

1 S.318

2 Introduced by Senators Balint and Campion

3 Referred to Committee on

4 Date:

5 Subject: Communications; public, educational, government access television;
6 financing

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

11 An act relating to financing options for public, educational, and government
12 access television

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

14 Sec. 1. FINDINGS

15 The General Assembly finds:

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

18 (2) PEG access television extends the concept of participatory
19 democracy by providing not only a window to State and local government

1 proceedings but also a forum for citizens to voice their viewpoints and
2 opportunities for life-long learning and cultural exchange.

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

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

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

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

10 (a) The Joint Fiscal Committee shall contract with one or more independent
11 consultants to assist the General Assembly with evaluating options for
12 financing public, educational, and government (PEG) access channels and
13 services to communities across Vermont, including through an assessment on
14 communications providers based on their use of public rights-of-way. The
15 consultant shall have expertise in finance and economic modeling and in
16 communications law and policy. The Joint Fiscal Office, in consultation with
17 the Office of the Legislative Council, shall administer consultant contracts for
18 the Joint Fiscal Committee.

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

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

4 (i) Title I information services, such as broadband Internet access
5 service;

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

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

9 (iv) Title VI cable services, such as cable television.

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

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

14 (D) State and municipal laws and ordinances that assess
15 communications providers or services, including those that assess or regulate
16 the use of public rights-of-way by communications providers in Vermont and
17 in other jurisdictions, including the terms and conditions of lease agreements
18 or other contractual arrangements, as well as the revenue generated and the
19 programs funded with any fees collected.

20 (2) The consultant shall consider and recommend alternative models for
21 revenue generation and shall develop current and future revenue projections

1 that reflect market trends in the communications industry. The models shall
2 describe technical implementation issues, including the availability of or need
3 for mapping data related to communications infrastructure in the public rights-
4 of-way. In developing alternative models, the consultant shall analyze models
5 enacted in other jurisdictions, including the revenue generated and the
6 programs funded.

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

12 (4) The consultant shall have the technical support of the Joint Fiscal
13 Office, the Office of Legislative Council, the Department of Public Service,
14 the Department of Taxes, the Agency of Transportation, and the Agency of
15 Digital Services.

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

19 (6) On or before January 1, 2021, the consultant retained pursuant to this
20 subsection shall submit a report of his or her findings and recommendations to
21 the Senate Committee on Finance and the House Committees on Energy and

1 Technology and on Ways and Means. The report may include draft legislation
2 implementing the proposal that represents the most equitable means of
3 extracting the greatest public benefit for Vermonters from commercial services
4 or from the commercial use of public rights-of-way.

5 (b) The Secretary of Digital Services, in consultation with the
6 Commissioner of Buildings and General Services, the Commissioner of Public
7 Service, and the Legislative Information Technology Committee, shall
8 evaluate the costs and benefits of a State partnership with PEG access centers
9 to coordinate, develop, maintain, and expand the delivery of statewide
10 videoconferencing services, taking into consideration the services previously
11 provided by Vermont Interactive Television, subsequently renamed Vermont
12 Interactive Technologies (VIT). The purpose of this public-private partnership
13 would be to increase public participation in State proceedings. The Secretary
14 shall conduct a community needs assessment and shall estimate capital and
15 operating costs of statewide videoconferencing services. The Secretary shall
16 take into consideration any prior relevant reports, such as the 2015 report of
17 the VIT Working Group authorized by 2015 Acts and Resolves No. 58, Sec.
18 E.602.1 and also the Act 53 Public Access Plan prepared by the Department of
19 Public Service, dated December 15, 2017. The Secretary shall report his or her
20 findings and recommendations to the Senate Committee on Finance and the
21 House Committee on Energy and Technology on or before January 1, 2021.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.