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H.267

Introduced by Representatives Buxton of Tunbridge, Wright of Burlington,  
Ancel of Calais, Batchelor of Derby, Beyor of Highgate,  
Bissonnette of Winooski, Bouchard of Colchester, Branagan of  
Georgia, Browning of Arlington, Burditt of West Rutland,  
Burke of Brattleboro, Canfield of Fair Haven, Carr of Brandon,  
Cheney of Norwich, Christie of Hartford, Clarkson of  
Woodstock, Cole of Burlington, Conquest of Newbury, Cross  
of Winooski, Cupoli of Rutland City, Davis of Washington,  
Devereux of Mount Holly, Dickinson of St. Albans Town,  
Donaghy of Poultney, Donovan of Burlington, Fagan of  
Rutland City, Fay of St. Johnsbury, Feltus of Lyndon, Fisher of  
Lincoln, Gallivan of Chittenden, Goodwin of Weston, Grad of  
Moretown, Haas of Rochester, Higley of Lowell, Hooper of  
Montpelier, Huntley of Cavendish, Jerman of Essex, Juskiewicz  
of Cambridge, Klein of East Montpelier, Koch of Barre Town,  
Komline of Dorset, Krowinski of Burlington, Kupersmith of  
South Burlington, Lawrence of Lyndon, Lenes of Shelburne,  
Lewis of Berlin, Martin of Wolcott, Masland of Thetford,  
McCarthy of St. Albans City, McFaun of Barre Town, Miller of  
Shaftsbury, Mrowicki of Putney, Myers of Essex,

1                   Nuovo of Middlebury, O'Brien of Richmond, Pearce of  
2                   Richford, Peltz of Woodbury, Rachelson of Burlington, Ram of  
3                   Burlington, Russell of Rutland City, Savage of Swanton,  
4                   Scheuermann of Stowe, Sharpe of Bristol, Shaw of Pittsford,  
5                   Shaw of Derby, Stuart of Brattleboro, Till of Jericho, Toleno of  
6                   Brattleboro, Toll of Danville, Trieber of Rockingham,  
7                   Waite-Simpson of Essex, Weed of Enosburgh, Wilson of  
8                   Manchester, Wizowaty of Burlington, Woodward of Johnson,  
9                   Yantachka of Charlotte, and Zagar of Barnard

10       Referred to Committee on

11       Date:

12       Subject: Executive; state officers and employees; post-public service  
13                   employment; prohibition

14       Statement of purpose of bill as introduced: This bill proposes to prohibit for  
15       one year after the termination of public office an elected or appointed official  
16       in the Executive Branch from accepting employment from a person who is  
17       regulated by the public body to which the official was elected or appointed and  
18       which involves a matter in which the official directly and substantially  
19       participated during public office.

1 An act relating to prohibiting certain employment after an elected or  
2 appointed official in the Executive Branch leaves public office

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 3 V.S.A. § 267 is added to read:

5 § 267. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING PUBLIC  
6 OFFICE

7 (a) Employment prohibited. An elected or appointed official in the  
8 Executive Branch shall not accept employment for a period of one year after  
9 the termination of his or her public office if the employment:

10 (1) is from a person who is regulated by the public body in which the  
11 public official served or was employed; and

12 (2) involves a matter in which the public official directly and  
13 substantially participated during the term of his or her public office.

14 (b) Enforcement.

15 (1) Whenever the Attorney General or a state's attorney has reason to  
16 believe that a person has accepted employment in violation of subsection (a) of  
17 this section and that proceedings would be in the public interest, the Attorney  
18 General, or a state's attorney if authorized to proceed by the Attorney General,  
19 may bring an action in the name of the State against the person to restrain by  
20 temporary or permanent injunction the employment. The action may be  
21 brought in the Superior Court of the county in which such person resides, has a  
22 place of business, or is doing business. The courts are authorized to issue

1 temporary or permanent injunctions to restrain and prevent violations of this  
2 section.

3 (2) In addition to the provisions of subdivision (1) of this subsection, the  
4 Attorney General or a state's attorney may request and the court is authorized  
5 to render any other temporary or permanent relief, or both, as may be in the  
6 public interest, including:

7 (A) the imposition of a civil penalty of not more than \$10,000.00 for  
8 each violation;

9 (B) an order for the repayment of any economic advantage the person  
10 gained by the violation; and

11 (C) an order requiring reimbursement to the State of Vermont for the  
12 reasonable value of its services and its expenses in investigating and  
13 prosecuting the action.

14 (3) Whenever a state's attorney brings an action pursuant to this section,  
15 a copy of any pleadings shall be served on the Attorney General pursuant to  
16 Rule 5 of the Vermont Rules of Civil Procedure. Failure to comply with this  
17 provision shall not affect the validity of the proceedings commenced under this  
18 section.

19 (c) Definitions. As used in this section:

1           (1) “Appointed official” means any exempt employee or member of a  
2           public body appointed by or upon the approval of the Governor or by or upon  
3           the approval of another appointed official.

4           (2) “Public body” means any agency, department, division, or office and  
5           any board or commission of any such entity, or any independent board or  
6           commission, in the Executive Branch of the State.

7           Sec. 2. EFFECTIVE DATE

8           This act shall take effect on July 1, 2013.