Journal of the House

Friday, April 15, 2022

At nine o'clock and thirty minutes in the forenoon Rep. Long of Newfane called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Memorial Service

The Presiding Officer placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Larry G. Fiske of Enosburgh
Member of the House,
Session of 2015-2016

Thereupon, the members of the House held a moment of silence in memory of the deceased member.

Ceremonial Reading

H.C.R. 79

House concurrent resolution congratulating the 2021 Milton High School Yellowjackets Division II boys’ varsity soccer team


Having been adopted in concurrence on Wednesday, January 12, 2022 in accord with Joint Rule 16b, was read.


Third Reading; Bill Passed in Concurrence

S. 163

Senate bill, entitled

An act relating to State court petitions for vulnerable noncitizen youth

Was taken up, read the third time, and passed in concurrence.
Third Reading; Bill Passed in Concurrence
With Proposal of Amendment

S. 254

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

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment?, Rep. LaClair of Barre Town 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 pass in concurrence with proposal of amendment?, was decided in the affirmative. Yeas, 95. Nays, 40.

Those who voted in the affirmative are:

Ancel of Calais  Gannon of Wilmington  Ode of Burlington
Anthony of Barre City  Garofano of Essex  Pajala of Londonderry
Austin of Colchester  Goldman of Rockingham  Partridge of Windham
Bartholomew of Hartland  Grad of Moretown  Patt of Worcester
Black of Essex  Hooper of Montpelier  Pugh of South Burlington
Bluemle of Burlington  Hooper of Randolph  Rachelson of Burlington *
Bock of Chester  Hooper of Burlington  Rogers of Waterville
Bongartz of Manchester  Houghton of Essex  Satcowitz of Randolph
Bos-Lun of Westminster  Howard of Rutland City  Scheu of Middlebury
Briglin of Thetford  James of Manchester  Sheldon of Middlebury
Brown of Richmond  Jerome of Brandon  Sibilia of Dover
Brownell of Pownal  Jessup of Middlesex  Sims of Craftsbury
Brumsted of Shelburne  Killacky of South Burlington  Small of Winooski
Burke of Brattleboro  Kimbell of Woodstock  Squirrel of Underhill
Burrows of West Windsor  Kitzmiller of Montpelier  Stebbins of Burlington
Campbell of St. Johnsbury  Kornheiser of Brattleboro  Stevens of Waterbury
Chase of Colchester  LaLonde of South  Sullivan of Dorset
Christie of Hartford  Burlington  Taylor of Colchester
Cina of Burlington  Lanpher of Vergennes  Till of Jericho
Coffey of Guilford  Lefebvre of Newark  Toleno of Brattleboro
Colburn of Burlington *  Lippert of Hinesburg  Townsend of South
Colston of Winooski *  Long of Newfane  Burlington
Conlon of Cornwall  Masland of Thetford  Troiano of Stannard
Copeland Hanzas of Bradford  McCarthy of St. Albans City  Vyhovsky of Essex
Corcoran of Bennington  McCormack of Burlington  Walz of Barre City
Cordes of Lincoln  McCullough of Williston  Webb of Shelburne
Dolan of Essex  Mrowicki of Putney  White of Bethel
Dolan of Waitsfield  Murphy of Fairfax  White of Hartford
Donahue of Northfield *  Nicoll of Ludlow  Whitman of Bennington

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

I strongly believe that Vermont should end the practice of qualified immunity for law enforcement, so that Vermonsters who have experienced constitutional violations and serious harms as a result of police misconduct have a meaningful opportunity for redress. That said, this is simply a study. To say we should not even ask legal questions about this practice is a disservice to the important conversations taking place in our communities about policing and racial equity.”

Rep. Colston of Winooski explained his vote as follows:

“Madam Speaker:

At its root qualified immunity is about inequity. When we pledge allegiance to the flag every Tuesday in this chamber, our pledge ends with
‘liberty and justice for all.’ This must be true for victims of police misconduct.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I believe that a great deal of the controversy regarding qualified immunity – both for and against – relates to perception rather than actual law. Fully reviewing the law before considering change is the best move to protect all parties.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

I am deeply disappointed that this bill morphed into a study. Qualified immunity is not about a lack of trust of law enforcement or municipal and State employees. Qualified immunity prevents Vermonters from seeking justice when they have been wrongly harmed, even if the employee broke the law. Qualified immunity doesn’t exist in the private sector. A November 2021 Vermont Public Policy poll found 70% of those interviewed strongly agreed that when law enforcement violates someone’s rights, we need to make sure that families, victims, and survivors can get the justice they deserve.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

I voted no on this. I find it difficult to understand why we would listen to testimony from an ice cream king and what relevance or knowledge that he could have on this issue. We need to show support of our law enforcement or we won’t have any!”

Favorable Report; Second Reading; Third Reading Ordered

H.R. 22

Rep. McCarthy of St. Albans City, for the Committee on Rules, to which had been referred House resolution, entitled

House resolution authorizing remote participation in House sessions and committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Reported in favor of its passage. The resolution, which was treated as a bill and referred to the Committee on Rules, and having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.
Favorable Report; Second Reading; Third Reading Ordered

J.R.H. 20

Rep. McCarthy of St. Albans City, for the Committee on Rules, to which had been referred joint House resolution, entitled

Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Reported in favor of its passage. The resolution, which was treated as a bill and referred to the Committee on Rules, and having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At ten o'clock and sixteen minutes in the forenoon, on motion of Rep. McCoy of Poultney, the House adjourned until Tuesday, April 19, 2022, at ten o’clock in the forenoon, pursuant to the provisions of J.R.S. 50.

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 Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 139

House concurrent resolution congratulating the Vermont winners of the 2022 NYSRAEF ProStart Invitational culinary competition

H.C.R. 140

House concurrent resolution congratulating E.J. Barrette & Sons Inc. of Swanton on its centennial

H.C.R. 141

House concurrent resolution congratulating Chef Christian Kruse on his selection as a 2022 semifinalist for the receipt of the James Beard Foundation’s Best Chef: Northeast Award

H.C.R. 142

House concurrent resolution in memory of Sister Janice E. Ryan, RSM
H.C.R. 143

House concurrent resolution in memory of George H. Severance of Hinesburg

S.C.R. 18

Senate concurrent resolution in memory of former Assistant Attorney General Mark Di Stefano of Montpelier

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]