

From BetsyAnn Wrask, Clerk, Vermont House of Representatives

1/9/22

I could address from the House perspective, but I will first discuss how to address with John. We are in communication each week – including me always peppering him with questions and him patiently answering them – so we can discuss this coming week.

I have not taken a thorough look yet at S.171, but it looks similar to [H.384](#), which I have reviewed from a House perspective and which I think has multiple issues, including:

- Its definition of “conflict of interest” and its attempt to regulate legislative voting based on a conflict of interest. Because voting is a core legislative function, any regulation of legislative voting must be adopted by chamber rule (not statute), and I would not recommend that the House adopt the bill’s recommended definition because – as with the Senate – the House already defines conflict of interest in its House Rule 75 (prohibiting voting on an immediate or direct interest), and this definition is based on constitutional representative government.
 - Relatedly, I question what the Comm’n would consider to be inappropriate outside employment for a legislator in a citizens’ legislature. This seems to relate to “conflicts of interest.”
- Conversely, statute may regulate gifts to legislators, b/c receiving gifts is not a core legislative function. However, I am concerned there may be difficulty understanding some of the ones currently proposed.

If it is helpful, Michael O’Grady and I jointly staff the House Ethics Panel (as we did when I was in LC), and he and I just presented a training to the House for the Panel on Friday. [Here is a link](#) to the slides. They address both constitutional and procedural issues that pertain to a chamber’s constitutional authority to regulate ethical legislative conduct.

BAW