

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 200 entitled “An act relating to prohibiting certain employment after a
4 member of the General Assembly or an elected or appointed official in the
5 Executive Branch leaves public office” respectfully reports that it has
6 considered the same and recommends that the bill be amended by striking out
7 all after the enacting clause and inserting in lieu thereof the following:

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

9 § 23. RESTRICTIONS ON LOBBYING AFTER LEAVING THE

10 GENERAL ASSEMBLY

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

14 (b) Enforcement.

15 (1) Whenever the Attorney General or a State’s Attorney has reason to
16 believe that a person has engaged in lobbying 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
19 General, may bring an action in the name of the State against the person to
20 restrain, by temporary or permanent injunction, the lobbying. The action may
21 be brought in the Superior Court of the county in which such person resides,

1 has a place of business, or is doing business. The courts are authorized to issue
2 temporary or permanent injunctions to restrain and prevent violations of this
3 section.

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

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

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

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

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

20 (c) Definitions. In this section, “lobbyist” and “lobbying” shall have the
21 same meanings as in section 261 of this title.

1 Sec. 2. 3 V.S.A. chapter 11 (State officers and employees generally), sections
2 251–266 are redesignated to read:

3 Subchapter 1. General Provisions

4 Sec. 3. 3 V.S.A. chapter 11, subchapter 2 is added to read:

5 Subchapter 2. Ethics in State Government

6 § 281. DISCLOSURE FORM FOR STATEWIDE OFFICERS

7 No later than the first Monday in June of each odd-numbered year, the
8 Governor, Lieutenant Governor, Treasurer, Secretary of State, Attorney
9 General, and Auditor of Accounts shall sign and submit to the Secretary of
10 State a disclosure form prepared by the Secretary of State that includes the
11 following information:

12 (1) any organization of which the officer is a director, trustee, officer,
13 owner, or employee; a description of that position; and whether the officer
14 receives any form of remuneration for that position;

15 (2) if the officer receives remuneration for a position set forth in
16 subdivision (1) of this section and the officer owns more than five percent of
17 the organization in which he or she holds that position, the percentage of his or
18 her income that comes from that position;

19 (3) a description of any real property owned by the officer; and

20 (4) occupation and employer of the officer's spouse.

1 (b) If any of the information set forth in subsection (a) of this section are
2 not applicable to the officer, he or she shall so indicate on the disclosure form.

3 § 282. APPOINTED OFFICERS; RESTRICTIONS ON EMPLOYMENT

4 AFTER LEAVING STATE EMPLOYMENT

5 (a)(1) For one year after leaving office, a former appointee shall not, for
6 pecuniary gain, be an advocate for any private entity before any public body or
7 before the General Assembly or its committees regarding any particular matter
8 in which:

9 (A) the State is a party or has a direct and substantial interest; and

10 (B) the appointee had participated personally and substantively while
11 in State employ.

12 (2) The prohibition set forth in this subsection applies to any matter the
13 appointee directly handled, supervised, or managed; gave substantial input,
14 advice, or comment; or benefited from, either through discussing, attending
15 meetings on, or reviewing materials prepared regarding the matter.

16 (b) For one year after leaving office, a former full-time appointee shall not,
17 for pecuniary gain, be an advocate for any private entity before any public
18 body or before the General Assembly or its committees regarding any
19 particular matter in which the appointee had exercised any official
20 responsibility.

1 (c) As used in this section:

2 (1) “Appointee” means any exempt State employee or any member of
3 any public body appointed by or upon the approval of the Governor, or by or
4 upon the approval of such an appointee.

5 (2) “Full-time appointee” means any appointee that receives a full-time
6 salary for State service.

7 (3) “Private entity” means any person, corporation, partnership, joint
8 venture, or association, whether organized for profit or not for profit, except
9 those specifically chartered by the State of Vermont or which relies upon taxes
10 for at least 50 percent of its revenues.

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

14 § 283. ETHICS COMMISSION

15 (a) Creation. There is created an Ethics Commission with the authority to
16 receive from any source and investigate complaints of alleged ethical
17 violations committed by members of the General Assembly or by elected or
18 appointed officers in the Executive Branch.

19 (b) Membership.

20 (1) The Commission shall be composed of seven members who are
21 registered voters of the State, who do not hold elected office at the time of their

1 appointment or during the term of their membership on the Commission, and
2 who are not all from the same political party.

3 (2) The members shall be appointed by the Governor in staggered
4 two-year terms. The Governor shall appoint one member of his or her own
5 choosing and shall appoint the remaining members by choosing two members
6 from each of the following nominators:

7 (A) four people nominated by the Senate Committee on Committees;

8 (B) four people nominated by the Speaker of the House; and

9 (C) four people nominated by the Vermont Press Association.

10 (c) Powers and duties. The Commission shall have the following powers
11 and duties:

12 (1) investigate complaints of alleged ethical violations committed by
13 members of the General Assembly or by elected or appointed officers in the
14 Executive Branch received from any source;

15 (2) notify an officer when a complaint against him or her has been
16 received by the Commission;

17 (3) submit to the General Assembly any finding of unethical conduct
18 committed by a member thereof; and

19 (4) submit to any source a finding of unethical conduct committed by an
20 elected or appointed officer in the Executive Branch.

1 (d) Assistance. The Commission shall have the assistance of the Office of
2 the State Auditor of Accounts or the Office of the Attorney General in
3 conducting its duties under this section.

4 (e) Confidentiality.

5 (1) The proceedings and records of the Commission are confidential and
6 are not subject to subpoena, discovery, or introduction into evidence in a civil
7 or criminal action.

8 (2) The Commission is authorized to require any person appearing
9 before it to sign a confidentiality agreement created by the Commission in
10 order to maintain the confidentiality of the proceedings.

11 (3) Commission meetings are confidential and shall be exempt from
12 1 V.S.A. chapter 5, subchapter 2 (Vermont Open Meeting Law). Commission
13 records are confidential and shall be exempt from 1 V.S.A. chapter 5,
14 subchapter 3 (access to public records), except to the extent that the
15 Commission submits a finding of unethical conduct as provided in subsection
16 (c) of this section.

17 (f) Meetings.

18 (1) The Commission shall annually elect a chair from among its
19 members.

20 (2) Meetings shall be held upon the call of the chair.

1 (3)(A) A majority of the members of the Commission shall be physically
2 present at the same location to constitute a quorum.

3 (B) A member may vote only if physically present at the meeting
4 location.

5 (C) Action shall be taken only if there is both a quorum and a
6 majority vote of the members physically present and voting.

7 (g) Reimbursement. Members of the Commission who are not employees
8 of the State of Vermont and who are not otherwise compensated or reimbursed
9 for their attendance shall be entitled to per diem compensation and
10 reimbursement of expenses pursuant to 32 V.S.A. § 1010. Compensation and
11 reimbursement expenses shall be made from the office being investigated by
12 the Committee.

13 Sec. 4. 17 V.S.A. § 2355a is added to read:

14 § 2355a. STATEWIDE CANDIDATES; FINANCIAL DISCLOSURE

15 (a) Along with his or her primary petition, a candidate for the office of
16 Governor, Lieutenant Governor, Treasurer, Secretary of State, Attorney
17 General, or Auditor of Accounts shall sign and submit a disclosure form
18 prepared by the Secretary of State that includes the following information:

19 (1) any organization of which the candidate is a director, trustee, officer,
20 owner, or employee; a description of that position; and whether the candidate
21 receives any form of remuneration for that position;

1 (2) if the candidate receives remuneration for a position set forth in
2 subdivision (1) of this section and the candidate owns more than five percent
3 of the organization in which he or she holds that position, the percentage of his
4 or her income that comes from that position;

5 (3) a description of any real property owned by the candidate; and

6 (4) the occupation and employer of the candidate's spouse.

7 (b) If any of the information set forth in subsection (a) of this section are
8 not applicable to the candidate, he or she shall so indicate on the disclosure
9 form.

10 Sec. 5. 17 V.S.A. § 2356 is amended to read:

11 § 2356. TIME FOR FILING PETITIONS AND DISCLOSURE FORMS

12 Primary petitions ~~and~~, statements of nomination from minor party
13 candidates and independent candidates, and disclosure forms set forth in
14 section 2355a of this chapter for statewide candidates shall be filed no sooner
15 than the second Monday in May and not later than 5:00 p.m. on the second
16 Thursday after the first Monday in June preceding the primary election
17 prescribed by section 2351 of this title, and not later than 5:00 p.m. of the 62nd
18 day prior to the day of a special primary election.

19 Sec. 6. 17 V.S.A. § 2357 is amended to read:

20 § 2357. PLACE OF FILING PETITION

21 (a) Primary petitions and consent forms shall be filed as follows:

1 (1) For ~~state~~ State and congressional officers, with the ~~secretary of state~~
2 Secretary of State;

3 (2) For county officers, with the county clerk;

4 (3) For ~~state senator~~ State Senator, with the senatorial district clerk;

5 (4) For ~~representative~~ Representative to the ~~general assembly~~ General
6 Assembly, with the representative district clerk.

7 (b)(1) The public official designated to accept a petition shall not accept a
8 nominating petition unless a completed and signed consent form is filed at the
9 same time.

10 (2) In addition to the provisions of subdivision (1) of this subsection, the
11 Secretary of State shall not accept a nominating petition for a statewide
12 candidate unless the candidate files at the same time the disclosure form set
13 forth in section 2355a of this chapter.

14 Sec. 7. EFFECTIVE DATE

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

16 and that after passage the title of the bill be amended to read: “An act relating
17 to miscellaneous ethics requirements in State government”.

18 (Committee vote: _____)

19 _____
20 Senator _____

21 FOR THE COMMITTEE