

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

Offered by: Mattos of Milton, Morgan, L. of Milton, Morgan, M. of Milton, and Palasik of Milton

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

Rep. Krowinski of Burlington presiding.

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	Squirrell 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 Burlington	Sullivan of Dorset
Christie of Hartford	Lanpher of Vergennes	Taylor of Colchester
Cina of Burlington	Lefebvre of Newark	Till of Jericho
Coffey of Guilford	Lippert of Hinesburg	Toleno of Brattleboro
Colburn of Burlington *	Long of Newfane	Townsend of South Burlington
Colston of Winooski *	Masland of Thetford	Troiano of Stannard
Conlon of Cornwall	McCarthy of St. Albans City	Vyhovsky of Essex
Copeland Hanzas of Bradford	McCormack of Burlington	Walz of Barre City
Corcoran of Bennington	McCullough of Williston	Webb of Shelburne
Cordes of Lincoln	Mrowicki of Putney	White of Bethel
Dolan of Essex	Murphy of Fairfax	White of Hartford
Dolan of Waitsfield	Nicoll of Ludlow	Whitman of Bennington
Donahue of Northfield *	Nigro of Bennington	Wood of Waterbury

Durfee of Shaftsbury	Notte of Rutland City	Yacovone of Morristown
Elder of Starksboro	Noyes of Wolcott	Yantachka of Charlotte
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown Springs	Higley of Lowell	Norris of Sheldon
Arrison of Weathersfield	Kascenska of Burke	Norris of Shoreham
Beck of St. Johnsbury	Labor of Morgan	Page of Newport City
Brennan of Colchester	LaClair of Barre Town	Parsons of Newbury
Canfield of Fair Haven	Laroche of Franklin	Peterson of Clarendon
Cupoli of Rutland City	Lefebvre of Orange	Scheuermann of Stowe
Fagan of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Feltus of Lyndon	Mattos of Milton	Smith of Derby *
Graham of Williamstown	McCoy of Poultney	Strong of Albany
Gregoire of Fairfield	McFaun of Barre Town	Terenzini of Rutland Town
Hango of Berkshire	Morgan, L. of Milton	Toof of St. Albans Town
Harrison of Chittenden	Morgan, M. of Milton	Walker of Swanton
Helm of Fair Haven	Morris of Springfield	Williams of Granby
	Morrissey of Bennington	

Those members absent with leave of the House and not voting are:

Birong of Vergennes	Goslant of Northfield	Pearl of Danville
Brady of Williston	Leffler of Enosburgh	Rosenquist of Georgia
Burditt of West Rutland	Martel of Waterford	Smith of New Haven
Dickinson of St. Albans Town	Mulvaney-Stanak of Burlington	Surprenant of Barnard
Donnally of Hyde Park	Palasik of Milton	

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 Vermonters 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.]