



July 10, 2023

The following is a review of legislation enacted into law in 2023 that have ongoing reports, studies and/or task forces that may be of interest to VCUDA members.

Act 20 An act relating to extending the sunset under 30 V.S.A. § 248a.

Summary: 30 V.S.A. § 248a has been extended another three years, until July 1, 2026. Under the 248a process, any businesses building a telecommunications facility can apply directly to the Public Utility Commission (PUC) for a permit rather than going through town zoning and planning process.

Action Item: On or before January 15, 2024, the Commissioner of Public Service in consultation with the Public Utility Commission shall report to the Senate Committee on Finance and the House Committee on Environment and Energy on the process of siting telecommunications facilities under 30 V.S.A. § 248a. The report will examine how to make public participation easier, as well as make recommendations on any updates to §248a. The Commissioner will seek input from the Vermont League of Cities and Towns, the utilities, *and any other interested parties.*

If VCUDA wishes to provide feedback on the 248a process, comments should be submitted to Public Service Commissioner June Tierney (June.Tierney@vermont.gov).

Act 47 An act relating to housing opportunities made for everyone.

Summary: The legislature agreed to temporarily lift regulations on electric utilities and “related facilities” (cable, telephone and internet providers). None will be obligated to obtain an Act 250 permit until January 1, 2026 if rebuilding existing distribution lines and/or improving reliability and service to existing customers through overhead or underground lines in an existing corridor, road, or State or town road right-of-way. There will also be a study to figure out whether this exemption helps make Vermont more resilient to outages.

Action Item: On or before January 15, 2024, and annually until 2026, any distribution utility that takes an action exempt under 10 V.S.A. § 6081 is required to report on the projects completed with this exemption. The report will include the location of the projects, including whether it is located in a “1-acre town” or a “10-acre town”; how

many customers are affected by the project; whether the project involved lines being hardened in place, buried underground, or relocated to the right-of-way; as well as how many poles were removed and how many poles were set; and what permits the projects were required to receive.

If VCUDA wishes to offer comments about this exemption and action taken by the utilities, they should be directed to Rep. Amy Sheldon (House E&E Chair), Senator Ann Cummings (Senate Finance), and Senator Chris Bray (Senate Natural Resources).

Act 53 An act relating to boards and commissions.

Summary: Act 53 creates a "Summer Government Accountability Committee" to re-examine the principle of government accountability in the Legislative Branch. This includes ways to ensure equitable participation on boards and commissions and in any public engagement process mandated by the State or General Assembly by providing appropriate compensation and material support.

Action Item: A report is due on or before January 15, 2024, by the Summer Government Accountability Committee. The report will recommend how information is publicly conveyed and any statutory amendments as needed to accomplish accountability goals. Another focus of the report is "codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees."

If VCUDA wishes to comment on the composition of a commission or board before the report is published, they should be directed to Rep. Michael McCarthy (House Committee on Government Operations and Military Affairs) and Senator Ruth Hardy (Senate Committee on Government Operations).

Act 55 An act relating to expanding apprenticeship and other workforce opportunities.

Summary: Under § 1113 of Act 55, the Department of Labor's Registered Apprenticeship Program is tasked with developing and expanding apprenticeship and training programs in partnership with employers to attract, train, and develop talent.

Action Item: On or before January 15, 2024 the Commissioner of Labor shall submit a written report to the House and Senate Committees on Education and to the House

Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with suggestions for legislative action.

If VCUDA members are interested in partnering with the DOL to develop a training/apprentice program may want to consider working with the DOL. Suggestions on how these programs might assist VCUDA members should go to to Cameron Wood (cameron.wood@vermont.gov), the Policy and Legislative Affairs Director at the Vermont Department of Labor.

Act 62 An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

Summary: Act 62 spends \$851 million over the next twelve months on transportation projects. Much of the money comes from the federal government. The spending plan includes \$140 million for paving projects, \$18.2 million for bicycle, pedestrian, and transportation alternatives program funding, \$48.8 million for public transit and \$43 million in rail projects. Nearly \$28 million will be spent to reduce greenhouse gas emissions from the transportation sector, including expanding EV charging. The law also includes a study of a "Mileage Based User Fee." It also requires "work towards collecting a fee" on electricity dispensed through public electric vehicle chargers.

Action Item: Act 62 and future transportation budgets will seek ways to reduce greenhouse gas emissions from the transportation sector. High speed internet service allows for more telecommuting helping reduce vehicle miles traveled. Broadband is also integral to EV charging systems that communicate with utilities to reduce peak demand.

VCUDA may wish to emphasize the importance of broadband access to the Agency of Transportation, as well as the Senate and House Transportation Committees in the effort to reduce greenhouse gas emissions in the transportation sector.

Act 72 An act relating to technical and administrative changes to Vermont's tax laws.

Summary: Act 72 mostly codifies dozens of small changes in Vermont's tax code. It also extends the Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 until January 1, 2025. An earlier version of this legislation included a

study to determine whether and how to provide economic growth incentives in Vermont, however this language was not included in the final bill.

Action Items: On or before January 15, 2024, the Joint Fiscal Office shall submit a report to the House Committee on Ways and Means and the Senate Committee on Finance on financing public infrastructure improvements in Vermont municipalities. The report shall include the following:

- (1) a review of public infrastructure financing programs in other states and municipalities that may be implemented in Vermont;
- (2) recommendations for aligning State and federal assistance for public infrastructure; and
- (3) recommendations for harmonizing or expanding existing infrastructure improvement programs and distribution of funding.

VCUDA should direct any comments to Catherine Benham - Chief Fiscal Officer with the Vermont Legislative Joint Fiscal Office (cbenham@leg.state.vt.us) and copy Rep. Emilie Kornheiser (House Ways and Means) and Senator Ann Cummings (Senate Finance).

Act 78 An act relating to making appropriations for the support of government.

Summary: Act 78 sets the state budget for the FY24. It is an \$8.5 billion spending plan.

The budget for FY 24 includes funding for the Vermont Community Broadband Board (Sec. B.233.1). The VCBB budget is \$2,667,066 (\$1,211,623 for personal services, \$155,443 for operating expenses, and \$1,300,000 in grants).

Sec. C.120 of the budget provides VCBB \$20 million in unreserved funds for FY 24 (Balance Reserve established by 32 V.S.A. § 308c). *See page 154.*

"\$20 million is reserved the the General Fund for the exclusive benefit of the Vermont Community Broadband Board and for the sole purpose of securing federal funding under the National Telecommunications and Information Administration's Enabling Middle Mile Broadband Infrastructure Program. The State's pending application requires a commitment to provide contingency reserve funding equal to 25 percent of the total award amount if the application is approved and the award is accepted by the State."

Additionally, Section B.1100, provides a \$200,000 allocation to Department of Libraries in fiscal year 2024 to support the FiberConnect project relating to Internet access in public libraries. Section C.114 provides \$4.5 million for pilot projects related to the design of a public safety communications system. Section (d)(1) establishes a Public Safety Communications Task Force to oversee and manage all phases of the development, design, and implementation of a statewide public safety communications system as required by this section.

Action Items: Next January, the legislature will pass a new Budget Adjustment Act (BAA) for FY 2024. Any funds reserved, but not required, for the purpose described in Sec. C.120(b) of Act 78 will be “unreserved and reserved within the General Fund Balance Reserve established by 32 V.S.A. § 308c.” If the funds are not allocated in the 2024 calendar to secure federal funding from NTIA, they can be re-allocated for any purpose under a future BAA. *If that occurs, VCUDA may want to provide the Joint Fiscal Committee with recommendations on how to reallocate the funds.*

Public Safety On or before September 15, 2024, the Task Force shall conduct a complete inventory and assessment of all aspects of dispatch service currently provided in Vermont and the “identification of the communications dead zones in the State,” which includes “cellular voice and data service, or both, and taking into consideration all cell towers, including those that are part of the FirstNet statewide public safety radio access network; cellular mapping efforts conducted by the Department of Public Service; and any existing, relevant mapping data collected by a dispatch center or other entity.”

Comments by VCUDA and/or members should be directed to Jennifer Morrison, Commissioner of the Vermont Department of Public Safety.