

# House Calendar

Friday, February 07, 2014

32nd DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Third Reading**

**J.R.H. 14**

Joint resolution requesting the United States Congress to pass the Homeowners Flood Insurance Affordability Act

**Favorable with Amendment**

**H. 88**

An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault

**Rep. Fay of St. Johnsbury**, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. § 665b is added to read:

§ 665b. PETITION FOR SOLE PARENTAL RIGHTS AND RESPONSIBILITIES IN CASES OF SEXUAL ASSAULT OR SEXUAL EXPLOITATION

(a) Notwithstanding section 665a of this title, upon petition of a parent, the Court may award that parent permanent sole parental rights and responsibilities if the Court determines by clear and convincing evidence that the child was conceived as a result of a sexual assault or sexual exploitation in which the moving parent was the victim and the nonmoving parent was the perpetrator.

(b) The State has a compelling interest in not forcing a victim of sexual assault or sexual exploitation to continue an ongoing relationship with the perpetrator of the abuse. Such continued interaction can have traumatic psychological effects on the victim, making recovery more difficult, and negatively affect the victim's ability to parent and to provide for the best interests of the child. Additionally, the State recognizes that a perpetrator may use the threat of pursuing parental rights and responsibilities to coerce a victim into not reporting or assisting in the prosecution of the perpetrator for the sexual assault or sexual exploitation, or to harass, intimidate, or manipulate the victim.

(c) A conviction for an offense in 13 V.S.A. chapter 72 or a similar offense in another jurisdiction shall be sufficient evidence of a sexual assault or sexual exploitation for purposes of this section; however, a conviction is not required

and the Court may consider other evidence of a sexual assault or sexual exploitation in making its determination.

(d) An order issued in accordance with this section shall be permanent and shall not be subject to modification.

(e) A court shall not issue a parent-child contact order in a case in which a rights and responsibilities order has been issued in accordance with this section. An existing parent-child contact order shall be terminated upon the issuance of a rights and responsibilities order issued in accordance with this section.

(f) Issuance of an order in accordance with this section shall not affect the right of the custodial parent to seek child support from the noncustodial parent. The State shall not seek child support from the noncustodial parent when a custodial parent receives public assistance benefits unless requested by the custodial parent.

(g) If a party to a petition for an order under this section subsequently files a complaint for divorce or annulment, or if a party to a divorce or annulment proceeding subsequently files for an order under this section, the Court where the later complaint or petition is filed shall immediately consolidate the divorce or annulment action with the action for permanent sole parental rights and responsibilities.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

## **H. 347**

An act relating to veterinary dentistry

**Rep. Bartholomew of Hartland**, for the Committee on **Agriculture and Forest Products**, recommends the bill be amended as follows:

First: In Sec. 2, 26 V.S.A. § 2403(10), after “any employee” and before “of a licensed veterinarian” by striking “or agent”

Second: In Sec. 3 (Effective Date), by striking “2013” where it appears and inserting in lieu thereof “2014”

**( Committee Vote: 11-0-0)**

**Favorable**

**H. 576**

An act relating to applications for the Lifeline program

**Rep. Mrowicki of Putney**, for the Committee on **Human Services**, recommends the bill ought to pass.

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

**Action Postponed Until February 12, 2014**

**Third Reading**

**H. 612**

An act relating to Gas Pipeline Safety Program penalties

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 739**

An act relating to rulemaking by the Judicial Nominating Board

**Rep. Higley of Lowell**, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 601(d) is amended to read:

(d) The Judicial Nominating Board shall adopt rules under 3 V.S.A. chapter 25 ~~which~~ that shall establish criteria and standards for the nomination of qualified candidates for ~~justices~~ Justices of the ~~supreme~~-Supreme Court, ~~superior~~ Superior Court judges, ~~magistrates~~ Magistrates, the Chair of the Public Service Board, and members of the Public Service Board. The criteria and standards shall include such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. The application form shall not be included in the rules and may be developed and periodically revised at the discretion of the Board.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

( **Committee Vote: 11-0-0**)

## **Consent Calendar**

### **Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of 2/6/2014.

#### **H.C.R. 214**

House concurrent resolution in memory of Franklin County civic leader Lawrence Joseph Handy

#### **H.C.R. 215**

House concurrent resolution commemorating the 50th anniversary of the Wilderness Act of 1964 and the 30th anniversary of the Vermont Wilderness Act of 1984

#### **H.C.R. 216**

House concurrent resolution in memory of former Windsor Fire Chief Bruce W. Stearns

#### **H.C.R. 217**

House concurrent resolution designating the week of February 3–7 as Vermont School Counseling Week

#### **H.C.R. 218**

House concurrent resolution honoring nonprofit organizations and Common Good Vermont

#### **H.C.R. 219**

House concurrent resolution in memory of Juanita Cook of Pownal

#### **H.C.R. 220**

House concurrent resolution honoring Champlain College President Dr. David F. Finney for his higher education leadership

#### **S.C.R. 32**

Senate concurrent resolution congratulating the *Montpelier Bridge* on its 20th anniversary

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**S.C.R. 41**

Senate concurrent resolution congratulating the Reverend Jay Sprout on being named the Northeast Kingdom Chamber of Commerce's 2013 Citizen of the Year

**Public Hearings**

Monday, February 10, 2014, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Technologies (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2015. All 13 V.I.T. sites will be available for the hearing: Bennington, Brattleboro,

Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

The budget hearing will be VIEWABLE via the Internet if your computer has Flash-based streaming capabilities. Some mobile devices may require additional software.

Go to [www.vitlink.org/streamingmedia/vtcvitopen.php](http://www.vitlink.org/streamingmedia/vtcvitopen.php).

The Governor's budget proposal can be viewed at the Department of Finance's website: [http://finance.vermont.gov/state\\_budget/rec](http://finance.vermont.gov/state_budget/rec). For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at 802/828-5767 or email [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us). Requests for interpreters should be made to the office by 3:00 p.m. on Monday, January 27, 2014.

February 13, 2014 - House Chamber - 7:00-9:00 pm - H. 586 - Improving the Quality of State Waters - House Agriculture and Forest Products

**Public Hearing on the Governor's Proposed Fiscal Year 2015 State Budget**

**For Advocates**

**House Committee on Appropriations**

**Tuesday, February 18, 2014, 11:00 a.m. - 12:00 p.m. or Friday, February 21, 2014, 1:00 – 2:30 p.m.** – The House Committee on Appropriations will hold a public hearing for advocates in room 11 of the State House on the Governor's proposed FY2015 state budget. Please sign up in advance, with Theresa Utton-Jerman at (802) 828-5767 or [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us) or in room 40.

The Governor's budget proposal can be viewed at the Department of Finance & Management's website: [http://finance.vermont.gov/state\\_budget/rec](http://finance.vermont.gov/state_budget/rec).

Individual department budgets that have been made available can be viewed at the Joint Fiscal Office's website: [http://www.leg.state.vt.us/jfo/dept\\_budgets\\_fy\\_2015.aspx](http://www.leg.state.vt.us/jfo/dept_budgets_fy_2015.aspx).

February 19, 2014 - Room 11 - 7:00p,- 8:30pm - Judicial retention - Joint Committee on Judicial Retention



## **Information Notice**

### **Deadline for Introducing Bills**

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March (March 31, 2014). The Committees on Appropriations and Ways and Means bill may be drafted in standard form at any time, and Government Operations bills pertaining to city or town charters, may be drafted in standard form at any time.

### **Joint Assembly**

February 20, 2014 - 10:30 A.M. – Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 13, 2014 , by 4:30 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions. Do not use pink mail to deliver notification to the Secretary of State. Hand delivery is the best method to insure notification has been received.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.