

Journal of the House

Friday, February 7, 2014

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by former Rep. Steve Reynes of Calais, Vt.

Message from the Senate No. 16

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 223. An act relating to regulating the making of pension loans.

In the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 27. An act relating to respectful language in the Vermont Statutes Annotated.

And has concurred therein.

House Bill Introduced

H. 860

By Reps. Stevens of Shoreham, Toleno of Brattleboro, Connor of Fairfield, Conquest of Newbury and Kupersmith of South Burlington,

House bill, entitled

An act relating to evaluation of agricultural and forest enterprise development and regulation;

Which was read the first time and referred to the committee on Agriculture and Forest Products.

Senate Bill Referred**S. 223**

Senate bill, entitled

An act relating to regulating the making of pension loans

Was read and referred to the committee on Commerce and Economic Development.

Third Reading; Resolution Adopted**J.R.H. 14**

Joint Resolution, entitled

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

Was taken up, read the third time and adopted.

Bill Amended; Third Reading Ordered**H. 88**

Rep. Fay of St. Johnsbury, for the committee on Judiciary, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and report of the committee on Judiciary 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, 135.
Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Goodwin of Weston	Mitchell of Fairfax
Bartholomew of Hartland	Grad of Moretown	Mook of Bennington
Batchelor of Derby	Greshin of Warren	Moran of Wardsboro
Baylor of Highgate	Haas of Rochester	Morrissey of Bennington
Bissonnette of Winooski	Head of South Burlington	Mrowicki of Putney
Bouchard of Colchester	Heath of Westford	Myers of Essex
Brennan of Colchester	Hebert of Vernon	Nuovo of Middlebury
Browning of Arlington	Helm of Fair Haven	O'Sullivan of Burlington
Burditt of West Rutland	Hooper of Montpelier	Partridge of Windham
Burke of Brattleboro	Hoyt of Norwich	Pearce of Richford
Campion of Bennington	Hubert of Milton	Pearson of Burlington
Canfield of Fair Haven	Huntley of Cavendish	Peltz of Woodbury
Carr of Brandon	Jerman of Essex	Poirier of Barre City
Christie of Hartford	Jewett of Ripton	Pugh of South Burlington
Clarkson of Woodstock	Johnson of South Hero	Quimby of Concord
Cole of Burlington	Johnson of Canaan	Ralston of Middlebury
Condon of Colchester	Keenan of St. Albans City	Russell of Rutland City
Connor of Fairfield	Kitzmiller of Montpelier	Ryerson of Randolph
Conquest of Newbury	Klein of East Montpelier	Savage of Swanton
Consejo of Sheldon	Koch of Barre Town	Scheuermann of Stowe
Copeland-Hanzas of Bradford	Komline of Dorset	Sharpe of Bristol
Corcoran of Bennington	Krebs of South Hero	Shaw of Pittsford
Cross of Winooski	Krowinski of Burlington	Shaw of Derby
Cupoli of Rutland City	Kupersmith of South Burlington	Smith of New Haven
Dakin of Chester	Lanpher of Vergennes	Spengler of Colchester
Deen of Westminster	Larocque of Barnet	Stevens of Waterbury
Devereux of Mount Holly	Lawrence of Lyndon	Stevens of Shoreham
Dickinson of St. Albans Town	Lewis of Berlin	Strong of Albany
Donaghy of Poultney	Lippert of Hinesburg	Stuart of Brattleboro
Donahue of Northfield	Macaig of Williston	Sweaney of Windsor
Donovan of Burlington	Malcolm of Pawlet	Taylor of Barre City
Ellis of Waterbury	Manwaring of Wilmington	Terenzini of Rutland Town
Emmons of Springfield	Marcotte of Coventry	Till of Jericho
Evans of Essex	Marek of Newfane	Toleno of Brattleboro
Fagan of Rutland City	Martin of Springfield	Toll of Danville
Fay of St. Johnsbury	Martin of Wolcott	Townsend of South Burlington
Feltus of Lyndon	Masland of Thetford	Trieber of Rockingham
Fisher of Lincoln	McCarthy of St. Albans City	Turner of Milton
Frank of Underhill	McCormack of Burlington	Van Wyck of Ferrisburgh
French of Randolph	McCullough of Williston	Vowinkel of Hartford
Gage of Rutland City	McFaun of Barre Town	Waite-Simpson of Essex
Gallivan of Chittenden	Michelsen of Hardwick	Webb of Shelburne
	Miller of Shaftsbury	Weed of Enosburgh

Winters of Williamstown	Wright of Burlington	Zagar of Barnard
Wizowaty of Burlington	Yantachka of Charlotte	
Woodward of Johnson	Young of Glover	

Those who voted in the negative are:

None

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

Botzow of Pownal	Juskiewicz of Cambridge	Rachelson of Burlington
Branagan of Georgia	Kilmartin of Newport City	Ram of Burlington
Buxton of Tunbridge	Lenes of Shelburne	South of St. Johnsbury
Davis of Washington	O'Brien of Richmond	Wilson of Manchester
Higley of Lowell	Potter of Clarendon	

Bill Amended; Third Reading Ordered

H. 347

Rep. Bartholomew of Hartland, for the committee on Agriculture and Forest Products, to which had been referred House bill, entitled

An act relating to veterinary dentistry

Reported in favor of its passage when 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”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Agriculture and Forest Products agreed to and third reading ordered.

Bill Read Second Time; Third Reading Ordered

H. 576

Rep. Mrowicki of Putney spoke for the committee on Human Services.

House bill entitled

An act relating to applications for the Lifeline program

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Adjournment

At ten o'clock and forty-eight minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 11, 2014, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 43.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

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;

H.C.R. 221

House concurrent resolution extending congratulations and best wishes for success to the Vermonters selected to represent the United States at the 2014 Winter Olympics;

S.C.R. 32

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

S.C.R. 33

Senate concurrent resolution congratulating radio station WDEV in Waterbury, as the first electronic media winner of the Matthew Lyon Award;

S.C.R. 34

Senate concurrent resolution congratulating Sarducci's restaurant and bar on its 20th anniversary;

S.C.R. 35

Senate concurrent resolution in memory of former Eagleton Institute Director Alan Rosenthal;

S.C.R. 36

Senate concurrent resolution congratulating Bear Pond Books in Montpelier on its 40th anniversary;

S.C.R. 37

Senate concurrent resolution congratulating the 2012 Montpelier High School Solons Division II championship girls' soccer team;

S.C.R. 38

Senate concurrent resolution congratulating the Hunger Mountain Coop on the 20th anniversary of its Annual Food and Wellness Expo;

S.C.R. 39

Senate concurrent resolution in memory of former Senator Frank Smallwood;

S.C.R. 40

Senate concurrent resolution congratulating the 2013 Montpelier High School Division II championship girls' tennis team;

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;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2014, seventy-second Adjourned session.]