

# House Calendar

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Friday, January 30, 2015

24th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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**ACTION CALENDAR**

**Third Reading**

**H. 7**

An act relating to miscellaneous amendments to laws regarding law enforcement officer certification

**H. 82**

An act relating to fiscal year 2015 budget adjustments

**Amendment to be offered by Rep. Johnson of South Hero to H. 82**

First: In Sec. 61, after the words "Committee does not reject such certification." by inserting the following:

"(3) The following amounts shall be transferred from the General Fund to the funds indicated:"

Second: In Sec. 89(a)(1), by striking out the following: "successor." and by inserting in lieu thereof of the following: "successor."

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 23**

An act relating to the Uniform Transfers to Minors Act

**Rep. Jewett of Ripton**, for the Committee on **Judiciary**, recommends the bill be amended as follows:

First: In Sec. 1., 14 V.S.A., by striking out § 3211 in its entirety and inserting in lieu thereof a new § 3211 to read as follows:

§ 3211. DEFINITIONS

As used in this chapter:

(1) "Adult" means an individual who has attained 21 years of age.

(2) "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.

(3) "Court" means the Probate Division of the Superior Court.

(4) "Custodial property" means:

(A) any interest in property transferred to a custodian under this chapter; and

(B) the income from and proceeds of that interest in property.

(5) “Custodian” means a person so designated under section 3219 of this title or a successor or substitute custodian designated under section 3228 of this title.

(6) “Financial guardian” means a person who has been appointed by the Probate Division as financial guardian for a minor pursuant to section 2659 of this title, or a person legally authorized to perform substantially the same functions.

(7) “Financial institution” means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.

(8) “Legal representative” means an individual’s personal representative.

(9) “Member of the minor’s family” means the minor’s parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

(10) “Minor” means an individual who has not attained 21 years of age.

(11) “Person” means an individual, corporation, organization, or other legal entity.

(12) “Personal representative” means an executor, administrator, successor personal representative, or special administrator of a decedent’s estate or a person legally authorized to perform substantially the same functions.

(13) “State” includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(14) “Transfer” means a transaction that creates custodial property under section 3219 of this title.

(15) “Transferor” means a person who makes a transfer under this chapter.

(16) “Trust company” means a financial institution, corporation, or other legal entity authorized to exercise general trust powers.

Second: In Sec. 1, 14 V.S.A. § 3216(b), by striking out the word “conservator” and inserting in lieu thereof the words “financial guardian”

Third: In Sec. 1, 14 V.S.A. § 3216(c)(1), by striking out the word “conservator” and inserting in lieu thereof the words “financial guardian”

Fourth: In Sec. 1, 14 V.S.A. § 3217(a), by striking out the word “conservator” and inserting in lieu thereof the words “financial guardian”

Fifth: In Sec. 1, 14 V.S.A. § 3217, by striking out subsection (c) in its entirety

Sixth: In Sec. 1, 14 V.S.A. § 3221, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A transfer made pursuant to section 3219 of this title is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties, and authority provided in this chapter, and the minor, the minor’s legal representative, and the minor’s financial guardian have no right, power, duty, or authority with respect to the custodial property except as provided in this chapter.

Seventh: In Sec. 1, 14 V.S.A. § 3222, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor’s tax returns, and shall make them available for inspection at reasonable intervals by a parent, legal representative of the minor, financial guardian of the minor, or the minor if the minor has attained 14 years of age.

Eighth: In Sec. 1, 14 V.S.A. § 3228(d), by striking out the word “conservator” where it thrice appears and inserting in lieu thereof the words “financial guardian”

Ninth: In Sec. 1, 14 V.S.A. § 3228, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) A transferor, the legal representative of a transferor, an adult member of the minor’s family, the minor’s financial guardian, a guardian of the minor appointed pursuant to section 2628 or 2664 of this title, or the minor if the minor has attained 14 years of age may petition the Court to remove the custodian for cause and to designate a successor custodian other than a transferor under section 3214 of this title or to require the custodian to give appropriate bond.

Tenth: In Sec. 1, 14 V.S.A. § 3229, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) A minor who has attained 14 years of age, the minor’s financial guardian or legal representative, a guardian of the minor appointed pursuant to

section 2628 or 2664 of this title, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the Court:

(1) for an accounting by the custodian or the custodian's legal representative; or

(2) for a determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under section 3227 of this title to which the minor, the minor's legal representative, or the minor's financial guardian was a party.

**( Committee Vote: 11-1-0)**

### **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 1/29/2015.

#### **H.C.R. 15**

House concurrent resolution honoring Frank A. Silfies

#### **H.C.R. 16**

House concurrent resolution congratulating the Rutland Senior High School students whose petition persuaded Apple to remove the After School iPhone App from its iTunes Store

#### **H.C.R. 17**

House concurrent resolution designating the week of January 21–25 as National Nurse Anesthetists Week in Vermont

#### **Public Hearings**

February 10, 2015 - House Chambers - 5:30pm-8:00 pm - Public Hearing on Criminal Background Check for Firearms - Senate Judiciary and Health and Welfare

## **Information Notice**

### **HOUSE BILL INTRODUCTION DEADLINES**

To All House Members:

**Request Deadline** - All requests for introduction of bills drafted in standard form must be submitted to the Legislative Council by Friday, January 30, 2015.

During the first year of the biennium, a member may request introduction of a bill drafted in short form and submitted to the Legislative Council anytime during the session.

**Introduction Deadline** - Except with prior consent of the Committee on Rules, all bills drafted in standard form, shall be introduced by February 27, 2015.

During the first year of the biennium Committee bills may be introduced at anytime.