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ENGROSSED

HB1278EH1

HOUSE BILL NO. 1278

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules)

(Patrons Prior to Substitute—Delegates Suit and Wardrup [HB 1302])

House Amendments in [] — February 14, 2000

A BILL to amend and reenact § 2.1-639.33 of the Code of Virginia, relating to the General Assembly Conflict of Interests Act; prohibited conduct including service by legislator as commissioner of accounts or commissioner in chancery.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-639.33 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-639.33. Prohibited conduct.

No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information which he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9 (§ 24.2-900 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. During the one year after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of government. The prohibitions of this subdivision shall apply only to persons engaged in activities that would require registration as a lobbyist under § 30-28.2. Any person subject to the provisions of this subdivision may apply to the Attorney General, as provided in § 2.1-639.59, for an advisory opinion as to the application of the restriction imposed by this subdivision on any post-public employment position or opportunity;

8. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time;

9. Accept appointment to serve on a body or board of any corporation, company or other legal entity, vested with the management of the corporation, company or entity, and on which two other members of the General Assembly already serve, which is operated for profit and regulated by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under Chapter 5 (§ 13.1-501 et seq.) of Title 13.1, (iv) any business under Title 38.2, or (v) any business under Title 56;

10. Accept a gift from a person who has interests that may be substantially affected by the performance of the legislator's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the legislator's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties; ~~or~~

11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; ~~or~~

12. *Serve as a commissioner of accounts or commissioner in chancery pursuant to appointment by the judge or judges of a circuit court of the Commonwealth while serving as a member of the General Assembly.*

[13. *Serve as a member of any board or commission, for which compensation in the form of salary or per diem is authorized, pursuant to an appointment by the Governor or any other state or local*

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61 *appointing authority unless expressly authorized to serve as a member of the legislature on such board*
62 *or commission by § 9-6.23 of the Code of Virginia or other applicable state law.*
63 *14. Serve as a guardian ad litem or be appointed as court-appointed counsel in a criminal case.]*
64 **2. That the provisions of this act shall apply prospectively. Any member of the General Assembly**
65 **holding the office of commissioner of accounts or commissioner in chancery at the time that this**
66 **act takes effect shall be allowed to continue as commissioner at the pleasure of the appointing**
67 **court or until his retirement, resignation, or death.**