

VTFSC Testimony Outline
Senate Government Operations
April 17th, 2025 @ 3PM

Core Issues:

- 1) As opposed to proposing a bill to amend 24 VSA 2295 through the legislative process, we are considering a bill to circumvent it, when the language of 24 VSA 2295 seems to specifically prohibit that circumvention.
- 2) In passing an Ordinance and passing a Resolution, Burlington appears to have broken the law stated in 24 VSA 2295.
- 3) In creating a ballot item for Town Meeting as well as the wording of the ordinance itself, Burlington clearly did not consult with any Constitutional lawyers, thereby ending up creating a bill which Legislative Counsel has suggested was “Constitutionally vague”.
- 4) In promoting this ballot item, the media described it as “No Guns in Bars”, which is likely what the voters thought they were voting for when this bill is far more expansive than that.
- 5) If the bill itself is “constitutionally vague” requiring our Legislative Counsel to clean it up, the question arises as to whether the ballot item itself was also “constitutionally vague”, suggesting that voters likely did not really know what they were voting for.
 - a. Invalid as it does not exempt itself from 24 VSA 1971
- 6) There is already a law on the books that addresses the “guns in bars” issue, a law which is apparently already being successfully used by some Burlington establishments, causing us to question why we need another law.
- 7) With the vagueness inherent in this bill, we believe that if this committee has to seek guidance from Burlington as to what was truly intended, then this underscores that the entire process was flawed.
- 8) With the changes that have been made to this bill – there is every appearance we are trying to interpret the will of the voters.
- 9) It is our understanding that historical practice is that Charter Changes originate in the House, not the Senate, perhaps due to a broader cross-section of Vermont. We believe the original ordinance before us is the exact same ordinance that the House Judiciary refused to move 10 years ago, and they didn’t try to correct it.
- 10) We already have a law that addresses this issue, it is apparently being used successfully in Burlington today (13 VSA 3705), but we need another law?

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11) Vermont Statute (9 VSA 4451(6)) provides a definition of “premises”, and both dictionaries and statute say that “premises” means Land and buildings, which would include parking lots. Has anyone thought about the impact on the 6 hotels which have liquor licenses, and did the voters want that?

12) From everything we know, there appears to be no consideration that the Judiciary Committee will look at this bill, a bill which clearly impacts constitutional and legal issues.

Ideally: We should first have a legislative discussion about 24 VSA 2295, with a bill brought forward to amend or repeal it. What is occurring now is that Burlington broke the law without penalty; they are attempting to be the tail that wags the dog through questionable actions, a constitutionally vague bill, and what is likely to be a constitutionally vague ballot item. If it is so critically important to whittle down a law that has been embraced by most of the States and has served Vermont for 200 years without strong supporting evidence of the need to change it – then a clean democratic process is required, and this is not it.

The process leading up to this bill was tainted if not outright illegal; the creation of the ballot item and bill were, at best, poorly written; and with all that plus the constitutional vagueness and attempts to divine the will of the voters – Burlington needs to do this again, but right.

Other Issues:

- Drunks with guns – behavior versus location
- Expansive
- No Signage requirement
- Inside vs Outside
- We believe licenses are issued to a Business, not a person (page 3, line 4)
- Completely ineffective w/o screening
- Forfeiture vs No Forfeiture
- Vulnerability of everyone: employees, patrons, vendors, security guards

Other State’s Laws

You have heard that there are several states have laws that ban guns in bars, including states like Texas and Florida. [Everytown for Gun Safety](#) lists 15 such states.

What you need to know about those other state laws is:

- Concealed Carry licenses are typically exempted,
- Some laws make a distinction between whether you are drinking or not,

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- Some laws only pertain to that part of the establishment which is a “bar” while not pertaining to the portion which is a restaurant, and
- Some laws only apply depending upon the percentage of the establishment’s revenue that is based on alcohol sales.

Summary

The Federation understands that the irresponsible consumption of alcohol impairs good judgment, and we agree that the irresponsible consumption of alcohol and the carrying of firearms has no place. The same is true for alcohol and driving. Yet, in considering alcohol and driving, we have the concept of a “designated driver” who stays sober to ensure the safety of their friends, with the ability to measure the level of impairment. Certainly: It is a safe bet that almost everyone in this room has consumed some small amount of alcohol and then driven a vehicle knowing they were not truly impaired.

Many Vermonters choose to regularly carry firearms, or otherwise have them nearby, and these firearms provide the means to self-defense. What a law such as this does is discriminate, as it discriminates against honest and law-abiding citizens who chose to carry for self-defense; people who we should not have any concern about whatsoever as they obey the law. And because they will obey – we disarm them?

24 VSA 2295 makes us a Dillion’s Rule state, and it has served the State of Vermont exceptionally well by law for 37 years, but de facto for 200 years. By adhering to that Rule – we avoid creating a patchwork of conflicting laws that can only serve to entrap innocent Vermonters and tourists who are unaware of city lines or laws that have constitutional questions.

As one of the committee members stated, and I paraphrase: “With all the money Burlington has, why couldn’t they get a constitutional lawyer?” Spot on Senator Clarkson.

Why are we dealing with a vague Charter Change that was the result of a Constitutionally vague Burlington Ballot item?

Would a smartly written bill require the need to question its intent on several points?

In changing this or that due to whatever reasons, how far away does this become from what the voters thought they voted for?

If we want to change what 24 VSA 2295 does, then let’s have that discussion with a bill that addresses amending or repealing that statute, as that is what would be more “fair”, straight-forward and more in keeping with a democratic process that clearly has bearing on constitutional

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and legal issues.

Put this on the wall and make Burlington do it right.