

# Journal of the House

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Thursday, April 14, 2022

At three o'clock in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Bess O'Brien of Peacham, Avery Cutroni of South Burlington, Cora Rabin of Burlington, and Don Kiputa of Essex.

## Bill Referred to Committee on Appropriations

### S. 206

Senate bill, entitled

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders

Appearing on the Calendar for Notice, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

## Bills Referred to Committee on Ways and Means

### S. 286

Senate bill, entitled

An act relating to amending various public pension and other postemployment benefits

Appearing on the Calendar for Notice, and pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

### S. 210

Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenues of one or more municipalities, was referred to the Committee on Ways and Means.

**Third Reading; Bill Passed in Concurrence****S. 74**

Senate bill, entitled

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

Was taken up, read the third time, and passed in concurrence.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered****S. 254**

**Rep. Christie of Hartford**, for the Committee on Judiciary, to which had been referred Senate bill, entitled

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

Reported in favor of its passage in concurrence with proposal of amendment 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”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading ordered.

### **Favorable Report; Second Reading; Third Reading Ordered**

#### **S. 163**

**Rep. Rachelson of Burlington**, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to State court petitions for vulnerable noncitizen youth

Reported in favor of its passage in concurrence.

**Rep. Long of Newfane** presiding.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Senate Proposal of Amendment Concurred in**

**H. 461**

The Senate proposed to the House to amend House bill, entitled

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

The Senate proposed 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

Proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in**

**H. 629**

The Senate proposed to the House to amend House bill, entitled

An act relating to access to adoption records

The Senate proposed 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

Proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in**

**H. 708**

The Senate proposed to the House to amend House bill, entitled

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

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

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;

Proposal of amendment was considered and concurred in.

### **Adjournment**

At three o'clock and fifty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.