number of projects financed; the amount,  
3 terms, and repayment status of each loan; and a description of the broadband  
4 projects financed in whole or in part by the Program.

5 Sec. 12. 10 V.S.A. § 280ff is amended to read:

6 § 280ff. FUNDING

7 (a) The State Treasurer, in consultation with the Secretary of  
8 Administration, shall negotiate an agreement with the Authority incorporating  
9 the provisions of this section and consistent with the requirements of this  
10 subchapter.

11 (b) ~~Repayment from or appropriation~~ State appropriations to the Authority  
12 ~~in years 2021 and until the Program terminates is~~ are based on the Authority's  
13 contributions to loan loss reserves for the Program in accordance with  
14 generally accepted accounting principles. Any difference between the actual  
15 loan losses incurred by the Authority in a fiscal year 2020 through Program  
16 ~~termination~~ shall be adjusted in the following year's appropriation.

17 (1) ~~The Program shall terminate when all borrowers enrolled in the~~  
18 ~~Program have repaid in full or loans have been charged off against the reserves~~  
19 ~~of the Authority.~~

1           ~~(2)~~ Upon termination of the Program, any remaining funds held by the  
2 Authority and not used for the Program shall be repaid to the State This is a  
3 revolving loan program.

4           ~~(3)~~(2) The accumulated total of the appropriation shall not exceed  
5 \$8,500,000.00 over the life of the Program.

6           ~~(4)~~(3) The Authority shall absorb its historical loan loss reserve rate  
7 before any State funds are expended.

8           ~~(5)~~(4) Additionally, the Authority shall absorb up to \$3,000,000.00 in  
9 Program losses shared with the State on a pro rata basis.

10 Sec. 13. [Deleted.]

11 Sec. 14. [Deleted.]

12           \* \* \* CUDs; Public Records Act; Trade Secret Exemption; Intent \* \* \*

13 Sec. 15. 30 V.S.A. § 3084 is added to read:

14 § 3084. CONFIDENTIALITY; LEGISLATIVE INTENT

15           The purpose of this section is to clarify that any records or information  
16 produced or acquired by a district that are trade secrets or confidential business  
17 information shall be exempt from public inspection and copying pursuant to  
18 1 V.S.A. § 317(c)(9). Such records or information shall be available for  
19 public inspection after project completion.

20           \* \* \* Property Tax Exemption; Broadband Infrastructure \* \* \*

21 Sec. 16. 32 V.S.A. § 3802 is amended to read:

1 § 3802. PROPERTY TAX

2 The following property shall be exempt from taxation:

3 \* \* \*

4 (19) Real and personal property, except land, owned by an electric  
5 distribution utility that comprises broadband infrastructure, including  
6 structures, machinery, lines, poles, wires, and fixtures, provided the  
7 infrastructure is leased to a communications union district or to an Internet  
8 service provider working in conjunction with a communications union district,  
9 and is primarily for the purpose of providing broadband service capable of  
10 speeds of at least 100 Mbps symmetrical. This exemption applies only to  
11 broadband infrastructure constructed on or after July 1, 2021.

12 (20) Real and personal property, except land, owned by an Internet  
13 service provider that comprises broadband infrastructure, including structures,  
14 machinery, lines, poles, wires, and fixtures, provided the infrastructure is  
15 capable of speeds of at least 100 Mbps symmetrical, is part of a plan to achieve  
16 universal broadband coverage in a community or communications union  
17 district with unserved and underserved locations, is constructed on or after  
18 July 1, 2021, and further provided:

19 (A) this plan is affirmed in writing by the Department of Public  
20 Service; and

1           (B) the broadband service is being provided pursuant to a contractual  
2           arrangement entered into between the Internet service provider and either a  
3           communications union district in which the broadband infrastructure is located  
4           or other municipality in which the broadband infrastructure is located,  
5           provided such other municipality was not part of a communications union  
6           district prior to December 1, 2020.

7           Sec. 17. 32 V.S.A. § 3800(n) is added to read:

8           (n) The statutory purpose of the exemptions for broadband infrastructure in  
9           subdivisions 3802(19) and (20) of this title is to lower the cost of broadband  
10           deployment in unserved and underserved areas of Vermont.

11           Sec. 18. 32 V.S.A. § 3602a is amended to read:

12           § 3602a. FACILITIES USED IN THE GENERATION, TRANSMISSION,  
13           OR DISTRIBUTION OF ELECTRIC POWER

14           All structures, machinery, poles, wires, and fixtures of all kinds and  
15           descriptions used in the generation, transmission, or distribution of electric  
16           power that are so fitted and attached as to be part of the works or facilities  
17           used to generate, transmit, or distribute electric power shall be set in the grand  
18           list as real estate. Nothing in this section shall alter the scope of the exemption  
19           ~~in subdivision~~ exemptions in subdivisions 3803(2) and 3802(19) and (20) of  
20           this title, nor shall it alter the taxation of municipally owned improvements  
21           accorded by section 3659 of this title.



1 Sec. 19. 32 V.S.A. § 3620 is amended to read:

2 § 3620. ELECTRIC UTILITY POLES, LINES, AND FIXTURES

3 Electric utility poles, lines, and fixtures owned by nonmunicipal utilities  
4 shall be taxed at appraisal value as defined by section 3481 of this title, except  
5 as provided under subdivisions 3802(19) and (20) of this title.

6 \* \* \* Communications Workforce Development \* \* \*

7 Sec. 20. BROADBAND OCCUPATIONAL NEEDS SURVEY

8 (a) The Commissioner of Labor shall conduct an occupational needs survey  
9 to determine workforce needs in the communications sector specific to  
10 broadband buildout and maintenance. In conducting this survey, the  
11 Commissioner shall solicit input from employers and subcontractors  
12 throughout the State. The Department of Public Service and communications  
13 union districts shall assist the Department of Labor in identifying employers  
14 with workforce needs connected to this act. The purpose of the survey is to  
15 identify current and future employment opportunities and the prerequisite  
16 skills needed for widespread worker recruitment and building a talent pipeline  
17 to support the goals of this act.

18 (b) The Commissioner shall report his or her findings and  
19 recommendations to the relevant legislative committees of jurisdiction on or  
20 before January 15, 2022.

1       (c) Employers who do not participate in supplying information for this  
2 report will not be eligible for grant funding under this act.

3       Sec. 21. FTTX; INCUMBENT TRAINING PROGRAM

4       Vermont Technical College, in consultation with the Vermont Department  
5 of Labor, shall establish an incumbent training program for communications  
6 installers and technicians. The goal of the program is to provide skills  
7 upgrades for existing employees. Up to \$40,000.00 is appropriated from the  
8 Vermont Department of Labor's fiscal year 2022 Training Fund to support this  
9 training program.

10       Sec. 22. BROADBAND INSTALLER APPRENTICESHIP PROGRAM

11       The Commissioner of Labor, working with broadband employers, shall  
12 establish a federally registered apprenticeship program that meets one or more  
13 occupational needs related to the installation and maintenance of broadband  
14 networks.

15                               \* \* \* Appropriations; Fund Transfers \* \* \*

16       ~~Sec. 23. APPROPRIATIONS; FUND TRANSFERS~~

17       ~~(a) Appropriations. The following appropriations are contemplated by this~~  
18 ~~act:~~

19               ~~(1) \$6,300,000.00 to the Community Broadband Preconstruction Grant~~  
20 ~~Program established in Sec. 2 of this act,~~

1 ~~(2) \$500,000.00 to the Vermont Community Broadband Fund~~  
2 established in Sec. 2 of this act to support the start-up costs of the Vermont  
3 Community Broadband Authority; however, the Authority shall reimburse the  
4 General Fund this amount in fiscal year 2022;

5 (3) \$100,000.00 to the Department of Labor to support the broadband  
6 occupational needs survey required by Sec. 20 and the broadband installer  
7 apprenticeship program established in Sec. 22 of this act as follows:

8 (A) \$3,000.00 to finance the development of the apprenticeship  
9 program;

10 (B) \$90,000.00 to support the related instruction tuition and on-the-  
11 job training contracts with employer-sponsors under the apprenticeship  
12 program; and

13 (C) \$7,000.00 to support work related to developing, conducting, and  
14 reporting on the occupational needs survey that is not federally funded; and

15 (4) \$24,000,000.00 to the Vermont Community Broadband Authority  
16 for the subordinated loan program established in Sec. 2 of this act.

17 (b) Funding sources. Funding sources for the appropriations in subsection  
18 (a) of this section are as follows:

19 (1) Unexpended Coronavirus Relief Funds appropriated to the  
20 Department of Public Service in 2020.

1 ~~(2) Unexpended funds from the \$900,000.00 appropriated to the~~  
2 Department of Public Service in 2017 Acts and Resolves No. 84, Sec. 16c, as  
3 amended by 2018 Acts and Resolves No. 190, Sec. 14, and by 2019 Acts and  
4 Resolves No. 79, Secs. 27a and 27b.

5 (3) Fiscal year 2021, one-time General Fund appropriations shall  
6 support the programs in subdivisions (a)(1), (2), (3), and (4) of this section.

7 (c) Fund transfers.

8 (1) Any funds remaining in the Broadband Innovation Grant Program  
9 established by 2019 Acts and Resolves No. 79, Sec. 10, as of January 1, 2022  
10 shall be transferred to the Vermont Community Broadband Fund.

11 (2) The Vermont Community Broadband Authority shall be  
12 redesignated as the responsible entity for administering the \$1,000,000.00  
13 grant award to the Department of Public Service by the Northern Border  
14 Regional Commission (NBRC) for the purpose of supporting communications  
15 union districts.

*Sec. 23. APPROPRIATIONS; GRANT ADMINISTRATION*

*(a)(1) To the extent necessary, for appropriations using federal funds*  
*provided to the State by the American Rescue Plan Act of 2021 (ARPA), the*  
*Commissioner of Finance and Management is authorized to expend the funds*  
*in anticipation of receipts.*

(2) In fiscal year 2021, to the extent permitted by federal law and guidance, \$150,000,000.00 of federal funds allocated to the State by the ARPA shall be appropriated as follows:

(A) \$30,000,000.00 to the Vermont Community Broadband Fund to support the Community Broadband Preconstruction Grant Program established in Sec. 2, 30 V.S.A. § 8087, of this act;

(B) \$120,000,000.00 to the Vermont Community Broadband Fund to support the Construction Grant and Subordinated Debt Program established in Sec. 2, 30 V.S.A. § 8088, of this act; and

(3) In fiscal year 2021, to the extent permitted by federal law and guidance, \$100,000.00 of federal funds allocated to the State by the ARPA shall be appropriated to the Department of Labor to support the broadband occupational needs survey required by Sec. 20 of this act and the broadband installer apprenticeship program established in Sec. 22 of this act as follows:

(A) \$3,000.00 to finance the development of the apprenticeship program;

(B) \$90,000.00 to support the related instruction tuition and on-the-job training contracts with employer-sponsors under the apprenticeship program; and

(C) \$7,000.00 to support non-federally funded work related to developing, conducting, and reporting on the occupational needs survey.

(c) In fiscal year 2022, the Authority is authorized to expend \$500,000.00 in anticipated receipts pursuant to 30 V.S.A. § 7523(b) (0.4 percent of the Vermont Universal Service Charge) to support the start-up costs of the Vermont Community Broadband Authority.

(d) The Vermont Community Broadband Authority shall be redesignated as the responsible entity for administering the \$1,000,000.00 grant award to the Department of Public Service by the Northern Border Regional Commission (NBRC) for the purpose of supporting communications union districts. Any position funded by the grant shall be overseen and managed by the Authority in a manner that is consistent with grant terms and conditions.

\* \* \* Legislative Priorities for Federal Funds \* \* \*

1  
2     Sec. 24. LEGISLATIVE PRIORITIES; FEDERAL FUNDS

3     With respect to federal funds potentially available to the State of Vermont  
4     in fiscal years 2021 and 2022, the General Assembly establishes as a high  
5     priority providing support for community efforts that advance the State's goal  
6     of achieving universal access to reliable, high-quality, affordable broadband  
7     consistent with the policies, purposes, and programs established under  
8     30 V.S.A. chapter 91A, concerning the Vermont Community Broadband  
9     Authority established in Sec. 2 of this act.

10     \* \* \* Effective Dates \* \* \*

11     Sec. 25. EFFECTIVE DATES

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

2            (1) Secs. 16–19 (property tax exemption for broadband infrastructure)  
3        shall take effect on July 1, 2021; and

4            (2) Sec. 4 (repeal of the Broadband Innovation Grant Program), Sec. 9  
5        (administration of the Connectivity Initiative by the Vermont Community  
6        Broadband Authority), and Sec. 10 (Telecommunications and Connectivity  
7        Advisory Board) shall take effect on January 1, 2022.