

1 H.744

2 Introduced by Representatives Yantachka of Charlotte, Anthony of Barre City,
3 Chesnut-Tangerman of Middletown Springs, Christie of
4 Hartford, Cordes of Lincoln, Hooper of Burlington, James of
5 Manchester, Killackey of South Burlington, Masland of
6 Thetford, O'Brien of Tunbridge, Ode of Burlington, Patt of
7 Worcester, Rachelson of Burlington, and Townsend of South
8 Burlington

9 Referred to Committee on

10 Date:

11 Subject: Communications; public, educational, government access television;
12 financing

13 Statement of purpose of bill as introduced: This bill proposes to require the
14 Joint Fiscal Committee to retain a consultant to evaluate options for financing
15 public, educational, and government access channels and services throughout
16 Vermont.

17 An act relating to financing options for public, educational, and government
18 access television

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

2 Sec. 1. FINDINGS

3 The General Assembly finds:

4 (1) Public, educational, and government (PEG) access television
5 provides an essential community service in Vermont.

6 (2) PEG access television extends the concept of participatory
7 democracy by providing not only a window to State and local government
8 proceedings but also a forum for citizens to voice their viewpoints and
9 opportunities for life-long learning and cultural exchange.

10 (3) There are 25 PEG access management organizations (AMOs)
11 serving Vermont.

12 (4) The General Assembly considers healthy and viable PEG access
13 services to be in the best interests of Vermont.

14 (5) Changes in generally accepted accounting principles may impact the
15 revenue available to fund PEG access services in Vermont.

16 Sec. 2. STUDY; PEG ACCESS SERVICES; FINANCING

17 (a) The Joint Fiscal Committee shall contract with one or more independent
18 consultants to assist the General Assembly with evaluating options for
19 financing public, educational, and government (PEG) access channels and
20 services to communities across Vermont, including through an assessment on
21 communications providers based on their use of public rights-of-way. The

1 consultant shall have expertise in finance and economic modeling and in
2 communications law and policy. The Joint Fiscal Office, in consultation with
3 the Office of the Legislative Council, shall administer consultant contracts for
4 the Joint Fiscal Committee.

5 (1) In evaluating options as required by this subsection, the consultant
6 shall consider and make specific findings and recommendations regarding the
7 following:

8 (A) whether and to what extent communications services may be
9 subject to any fee or right-of-way assessment, taking into consideration: the
10 Communications Act of 1934, as amended, and as it pertains to:

11 (i) Title I information services, such as broadband Internet access
12 service;

13 (ii) Title II common carrier services, such as landline telephony;

14 (iii) Title III radio transmissions, such as broadcast television,
15 radio, and cellular telephony; and

16 (iv) Title VI cable services, such as cable television;

17 (B) the Internet Tax Freedom Act, P.L. 105-277, as amended;

18 (C) any other relevant laws and judicial precedent and orders,
19 regulations, or bulletins issued by the Federal Communications Commission;

20 and

1 (D) State and municipal laws and ordinances that assess
2 communications providers or services, including those that assess or regulate
3 the use of public rights-of-way by communications providers in Vermont and
4 in other jurisdictions, including the terms and conditions of lease agreements
5 or other contractual arrangements, as well as the revenue generated and the
6 programs funded with any fees collected.

7 (2) The consultant shall consider and recommend alternative models for
8 revenue generation and shall develop current and future revenue projections
9 that reflect market trends in the communications industry. The models shall
10 describe technical implementation issues, including the availability of or need
11 for mapping data related to communications infrastructure in the public rights-
12 of-way. In developing alternative models, the consultant shall analyze models
13 enacted in other jurisdictions, including the revenue generated and the
14 programs funded.

15 (3) The consultant, in consultation with the Vermont Access Network,
16 shall assess the services offered by Vermont's 25 independent, nonprofit PEG
17 access centers and determine whether there are opportunities to achieve
18 efficiencies and cost savings. The consultant shall review models in other
19 jurisdictions.

20 (4) The consultant shall have the technical support of the Joint Fiscal
21 Office, the Office of Legislative Council, the Department of Public Service,

1 the Department of Taxes, the Agency of Transportation, and the Agency of
2 Digital Services.

3 (5) In fiscal year 2021, the amount of \$1.00 shall be appropriated from
4 the General Fund to the Joint Fiscal Office for expenses incurred as a result of
5 administering contracts authorized under this subsection.

6 (6) On or before January 1, 2021, the consultant retained pursuant to this
7 subsection shall submit a report of his or her findings and recommendations to
8 the Senate Committee on Finance and the House Committees on Energy and
9 Technology and on Ways and Means. The report may include draft legislation
10 implementing the proposal that represents the most equitable means of
11 extracting the greatest public benefit for Vermonters from commercial services
12 or from the commercial use of public rights-of-way.

13 (b) The Secretary of Digital Services, in consultation with the
14 Commissioner of Buildings and General Services, the Commissioner of Public
15 Service, and the Legislative Information Technology Committee, shall
16 evaluate the costs and benefits of a State partnership with PEG access centers
17 to coordinate, develop, maintain, and expand the delivery of statewide
18 videoconferencing services, taking into consideration the services previously
19 provided by Vermont Interactive Television, subsequently renamed Vermont
20 Interactive Technologies (VIT). The purpose of this public-private partnership
21 would be to increase public participation in State proceedings. The Secretary

1 shall conduct a community needs assessment and shall estimate capital and
2 operating costs of statewide videoconferencing services. The Secretary shall
3 take into consideration any prior relevant reports, such as the 2015 report of
4 the VIT Working Group authorized by 2015 Acts and Resolves No. 58, Sec.
5 E.602.1 and also the Act 53 Public Access Plan prepared by the Department of
6 Public Service, dated December 15, 2017. The Secretary shall report his or her
7 findings and recommendations to the Senate Committee on Finance and the
8 House Committee on Energy and Technology on or before January 1, 2021.
9 Sec. 3. EFFECTIVE DATE
10 This act shall take effect on passage.