

# Journal of the House

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Wednesday, February 23, 2022

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

## Devotional Exercises

Devotional exercises were conducted by Rep. White of Hartford.

## Message from the Senate No. 29

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on February 22, 2022, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

**S. 30.** An act relating to prohibiting possession of firearms within hospital buildings.

## Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 30**, to the Senate is as follows:

“February 22, 2022

The Honorable John Bloomer, Jr.  
Secretary of the Senate  
115 State House  
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S. 30, *An act relating to prohibiting possession of firearms within hospital buildings* without my signature.

In 2018, I called for and signed the most comprehensive gun safety measures in our state's history. We established universal background check requirements; authorized extreme risk protection orders (i.e., “red flag” laws), providing tools to prevent someone from having a gun if there is credible

evidence they may harm themselves or others; strengthened the ability of law enforcement to seize firearms from those accused of domestic violence; enhanced age requirements; and prohibited the sale and possession of bump stocks and large capacity magazines. This was a comprehensive, and historic, set of policies that take reasonable steps to help keep firearms out of the hands of people who should not have them. It's my belief that we need to give these new provisions more time to be fully understood and utilized, and that the Legislature should focus on educating Vermonters on these changes – and on addressing Vermont's mental health crisis – before additional gun laws are passed.

However, as I've also said, I'm open to a discussion about improving existing law to address the so-called "Charleston Loophole" and I'm offering a path forward below. This refers to a provision in federal law that provides automatic approval to someone who is buying a gun if a federal background check through the National Instant Criminal Background Check System (also known as NICS) doesn't produce a "red light" (i.e., reporting they are ineligible) within three business days.

S. 30 increases that timeframe from three days to an unlimited amount of time without acknowledging that an application expires in 30 days. So instead of holding the federal government accountable to complete the background check in a timely manner, it shifts all the burden away from government – where responsibility was intentionally placed in federal law – entirely onto the citizen. Law abiding citizens who become the victims of a government administrative error must themselves gather all applicable law enforcement and court records and try to understand and navigate a complex maze of federal bureaucratic process to try to rectify their "yellow" status.

For these reasons, I believe going from three to effectively 30 days is excessive and unreasonable for law-abiding citizens who wish to purchase a firearm for their own personal safety or for other lawful and constitutionally protected purposes.

However, I'm willing to work with the Legislature to find a path forward that gives the federal government more time to fulfill its obligations to complete background checks, without denying law-abiding citizens of their right to a fair and reasonable process.

A more reasonable standard would be to increase the current three-day waiting period to seven business days to allow the federal government additional time to resolve issues and make a final determination.

Given this bill's effective date of July 1, 2022, the Legislature has ample time to address my concerns and send me a bill I can sign.

Based on the objections outlined above I'm returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,  
/s/Philip B. Scott  
Philip B. Scott  
Governor

PBS/kp”

### **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time, and referred as follows:

#### **H. 713**

By Reps. Stevens of Waterbury, Bluemle of Burlington, Killacky of South Burlington, Troiano of Stannard, and Walz of Barre City,

House bill, entitled

An act relating to medical leave for a serious injury

To the Committee on General, Housing, and Military Affairs.

#### **H. 714**

By Reps. Page of Newport City, Hango of Berkshire, and Labor of Morgan,

House bill, entitled

An act relating to the creation of a blighted property special fund

To the Committee on Government Operations.

### **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

#### **S. 175**

Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a child

To the Committee on Government Operations.

**S. 265**

Senate bill, entitled

An act relating to expanding criminal threatening to include threats to third persons

To the Committee on Judiciary.

**Bill Referred to Committee on Appropriations****H. 655**

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

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

**Joint Resolution Placed on Calendar****J.R.H. 16**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representative Marcotte of Coventry

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 23, 2022 will be dependent on the prevailing public health situation, now therefore be it

Resolved by the Senate and House of Representatives:

That the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 23, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont.

Was read by title and, in the Speaker's discretion under House Rule 52, placed on the Action Calendar on the next legislative day.

**House Resolution Placed on Calendar****H.R. 19**

House resolution amending the Rules and Orders of the House of Representatives related to House ethics

Offered by: Representative Gannon of Wilmington

Resolved by the House of Representatives:

That Rule 90(b) of the Rules and Orders of the House of Representatives be amended to read:

(b) Ethics

(1) Standards of ethical conduct. The House of Representatives, without qualification, is opposed to and prohibits violations of the Vermont Constitution and House Rules standards of ethical ~~behavior~~ conduct. This policy covers the conduct of Representatives and persons ~~that either the Speaker's or the Office of the Clerk of the House employs~~ employed in the Speaker's Office and House Clerk's Office.

(A) A member shall respect and comply with the law, these Rules, and any other standard of conduct applicable to the member in the performance of the member's duties in a manner that promotes public confidence in the integrity of the House.

(B) A member shall comply with 17 V.S.A. § 2414 (legislative candidate disclosure form).

(C) On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available on the official webpages of the House of Representatives and of the Clerk of the House, and may be updated. The form shall set forth, to the best of the member's ability, the following information applicable as of the date of submission:

(i) any boards, commissions, or similar entities that are regulated by law or that receive funding from the State on which the member serves; the member's position on the board, commission, or similar entity; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(ii) the member's employer.

(2) House Ethics Panel. The House Rules Committee shall, at the beginning of the biennium, appoint an Ethics Panel composed of five members of the House who shall serve until successors are appointed.

~~(3)(A)~~ The Panel shall elect its a chair, adopt procedures to ~~implement this policy, and~~ conduct its business to implement the provisions of this ethics rule, and provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the Office of the Clerk of the House person's employed in the Speaker's Office and House Clerk's Office. The Panel may meet remotely to debate and vote on issues designated confidential under its adopted procedures.

~~(4)(B)~~ The Panel shall advise individual members and provide training to all members on House member standards of ethical conduct, including compliance with House Rule 75.

~~(5)(C)~~ The Panel shall receive and investigate complaints of alleged ethical violations of House member standards of ethical conduct made against members of the House, and may investigate such alleged violations on its own initiative.

(i) The Panel, by a vote of at least four of its members, may subpoena the attendance and testimony of witnesses and the production of documents and other items as it deems necessary to conduct an investigation.

(ii) In the case of a Panel member's recusal or other absence during the Panel's review of a complaint, the House Rules Committee may appoint an ad hoc member to the Panel for that matter, upon request of the Chair of the Panel.

~~(6)(D)~~ The Panel may recommend to the House any disciplinary action against a member for an ethical violation.

(E) Annually, on or before December 31, the Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.

~~(7)(3)~~ Retaliation prohibited. These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of an ethics violation.

~~(8) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice., and be it further~~

Resolved: That Rule 14a of the Rules and Orders of the House of Representatives (member disclosure form) be repealed.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 33.

**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

**H. 448**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

**H. 456**

House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

**Adjournment**

At three o'clock and seventeen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.