

Journal of the Senate

TUESDAY, FEBRUARY 22, 2022

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Message from the House No. 21

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 556. An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

In the passage of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 104. House concurrent resolution commemorating the centennial anniversary of the Harris Hill Ski Jump in Brattleboro.

H.C.R. 105. House concurrent resolution in memory of former Representative Deborah G. Evans of Essex.

In the adoption of which the concurrence of the Senate is requested.

The House has considered concurrent resolutions originating in the Senate of the following titles:

S.C.R. 15. Senate concurrent resolution recognizing February 2022 as Black History Month in Vermont.

S.C.R. 16. Senate concurrent resolution commemorating the centennial of Robert Frost's poem "Stopping by Woods on a Snowy Evening".

And has adopted the same in concurrence.

Senate Resolution Placed on Calendar**S.R. 17.**

Senate resolution of the following title was offered, read the first time and is as follows:

By the Committee on Rules,

S.R. 17. Senate resolution extending concurrently conducted electronic sessions and committee meetings.

Whereas, Permanent Senate Rule 9A permits the Rules Committee to authorize sessions of the Senate during a declared emergency be concurrently conducted electronically; and

Whereas, Permanent Senate Rule 32A permits the Rules Committee to authorize committee meetings during a declared emergency be concurrently conducted electronically; and

Whereas, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19 which expired at midnight on June 15, 2021; and

Whereas, S.R.9 adopted by the Senate on April 14, 2021 permitted the Senate to continue Senate Sessions pursuant to Permanent Senate Rule 9A and committee meetings pursuant to Permanent Senate Rule 32A until January 7, 2022; and

Whereas, S.R.12 adopted by the Senate on January 4, 2022 permitted the Senate to continue Senate Sessions pursuant to Permanent Senate Rule 9A and committee meetings pursuant to Permanent Senate Rule 32A until February 25, 2022; and

Whereas, the Senate desires flexibility as it commences on March 8, 2022 the transition to in person Senate Sessions and committee meetings; and

Whereas, extending the authority of the Rules Committee under Permanent Senate Rules 9 and 32A provides flexibility during the transition to in person Senate Sessions and committee meetings; *now therefore be it*

Resolved by the Senate:

Notwithstanding the language in Permanent Senate Rules 9A and 32A regarding their applicability during Declarations of Emergency, the provisions of Permanent Senate Rules 9A and 32A regarding Senate Sessions and committee meetings shall remain in effect through March 18, 2022.

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

Bill Referred

House bill of the following title was read the first time and referred:

H. 556.

An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

To the Committee on Finance.

Message from the House No. 22

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 411. An act relating to the retrieval and use of covered animals.

In the passage of which the concurrence of the Senate is requested.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam President:

I am directed by the Governor to inform the Senate that on the twenty-second day of February, 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 to the Senate 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”

Adjournment

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 23, 2022.