

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 1 entitled “An act relating to accepting and
4 referring complaints by the State Ethics Commission” respectfully reports that
5 it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 1223. PROCEDURE FOR ACCEPTING AND REFERRING

10 COMPLAINTS

11 (a) Accepting complaints.

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

16 (2) Complaints shall be in writing and shall include the identity of the
17 complainant.

18 (b) Preliminary review by Executive Director. The Executive Director
19 shall conduct a preliminary review of complaints made to the Commission in
20 order to take action as set forth in this subsection and section 1223a of this

1 title, which shall include referring complaints to all relevant entities, including
2 the Commission itself.

3 * * *

4 (4) Legislative and Judicial Branches; attorneys.

5 (A) If the complaint is in regard to conduct committed by a State
6 Senator, the Executive Director shall refer the complaint to the Senate Ethics
7 Panel and shall request a report back from the Panel regarding the final
8 disposition of the complaint.

9 (B) If the complaint is in regard to conduct committed by a State
10 Representative, the Executive Director shall refer the complaint to the House
11 Ethics Panel and shall request a report back from the Panel regarding the final
12 disposition of the complaint.

13 (C) If the complaint is in regard to conduct committed by a judicial
14 officer, the Executive Director shall refer the complaint to the Judicial Conduct
15 Board and shall request a report back from the Board regarding the final
16 disposition of the complaint.

17 (D) If the complaint is in regard to an attorney employed by the State,
18 the Executive Director shall refer the complaint to the Professional
19 Responsibility Board and shall request a report back from the Board regarding
20 the final disposition of the complaint.

1 (E) If any of the complaints described in subdivisions (A)-(D) of this
2 subdivision (4) also allege that a crime has been committed, the Executive
3 Director shall also refer the complaint to the Attorney General and the State’s
4 Attorney of jurisdiction.

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

8 * * *

9 (c) Consultation on unethical conduct.

10 (1) If the Executive Director refers a complaint under subsection (b) of
11 this section, the Executive Director shall signify any likely unethical conduct
12 described in the complaint. ~~Any entity receiving a referred complaint, except~~
13 ~~those in subdivision (b)(5) of this section, shall consult with the Commission~~
14 ~~regarding the application of the State Code of Ethics to facts presented in the~~
15 ~~complaint.~~

16 (A) For complaints referred under subdivision (b)(4) of this section,
17 the Executive Director shall specify the application of the State Code of Ethics
18 to facts presented in the complaint and include a recommended action.

19 (B) For all other complaints referred under subdivision (b) of this
20 section, except those in subdivision (b)(5) of this section, an entity receiving a
21 complaint shall consult with the Commission regarding the application of the

1 State Code of Ethics to facts presented in the complaint. The consultation shall
2 be in writing and occur within 60 days after ~~an~~ the entity receives a the referred
3 complaint and prior to the entity making a determination on the complaint,
4 meaning either closing a complaint without further investigation or issuing
5 findings following an investigation.

6 (2) Any advice the Commission provides during the consultation
7 process shall be confidential and non-binding on the entity.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect September 1 and shall supersede those provisions
10 of 2024 Acts and Resolves No. 171, Sec. 9 that amended 3 V.S.A. § 1223 and
11 that conflict with the language in this act.

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14 (Committee vote: _____)

15

16

Representative _____

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FOR THE COMMITTEE