

House Calendar

Wednesday, April 13, 2022

100th DAY OF THE ADJOURNED SESSION

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ACTION CALENDAR

Third Reading

H. 741

An act relating to approval of amendments to the charter of the City of St. Albans

S. 171

An act relating to adoption of a State code of ethics

Favorable

S. 74

An act relating to modifications to Vermont's patient choice at end of life laws

Rep. Pugh of South Burlington, for the Committee on Human Services, recommends that the bill ought to pass in concurrence.

(Committee Vote:10-1-0)

(For text see Senate Journal)

S. 247

An act relating to prohibiting discrimination based on genetic information

Rep. Cordes of Lincoln, for the Committee on Health Care, recommends that the bill ought to pass in concurrence.

(Committee Vote:7-1-3)

(For text see Senate Journal)

NOTICE CALENDAR

Favorable with Amendment

S. 254

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity

Rep. Christie of Hartford, for the Committee on Judiciary, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPORT ON ACCESS TO CIVIL JUSTICE REMEDIES AND LAW

ENFORCEMENT QUALIFIED IMMUNITY IN VERMONT

(a) On or before November 15, 2022, the Office of Legislative Counsel shall submit a written legal analysis to the Senate Committee on Judiciary, the House Committee on Judiciary, and the Joint Legislative Justice Oversight Committee concerning the impact of the doctrine of qualified immunity on access to civil justice remedies in the State of Vermont and the U.S. Court of Appeals for the Second Circuit. In particular, the analysis shall identify:

(1) the origins of the doctrine of qualified immunity and its present interpretation and application by the State courts of Vermont;

(2) existing constitutional, statutory, and common law causes of action for redressing the alleged misconduct of Vermont law enforcement under Vermont law;

(3) existing immunities from suit concerning allegations of Vermont law enforcement misconduct under Vermont law;

(4) existing defenses to liability concerning allegations of Vermont law enforcement misconduct under Vermont law;

(5) existing statutory and common law limitations on damages concerning allegations of Vermont law enforcement misconduct under Vermont law;

(6) the applicability of the doctrine of qualified immunity to all certified law enforcement officers;

(7) the level of specificity necessary for a statute to be considered clearly established law pursuant to a qualified immunity analysis under Vermont law;

(8) the difference between remedies available pursuant to a direct private right of action based on self-executing provisions of the Vermont Constitution and remedies available in an action pursuant to 42 U.S.C § 1983; and

(9) a survey of states that maintain a central database of all final judgments and settlements paid by a law enforcement agency for allegations of law enforcement officer misconduct.

(b) The written analysis shall be confined to legal analysis and shall not make any policy recommendations.

(c) In the preparation of the legal analysis, the Office of Legislative Counsel shall have the administrative, technical, and legal assistance of the Office of the Vermont Attorney General, the Office of the Vermont Defender

General, the Center for Justice Reform at Vermont Law School, and other stakeholders interested in assisting with the report.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to a report on qualified immunity”

(Committee vote:7-4-0)

(For text see Senate Journal March 18, 2022)

Favorable

S. 163

An act relating to State court petitions for vulnerable noncitizen youth

Rep. Rachelson of Burlington, for the Committee on Judiciary, recommends that the bill ought to pass in concurrence.

(Committee Vote:11-0-0)

(For text see Senate Journal March 17, 2022)

Senate Proposal of Amendment

H. 461

An act relating to excluding the income of asylum seekers and refugees from household income

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

In Sec. 1, 32 V.S.A. § 6061(3), subdivision (B), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii) a person residing in the household who was granted humanitarian parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5), who is seeking or has been granted asylum pursuant to 8 U.S.C. § 1158, or who qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42), provided the person is not eligible under the laws of the United States to apply for adjustment of status to lawful permanent resident; or

(For text see House Journal February 2, 2022)

H. 629

An act relating to access to adoption records

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

First: In Sec. 4, 15A V.S.A. § 6-106, by striking out “2024” and inserting in lieu thereof 2023

Second: In Sec. 5, 15A V.S.A. § 6-107, in subsection (c), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) A contact preference form shall include space where the parent may include information that the parent feels is important for the adoptee to know.

(3) A contact preference form may be withdrawn or revised at any time.

Third: In Sec. 8, implementation, by striking out “September” and inserting in lieu thereof October

Fourth: By adding a new section to be Sec. 8a to read as follows:

Sec. 8a. VERMONT STATE ARCHIVES AND RECORDS
ADMINISTRATION; REPORT ON RECORDS OF CHILDREN
PLACED IN FOSTER HOMES OR RESIDENTIAL CHILD CARE
FACILITIES

On or before January 15, 2023, the Vermont State Archives and Records Administration, in consultation with the Department for Children and Families and other interested parties, shall submit to the Senate Committees on Government Operations and on Health and Welfare and the House Committees on Government Operations and on Human Services a written report containing:

(1) a historical overview of the laws governing records related to children who were placed by a child-placing agency in foster homes or residential child care facilities and who are not adopted;

(2) a narrative explanation of:

(A) the records that may exist concerning these children; and

(B) who acts as the custodians of the records; and

(3) a recommendation for legislation to ensure that these children have access to records concerning their background, medical history, and other pertinent information relating to their time under the care and supervision of an agency.

Fifth: In Sec. 9, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) This section and Secs. 1, 8, and 8a shall take effect on passage.

Sixth: In Sec. 9, effective dates, in subsection (b), by striking out “2024” and inserting in lieu thereof 2023

(For text see House Journal March 17, 2022)

H. 708

An act relating to the approval of an amendment to the charter of the City of Burlington

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

To amend the bill in Sec. 2, 24 App. V.S.A. chapter 3, section 48, subdivision (66)(C), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii) provide for a reasonable probationary period after initial occupancy;

(For text see House Journal February 18, 2022)

Action Postponed Until April 20, 2022

Governor's Veto

H. 157

An act relating to registration of construction contractors.

For text of Veto Message please see House Journal of February 10, 2022

Action Postponed Until May 17, 2022

Governor's Veto

S. 30

An act relating to prohibiting possession of firearms within hospital buildings.

For text of Veto Message, please see Senate Journal of March 11, 2022

For Informational Purposes

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3092 - \$420,000 to the VT Agency of Natural Resources, Dept of Environmental Conservation from the Environmental Protection Agency. The grant is for improved drinking water in underserved areas and will support

construction of replacement drinking water infrastructure for the town of Milton's Mobile Home Cooperative.

[Received March 23, 2022]

JFO #3093 - \$1,000,000.00 to the VT Agency of Commerce and Community Development from the U.S. Economic Development Administration. Funds for the use of Statewide Economic Recovery Planning.

[Received March 23, 2022]

JFO #3094 – 11 (eleven) limited-service positions to the VT Agency of Human Services, Dept for Children and Families, to administer and support emergency and transitional housing programs. Positions funded through previously approved grant [#3034](#) (U.S. Emergency Assistance Rental Program) and funded through 9/30/2025.

[Received 3/23/2022, expedited review approved on 3/29/2022]

JFO #3095 - \$1,859,890 to the VT Department of Public Safety from the Federal Emergency Management Agency. Funding for flooding that occurred in Bennington and Windham counties between 7/29/21 and 7/30/21.

[Received March 23, 2022]