

State of Vermont House of Representatives



Montpelier, Vermont

House Resolution

H.R. 6 - **ANNOTATED—CROSS-REFERENCES**

Offered by Representatives LaLonde of South Burlington, Cina of Burlington, Morgan, M. of Milton, Ode of Burlington, and Taylor of Milton

House resolution amending House Rules relating to the House Ethics Panel

Resolved by the House of Representatives:

That this legislative body amends Rule 90(b) of the Rules and Orders of the House of Representatives as follows:

(b) Ethics.

(1) Standards of ethical conduct. The House of Representatives, without qualification, is opposed to and prohibits violations of the Vermont Constitution and House Rules standards of ethical conduct. This policy covers the conduct of Representatives and persons employed in the Speaker's Office and House Clerk's Office.

(A) A member shall respect and comply with the law, these Rules, and any other standard of conduct applicable to the member in the performance of the member's duties in a manner that promotes public confidence in the integrity of the House.

(B) A member shall comply with 17 V.S.A. § 2414 (legislative candidate disclosure form).

(C) On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available on the official webpages of the House of Representatives and of the Clerk of the House, and may be updated. The form shall set forth, to the best of the member's ability, the following information applicable as of the date of submission:

(i) any boards, commissions, or similar entities that are regulated by law or that receive funding from the State on which the member serves; the member's position on the board, commission, or similar entity; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(ii) the member's employer.

(2) House Ethics Panel. The House Rules Committee shall, at the beginning of the biennium, appoint an Ethics Panel composed of five members of the House who shall serve until successors are appointed.

(A)(i) The Panel shall elect a chair, adopt procedures to conduct its business to implement the provisions of this ethics rule, and provide copies of the adopted procedures to all members of the House and persons employed in the Speaker’s Office and House Clerk’s Office.

(ii) The Panel may meet remotely during adjournment to consider complaints as set forth in the Procedure of the Panel ~~Procedure for Handling Ethics Complaints~~. However, if the Panel conducts a hearing at which arguments are presented, evidence is presented, or witnesses are questioned, at least a quorum of the members of the Panel shall be physically present at the hearing. The Panel, at the discretion of the Panel Chair, may allow members, witnesses, or other necessary participants to participate using contemporaneous video or audio conference transmission from one or more different remote locations.

Commented [BW1]: Technical correction to use consistent references to “Procedure of the Panel” throughout this Ethics Rule.

(B) The Panel shall advise individual members and provide training to all members on House member standards of ethical conduct, including compliance with House Rule 75.

(C) The Panel shall receive and investigate complaints of alleged violations of House member standards of ethical conduct made against members of the House, and may investigate such alleged violations on its own initiative.

(i) The Panel, by a vote of at least four of its members, may subpoena the attendance and testimony of witnesses and the production of documents and other items as it deems necessary to conduct an investigation.

(ii) In the case of a Panel member’s recusal or other absence during the Panel’s review of a complaint, the House Rules Committee may appoint an ad hoc member to the Panel for that matter, upon request of the Chair of the Panel.

(D) If a complaint before the Panel or the pendency of an investigation by the Panel is generally known to the public, through independent sources, and the subject matter of the complaint is of broad public interest or speculation, and public confidence in the Panel’s administration of these Rules or the Procedure of the Panel may be threatened because of lack of information concerning the status of the investigation, the Panel may issue a brief statement as it may deem appropriate to confirm the existence of the investigation, to clarify the procedural aspects of the investigation, and to explain that the respondent is entitled to due process.

Commented [BW2]: Based in part on SCOV’s Disciplinary Control of Judges [Rule 6\(14\)](#) and [New Hampshire Legislative Ethics Committee Procedural Rule 3\(V\)](#).

(E) The Panel may recommend to the House any disciplinary action against a member for an ethical violation.

(F) The Panel shall issue a closure report regarding the final disposition of each complaint submitted to the Panel. The closure report shall not identify the complainant, respondent, or any other person by name, but shall contain a summary of the complaint allegations, the final disposition of the complaint, and the basis therefor. The Panel shall maintain its closure reports in a registry on its webpage.

Commented [BW3]: Based in part on SCOV’s Disciplinary Control of Judges [Rule 11](#).

(G) Except as provided in these Rules and in the Procedure of the Panel:

(i) Members of the Panel and Panel staff shall keep confidential any information received and any records produced or acquired in accordance with these Rules or the Procedure of the Panel, provided that the Panel may disclose information and records received under these Rules and the Procedure of the Panel as follows:

Commented [BW4]: Currently set forth in [House Ethics Panel Procedure § 7\(A\)\(i\)](#).

(I) to a court of competent jurisdiction pursuant to a court order;
(II) to a State or federal law enforcement agency in the course of the agency’s investigation, provided that the agency agrees to maintain the confidentiality of the information or records provided;

Commented [BW5]: Similar to OPR’s [3 V.S.A. § 131\(g\)](#) and VCJC’s [20 V.S.A. § 2409\(f\)](#).

(III) to the members or staff of the Discrimination Prevention Panel or the members or staff of the Sexual Harassment Prevention Panel to inform an investigation under these Rules by either Panel, provided that the members agree to maintain the confidentiality of the information or records provided.

Commented [BW6]: Leg.-specific.

(ii) All records produced or acquired in accordance with these Rules and in the Procedure of the Panel are not subject to the Public Records Act.

Commented [BW7]: Currently set forth in [House Ethics Panel Procedure § 7\(A\)\(ii\)](#).

~~(E)~~(H) Annually, on or before December 31, the Panel shall report to the House the number of complaints filed, a general description of the topic of each complaint, the disposition of those complaints, and the number of member requests for ethical advice.

Commented [BW8]: Corresponds to House Ethics Panel's annual report to Vermont State Ethics Commission set forth in [3 V.S.A. § 1226\(a\)](#).

(3) Retaliation prohibited. These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of an ethics violation.

