



General Assembly

Substitute Bill No. 846

January Session, 2019



AN ACT CONCERNING THE MUNICIPAL GAIN, THE PREPARATION OF UTILITY POLES AND ENTERPRISE FUNDS FOR MUNICIPAL BROADBAND SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-233 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Each town, city, borough, fire district or the Department of
4 Transportation shall have the right to occupy and use for any purpose,
5 including, but not limited to, the provision of broadband Internet
6 service by any town, city or borough to the public in such town, city or
7 borough, either directly or through commercial arrangements with
8 third parties, without payment therefor, one gain upon each public
9 utility pole or in each underground communications duct system
10 installed by a public service company within the limits of any such
11 town, city, borough or district, provided, if a town, city or borough
12 sells its right to occupy and use to a third party, private, for profit
13 company, such company shall pay any public utility pole
14 administration or attachment fees that would apply if such company
15 were not using the gain pursuant to this section. The location or
16 relocation of any such gain shall be prescribed by the Public Utilities
17 Regulatory Authority. Any such gain shall be reserved for use by the
18 town, city, borough, fire district or the Department of Transportation.

19 Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section:

20 (1) "Make-ready" means the modification or replacement of a utility
21 pole, or of the lines or equipment on the utility pole, to accommodate
22 additional facilities on the pole;

23 (2) "One-touch make-ready" means make-ready in which the person
24 attaching new equipment to a utility pole performs all of the make-
25 ready work; and

26 (3) "Overlapping" means placing new attachments over existing
27 public utility pole attachments.

28 (b) On or before December 31, 2019, the Public Utilities Regulatory
29 Authority shall adopt regulations, in accordance with chapter 54 of the
30 general statutes, setting forth the process for public utility pole
31 attachments, including, but not limited to, 5G and fiber wires for high-
32 speed broadband Internet infrastructure. Such regulations shall
33 include the following: (1) Provisions to require one-touch make-ready
34 processes for public utility poles that are consistent with any standards
35 adopted by the Federal Communications Commission and reduce the
36 number of entities that rearrange wires for make-ready in the
37 communication gain on a public utility pole to make room for a new
38 pole attachment to one entity; (2) provisions to require expedited
39 overlapping procedures for adding new wires to existing public utility
40 pole attachments that are consistent with any standards adopted by
41 the Federal Communications Commission and that allow overlapping
42 without first seeking the approval of the owner of the public utility
43 pole but require the public utility pole owner to receive reasonable
44 advance notice of such overlapping; (3) provisions to require the timely
45 development and implementation of a Connecticut Utility Pole
46 Database that is approved by the authority and contains information
47 about the status of and attachments present on each public utility pole
48 in the state; and (4) provisions to require proposed attachments to
49 public utility poles to be installed on a nondiscriminatory basis within
50 ninety days of the filing of an application with a public utility pole

51 owner, unless there is a demonstrated safety issue on the pole that
52 would be materially exacerbated by a new attachment and provisions
53 for the enforcement of such requirement.

54 Sec. 3. Subdivision (2) of subsection (c) of section 7-148 of the
55 general statutes is repealed and the following is substituted in lieu
56 thereof (*Effective October 1, 2019*):

57 (2) (A) Establish and maintain a budget system;

58 (B) Assess, levy and collect taxes for general or special purposes on
59 all property, subjects or objects which may be lawfully taxed, and
60 regulate the mode of assessment and collection of taxes and
61 assessments not otherwise provided for, including establishment of a
62 procedure for the withholding of approval of building application
63 when taxes or water or sewer rates, charges or assessments imposed
64 by the municipality are delinquent for the property for which an
65 application was made;

66 (C) Make appropriations for the support of the municipality and
67 pay its debts;

68 (D) Make appropriations for the purpose of meeting a public
69 emergency threatening the lives, health or property of citizens,
70 provided such appropriations shall require a favorable vote of at least
71 two-thirds of the entire membership of the legislative body or, when
72 the legislative body is the town meeting, at least two-thirds of those
73 present and voting;

74 (E) Make appropriations to military organizations, hospitals, health
75 care facilities, public health nursing organizations, nonprofit museums
76 and libraries, organizations providing drug abuse and dependency
77 programs and any other private organization performing a public
78 function;

79 (F) Provide for the manner in which contracts involving unusual
80 expenditures shall be made;

81 (G) When not specifically prescribed by general statute or by
82 charter, prescribe the form of proceedings and mode of assessing
83 benefits and appraising damages in taking land for public use, or in
84 making public improvements to be paid for, in whole or in part, by
85 special assessments, and prescribe the manner in which all benefits
86 assessed shall be collected;

87 (H) Provide for the bonding of municipal officials or employees by
88 requiring the furnishing of such bond, conditioned upon honesty or
89 faithful performance of duty and determine the amount, form, and
90 sufficiency of the sureties thereof;

91 (I) Regulate the method of borrowing money for any purpose for
92 which taxes may be levied and borrow on the faith and credit of the
93 municipality for such general or special purposes and to such extent as
94 is authorized by general statute;

95 (J) Provide for the temporary borrowing of money;

96 (K) Create a sinking fund or funds or a trust fund or funds or other
97 special funds, including funds which do not lapse at the end of the
98 municipal fiscal year;

99 (L) Provide for the assignment of municipal tax liens on real
100 property to the extent authorized by general statute;

101 (M) Establish and administer a separate nonlapsing enterprise fund
102 to be known as an "Enterprise Fund for Municipal Broadband
103 Services". All revenues received by a municipality with respect to the
104 use, operation and management of municipal broadband services,
105 including any General Fund appropriation or other moneys received
106 from federal, state, municipal and private sources for purposes of
107 providing municipal broadband services, shall be deposited to the
108 credit of such fund. Earnings on investments of amounts on deposit in
109 the Enterprise Fund for Municipal Broadband Services shall be
110 retained in and used for purposes of such fund. A municipality is
111 authorized to pay, and the resources of such fund shall be available for

112 and applied to, the costs and expenses of providing municipal
113 broadband services;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-233
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2019</i>	7-148(c)(2)

ET *Joint Favorable Subst.*