

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 181
3 entitled “An act relating to the Community Media Public Benefit Fund”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 32 V.S.A. chapter 247 is added to read:

8 CHAPTER 247. TELEVISION ASSESSMENT

9 § 10601. FINDINGS; PURPOSE

10 (a) The General Assembly finds:

11 (1) In recent years, there has been significant growth of high-bandwidth
12 entertainment content delivered over communications networks.

13 (2) Substantial public investments, both State and federal, have been
14 made to promote communications network deployment and the adoption of
15 essential services delivered over those networks, such as telecommunications
16 and broadband.

17 (3) Government has long recognized that these networks and services
18 are essential because they provide end users access to critical services, such as
19 educational, governmental, employment, public safety, and health care
20 services.

1 (b) The purpose of this chapter is to establish a comprehensive statewide
2 mechanism for requiring equitable contributions from cable television
3 companies and television streaming providers to support public benefits and
4 services, including those in the communications sector.

5 § 10602. DEFINITIONS

6 As used in this chapter:

7 (1) “Customer” means any person in Vermont who receives or
8 subscribes to a video streaming service provider and does not further distribute
9 such service in the ordinary course of business.

10 (2) “Gross receipts” means all consideration of any kind or nature
11 received by a video streaming service provider, or an affiliate of such person,
12 in connection with the provision, delivery, or furnishing of video streaming
13 service to customers. “Gross receipts” shall not include:

14 (A) revenue not actually received, regardless of whether it is billed,
15 including, bad debts;

16 (B) revenue received by an affiliate or other person in exchange for
17 supplying goods and services to an affiliated video streaming service provider;

18 (C) refunds, rebates, or discounts made to customers, advertisers, or
19 other persons;

20 (D) revenue from telecommunications service as defined in
21 30 V.S.A. § 7501(8);

1 (E) revenue from broadband service as defined in 30 V.S.A.

2 § 8082(2);

3 (F) revenue from the sale of capital assets or surplus equipment not
4 used by the purchaser to receive video streaming service from the video
5 streaming service provider;

6 (G) reimbursements made by programmers to the streaming service
7 provider for marketing costs incurred by such service provider for the
8 introduction of new programming;

9 (H) late payment fees collected from customers; or

10 (I) charges, other than charges for video streaming services, that are
11 aggregated or bundled with video streaming services on a customer’s bill, if
12 the video streaming service provider can reasonably and separately identify the
13 charges in its books and records kept in the regular course of business.

14 (3) “Service provider” means a video streaming service provider.

15 (4) “Video programming” means programming provided by, or
16 comparable to programming provided by, a television broadcast station,
17 including video programming provided by local networks, national broadcast
18 networks, cable television networks, and all forms of pay-per-view or on-
19 demand video entertainment.

20 (5) “Video streaming service” means the distribution or broadcasting of
21 video programming displayed by the viewer for a fee on a subscription basis.

1 The term video streaming service, unless expressly provided otherwise, does
2 not include cable service as defined in 47 U.S.C. § 522(6).

3 (6) “Video streaming service provider” or “television streaming
4 provider” means a person who transmits, broadcasts, or otherwise provides
5 video streaming service to customers and earns more than \$250,000.00 in gross
6 annual revenues from providing such services.

7 § 10603. IMPOSITION AND COLLECTION

8 (a) There is imposed an assessment on the provision, delivery, or
9 furnishing of video streaming services by a service provider to customers in
10 the State. A service provider shall pay an assessment equal to five percent of
11 the provider’s gross receipts derived in or from such services.

12 (b) Gross receipts pursuant to this section shall be determined by the
13 customer’s place of primary use of the service and, if that location cannot be
14 determined with available information or a reasonable inquiry, shall be
15 determined by the customer’s billing address.

16 (c) Under no circumstances shall a service provider subject to the
17 assessment imposed pursuant to this section include the amount of the
18 assessment on bills as a pass-through to customers. It shall be the
19 responsibility of each service provider subject to the assessment imposed
20 pursuant to this section to pay its required assessment to the State and

1 providers shall not communicate to a customer that the tax is imposed on the
2 customer.

3 (d) The assessment created under this section shall be for each year, or part
4 of each year, that a service provider is engaged in the sale of video streaming
5 services to customers.

6 (1) A service provider subject to the assessment under this section shall:

7 (A) file, on or before April 15 of each year a return for the year ended
8 on the preceding December 31; and

9 (B) pay the tax due, which return shall state the gross receipts for the
10 period covered by each return.

11 (2) Returns shall be filed with the Commissioner on a form to be
12 furnished by the Commissioner for that purpose and shall contain any other
13 data or information as the Commissioner may require.

14 (3) Notwithstanding subdivisions (1) and (2) of this subsection (d), the
15 Commissioner may require a service provider to file an annual return, which
16 shall contain any data specified by the Commissioner, regardless of whether
17 the provider is subject to the assessment under this section.

18 (e) The Commissioner may examine and audit a return required under this
19 section for a period equal to the latter of three years from the date the return
20 was filed or three years from the date the return was required to be filed,
21 however there shall be no limitation if a return is fraudulent. In addition to the

1 authority granted to the Commissioner under chapter 103 of this title, the
2 Commissioner may require service providers subject to the assessment under
3 this section to keep and preserve records of its business in any form as the
4 Commissioner may require for a period of three years, except that the
5 Commissioner may consent to their destruction within that period or may
6 require that they be kept longer.

7 **§ 10604. DEPOSIT AND ALLOCATION OF REVENUE**

8 **The revenue from the assessment imposed under this chapter shall be**
9 **deposited in the General Fund. Annually, the General Assembly shall**
10 **appropriate a portion of the revenue to the Secretary of State to administer and**
11 **oversee a grant program for the Vermont Access Network to support the**
12 **operational costs of Vermont’s access management organizations so that**
13 **public, educational, and government programming and services are broadly**
14 **available throughout the State.**

15 Sec. 2. APPROPRIATION

16 The sum of \$1,100,000.00 is appropriated from the General Fund to the
17 Department of Taxes in fiscal year 2025 for the purpose of implementing the
18 chapter established under Sec. 1. of this act.

19 Sec. 3. EFFECTIVE DATES

1 (a) Notwithstanding 1 V.S.A. § 214, this section and Sec. 1 (32 V.S.A.
2 chapter 247) shall take effect retroactively on January 1, 2024 and apply to
3 taxable years on and after January 1, 2024.

4 (b) Sec. 2 (appropriation) shall take effect on July 1, 2024.

5 and that after passage the title of the bill be amended to read: “An act relating
6 to establishing a television assessment and community media”

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12 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE