

# State of Vermont

## House of Representatives



**Montpelier, Vermont**

### **House Resolution**

**H.R. 24**

House resolution relating to legislative ethics

Offered by: Representatives Deen of Westminster, Koch of Barre Town, Burke of Brattleboro, Johnson of Canaan, Stevens of Shoreham, and Sweaney of Windsor

Whereas, Ch. I, Art. 7 of the Constitution of the State of Vermont provides “[t]hat government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community,” and

Whereas, Ch. II, § 12 of the Vermont Constitution provides that “[n]o member of the General Assembly shall, directly or indirectly, receive any fee or reward to bring forward or advocate any bill, petition, or other business to be transacted in the Legislature,” and

Whereas, Ch. II, § 14 of the Vermont Constitution provides that the members of the House of Representatives have the authority to judge the qualifications of their own members, and

Whereas, in the Rules and Orders of the House of Representatives, House Rule 75 provides that “[m]embers shall not be permitted to vote upon any question in which they are immediately or directly interested,” but does not provide further guidance as to the meaning of that provision, and

Whereas, House Rule 88 provides that questions of parliamentary procedure not covered by House Rules shall be decided according to Mason’s Manual of Legislative Procedure, and

Whereas, Mason’s Manual § 522.1 provides that “[i]t is the general rule that no members can vote on a question in which they have a direct personal or pecuniary interest” and that “[t]he right of members to represent their constituencies is of such major importance that members should be barred from voting on matters of direct personal interest only in clear cases and when the matter is particularly personal,” and

Whereas, currently, there may be ambiguity as to what it means to be “immediately or directly interested” in a question, and

Whereas, it is difficult for the House to judge whether it is appropriate for a member to vote on a question without knowing the organizations to which each member belongs and his or her employer, now therefore be it



Resolved by the House of Representatives:

That this legislative body moves to add Rule 14a to the Rules and Orders of the House of Representatives to read:

14a. On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available, and may be updated. The form shall set forth, to the best of the member's ability, the following information applicable as of the date of submission:

(a) any boards, commissions, or other entities on which the member serves; a description of that position; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(b) the member's employer., and be it further

Resolved: That this legislative body moves to add Rule 90a to the Rules and Orders of the House of Representatives to read:

90a. (a) The House Rules Committee shall, at the beginning of the biennium or as soon as possible thereafter, establish an Ethics Panel with the following powers and duties:

(1) to advise individual members and provide training to all members on ethical conduct, including compliance with Rule 75; and

(2) to receive and investigate complaints of alleged ethical violations made against members of the House, except for those complaints covered under Rule 90, and to recommend to the House any disciplinary action against a member for an ethical violation, if the Panel deems it necessary.

(b) The panel shall comprise five members of the House who shall serve until successors are appointed. The members shall elect a chair and adopt policies and procedures to conduct their business.

(c) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.