

# Senate Calendar

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THURSDAY, APRIL 05, 2018

SENATE CONVENES AT: 1:15 P.M.

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**ACTION CALENDAR**

**NEW BUSINESS**

**Third Reading**

**H. 589.**

An act relating to the reasonable and prudent parent standard.

**Second Reading**

**Favorable with Proposal of Amendment**

**H. 562.**

An act relating to parentage proceedings.

**Reported favorably with recommendation of proposal of amendment by Senator Nitka for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, Title 15C, in subdivision 307(a)(2)(B), by striking out “, provided there is no acknowledgment or denial prior to such hearing”

Second: In Sec.1, Title 15C, in subdivision 308(a)(2), by striking out the following: “one year” and inserting in lieu thereof the following: two years

Third: In Sec. 1, Title 15C, in section 401, by adding a subsection (c) to read as follows:

(c) If a person files a petition alleging he or she is a presumed parent pursuant to subdivision (a)(4) of this section, the petition shall include an affidavit disclosing whether the petitioner has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Fourth: In Sec. 1, Title 15C, in subdivision 402(b)(3), by striking out the last sentence and inserting in lieu thereof the following:

Evidence of duress, coercion, or threat of harm may include whether within the prior ten years, the person presumed to be a parent pursuant to subdivision 401(a)(4) of this title has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Fifth: In Sec. 1, Title 15C, in subdivision 501(a)(2), by striking out the last sentence and inserting in lieu thereof the following:

Such evidence may include whether within the prior ten years, the person seeking to be adjudicated a de facto parent has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Sixth: In Sec. 1, Title 15C, in section 502, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a)(1) A person seeking to be adjudicated a de facto parent of a child shall file a petition with the Family Division of the Superior Court before the child reaches 18 years of age. Both the person seeking to be adjudicated a de facto parent and the child must be alive at the time of the filing.

(2) The petition shall include:

(A) an affidavit disclosing whether the petitioner has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69; and

(B) a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child.

Seventh: In Sec. 1, Title 15C, in section 803, by striking out subdivision (a)(3) and inserting in lieu thereof the following:

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if genetic testing indicates a genetic relationship between the gestational carrier and the child, parentage shall be determined by the Family Division of the Superior Court pursuant to chapters 1 through 6 of this title.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 2, 2018, page 246 and February 6, 2018, pages 316-317)

### **House Proposal of Amendment**

#### **S. 221**

An act relating to establishing extreme risk protection orders.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, 13 V.S.A. § 4053, in subdivision (c)(2)(A)(ii), by striking out the words “intended to place” and inserting in lieu thereof the word placed

Second: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(1), by striking out the words “at the time of the hearing”

Third: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(2), by striking out the following: “60 days” and inserting in lieu thereof the following: six months

Fourth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (a)(1), at the end of the subdivision, by striking out the word “filed” and inserting in lieu thereof the word submitted

Fifth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(1), at the end of the subdivision, after the word “title” by inserting the following: , and the court shall deliver a copy to the holding station

Sixth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(2)(A)(ii), by striking out the words “intended to place” and inserting in lieu thereof the word placed

Seventh: In Sec. 1, in 13 V.S.A. § 4055, in subdivisions (b)(1) and (b)(2), by, in each instance, striking out the following: “60 days” and inserting in lieu thereof the following: six months

Eighth: In Sec. 1, in 13 V.S.A. § 4056, in subsection (a), in the second sentence, after the word “service” by inserting the following: , and shall deliver a copy to the holding station

Ninth: In Sec. 1, 13 V.S.A., after § 4060, by inserting a new § 4061 to read as follows:

§ 4061. EFFECT ON OTHER LAWS

This chapter shall not be construed to prevent a court from prohibiting a person from possessing firearms under any other provision of law.

**NOTICE CALENDAR**

**Second Reading**

**Favorable**

**H. 843.**

An act relating to technical corrections.

**Reported favorably by Senator Collamore for the Committee on Government Operations.**

(Committee vote: 5-0-0)

(For House amendments, see House Journal of February 16, 2018, page 402)

**CONCURRENT RESOLUTIONS FOR NOTICE**

**Concurrent Resolutions For Notice Under Joint Rule 16**

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

**H.C.R. 302 - 315** (For text of Resolutions, see Addendum to House Calendar for April 5, 2018)

**CONFIRMATIONS**

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Joseph M. Lorman of Rutland – Family Division Magistrate for Rutland, Bennington and Addison Counties – By Senator Sears for the Committee on Judiciary. (3/27/18)

Nathan Besio of Colchester – Member, Vermont Human Rights Commission – By Senator Benning for the Committee on Judiciary. (3/28/18)

Kevin Christie of White River Junction – Chair, Vermont Human Rights Commission – By Senator Nitka for the Committee on Judiciary. (3/28/18)

Richard Bailey of Hyde Park – Member, Transportation Board – By Senator Westman for the Committee on Transportation. (4/3/18)

David Markowski of Florence – Member, Transportation Board – By Senator Flory for the Committee on Transportation. (4/3/18)

### **PUBLIC HEARINGS**

**Thursday, April 5, 2018** - 5:30 - 7:30 P.M. - Room 11 - Re: S. 40 An act relating to increasing the minimum wage - House Committee on General, Housing and Military Affairs.

**Tuesday, April 10, 2018** - 5:00 - 7:00 P.M. - Room 11 - Re: H. 196 - An act relating to paid family leave - Senate Committee on Economic Development, Housing and General Affairs.

### **FOR INFORMATION ONLY**

#### **CROSS OVER DATES**

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 2, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 16, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Fee Bill).**