

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 1 entitled “An act relating to accepting and referring complaints by the  
4 State Ethics Commission” respectfully reports that it has considered the same  
5 and recommends that the Senate propose to the House that the bill be amended  
6 by 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 \* \* \*

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

1 (1) Governmental conduct regulated by law.

2 \* \* \*

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

5 \* \* \*

6 (3) Campaign finance.

7 \* \* \*

8 (4) Legislative and Judicial Branches; attorneys.

9 \* \* \*

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

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

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

17 (1) If the Executive Director refers a complaint under subsection (b) of  
18 this section, the Executive Director shall signify any likely unethical conduct  
19 described in the complaint. ~~Any entity receiving a referred complaint and,~~  
20 except those for complaints alleging a violation of the Municipal Code of  
21 Ethics as set forth in subdivision (b)(5) of this section, shall ~~consult with the~~

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

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

9 (d) Confidentiality. Complaints and related documents in the custody of  
10 the Commission shall be exempt from public inspection and copying under the  
11 Public Records Act and kept confidential, ~~except as provided for in section~~  
12 ~~1231 of this title.~~

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

14 § 1223. PROCEDURE FOR ACCEPTING AND REFERRING

15 COMPLAINTS

16 \* \* \*

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

21 \* \* \*

1 (d) Confidentiality. Complaints and related documents in the custody of  
2 the Commission shall be exempt from public inspection and copying under the  
3 Public Records Act and kept confidential, except as provided for in section  
4 1231 of this title.

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

6 § 1231. RECORDS; CONFIDENTIALITY

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

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

19 \* \* \*

20 (6) any records, as determined by the Commission, that support a  
21 warning, reprimand, recommendation, or summary of an executed resolution

1 agreement, including ~~consultations created pursuant to subsection 1223(c) of~~  
2 ~~this title and~~ investigation reports in accordance with subdivisions (1) and (2)  
3 of this subsection.

4 \* \* \*

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

7 Sec. 24. EFFECTIVE DATES

8 This act shall take effect on passage, except that:

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

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

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

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

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

19 (6) Secs. 10 (adding 3 V.S.A. § 1227, ~~Commission investigations)~~,  
20 11 (adding 3 V.S.A. § 1228, ~~Commission hearings)~~, 12 (adding 3 V.S.A.  
21 § 1229, ~~Commission warnings, reprimands, recommended actions, and~~

1 agreements), and 14 (adding 3 V.S.A. § 1231, Commission public records  
2 regarding complaints) shall take effect on September 1, ~~2025~~ 2027; and

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

5 Sec. 5. EFFECTIVE DATES

6 This act shall take effect on passage, except that:

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

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

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

17

18 (Committee vote: \_\_\_\_\_)

19

\_\_\_\_\_

20

Senator \_\_\_\_\_

21

FOR THE COMMITTEE