

1 S.200

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: General Assembly and Executive Branch; legislators and State

6 officers and employees; post-public service employment; prohibitions

7 Statement of purpose of bill as introduced: This bill proposes to prohibit:

8 (1) for one year after the expiration of his or her legislative term a

9 member of the General Assembly from acting as a lobbyist; and

10 (2) for one year after the termination of public office an elected or

11 appointed official in the Executive Branch from accepting employment from a

12 person who is regulated by the public body to which the official was elected or

13 appointed and which involves a matter in which the official directly

14 participated during public office.

15 An act relating to prohibiting certain employment after a member of the

16 General Assembly or an elected or appointed official in the Executive

17 Branch leaves public office

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

1 Sec. 1. 2 V.S.A. § 23 is added to read:

2 § 23. RESTRICTIONS ON LOBBYING AFTER LEAVING THE

3 GENERAL ASSEMBLY

4 (a) Lobbying prohibited. A member of the General Assembly shall not act
5 as a lobbyist for a period of one year after the expiration of the legislative term
6 to which he or she was elected or appointed.

7 (b) Enforcement.

8 (1) Whenever the Attorney General or a State's Attorney has reason to
9 believe that a person has engaged in lobbying in violation of subsection (a) of
10 this section and that proceedings would be in the public interest, the Attorney
11 General, or a State's Attorney if authorized to proceed by the Attorney
12 General, may bring an action in the name of the State against the person to
13 restrain, by temporary or permanent injunction, the lobbying. The action may
14 be brought in the Superior Court of the county in which such person resides,
15 has a place of business, or is doing business. The courts are authorized to issue
16 temporary or permanent injunctions to restrain and prevent violations of this
17 section.

18 (2) In addition to the provisions of subdivision (1) of this subsection, the
19 Attorney General or a State's Attorney may request and the courts are
20 authorized to render any other temporary or permanent relief, or both, as may
21 be in the public interest, including:

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

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

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

8 (3) Whenever a State's Attorney brings an action pursuant to this
9 section, a copy of any pleadings shall be served on the Attorney General
10 pursuant to Rule 5 of the Vermont Rules of Civil Procedure. Failure to comply
11 with this provision shall not affect the validity of the proceedings commenced
12 under this section.

13 (c) Definitions. In this section, "lobbyist" and "lobbying" shall have the
14 same meanings as in section 261 of this title.

15 Sec. 2. 3 V.S.A. § 267 is added to read:

16 § 267. RESTRICTIONS ON EMPLOYMENT AFTER LEAVING PUBLIC
17 OFFICE

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

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

3 (2) involves a matter in which the public official directly participated
4 during the term of his or her public office.

5 (b) Enforcement.

6 (1) Whenever the Attorney General or a State's Attorney has reason to
7 believe that a person has accepted employment in violation of subsection (a) of
8 this section and that proceedings would be in the public interest, the Attorney
9 General, or a State's Attorney if authorized to proceed by the Attorney
10 General, may bring an action in the name of the State against the person to
11 restrain, by temporary or permanent injunction, the employment. The action
12 may be brought in the Superior Court of the county in which such person
13 resides, has a place of business, or is doing business. The courts are authorized
14 to issue temporary or permanent injunctions to restrain and prevent violations
15 of this section.

16 (2) In addition to the provisions of subdivision (1) of this subsection, the
17 Attorney General or a State's Attorney may request and the courts are
18 authorized to render any other temporary or permanent relief, or both, as may
19 be in the public interest, including:

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

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

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

6 (3) Whenever a State's Attorney brings an action pursuant to this
7 section, a copy of any pleadings shall be served on the Attorney General
8 pursuant to Rule 5 of the Vermont Rules of Civil Procedure. Failure to comply
9 with this provision shall not affect the validity of the proceedings commenced
10 under this section.

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

12 (1) "Appointed official" means any exempt employee or member of a
13 public body appointed by or upon the approval of the Governor or by or upon
14 the approval of another appointed official.

15 (2) "Public body" means any agency, department, division, or office and
16 any board or commission of any such entity, or any independent board or
17 commission, in the Executive Branch of the State.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2014.