

Senate Calendar

FRIDAY, FEBRUARY 21, 2020

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ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, JANUARY 7, 2020

GOVERNOR'S VETOES

S. 37.

An act relating to medical monitoring.

Pending question (to be voted by call of the roll): Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message, see Senate Calendar for January 7, 2020, page 1.)

S. 169.

An act relating to firearms procedures.

Pending question (to be voted by call of the roll): Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message, see Senate Calendar for January 7, 2020, page 9.)

NEW BUSINESS

Third Reading

S. 324.

An act relating to prohibiting robocalls.

S. 338.

An act relating to justice reinvestment.

Second Reading

Favorable

S. 283.

An act relating to the Town of Hartford's tax increment financing district.

Reported favorably by Senator Brock for the Committee on Finance.

(Committee vote: 6-0-1)

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 318.

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

Reported favorably with recommendation of amendment by Senator Balint for the Committee on Finance.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

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

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

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

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

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

Sec. 2. STUDY; PEG ACCESS SERVICES; FINANCING

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

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

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

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

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

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

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

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

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

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

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

(3) As part of the study required by this subsection, the consultant may recommend alternative financing mechanisms applicable to any Vermont program currently funded by a tax, fee, or assessment on a communications service or provider if those alternative financing mechanisms will better serve the interests of the State.

(4) The consultant, in consultation with the Vermont Access Network, shall assess the services offered by Vermont's 25 independent, nonprofit PEG

access centers and determine whether there are opportunities to achieve efficiencies and cost savings. The consultant shall review models in other jurisdictions.

(5) The consultant shall have the technical support of the Joint Fiscal Office, the Office of Legislative Council, the Department of Public Service, the Department of Taxes, the Agency of Transportation, and the Agency of Digital Services. Prior to submitting the report required by subdivision (7) of this subsection, the consultant shall confer with the Office of the Attorney General regarding his or her findings, recommendations, and any proposed legislation.

(6) In fiscal year 2021, the amount of \$100,000.00 shall be appropriated from the General Fund to the Joint Fiscal Office for expenses incurred as a result of administering contracts authorized under this subsection.

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

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

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 7-0-0)

CONCURRENT RESOLUTIONS FOR ACTION

Concurrent Resolutions For Action Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 18 (For text of Resolution, see Addendum to Senate Calendar for February 20, 2020.)

H.C.R. 252 - 265 (For text of Resolutions, see Addendum to House Calendar for February 20, 2020.)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Craig Bolio of Winooski – Commissioner, Department of Taxes – By Sen. Cummings for the Committee on Finance. (01/21/20)

Michael Schirling of Burlington – Commissioner, Department of Public Safety – Sen. Mazza for the Committee on Transportation. (01/29/20)

Michael K. Smith of Westford – Secretary, Agency of Human Services – Sen. Lyons for the Committee on Health and Welfare. (02/12/02)

Sabina Brochu of Williston - Member, State Board of Education - By Sen. Ingram for the Committee on Education. (01/24/20)

Kyle Courtois of Georgia - Member, State Board of Education - By Sen. Perchlik for the Committee on Education. (01/24/20)

Margaret Tandoh of South Burlington – Member, Board of Medical Practice – By Sen. McCormack for the Committee on Health and Welfare. (02/11/20)

Holly Morehouse of Burlington – Member, Children and Family Council for Prevention Programs – By Sen. Lyons for the Committee on Health and Welfare. (02/12/20)

Susan Hayward of Middlesex – Member, Capitol Complex Commission – By Sen. Benning for the Committee on Institutions. (02/14/20)

Heather Shouldice – Member, Capitol Complex Commission – By Sen. Benning for the Committee on Institutions. (02/14/20)

Dorinne Dorfman – Member, Children and Family Council for Prevention Programs – Sen. Cummings for the Committee on Health and Welfare. (02/25/20)

PUBLIC HEARINGS

March 11, 2020 - 4:00 p.m. - 6:00 p.m. - Room 11 - Re: Re: Pupil weighting study - Senate Committee on Education.

FOR INFORMATION ONLY

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 13, 2020**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by Friday March 13, 2020.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 20, 2020**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.