

Journal of the House

Tuesday, February 3, 2015

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Earl Koopercamp of Good Shepherd Episcopal Church, Barre, Vt.

Pledge of Allegiance

Page Elijah Dooley of Barnard led the House in the Pledge of Allegiance.

Message from the Senate No. 12

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 adopted concurrent resolutions originating in the House of the following titles:

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.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 102

By Reps. Lalonde of South Burlington, Christie of Hartford, Conquest of Newbury, Fagan of Rutland City, Jewett of Ripton, Juskiewicz of Cambridge, Klein of East Montpelier, LaClair of Barre Town, Sibia of Dover and Walz of Barre City,

House bill, entitled

An act relating to labor relations for teachers and administrators;

To the committee on General, Housing & Military Affairs.

H. 103

By Reps. Townsend of South Burlington, Dakin of Chester, Donovan of Burlington, Gonzalez of Winooski, Krowinski of Burlington, Morris of Bennington, O'Sullivan of Burlington, Ram of Burlington, Ryerson of Randolph, Sullivan of Burlington and Sweaney of Windsor,

House bill, entitled

An act relating to psychological abuse;

To the committee on Judiciary.

H. 104

By Reps. Yantachka of Charlotte, Berry of Manchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, French of Randolph, Lenes of Shelburne, Martin of Wolcott, McCormack of Burlington, McCullough of Williston, Nuovo of Middlebury, Patt of Worcester, Pearson of Burlington, Rachelson of Burlington, Russell of Rutland City, Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard and Walz of Barre City,

House bill, entitled

An act relating to the beverage container redemption system;

To the committee on Natural Resources & Energy.

H. 105

By Reps. Rachelson of Burlington, Ram of Burlington, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Gonzalez of Winooski, Jewett of Ripton, Krowinski of Burlington, Lalonde of South Burlington, Lenes of Shelburne, Masland of Thetford, McCullough of Williston, Morris of Bennington, Olsen of Londonderry, Russell of Rutland City, Till of Jericho, Townsend of South Burlington, Trieber of Rockingham, Wright of Burlington, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to disclosure of sexually explicit images without consent;

To the committee on Judiciary.

H. 106

By Reps. Lawrence of Lyndon, Conquest of Newbury, Fagan of Rutland City, Helm of Fair Haven and Shaw of Pittsford,

House bill, entitled

An act relating to the Battle of Bennington Flag;

To the committee on General, Housing & Military Affairs.

H. 107

By Reps. Sharpe of Bristol and Jewett of Ripton,

House bill, entitled

An act relating to the creation of the Office of the Landowner Advocate;

To the committee on Commerce & Economic Development.

H. 108

By Reps. Shaw of Pittsford and Stevens of Waterbury,

House bill, entitled

An act relating to electrical installations;

To the committee on General, Housing & Military Affairs.

H. 109

By Reps. Frank of Underhill, Macaig of Williston and McCullough of Williston,

House bill, entitled

An act relating to the regulation of signage under municipal land use bylaws;

To the committee on Government Operations.

H. 110

By Rep. Potter of Clarendon,

House bill, entitled

An act relating to permitting a person over 70 years of age to opt out of jury service;

To the committee on Judiciary.

H. 111

By Reps. Canfield of Fair Haven, Batchelor of Derby, Eastman of Orwell, Helm of Fair Haven, Shaw of Pittsford, Shaw of Derby and Terenzini of Rutland Town,

House bill, entitled

An act relating to the removal of grievance decisions from the Vermont Labor Relations Board's website;

To the committee on General, Housing & Military Affairs.

H. 112

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to access to financial records in adult protective services investigations;

To the committee on Human Services.

H. 113

By Reps. Canfield of Fair Haven, Helm of Fair Haven and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to moose permits for veterans of the U.S. Armed Forces;

To the committee on Fish, Wildlife & Water Resources.

H. 114

By Reps. Martin of Wolcott, Sweaney of Windsor and Woodward of Johnson,

House bill, entitled

An act relating to the standard for substantiation of child abuse or neglect;

To the committee on Human Services.

H. 115

By Reps. Pearson of Burlington and Fagan of Rutland City,

House bill, entitled

An act relating to requiring rank choice voting for military or overseas voters in presidential primaries;

To the committee on Government Operations.

H. 116

By Reps. Hebert of Vernon, Burke of Brattleboro, Fiske of Enosburgh, Stuart of Brattleboro and Toleno of Brattleboro,

House bill, entitled

An act relating to radioactive waste disposal fees assessed on small generators;

To the committee on Natural Resources & Energy.

H. 117

By Reps. Young of Glover, Carr of Brandon, Botzow of Pownal, Higley of Lowell, Jewett of Ripton, Marcotte of Coventry, Parent of St. Albans City and Patt of Worcester,

House bill, entitled

An act relating to creating a Division for Telecommunications and Connectivity within the Department of Public Service;

To the committee on Commerce & Economic Development.

Bill Amended; Third Reading Ordered

H. 23

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

An act relating to the Uniform Transfers to Minors Act

Reported in favor of its passage when 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 appears four times 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.

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

Joint Resolution Adopted in Concurrence

J.R.S. 12

Joint resolution, entitled

Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College

Was taken up and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 13

Joint resolution, entitled

Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2015

Was taken up and adopted in concurrence.

Remarks Journalized

On motion of **Rep. Miller of Shaftsbury**, the following remarks by **Rep. Komline of Dorset** were ordered printed in the Journal:

“Mr. Speaker:

The facts I state can be verified through the Center for Public Health and Tobacco Policy.

- The tobacco industry spends \$12.8 billion a year, over \$35 million a day, on marketing alone. \$18 million is spent in Vermont every year.
- Tobacco companies deliberately target youth through advertising, and with good reason. Youth exposure to tobacco marketing results in an increased risk of tobacco use.
- Youth are more than twice as likely as adults to recall tobacco advertising.

- 13% of Vermont students in 9th through 12th grades are current smokers.
- 66% of Vermont students in 9th thorough 12th grades think cigarettes are easy to get.
- 20% of 9th through 12th graders in Vermont who smoke say they have purchased cigarettes themselves.
- 10,000 kids now under 18 and alive in Vermont will ultimately die prematurely from smoking.

It is a constant struggle to counteract these efforts.

The group I'm introducing today are part of the youth-led group Our Voices Exposed (OVX). This program is funded by the VT Department of Health and is designed to empower youth to get actively involved in tobacco prevention through education and activism.

OVX has a history of speaking out against tobacco industry exploitation of youth and have visited the Vermont Statehouse to educate lawmakers on tobacco and industry practices and secondhand smoke exposure. This year, OVX will focus their youth activism on reducing the impact of tobacco advertising and secondhand smoke in Vermont.

Please join me in welcoming them here today.”

Adjournment

At ten o'clock and thirty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.