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# Manchester Journal

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## Say what you mean and mean what you say

Posted Wednesday, March 29, 2017 8:21 pm

By Rep. Linda Joy Sullivan

For all the really impressive work that's been going on this session, Montpelier's actions sometimes carry a sense of frustration.

There are times when people just refuse to say what they really mean. Other times people say loudly that they really mean something, but decline to own up to the consequences of what they say.

On the "say what you mean" front, we were presented last week with a gun bill that was held out as domestic violence legislation in order to avoid the inevitable fallout from Vermonters who are concerned with preservation of their Second Amendment rights.

The House narrowly passed a bill that would authorize police, when responding to a domestic violence complaint, to seize any firearm that the officer sees in the premises when responding to the call.

Law enforcement may do so, according to H.422, even when the firearm has no relationship whatever to the reason for the call. That is, law enforcement may take the gun under this proposed law even when the gun is not arguably evidence and the possession is not otherwise unlawful.

This could have been advanced as a relatively modest proposal for a form of gun control and a fair debate would have ensued. Instead, the proponents of H.422 insisted that it was not "gun legislation" at all, but a measure to protect victims of domestic violence - and those who raised concerns with the bill were painted as against the protection of women and juveniles.

I am certainly "all in" as to anything we can do legally to protect victims of crimes. But there were problems with the bill that prompted the vote against it. Our U.S. Constitution mandates that property — any property, not just guns — not be seized except upon a warrant issued on a showing of probable cause. There are narrow exceptions to this warrant requirement, such as where the officer discovers items in plain view that are clearly evidence, or when "exigent circumstances" require immediate seizure to protect persons and property.

H.422 would permit seizures outside of the warrant requirement in circumstances not fitting any known exception to the Fourth Amendment of the U.S. Constitution.

So I never really had to get to the difficult Second Amendment issues that will certainly be litigated if this legislation finds support in the Senate and is passed as law. The bill is unconstitutional as it expands police powers of searches and seizures in our homes. That principle has nothing to do with guns.

It would be better, in my opinion, that the proponents just said what they meant and not dressed it up in victims' rights clothing intended to quiet opposition.

On "own up to what you say" front, Gov. Phil Scott said loudly and repeatedly on the campaign trail that there shall be "no new taxes." Kudos in some sense for at least taking the strong stand — no matter how unwise it seemed at the time in light of the looming revenue shortfalls he knew were likely to come.

However, when the Governor's budget failed to address what became a very real budget shortfall, he decided not to show up and help fix it.

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Instead, the Governor has opted to tell the legislature "It's your problem." That prompted House Speaker Mitzi Johnson rightly to call Gov. Scott out and insist that he partner in the solution.

To some extent, Gov. Scott is being consistent. His ambitious plan to fund proposed increases in pre-K spending and post-secondary education without increasing taxes hinged entirely on putting the financial burden on local municipalities, insisting that they level set their local school budgets to pay for the increases.

If you're going to take a stand, you have to accept the consequences.

A vow not to raise taxes comes with the very real responsibility to come to the table and address meaningfully budget shortfalls; and, when you in the same breadth propose new spending on a platform that was clearly destined to fail, accept responsibility for the failure. Don't blame it on our local school districts.

On a brighter note, congratulations to Bonnie Burke and Tim Burke who just received honors from the Legislature in the form of a Concurrent Resolution citing their many years of service to our community and their contributions in supporting the Wilson House in East Dorset!

I will continue to assess each bill for its true intent, and analyze the budget and tax issues for transparency to represent best our District and all Vermonters.

*Linda Joy Sullivan (D-Dorset) represents the Bennington-Rutland District in the Vermont House of Representatives.*

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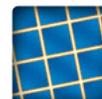
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Aric Almirola wins Xfinity Series race at Talladega  
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