

Journal of the House

Thursday, January 28, 2010

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Nancy and Josiah from "Kids on the Block", Burlington, Vt.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 565

By Rep. Heath of Westford,

An act relating to the Vermont title guaranty program;

To the committee on Commerce and Economic Development.

H. 566

By Reps. Bray of New Haven, Ainsworth of Royalton, Branagan of Georgia, Cheney of Norwich, Conquest of Newbury, Consejo of Sheldon, Dickinson of St. Albans Town, Gilbert of Fairfax, Lawrence of Lyndon, Malcolm of Pawlet, McAllister of Highgate, McNeil of Rutland Town, Pearce of Richford, Perley of Enosburg, Savage of Swanton, Stevens of Shoreham, Taylor of Barre City, Toll of Danville, Turner of Milton and Young of St. Albans City,

An act relating to existing agricultural methane electric generation plants;

To the committee on Natural Resources and Energy.

H. 567

By Reps. Obuchowski of Rockingham and Partridge of Windham,

An act relating to a tax exemption for sales of spirituous liquors;

To the committee on Ways and Means.

H. 568

By Reps. Frank of Underhill, Donahue of Northfield, French of Randolph, Koch of Barre Town, McCullough of Williston and Mrowicki of Putney,

An act relating to prohibiting the use of lighted tobacco products outside public buildings;

To the committee on Human Services.

H. 569

By Reps. Webb of Shelburne, Consejo of Sheldon, Branagan of Georgia, Ram of Burlington, Ancel of Calais, Atkins of Winooski, Baker of West Rutland, Bohi of Hartford, Bray of New Haven, Browning of Arlington, Burke of Brattleboro, Clarkson of Woodstock, Copeland-Hanzas of Bradford, Deen of Westminster, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Randolph, Gilbert of Fairfax, Howard of Rutland City, Lenes of Shelburne, Leriche of Hardwick, Lorber of Burlington, Maier of Middlebury, Martin of Wolcott, Masland of Thetford, McAllister of Highgate, McCullough of Williston, Milkey of Brattleboro, Nease of Johnson, O'Brien of Richmond, Peltz of Woodbury, Perley of Enosburg, Poirier of Barre City, Pugh of South Burlington, Savage of Swanton, Shand of Weathersfield, Smith of Mendon, South of St. Johnsbury, Sweaney of Windsor, Till of Jericho, Townsend of Randolph, Wilson of Manchester, Wizowaty of Burlington, Young of St. Albans City, Zenie of Colchester and Zuckerman of Burlington,

An act relating to the Vermont commission on Native American affairs and the recognition of Abenaki tribes;

To the committee on General, Housing and Military Affairs.

H. 570

By Reps. Obuchowski of Rockingham and Partridge of Windham,

An act relating to sales and tastings of Vermont-made spirits;

To the committee on General, Housing and Military Affairs.

H. 571

By Reps. Obuchowski of Rockingham and Partridge of Windham,

An act relating to false reports to law enforcement authorities;

To the committee on Judiciary.

H. 572

By Reps. Obuchowski of Rockingham and Partridge of Windham,

An act relating to the refund of a supervisory union budget surplus to member districts;

To the committee on Education.

H. 573

By Reps. Obuchowski of Rockingham and Partridge of Windham,

An act relating to supervisory unions, school districts, and Medicaid funds;

To the committee on Education.

H. 574

By Reps. Lippert of Hinesburg, Jewett of Ripton and Pellett of Chester,

An act relating to suspending motor vehicle registration for failure to pay a traffic violation judgment;

To the committee on Transportation.

H. 575

By Reps. Larson of Burlington, Crawford of Burke, Edwards of Brattleboro, Haas of Rochester, McDonald of Berlin and Peltz of Woodbury,

An act relating to harassment and bullying in educational settings;

To the committee on Education.

H. 576

By Rep. Larson of Burlington,

An act relating to an automated notification system for crime victims;

To the committee on Judiciary.

H. 577

By Reps. Till of Jericho, Botzow of Pownal, Bray of New Haven, Cheney of Norwich, Conquest of Newbury, Evans of Essex, French of Shrewsbury, Johnson of South Hero, Lenex of Shelburne, Leriche of Hardwick, Martin of Springfield, Masland of Thetford, Moran of Wardsboro, Pellett of Chester, Waite-Simpson of Essex and Webb of Shelburne,

An act relating to the common level of appraisal;

To the committee on Ways and Means.

H. 578

By Reps. McDonald of Berlin, Sweaney of Windsor, Atkins of Winooski,

Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton and Martin of Wolcott,

An act relating to requiring all state law enforcement officers to serve under the direction and control of the commissioner of public safety;

To the committee on Government Operations.

H. 579

By Reps. McDonald of Berlin, Atkins of Winooski, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Martin of Wolcott, Sweaney of Windsor and Townsend of Randolph,

An act relating to merging the agency of commerce and community development and the department of labor;

To the committee on Government Operations.

H. 580

By Reps. Smith of Mendon, Botzow of Pownal, Kitzmiller of Montpelier, Shand of Weathersfield, Waite-Simpson of Essex and Wilson of Manchester,

An act relating to the penalty for illegally passing a school bus;

To the committee on Transportation.

H. 581

By Reps. Smith of Mendon, Bissonnette of Winooski, Burke of Brattleboro, Edwards of Brattleboro, Potter of Clarendon, Shand of Weathersfield, Stevens of Waterbury and Waite-Simpson of Essex,

An act relating to safety belts on school buses;

To the committee on Transportation.

H. 582

By Reps. Waite-Simpson of Essex, Browning of Arlington, Consejo of Sheldon, Till of Jericho, Young of St. Albans City and Zenie of Colchester,

An act relating to income sensitivity adjustment limitation;

To the committee on Ways and Means.

H. 583

By Rep. Heath of Westford,

An act relating to prohibiting employment discrimination based on weight;

To the committee on General, Housing and Military Affairs.

H. 584

By Rep. Donaghy of Poultney,

An act relating to confidentiality of law enforcement internal investigation records;

To the committee on Judiciary.

H. 585

By Rep. Deen of Westminster,

An act relating to the transition of wetlands regulation;

To the committee on Fish, Wildlife & Water Resources.

H. 586

By Rep. Haas of Rochester,

An act relating to municipal authority to condition issuance of a zoning permit upon issuance of a wastewater or potable water supply permit;

To the committee on Government Operations.

H. 587

By Reps. Keenan of St. Albans City, Acinapura of Brandon, Johnson of South Hero, Manwaring of Wilmington and Marek of Newfane,

An act relating to the regulation of motor vehicle air bag systems;

To the committee on Transportation.

H. 588

By Rep. Edwards of Brattleboro,

An act relating to facilitating regular meetings of the Vermont state nuclear advisory panel;

To the committee on Government Operations.

H. 589

By Reps. Klein of East Montpelier and Krawczyk of Bennington,

An act relating to nuclear energy generation and the institution of trusts for greenfield restoration and spent fuel management;

To the committee on Natural Resources and Energy.

H. 590

By Reps. Grad of Moretown and Jewett of Ripton,
An act relating to mediation in foreclosure proceedings;
To the committee on Judiciary.

H. 591

By Rep. Wizowaty of Burlington,
An act relating to pharmacy benefit managers;
To the committee on Health Care.

H. 592

By Reps. Krawczyk of Bennington, Wilson of Manchester, Wright of Burlington, Acinapura of Brandon, Ainsworth of Royalton, Baker of West Rutland, Bissonnette of Winooski, Botzow of Pownal, Branagan of Georgia, Brennan of Colchester, Clerkin of Hartford, Corcoran of Bennington, Dickinson of St. Albans Town, Donaghy of Poultney, Fagan of Rutland City, Greshin of Warren, Helm of Castleton, Higley of Lowell, Hubert of Milton, Jerman of Essex, Komline of Dorset, Lawrence of Lyndon, Lewis of Derby, McAllister of Highgate, McDonald of Berlin, McNeil of Rutland Town, Mook of Bennington, Morrissey of Bennington, Myers of Essex, Olsen of Jamaica, Pearce of Richford, Perley of Enosburg, Reis of St. Johnsbury, Savage of Swanton, Shand of Weathersfield, Shaw of Pittsford, Smith of Mendon, Turner of Milton and Winters of Williamstown,

An act relating to the development and permitting of hydroelectric projects;
To the committee on Natural Resources and Energy.

H. 593

By Reps. Manwaring of Wilmington and Ancel of Calais,
An act relating to potable water supply and wastewater system permits;
To the committee on Fish, Wildlife & Water Resources.

H. 594

By Reps. Miller of Shaftsbury, Botzow of Pownal, Cheney of Norwich, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, Heath of Westford, Helm of Castleton, Howard of Rutland City, Keenan of St. Albans City, Lanpher of Vergennes, Larson of Burlington, Lenex of Shelburne, Maier of Middlebury, Malcolm of Pawlet, Manwaring of Wilmington, Martin of Wolcott, Minter of Waterbury, Mook of

Bennington, Moran of Wardsboro, Morley of Barton, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, Partridge of Windham, Ram of Burlington, Sharpe of Bristol, Till of Jericho, Waite-Simpson of Essex, Winters of Williamstown and Zuckerman of Burlington,

An act relating to access to restroom facilities;

To the committee on Commerce and Economic Development.

H. 595

By Reps. Larson of Burlington, Fisher of Lincoln and Pugh of South Burlington,

An act relating to early childhood educators;

To the committee on Human Services.

H. 596

By Reps. Baker of West Rutland, Acinapura of Brandon, Adams of Hartland, Ainsworth of Royalton, Andrews of Rutland City, Bohi of Hartford, Clarkson of Woodstock, Consejo of Sheldon, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Edwards of Brattleboro, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Helm of Castleton, Howrigan of Fairfield, Krawczyk of Bennington, Lawrence of Lyndon, Lewis of Derby, Lorber of Burlington, Martin of Wolcott, McAllister of Highgate, McCullough of Williston, McNeil of Rutland Town, Moran of Wardsboro, Morrissey of Bennington, Mrowicki of Putney, O'Donnell of Vernon, Orr of Charlotte, Ram of Burlington, Rodgers of Glover, Savage of Swanton, Shaw of Pittsford, South of St. Johnsbury, Stevens of Waterbury, Till of Jericho, Townsend of Randolph, Turner of Milton, Wright of Burlington and Young of St. Albans City,

An act relating to an exception to the open container law for designated drivers;

To the committee on Transportation.

H. 597

By Rep. Sharpe of Bristol,

An act relating to requiring competency examinations as a condition of secondary school graduation;

To the committee on Education.

H. 598

By Reps. Miller of Shaftsbury, Browning of Arlington, Deen of Westminster, Donovan of Burlington, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, Howard of Rutland City, Keenan of St. Albans City, Lenex of Shelburne, Martin of Wolcott, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, Partridge of Windham, Ram of Burlington, Sharpe of Bristol and Zuckerman of Burlington,

An act relating to sorting early voter absentee ballots;

To the committee on Government Operations.

H. 599

By Rep. Nease of Johnson,

An act relating to mandatory breath tests and blood alcohol tests for drivers involved in fatal car accidents;

To the committee on Human Services.

H. 600

By Reps. Bissonnette of Winooski, Atkins of Winooski, Frank of Underhill, Lorber of Burlington, Marcotte of Coventry, Townsend of Randolph, Turner of Milton and Wilson of Manchester,

An act relating to permitted investments by the state treasurer;

To the committee on Government Operations.

H. 601

By Reps. Bray of New Haven, Lorber of Burlington, Ainsworth of Royalton, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Clarkson of Woodstock, Conquest of Newbury, Evans of Essex, Haas of Rochester, Lawrence of Lyndon, Lenex of Shelburne, Masland of Thetford, McCullough of Williston, Morrissey of Bennington, Orr of Charlotte, Ram of Burlington, Smith of Mendon, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Taylor of Barre City, Toll of Danville, Webb of Shelburne, Wilson of Manchester and Zuckerman of Burlington,

An act relating to the Farm-to-Plate investment program;

To the committee on Agriculture.

H. 602

By Reps. Crawford of Burke, Cheney of Norwich, Lawrence of Lyndon, Masland of Thetford and Wilson of Manchester,

An act relating to membership in the state teachers' retirement system of Vermont;

To the committee on Education.

H. 603

By Reps. Masland of Thetford, Browning of Arlington, Consejo of Sheldon, Deen of Westminster, Krawczyk of Bennington, McCullough of Williston, Waite-Simpson of Essex, Young of St. Albans City and Zenie of Colchester,

An act relating to the sale of electric energy within discrete areas of the electric grid;

To the committee on Natural Resources and Energy.

H. 604

By Reps. Koch of Barre Town and McFaun of Barre Town,

An act relating to local zoning bylaws and agricultural uses;

To the committee on Government Operations.

H. 605

By Reps. Morrissey of Bennington, Acinapura of Brandon, Adams of Hartland, Ainsworth of Royalton, Atkins of Winooski, Audette of South Burlington, Baker of West Rutland, Bissonnette of Winooski, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Clark of Vergennes, Clerkin of Hartford, Consejo of Sheldon, Corcoran of Bennington, Crawford of Burke, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Helm of Castleton, Higley of Lowell, Howrigan of Fairfield, Hubert of Milton, Johnson of Canaan, Kilmartin of Newport City, Koch of Barre Town, Komline of Dorset, Krawczyk of Bennington, Larocque of Barnet, Lawrence of Lyndon, Lewis of Derby, Marcotte of Coventry, McAllister of Highgate, McDonald of Berlin, McFaun of Barre Town, McNeil of Rutland Town, Morley of Barton, Myers of Essex, O'Donnell of Vernon, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburg, Reis of St. Johnsbury, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, South of St. Johnsbury, Townsend of Randolph, Turner of Milton, Wheeler of Derby, Winters of Williamstown, Wright of Burlington and Young of St. Albans City,

An act relating to crimes against an unborn child;

To the committee on Judiciary.

H. 606

By Rep. Rodgers of Glover,

An act relating to express assumption of risk and release from liability;

To the committee on Judiciary.

H. 607

By Reps. McDonald of Berlin, Atkins of Winooski, Head of South Burlington, Hooper of Montpelier, Johnson of South Hero, McCullough of Williston, Minter of Waterbury and Zuckerman of Burlington,

An act relating to codifying and amending the charter of the Chittenden County Transportation Authority;

To the committee on Transportation.

H. 608

By Rep. Rodgers of Glover,

An act relating to unfinished specialty beer;

To the committee on General, Housing and Military Affairs.

H. 609

By Rep. Fagan of Rutland City,

An act relating to requiring dashboard-mounted cameras on law enforcement vehicles;

To the committee on Government Operations.

H. 610

By Reps. Koch of Barre Town, Clarkson of Woodstock and Lenex of Shelburne,

An act relating to the process for mental health treatment of minors;

To the committee on Human Services.

H. 611

By Reps. McDonald of Berlin, Ancel of Calais, Donahue of Northfield, Grad of Moretown, Greshin of Warren, Hooper of Montpelier, Kitzmiller of Montpelier, Klein of East Montpelier, Koch of Barre Town, McFaun of Barre Town, Minter of Waterbury, Poirier of Barre City, Stevens of Waterbury and Taylor of Barre City,

An act relating to establishing a public inebriate program;

To the committee on Human Services.

H. 612

By Rep. McDonald of Berlin,

An act relating to improving postsecondary readiness through career and technical education;

To the committee on Education.

H. 613

By Reps. Davis of Washington, Fisher of Lincoln, Moran of Wardsboro, Partridge of Windham, Poirier of Barre City, Sharpe of Bristol and Zuckerman of Burlington,

An act relating to teaching the history of organized labor and the collective bargaining process;

To the committee on Education.

H. 614

By Rep. Deen of Westminster,

An act relating to the regulation of composting;

To the committee on Agriculture.

H. 615

By Reps. Till of Jericho, Adams of Hartland, Botzow of Pownal, Bray of New Haven, Clerkin of Hartford, Conquest of Newbury, Consejo of Sheldon, Dickinson of St. Albans Town, Evans of Essex, Howard of Cambridge, Komline of Dorset, Lenes of Shelburne, Leriche of Hardwick, Martin of Springfield, Masland of Thetford, Mook of Bennington, Pellett of Chester, Turner of Milton, Waite-Simpson of Essex and Webb of Shelburne,

An act relating to establishing a no-fault compensation system for medical injury claims for primary care physicians;

To the committee on Judiciary.

H. 616

By Reps. Koch of Barre Town, Lenes of Shelburne and O'Brien of Richmond,

An act relating to involuntary mental health treatment;

To the committee on Human Services.

H. 617

By Reps. Masland of Thetford, Atkins of Winooski, Browning of Arlington, Conquest of Newbury, Consejo of Sheldon, Deen of Westminster, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, Haas of Rochester, Lanpher of Vergennes, Macaig of Williston, Marek of Newfane, Martin of Springfield, Partridge of Windham, Ram of Burlington, Stevens of Waterbury, Till of Jericho, Waite-Simpson of Essex, Young of St. Albans City, Zenie of Colchester and Zuckerman of Burlington,

An act relating to creating new governance for BlueCross BlueShield of Vermont;

To the committee on Commerce and Economic Development.

H. 618

By Reps. Sharpe of Bristol and Fisher of Lincoln,

An act relating to electrical weapons;

To the committee on Judiciary.

H. 619

By Reps. Savage of Swanton, Baker of West Rutland, Canfield of Fair Haven, Donaghy of Poultney, Fagan of Rutland City, Hubert of Milton, Lewis of Derby, McAllister of Highgate, McNeil of Rutland Town and Shaw of Pittsford,

An act relating to establishing English as the official state language;

To the committee on General, Housing and Military Affairs.

H. 620

By Reps. Bray of New Haven, Edwards of Brattleboro, Greshin of Warren, Helm of Castleton, McAllister of Highgate, Sharpe of Bristol and Toll of Danville,

An act relating to the use of alternative boilers and pressure vessels;

To the committee on General, Housing and Military Affairs.

H. 621

By Reps. Moran of Wardsboro and Zuckerman of Burlington,

An act relating to nominations by multiple parties;

To the committee on Government Operations.

H. 622

By Reps. Kitzmiller of Montpelier, Bissonnette of Winooski, Botzow of Pownal, Clerkin of Hartford, Dickinson of St. Albans Town, Marcotte of Coventry, Shand of Weathersfield, Turner of Milton and Wilson of Manchester,

An act relating to solicitation by prescreened trigger lead information;

To the committee on Commerce and Economic Development.

H. 623

By Rep. Ancel of Calais,

An act relating to allowing towns to eliminate the office of constable;

To the committee on Government Operations.

H. 624

By Reps. O'Brien of Richmond, Andrews of Rutland City, Conquest of Newbury, Evans of Essex, Hooper of Montpelier, Lenes of Shelburne, Maier of Middlebury, McCullough of Williston, Minter of Waterbury, Mrowicki of Putney, Nuovo of Middlebury, Spengler of Colchester, Till of Jericho, Waite-Simpson of Essex, Wheeler of Derby and Wilson of Manchester,

An act relating to prohibiting the acceptance of gifts by legislators;

To the committee on Government Operations.

H. 625

By Reps. Miller of Shaftsbury, Mook of Bennington, Botzow of Pownal, Browning of Arlington, Deen of Westminster, Edwards of Brattleboro, Howard of Rutland City, Johnson of South Hero, Keenan of St. Albans City, Komline of Dorset, Krawczyk of Bennington, Malcolm of Pawlet, Morley of Barton, Morrissey of Bennington, Partridge of Windham, Ram of Burlington, Shand of Weathersfield, Stevens of Shoreham, Webb of Shelburne, Wilson of Manchester and Zuckerman of Burlington,

An act relating to controlling wild parsnip;

To the committee on Transportation.

H. 626

By Reps. Canfield of Fair Haven, Acinapura of Brandon, Baker of West Rutland, Bissonnette of Winooski, Cheney of Norwich, Condon of Colchester, Devereux of Mount Holly, Donaghy of Poultney, Edwards of Brattleboro, Helm of Castleton, Higley of Lowell, Howrigan of Fairfield, Jerman of Essex,

Johnson of Canaan, Larocque of Barnet, Mitchell of Barnard, Pearce of Richford, Perley of Enosburg, Rodgers of Glover, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham, Till of Jericho and Turner of Milton,

An act relating to establishing a veteran motorcycle registration plate;
To the committee on Transportation.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 611

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of House bill, entitled

An act relating to establishing a public inebriate program

And that the bill be committed to the committee on Corrections and Institutions, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 527

Rep. Sweaney of Windsor moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to municipal recovery of costs of fire department response

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Bill Amended; Third Reading Ordered; Rules Suspended;
Bill Read Third Time and Passed; Rules Suspended and
Bill Ordered Messaged to the Senate Forthwith**

H. 533

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to military parents' rights

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The Vermont general assembly finds that:

(1) The military population in our state exceeds 5,000 Vermonters, a majority of whom serve a traditional part-time role. Many of these service members are parents to children under the age of 18.

(2) The mobilization of these military parents, with sometimes little advance notice, can have a disruptive effect on custody or visitation arrangements involving minor children.

(3) It is in the best interests of these children to minimize the loss of parental contact and disruption of the family that results from the service member's absence pursuant to military orders due to temporary duty performed outside the state, deployment, or mobilization.

(4) It is important to maintain parent-child contact as much as feasible when the child's parent is absent due to military orders.

(5) It is in the best interests of these children for the courts to address the military membership of one or both parents at the time of the initial custodial order or anytime thereafter, regardless of whether the service member has temporary duty orders or a deployment or mobilization order.

(6) The regular scheduling of hearings may be harmful to the interest of service members who, due to military orders, may need an expedited hearing or may need to use electronic means to give testimony when they cannot appear in person in court.

(7) The use of expedited hearings and testimony by electronic means, at the request of the service member who is absent or about to depart, would aid and promote fair, efficient, and prompt judicial processes for the resolution of family law matters.

Sec. 2. 15 V.S.A. chapter 11, subchapter 4a is added to read:

Subchapter 4a. Military Parents' Rights Act

§ 681. DEFINITIONS

As used in this subchapter:

(1) "Deploy" and "deployment" mean military service in compliance with military orders received by a member of the United States Armed Forces, including any reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, a remote tour of duty, or other active service for which the deploying parent is required to report unaccompanied by any family member. Deployment includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause.

(2) “Deploying parent” means a military parent who has been notified by military leadership that he or she will deploy or mobilize with the United States Armed Forces, including any reserve component thereof, or who is currently deployed or mobilized with the United States Armed Forces, including any reserve component thereof. “Nondeploying parent” means a parent who is either not a member of the United States Armed Forces, including any reserve component thereof, or is a military parent who is currently not a deploying parent.

(3) “Military parent” means a natural parent, adoptive parent, legal parent, or guardian of a child under the age of 18 whose parental rights have not been terminated by a court of competent jurisdiction, and who is a member of the United States Armed Forces, including any reserve component thereof.

(4) “Mobilization” and “mobilize” mean the call-up of National Guard or Reserve service members to extended active service. For purposes of this definition, “mobilization” does not include National Guard or reserve annual training, inactive duty days, drill weekends, temporary duty, or state active duty.

(5) “State active duty” means the call-up by a governor for the performance of any military duty in state status.

(6) “Temporary duty” means the transfer of a service member to a geographic location outside Vermont for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

§ 682. FINAL ORDER; MODIFICATION

(a) If a deploying parent is required to be separated from a child, a court shall not enter a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless such modification is agreed to by the deploying parent.

(b) Absence created by deployment or mobilization or the potential for future deployment or mobilization shall not be the sole factor supporting a real, substantial, and unanticipated change in circumstances pursuant to section 668 of this title or grounds sufficient to support a permanent modification of the parental rights and responsibilities or parent-child contact established in an existing order.

§ 683. TEMPORARY MODIFICATION

(a) Upon motion of a deploying or nondeploying parent, the court shall enter a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization when:

(1) a military parent who has shared, sole, or primary legal or physical parental rights and responsibilities for a child or who has parent-child contact pursuant to an existing court order has received notice from military leadership that he or she will deploy or mobilize in the near future; and

(2) the deployment or mobilization would have a material effect upon his or her ability to exercise such parental rights and responsibilities or parent-child contact.

(b) Motions for modification because of deployment shall be heard by the court as expeditiously as possible, and shall be a priority for this purpose.

(c)(1) All temporary modification orders shall include a specific transition schedule to facilitate a return to the predeployment order over the shortest reasonable time period after the deployment ends, taking into consideration the child's best interests.

(2) The temporary order shall set a date certain for the end of deployment and the start of the transition period. If deployment is extended, the temporary order shall remain in effect during the extended deployment, and the transition schedule shall take effect at the end of the extended deployment. In that case, the nondeployed parent shall notify the court of the extended deployment. Failure of the nondeployed parent to notify the court in accordance with this subdivision shall not prejudice the deployed parent's right to return to the prior order once the temporary order expires as provided in subdivision (3) of this subsection.

(3) The temporary order shall expire upon the completion of the transition, and the prior order for parental rights and responsibilities and parent-child contact shall be in effect.

(d) Upon motion of the deploying parent, the court may delegate his or her parent-child contact rights, or a portion of them, to a family member, a person with whom the deploying parent cohabits, or another person with a close and substantial relationship to the minor child or children for the duration of the deployment, upon a finding that it is in the child's best interests. Such delegated contact does not create separate rights to parent-child contact for a person other than a parent once the temporary order is no longer in effect.

(e) A temporary modification order issued pursuant to this section shall designate the deploying parent's parental rights and responsibilities for and parent-child contact with a child during a period of leave granted to the deploying parent, in the best interests of the child.

(f) A temporary order issued under this section may require any of the following if the court finds that it is in the best interests of the child:

(1) The nondeploying parent shall make the child reasonably available to the deploying parent when the deploying parent has leave.

(2) The nondeploying parent shall facilitate opportunities for telephonic, electronic mail, and other such contact between the deploying parent and the child during deployment.

(3) The deploying parent shall provide timely information regarding his or her leave schedule to the nondeploying parent. Actual leave dates are subject to change with little notice due to military necessity and shall not be used by the nondeploying parent to prevent parent-child contact.

(g) A court order modifying a previous order for parental rights and responsibilities or parent-child contact because of deployment shall specify that the deployment is the basis for the order, and it shall be entered by the court as a temporary order. The order shall further require the nondeploying parent to provide the court and the deploying parent with 30 days' advance written notice of any change of address and any change of telephone number.

§ 684. EMERGENCY MOTION TO MODIFY; PERMANENT

MODIFICATION

(a) Upon the return of the deploying parent, either parent may file a motion to modify the temporary order on the grounds that compliance with the order will result in immediate danger of irreparable harm to the child, and may request that the court issue an ex parte order. The deploying parent may file such a motion prior to his or her return. The motion shall be accompanied by an affidavit in support of the requested order. Upon a finding of irreparable harm based on the facts set forth in the affidavit, the court may issue an ex parte order modifying parental rights and responsibilities and parent-child contact. If the court issues an ex parte order, the court shall set the matter for hearing within ten days from the issuance of the order.

(b) Nothing in this chapter shall preclude the court from hearing a motion for permanent modification of parental rights and responsibilities or parent-child contact prior to or upon return of the deploying parent. The moving party shall bear the burden of showing a real, substantial, and unanticipated change in circumstances and that resumption of the parental rights and responsibilities or parent-child order in effect before the deployment is no longer in the child's best interests. The absence created by deployment or mobilization and any resulting temporary disruption to the child shall not be considered the sole factors in determining whether there has been a real,

substantial, and unanticipated change of circumstances in regard to the motion to modify.

§ 685. TESTIMONY AND EVIDENCE

Upon motion of a deploying parent, provided reasonable advance notice is given and good cause shown, the court shall allow such parent to present testimony and evidence by electronic means with respect to parental rights and responsibilities or parent-child contact matters instituted under this section when the deployment of that parent has a material effect on his or her ability to appear in person at a regularly scheduled hearing. The phrase “electronic means” includes communication by telephone or video teleconference.

§ 686. NO EXISTING ORDER

If there is no existing order establishing the terms of parental rights and responsibilities or parent-child contact and it appears that deployment or mobilization is imminent, upon motion by either parent, the court shall expedite a hearing to establish temporary parental rights and responsibilities and parent-child contact to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth herein, and to provide other appropriate relief. Any initial pleading filed to establish parental rights and responsibilities for or parent-child contact with a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

§ 687. DUTY TO COOPERATE AND DISCLOSE INFORMATION

(a) Because military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of parental rights and responsibilities, parent-child contact, and child support. Each party shall provide information to one another in an effort to facilitate agreement on these issues.

(b) Within 14 days of receiving notification of deployment or mobilization in the near future from his or her military leadership, the military parent shall provide written notice to the nondeploying parent of the same. If less than 14 days’ notice is received by the military parent then notice must be given immediately upon receipt of notice to the nondeploying parent.

§ 688. FAILURE TO EXERCISE PARENT-CHILD CONTACT RIGHTS

In determining whether a parent has failed to exercise parent-child contact, the court shall not count any time periods during which the parent did not exercise such contact due to the material effect of that parent’s military duties on the contact schedule.

§ 689. ATTORNEY FEES

In making determinations pursuant to this subchapter, the court may award attorney's fees and costs based on the court's consideration of:

(1) unreasonable failure of either party to accommodate the other party in parental rights and responsibilities or parent-child contact matters related to a deploying parent;

(2) unreasonable delay caused by either party in resolving parental rights and responsibilities or parent-child contact related to a deploying parent;

(3) failure of either party to provide timely information about income and earnings information to the other party; and

(4) other factors as the court may consider appropriate and as may be required by law.

Sec. 3. EFFECTIVE DATE AND APPLICABILITY

This act shall take effect upon passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time and the report of the committee on Judiciary was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 117. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Cheney of Norwich	Evans of Essex
Adams of Hartland	Clarkson of Woodstock	Fagan of Rutland City
Ancel of Calais	Clerkin of Hartford	Fisher of Lincoln
Andrews of Rutland City	Condon of Colchester	Frank of Underhill
Aswad of Burlington	Consejo of Sheldon	French of Shrewsbury
Atkins of Winooski	Copeland-Hanzas of	French of Randolph
Baker of West Rutland	Bradford	Grad of Moretown
Bissonnette of Winooski	Corcoran of Bennington	Greshin of Warren
Bohi of Hartford	Courcelle of Rutland City	Haas of Rochester
Botzow of Pownal	Crawford of Burke	Head of South Burlington
Branagan of Georgia	Deen of Westminster	Heath of Westford
Bray of New Haven	Devereux of Mount Holly	Helm of Castleton
Brennan of Colchester	Donaghy of Poultney	Higley of Lowell
Browning of Arlington	Donahue of Northfield	Hooper of Montpelier
Burke of Brattleboro	Edwards of Brattleboro	Howard of Cambridge
Canfield of Fair Haven	Emmons of Springfield	Howard of Rutland City

Hubert of Milton	Martin of Wolcott	Rodgers of Glover
Jerman of Essex	Masland of Thetford	Savage of Swanton
Jewett of Ripton	McCullough of Williston	Scheuermann of Stowe
Johnson of South Hero	McDonald of Berlin	Shand of Weathersfield
Keenan of St. Albans City	McFaun of Barre Town	Sharpe of Bristol
Kitzmiller of Montpelier	Milkey of Brattleboro	Shaw of Pittsford
Klein of East Montpelier	Miller of Shaftsbury	Smith of Mendon
Koch of Barre Town	Minter of Waterbury	South of St. Johnsbury
Komline of Dorset	Mitchell of Barnard	Spengler of Colchester
Krawczyk of Bennington	Moran of Wardsboro	Stevens of Waterbury
Krebs of South Hero	Morley of Barton	Sweaney of Windsor
Lanpher of Vergennes	Morrissey of Bennington	Till of Jericho
Larson of Burlington	Myers of Essex	Townsend of Randolph
Lenes of Shelburne	Nease of Johnson	Turner of Milton
Leriche of Hardwick	Nuovo of Middlebury	Webb of Shelburne
Lewis of Derby	O'Brien of Richmond	Weston of Burlington
Lippert of Hinesburg	Obuchowski of Rockingham	Wheeler of Derby
Lorber of Burlington	Olsen of Jamaica	Wilson of Manchester
Macaig of Williston	Peaslee of Guildhall	Winters of Williamstown
Maier of Middlebury	Pellet of Chester	Wizowaty of Burlington
Manwaring of Wilmington	Potter of Clarendon	Young of St. Albans City
Marcotte of Coventry	Pugh of South Burlington	Zuckerman of Burlington
Marek of Newfane	Ram of Burlington	
Martin of Springfield	Reis of St. Johnsbury	

none

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Johnson of Canaan	Partridge of Windham
Audette of South Burlington	Kilmartin of Newport City	Pearce of Richford
Clark of Vergennes	Larocque of Barnet	Peltz of Woodbury
Conquest of Newbury	Lawrence of Lyndon	Perley of Enosburg
Davis of Washington	Malcolm of Pawlet	Poirier of Barre City
Dickinson of St. Albans Town	McAllister of Highgate	Stevens of Shoreham
Donovan of Burlington	McNeil of Rutland Town	Taylor of Barre City
Geier of South Burlington	Mook of Bennington	Toll of Danville
Gilbert of Fairfax	Mrowicki of Putney	Waite-Simpson of Essex
Howrigan of Fairfield	O'Donnell of Vernon	Wright of Burlington
	Orr of Charlotte	Zenie of Colchester

On motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Komline of Dorset** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Member Appointed to Committee

The Speaker appointed Rep. Ram of Burlington to the Joint Information Technology Committee.

Adjournment

At one o'clock and fifty-five in the afternoon, on motion of **Rep. Konline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.