

Senate proposal of amendment

H. 1

An act relating to accepting and referring complaints by the State Ethics Commission

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 1223 is amended to read:

§ 1223. PROCEDURE FOR ACCEPTING AND REFERRING COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

* * *

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection ~~and section 1223a of this title, which shall include referring complaints to all relevant entities, including the Commission itself.~~

(1) Governmental conduct regulated by law.

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(2) Department of Human Resources, Personnel Policy and Procedure Manual.

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(3) Campaign finance.

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(4) Legislative and Judicial Branches; attorneys.

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(5) Municipal Code of Ethics. If the complaint alleges a violation of the Municipal Code of Ethics, the Executive Director shall refer the complaint to the designated ethics liaison of the appropriate municipality.

(6) The Executive Director shall close any complaint that the Executive Director does not refer as set forth in subdivisions (1)–(5) of this subsection.

~~(c) Consultation on unethical conduct~~ Commission advice on the application of the State Code of Ethics on referred complaints.

~~(1) If the Executive Director refers a complaint under subsection (b) of this section, the Executive Director shall signify any likely unethical conduct described in the complaint. Any entity receiving a referred complaint and, except those for complaints alleging a violation of the Municipal Code of Ethics as set forth in subdivision (b)(5) of this section, shall consult with the Commission regarding the specify any application of the State Code of Ethics to facts the allegations presented in the complaint and include a recommended action. The consultation shall be in writing and occur within 60 days after an entity receives a referred complaint and prior to the entity making a determination on the complaint, meaning either closing a complaint without further investigation or issuing findings following an investigation.~~

~~(2) Any advice the Commission provides to the referred entity under this subsection shall be confidential and nonbinding on the entity.~~

~~(d) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential, except as provided for in section 1231 of this title.~~

Sec. 2. 3 V.S.A. § 1223 is amended to read:

§ 1223. PROCEDURE FOR ACCEPTING AND REFERRING
COMPLAINTS

* * *

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection, which shall include referring complaints to all relevant entities, including the Commission itself.

* * *

~~(d) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential, except as provided for in section 1231 of this title.~~

Sec. 3. 3 V.S.A. § 1231 is amended to read:

§ 1231. RECORDS; CONFIDENTIALITY

(a) Intent. It is the intent of this section both to protect the reputation of public servants from public disclosure of frivolous complaints against them and to fulfill the public's right to know any unethical conduct committed by a public servant that results in issued warnings, reprimands, or recommended actions.

(b) Public records. Except as where otherwise provided in this chapter, public records relating to the Commission's handling of complaints, alleged unethical conduct, investigations, proceedings, and executed resolution agreements are exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except those public records required or permitted to be released under this chapter. Records subject to public inspection and copying under the Public Records Act shall include:

* * *

(6) any records, as determined by the Commission, that support a warning, reprimand, recommendation, or summary of an executed resolution agreement, including ~~consultations created pursuant to subsection 1223(e) of this title and~~ investigation reports in accordance with subdivisions (1) and (2) of this subsection.

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Sec. 4. 2024, Acts and Resolves No. 171 (2024 Ethics Act), Sec. 24 is amended to read:

Sec. 24. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 13 (adding 3 V.S.A. § 1230, Commission procedure, rulemaking) shall take effect on July 1, 2025 ~~2027~~;

(2) Sec. 22 (creating Municipal Code of Ethics) shall take effect on January 1, 2025;

(3) ~~Sees Sec. 7 (amending 3 V.S.A. § 1221(a), describing expansion of Commission powers)~~, shall take effect on September 1, 2027;

(4) Sec. 8 (amending 3 V.S.A. § 1222; title redesignation); shall take effect on July 1, 2025;

(5) Sec. 9 (amending 3 V.S.A. § 1223, Commission procedure for accepting and referring complaints); shall take effect on September 1, 2025.

(6) Secs. 10 (adding 3 V.S.A. § 1227, Commission investigations), 11 (adding 3 V.S.A. § 1228, Commission hearings), 12 (adding 3 V.S.A. § 1229, Commission warnings, reprimands, recommended actions, and agreements), and 14 (adding 3 V.S.A. § 1231, Commission public records regarding complaints) shall take effect on September 1, 2025 ~~2027~~; and

(7) Sec. 1 (amending 17 V.S.A. § 2414, candidate disclosures) shall take effect on January 1, 2026.

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 1 (amending 3 V.S.A. § 1223, Commission procedure for accepting and referring complaints) shall take effect on September 1, 2025 and shall supersede those provisions of 2024 Acts and Resolves No. 171, Sec. 9 that amended 3 V.S.A. § 1223 and that conflict with the language in this act;

(2) Sec. 2 (amending future version of 3 V.S.A. § 1223) shall take effect on September 1, 2027; and

(3) Sec. 3 (amending 3 V.S.A. § 1231, Commission public records regarding complaints) shall take effect on September 1, 2027 and shall supersede those provisions of 2024 Acts and Resolves No. 171, Sec. 14 that amended 3 V.S.A. § 1231 and that conflict with the language in this act.