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Rep. Linda Joy Sullivan: 'Veto' is a four-letter word

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By Linda Joy Sullivan

"Veto," being a four-letter word, appears to be a useful political invective to some. It is certainly being hurled at Governor Scott, a result I'm sure he anticipated when he declined to sign some of the legislature's more ambitious proposals last term.

Veto authority is baked right into our Vermont Constitution. The governor, upon being elected by the people to serve the state as its chief executive, earns the right to speak out when she or he believes a law is improvident. All the Legislature needs to do to override a veto, however, is to muster some number of additional votes over the simple majority headcount needed to pass the law. If the law is wise and well written, that shouldn't be hard to do. If there isn't support for a bill sufficient to override a veto, however, one has to at least question whether the veto wasn't in fact well exercised.

Vetoes are not unique to the governor. Effectively, the House can "veto" legislation passed by the Senate and vice versa. That type veto (although not called that) often takes the form of inaction by either chamber, and it happens many times every year without opportunity for one branch of the legislature to override the other. Because this form of veto often occurs passively, it doesn't usually get as much attention as when the governor signs a veto message and sends a law back to the Legislature.

Rather than viewing the exercise of a veto — whether done by the governor or a legislative chamber — as always representing some violent form of opposition to a policy objective, I like to think that a veto can often be exercised with the intent and effect of making laws better. It's a form of "check and balance" intended to result in good law.

As a representative in the House, I voted to override Governor Scott on several occasions. But I always read the governor's veto messages and understood the reasons behind the vetoes. I appreciated the sentiment expressed by many businesses, for example, that the minimum wage proposal came only after the Legislature just a few years ago passed a minimum wage law that featured built-in cost of living adjustments (specifically in order to eliminate biennial increases to the minimum wage). I understood, too, that the paid family leave law, if enacted, would have been the most expansive law of that sort in the nation, and a further burden on the small businesses that often struggle in our small state. Still, during the veto session last year, both laws could have become law, whether in their original form — if there was sufficient support for them — or through amendment and mitigation of the concerns outlined in the governor's veto message.

There are some bills that get vetoed that, while representing good policy, aren't necessarily well constructed. The PFOA "medical monitoring" legislation that came out of the Senate last term seems to be one such bill. That law would have allowed persons exposed to toxic chemicals to file lawsuits for damages to ensure that they will adequately be monitored in future years for the onset of illness or other chronic conditions. That's hard to argue against — except that the law as written subjected persons and businesses to damages without requiring a showing of bad or even careless conduct, put the courts in charge of overseeing multi-year medical monitoring programs, liberally allowed attorneys' fees awards based on awards supported by evidence and subjective conclusions made by individual, attorney-selected experts, and inexplicably excluded from its coverage certain

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industries.

Every one of these issues could have been addressed by the Legislature — before its passage and after Governor Scott vetoed the bill — but for reasons not clear to me they were not. During the passage of the bill, I suggested a series of very specific amendments that I believed would have helped make the bill better, and that might have saved the bill from a veto, but those were never considered by either chamber. That sometimes happens in the rush of the Legislature to pass laws late in a session. So, I was not surprised when the governor eventually vetoed the Senate bill. I stood ready to offer those very same amendments during the veto session. For whatever reason, the Legislature decided not to take up the matter again to try to meet the governor's objections — so there wasn't an attempt to salvage the bill. Yet, the governor's veto is being used by some politically as proof that the governor wants to protect toxic polluters.

I don't think that's the case — I think that, like most of my colleagues, the administration is willing to impose on toxic polluters the cost of medically appropriate testing and monitoring for Vermonters exposed to toxic chemicals like PFOAs. I think we should try again. Accordingly, I have drafted and, if re-elected, will introduce in the House in January a new bill that will impose liability for medical monitoring on polluters found to have negligently or recklessly exposed residents to harmful chemicals, that will eliminate the special interest exclusions of the law, and that will tighten up some of the procedural concerns many had with the bill.

To my point: Sometimes a veto can serve to improve our laws. Let's give this one another try.

Linda Joy Sullivan represents the Bennington-Rutland district in the Vermont Legislature.

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