

096930656

HOUSE BILL NO. 1883

Offered January 14, 2009

Prefiled January 12, 2009

A BILL to amend and reenact §§ 2.2-426, 2.2-428, and 2.2-431 of the Code of Virginia, relating to the Secretary of the Commonwealth; lobbyist disclosure.

Patrons—Nixon, Athey, Lingamfelter, Merricks and Sherwood

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-426, 2.2-428, and 2.2-431 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file a separate annual report of expenditures, including gifts, for each principal for whom he lobbies by July 1 for the preceding 12-month period complete through April 30.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the Secretary of the Commonwealth, which shall be substantially as follows and shall be accompanied by instructions provided by the Secretary.

LOBBYIST'S DISCLOSURE STATEMENT

~~PART I:~~

~~(1) PRINCIPAL:~~

~~In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a. THE INDIVIDUAL LISTED IN PART I, ITEM 2A, MUST SIGN THE PRINCIPAL'S STATEMENT.~~

~~(2a) Name:~~

~~(2b) Permanent Business Address:~~

~~(2c) Business Telephone:~~

~~(3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.~~

~~.....~~

~~.....~~

~~.....~~

~~(4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:~~

~~Individual filing financial information:~~

~~Individuals to be included in the filing:~~

~~.....~~

~~(5) Please indicate which schedules will be attached to your disclosure statement:~~

~~—] Schedule A: Entertainment Expenses~~

~~—] Schedule B: Gifts~~

~~—] Schedule C: Other Expenses~~

~~(6) EXPENDITURE TOTALS:~~

~~a) ENTERTAINMENT \$~~

~~b) GIFTS \$~~

~~c) OFFICE EXPENSES \$~~

~~d) COMMUNICATIONS \$~~

~~e) PERSONAL LIVING AND TRAVEL EXPENSES \$~~

~~f) COMPENSATION OF LOBBYISTS \$~~

~~g) HONORARIA \$~~

56 ~~h) REGISTRATION COSTS \$~~
57 ~~i) OTHER \$~~
58 ~~TOTAL \$~~
59 ~~PART II:~~
60 ~~(1a) NAME OF LOBBYIST:~~
61 ~~(1b) Permanent Business Address:~~
62 ~~(1c) Business Telephone:~~
63 ~~(2) As a lobbyist, you are (check one)~~
64 ~~____] EMPLOYED (on the payroll of the principal)~~
65 ~~____] RETAINED (not on the payroll of the principal, however compensated)~~
66 ~~____] NOT COMPENSATED (not compensated; expenses may be reimbursed)~~
67 ~~(3) List all lobbyists other than yourself who registered to represent your~~
68 ~~principal.~~
69 ~~.....~~
70 ~~.....~~
71 ~~.....~~
72 ~~(4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your~~
73 ~~job title.~~
74 ~~.....~~
75 ~~PLEASE NOTE: Some lobbyists are not individually compensated for lobbying~~
76 ~~activities. This may occur when several members of a firm represent a single~~
77 ~~principal. The principal, in turn, makes a single payment to the firm. If this~~
78 ~~describes your situation, do not answer Part II, items 5a and 5b. Instead,~~
79 ~~complete Part III, items 1 and 2.~~
80 ~~(5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you~~
81 ~~have job responsibilities other than those involving lobbying, you may have to~~
82 ~~prorate to determine the part of your salary attributable to your lobbying~~
83 ~~activities.) Transfer your answer to this item to Part I, item 6f.~~
84 ~~(5b) Explain how you arrived at your answer to Part II, item 5a.~~
85 ~~.....~~
86 ~~.....~~
87 ~~.....~~
88 ~~PART III:~~
89 ~~PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete~~
90 ~~this section.~~
91 ~~(1) List all members of your firm, organization, association, corporation, or~~
92 ~~other entity who furnished lobbying services to your principal.~~
93 ~~.....~~
94 ~~.....~~
95 ~~.....~~
96 ~~(2) Indicate the total amount paid to your firm, organization, association,~~
97 ~~corporation or other entity for services rendered. Transfer your answer to~~
98 ~~this item to Part I, item 6f~~
99 ~~SCHEDULE A~~
100 ~~ENTERTAINMENT EXPENSES~~
101 ~~PLEASE NOTE: Any single entertainment event included in the expense totals of~~
102 ~~the principal, with a value greater than \$50, should be itemized below.~~
103 ~~Transfer any totals from this schedule to Part I, item 6a. (Please duplicate~~
104 ~~as needed.)~~
105 ~~Date and Location of Event:~~
106 ~~.....~~
107 ~~.....~~
108 ~~Description of Event:~~
109 ~~.....~~
110 ~~.....~~
111 ~~Total Number of Persons Attending:~~
112 ~~.....~~

~~113 Names of Legislative and Executive Officials Attending: (List names only if~~
~~114 the average value for each person attending the event was greater than \$50.)~~

~~115~~
~~116~~
~~117~~
~~118~~

~~119 Food \$~~
~~120 Beverages \$~~
~~121 Transportation of Legislative and Executive Officials ... \$~~
~~122 Lodging of Legislative and Executive Officials \$~~
~~123 Performers, Speakers, Etc. \$~~
~~124 Displays \$~~
~~125 Rentals \$~~
~~126 Service Personnel \$~~
~~127 Miscellaneous \$~~
~~128 TOTAL \$~~

~~129 SCHEDULE B~~

~~130 GIFTS~~

~~131 PLEASE NOTE: Any single gift reported in the expense totals of the principal,~~
~~132 with a value greater than \$50, should be itemized below. (Report meals,~~
~~133 entertainment and travel under Schedule A.) Transfer any totals from this~~
~~134 schedule to Part I, item 6b. (Please duplicate as needed.)~~

~~135 Date Description Name of each Cost of~~
~~136 of gift: of gift: legislative or individual~~
~~137 executive official gift:~~
~~138 who is a recipient~~
~~139 of a gift:~~

~~140 \$~~
~~141 \$~~
~~142 \$~~
~~143 \$~~
~~144 TOTAL COST TO PRINCIPAL \$~~

~~145 SCHEDULE C~~

~~146 OTHER EXPENSES~~

~~147 PLEASE NOTE: This section is provided for any lobbying related expenses not~~
~~148 covered in Part I, items 6a - 6h. An example of an expenditure to be listed on~~
~~149 schedule C would be the rental of a bill box during the General Assembly~~
~~150 session. Transfer the total from this schedule to Part I, item 6i. (Please~~
~~151 duplicate as needed.)~~

~~152 DATE OF EXPENSE DESCRIPTION OF EXPENSE AMOUNT~~

~~153 \$~~
~~154 \$~~
~~155 \$~~
~~156 \$~~
~~157 \$~~
~~158 \$~~
~~159 \$~~
~~160 \$~~
~~161 \$~~
~~162 TOTAL "OTHER" EXPENSES \$~~

~~163 PART IV: STATEMENTS~~

~~164 Both the lobbyist and principal officer must sign the disclosure statement,~~
~~165 attesting to its completeness and accuracy. The following items are mandatory~~
~~166 and if they are not properly completed, the entire filing will be rejected and~~
~~167 returned to the lobbyist:~~

~~168 (1) All signatures on the statement must be ORIGINAL in the format specified~~

169 ~~in the instructions provided by the Secretary that accompany this form. No~~
170 ~~stamps, or other reproductions of the individual's signature will be accepted.~~
171 ~~(2) An individual MAY NOT sign the disclosure statement as lobbyist and~~
172 ~~principal officer.~~

173 ~~STATEMENT OF LOBBYIST~~

174 ~~I, the undersigned registered lobbyist, do state that the information~~
175 ~~furnished on this disclosure statement and on all accompanying attachments~~
176 ~~required to be made thereto is, to the best of my knowledge and belief,~~
177 ~~complete and accurate.~~

178 _____

179 _____ Signature of lobbyist

180 _____

181 _____ Date

182 ~~STATEMENT OF PRINCIPAL~~

183 ~~I, the undersigned principal (or an authorized official thereof), do state~~
184 ~~that the information furnished on this disclosure statement and on all~~
185 ~~accompanying attachments required to be made thereto is, to the best of my~~
186 ~~knowledge and belief, complete and accurate.~~

187 _____

188 _____ Signature of principal

189 _____

190 _____ Date

191

192 *Period Covered: May 1, (YYYY) to April 30, (YYYY)*

193

194 *1. Name of Principal*

195

196 *Principal:* _____

197

198 *2. Lobbyist Information*

199

200 *Last Name:* _____ *Suffix:* _____

201

202 *First Name:* _____ *Middle Name:* _____

203

204 *Business Address:* _____ *Suite/Apt:* _____

205

206 *City:* _____ *State:* _____ *Zip:* _____

207

208 *Work Phone: (____) _____* *Email:* _____

209

210 *3. Lobbyist's Relationship to Principal*

211

212 [] *Lobbyist was Employed by Principal*

213 *Job Title:* _____

214 *Total compensation for lobbying during period: \$* _____

215 *Does this amount represent lobbyist's entire salary during*
216 *period? Yes* _____ *No* _____

217 *If answer is "No," explain how you arrived at amount com-*
218 *pensated for lobbying:*

219 _____

220 _____

221

222 [] *Lobbyist was Retained by Principal*

223 *Name of Firm:* _____

224 *Total Compensation paid to firm for lobbying during period:*

225 *\$* _____

Does this amount represent total amount paid to firm
(retainers and fees) during period? Yes_____No_____
If answer is "No," explain how you arrived at amount com-
pensated for lobbying:

[] Lobbyist was a Nonpaid Volunteer for the Principal

4. Incorporated Reporting

Is this lobbyist part of an incorporated filing that includes actions
taken on behalf of a client and the expenditure summary for more
than one lobbyist registered on behalf of the client?
Yes_____No_____

If "No," proceed to Section 5.

If "Yes," provide the name of lobbyist of record for the incorporated filing:

Lobbyist of record for incorporated filing:

Last Name:_____First Name:_____Middle Name:_____

If you are the lobbyist of record, proceed to Section 5.

If you are not the lobbyist of record, skip Sections 5 and 6 and pro-
ceed to Section 7.

5. Legislative and Executive Actions

Did lobbyist actually engage in lobbying on the principal's behalf
during the time period covered? Yes_____No_____

If "No," proceed to Section 6.

List the general matters of concern that you (and any other lobbyists
included in an incorporated filing) lobbied on behalf of the princi-
pal:

List all legislative actions, including where appropriate the assigned
House of Delegates or Senate bill numbers, that you and any other
lobbyist included in an incorporated filing sought to influence the
outcome of during the (YYYY)session of the General Assembly:

(Attach separate sheet if necessary.)

List all executive actions that you and any other lobbyist included in
an incorporated filing sought to influence during disclosure period:

(Attach separate sheet if necessary.)

282

283 6. Financial Summary

284

285 Expenditure Totals

286 a) Entertainment \$_____["Schedule A" Attached

287 b) Gifts \$_____["Schedule B" Attached

288 c) Office Expenses \$_____

289 d) Communications \$_____

290 e) Personal Living/Travel \$_____

291 f) Compensation of Lobbyists \$_____

292 g) Registration Fees \$_____

293 h) Other \$_____["Schedule C" Attached

294

295 Total Expenditures: \$_____

296

297 If the expenditure totals above represent an incorporated filing for
298 more than one lobbyist, list the names of all other lobbyists includ-
299 ed in these expenditure totals:

300

301 Name (Last Name, First Name) Firm (if retained) or Title
302 (if employed)

303

304 _____

305 _____

306 _____

307 _____

308 _____

309 _____

310 _____

311 _____

312 _____

313 _____

314

315 (Attach separate sheet if necessary.)

316

317 7. Statement of Lobbyist

318

319 I, the undersigned registered lobbyist, do state that all the infor-
320 mation provided on this disclosure statement and all the required
321 attachments made thereto is, to the best of my knowledge and belief,
322 complete and accurate.

323

324 _____

325 Signature Date

326

327 8. Statement of Authorized Representative of Principal

328

329 I, the undersigned authorized representative of the principal, do
330 state that all the information provided on this disclosure statement
331 and all the required attachments made thereto is, to the best of my
332 knowledge and belief, complete and accurate.

333

334 Authorized Representative (Cannot be same person as lobbyist listed
335 above)

336

337 Last Name: _____ Suffix: _____

338

339 First Name:_____Middle Name:_____

340
341 Business Street Address:_____Suite/Apt:_____

342
343 City:_____State:_____Zip:_____

344
345 Work Phone: (____)_____Email:_____

346
347 _____

348 Signature Date

349

350

351 *Schedule A*
352 *Entertainment Expenses*

353

354 This schedule shall be completed each time the lobbyist spends money
355 on behalf of the principal for any entertainment expense in which
356 (a) guests included executive or legislative officials and (b) the
357 total cost of the event was \$50 or more.

358

359 If (a) and (b) above are true, the lobbyist shall complete this form
360 even if the principal's share of event was less than \$50.

361

362 Date of Event (MM/DD/YYYY): ____/____/_____

363 Description of Event:_____

364 Location of Event:_____

365 City Where Event Held:_____State_____

366

367 Total Cost Total Number of Average Cost
368 of Event divided by Persons Attending = Per Person for Event

369

370 \$_____ divided by _____ = \$_____

371

372 Did principal pay for entire cost of the event? Yes_____No_____

373 If No, list the principal's share of the total cost of the event:

374 \$_____

375

376 *Summary of Principal's Share of Costs*

377 Food/Beverage: \$_____

378 Transportation: \$_____

379 Lodging: \$_____

380 Performers/Speakers: \$_____

381 Rentals/Displays: \$_____

382 Service/Tip: \$_____

383 Other: \$_____ Describe "Other":_____

384

385 Total: \$_____ (Include this amount in "enter-
386 tainment" expenses in expendi-
387 ture totals.)

388

389 Number of Executive and Legislative Officials Attending:_____

390

391 If average cost per person is \$50 or more, provide names of executive
392 and administrative officials who attended:

393

394 Name (Last Name, First Name) Title

395
396 _____
397 _____
398 _____
399 _____
400 _____
401 (Attach separate sheet if necessary.)
402 List circumstances that resulted in bringing the "actual cost per
403 person" below \$50 for any official listed above:
404 _____

405
406 *Schedule B*
407 *Gifts*
408

409 This schedule shall be filled out each time the principal contributes
410 all or part of a gift to an executive or legislative official valued
411 at \$50 or more. (Complete this form even if the principal's share
412 of gift was less than \$50.)
413
414

415 Date of Gift: ____/____/____ Total Cost of Gift: \$_____

416 Did principal's share account for the total value of the gift?

417 Yes _____ No _____

418 If No, list the principal's share of the cost of the total gift:

419 \$ _____

420 Description of Gift: _____

421

422 Recipient Last Name: _____ Suffix: _____

423 First Name: _____ Middle Name: _____

424

425 Recipient's Title: _____

426

427 Date of Gift: ____/____/____ Total Cost of Gift: \$_____

428 Did principal's share account for the total value of the gift?

429 Yes _____ No _____

430 If No, list the principal's share of the cost of the total gift:

431 \$ _____

432 Description of Gift: _____

433 Recipient Last Name: _____ Suffix: _____

434 First Name: _____ Middle Name: _____

435

436 Recipient's Title: _____

437

438 Date of Gift: ____/____/____ Total Cost of Gift: \$_____

439 Did principal's share account for the total value of the gift?

440 Yes _____ No _____

441 If No, list the principal's share of the cost of the total gift:

442 \$ _____

443 Description of Gift: _____

444 Recipient Last Name: _____ Suffix: _____

445 First Name: _____ Middle Name: _____

446 Recipient's Title: _____

447

448 *Schedule C*
449 *Other Expenses*
450

451 This schedule shall be filled out for each time principal incurred

lobbying-related expense of \$250 or more that is not covered by line items "a" through "g" in the expenditure totals.

Date	Description	Amount
___/___/___	_____	\$_____
___/___/___	_____	\$_____
___/___/___	_____	\$_____
___/___/___	_____	\$_____
___/___/___	_____	\$_____
Total (Include total amount to expenditure totals)		\$_____

D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact shall be guilty of a Class 5 felony.

E. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by December 15 for the preceding 12-month period complete through November 30.

§ 2.2-428. Standards for automated preparation and transmittal of lobbyists' disclosure statements; database.

A. ~~The~~ In lieu of a hard copy, the Secretary shall accept any lobbyist's disclosure statement required by § 2.2-426 filed by computer or electronic means in accordance with the standards approved by the Secretary and using software meeting standards approved by the Secretary. The Secretary may provide software to filers without charge or at a reasonable cost. The Secretary may prescribe the method of execution and certification of electronically filed statements and the procedures for receiving statements in the office of the Secretary.

B. The Secretary shall establish a lobbyist disclosure database, available to the public, from required disclosure statements filed electronically and may enter into that database information from required disclosure statements filed by other methods.

§ 2.2-431. Penalties; filing of substituted statement.

A. The lobbyist shall sign the disclosure statement prescribed by § 2.2-426 attesting to its completeness and accuracy. The Secretary shall review each statement for completeness and accuracy and if a statement is not properly completed, the entire filing shall be rejected and returned to the lobbyist. The lobbyist shall submit a revised statement within 10 working days from receipt of the returned statement.

B. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed therein shall be assessed a civil penalty of fifty dollars, and every individual failing to file the statement within ten days after the time prescribed herein shall be assessed an additional civil penalty of fifty dollars per day from the eleventh day of such default until the statement is filed. The penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

~~B-C.~~ Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall be assessed a civil penalty of fifty dollars, and shall be assessed an additional civil penalty of fifty dollars per day from the eleventh day of such default until the statement is filed. The penalty shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

~~C-D.~~ No individual who has failed to file the statement required by § 2.2-426 or who has failed to pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he remains in default.

~~D-E.~~ Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such default are or will be beyond his control, or the control of his principal, or both, the Secretary may suspend the assessment of any penalty otherwise assessable and accept a substituted statement, upon the submission of sworn proofs that shall satisfy him that the default has been beyond the control of the lobbyist or his principal, and that the substituted statement contains the most accurate and complete information available after the exercise of due diligence.

~~E-F.~~ Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.