

# House Calendar

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Thursday, March 10, 2011

65th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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## TABLE OF CONTENTS

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Page No.

### ACTION CALENDAR

#### Action Postponed Until March 10, 2011

##### Third Reading

<b>H. 120</b> Commemorative Boy Scout motor vehicle plates .....	362
Rep. Lorber et al Amendment .....	362

##### New Business

##### Third Reading

<b>H. 13</b> Deer doing damage to forest resources .....	362
<b>H. 143</b> The taxation of certain Internet sales .....	362

#### Committee Bill for Second Reading

<b>H. 426</b> Extending the state's reporting concerning transportation of children in state custody and transportation of individuals in the custody of the commissioner of mental health.....	363
Rep. Donahue for Human Services	

#### Favorable with amendment

<b>H. 79</b> Uniform adult guardianship and protective proceedings jurisdiction .	363
Rep. Waite-Simpson for Judiciary	
<b>S. 2</b> An act relating to sexual exploitation of a minor and the sex offender registry .....	363
Rep. French for Judiciary	

### NOTICE CALENDAR

#### Committee Bill for Second Reading

<b>H. 428</b> Requiring supervisory unions to perform common duties .....	366
Rep. Buxton for Education	

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Action Postponed Until March 10, 2011**

**Third Reading**

**H. 120**

An act relating to commemorative Boy Scout motor vehicle plates

**Amendment to be offered by Reps. Lorber of Burlington, Donahue of Northfield and Haas of Rochester to H. 120**

Reps. Lorber of Burlington, Donahue of Northfield and Haas of Rochester move that the bill be amended in Sec. 1 by striking subsection (a) in its entirety and replacing it with a new subsection (a) to read:

(a) Application; organization limit. Upon receipt of an application, the commissioner may authorize a safety or service organization, as defined in subsection 304(b) of this title, which has at least 100 in-state members in good standing and which holds membership open without regard to a person's race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, or physical or mental condition to design, produce, purchase, and sell motor vehicle plates commemorating significant organization anniversaries, milestones, or events. The commissioner shall not authorize an organization or its successor to design, produce, purchase, or sell commemorative plates more than two times in any 100-year period.

**NEW BUSINESS**

**Third Reading**

**H. 13**

An act relating to deer doing damage to forest resources

**H. 143**

An act relating to the taxation of certain Internet sales

## Committee Bill for Second Reading

### H. 426

An act relating to extending the state's reporting concerning transportation of children in state custody and transportation of individuals in the custody of the commissioner of mental health.

(**Rep. Donahue of Northfield** will speak for the Committee on **Human Services**.)

### Favorable with amendment

### H. 79

An act relating to uniform adult guardianship and protective proceedings jurisdiction

**Rep. Waite-Simpson of Essex**, for the Committee on **Judiciary**, recommends the bill be amended as follows:

First: In Sec. 1, 14 V.S.A. § 3155(a)(7), after the word "amended" by inserting the following: ", but any information so disclosed may be admitted in a proceeding in this state only in accordance with the laws of this state"

Second: In Sec. 1, 14 V.S.A. § 3155(b), after the word "request" by inserting the following: "in accordance with the laws of this state"

Third: In Sec. 1, 14 V.S.A. § 3161(a), by striking subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read:

(a)(1) "Emergency" means a circumstance that likely will result in serious and irreparable harm to a respondent's physical health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf.

( **Committee Vote: 10-0-1** )

### S. 2

An act relating to sexual exploitation of a minor and the sex offender registry

**Rep. French of Shrewsbury**, for the Committee on Judiciary, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this subchapter:

\* \* \*

(10) "Sex offender" means:

\* \* \*

(B) A person who is convicted of any of the following offenses against a victim who is a minor, except that, for purposes of this subdivision, conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 ~~and~~, the victim is at least 12 years old, and the conduct is consensual:

\* \* \*

(ix) sexual exploitation of a minor as defined in 13 V.S.A. § ~~3258(b)~~ 3258.

\* \* \*

Sec. 2. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

(a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the department shall electronically post information on the Internet in accordance with subsection (b) of this section regarding the following sex offenders, upon their release from confinement:

(1) Sex offenders who have been convicted of:

\* \* \*

(I) ~~Sexual~~ A felony violation of sexual exploitation of a minor (13 V.S.A. § ~~3258(b)~~ 3258(c)).

\* \* \*

(7) A person 18 years of age or older who resides in this state, other than in a correctional facility, and who is currently or, prior to taking up residence within this state was required to register as a sex offender in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court; except that, for purposes of this subdivision:

(A) conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 ~~and~~, the victim is at least 12 years old, and the conduct is consensual; and

\* \* \*

(b) The department shall electronically post the following information on sex offenders designated in subsection (a) of this section:

\* \* \*

~~(6) except as provided in subsection (1) of this section, the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:~~ the date and nature of the offender's conviction;

\* \* \*

(f) Information regarding a sex offender shall not be posted electronically if the conduct that is the basis for the offense is criminal only because of the age of the victim ~~and~~, the perpetrator is within 38 months of age of the victim, and the conduct is consensual.

Sec. 3. 16 V.S.A. § 255 is amended to read:

§ 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

CONTRACTORS

(a) Superintendents, headmasters of recognized or approved ~~Vermont~~ independent schools, and their contractors shall request criminal record information for the following:

(1) The person a superintendent or headmaster is prepared to recommend for any full-time, part-time or temporary employment.

(2) Any person directly under contract to an independent school or school district who may have unsupervised contact with school children.

(3) Any employee of a contractor under contract to an independent school or school district who is in a position that may result in unsupervised contact with school children.

(4) Any student working toward a degree in teaching who is a student teacher in a school within the superintendent's or headmaster's jurisdiction.

(b) After signing a user agreement, a superintendent or a headmaster shall make a request directly to the Vermont criminal information center. A contractor shall make a request through a superintendent or headmaster.

(c) A request made under subsection (b) of this section shall be accompanied by a set of the person's fingerprints and a fee established by the Vermont criminal information center which shall reflect the cost of obtaining the record from the FBI. The fee shall be paid in accordance with adopted school board policy.

\* \* \*

(h) A superintendent or headmaster shall request and obtain information from the child protection registry maintained by the department for children and families and from the vulnerable adult abuse, neglect, and exploitation registry maintained by the department of disabilities, aging, and independent living (collectively, the “registries”) for any person for whom a criminal record check is required under subsection (a) of this section. The department for children and families and the department of disabilities, aging, and independent living shall adopt rules governing the process for obtaining information from the registries and for disseminating and maintaining records of that information under this subsection.

(i) A person convicted of a sex offense that requires registration pursuant to chapter 167, subchapter 3 of Title 13 shall not be eligible for employment under this section.

(j) The board of trustees of a recognized or approved independent school shall request a criminal record check and a check of the registries pursuant to the provisions of this section prior to offering employment to a headmaster.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

**(Committee vote: 10-0-1 )**

**(No Senate Amendments)**

#### **NOTICE CALENDAR**

#### **Committee Bill for Second Reading**

#### **H. 428**

An act relating to requiring supervisory unions to perform common duties.

**(Rep. Buxton of Royalton will speak for the Committee on Education.)**