

091830656

HOUSE BILL NO. 1883

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on February 3, 2009)

(Patron Prior to Substitute—Delegate Nixon)

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.

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 ..... \$ .....~~

~~h) REGISTRATION COSTS ..... \$ .....~~

~~i) OTHER ..... \$ .....~~

HOUSE SUBSTITUTE

HB1883H1

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

132 \_\_\_\_\_ GIFTS

133 — PLEASE NOTE: Any single gift reported in the expense totals of the principal,

134 — with a value greater than \$50, should be itemized below. (Report meals,

135 — entertainment and travel under Schedule A.) Transfer any totals from this

136 — schedule to Part I, item 6b. (Please duplicate as needed.)

137 — Date	Description	Name of each	Cost of
138 — of gift:	of gift:	legislative or	individual
		executive official	gift:
		who is a recipient	
		of a gift:	
142 — .....	.....	.....	\$ .....
143 — .....	.....	.....	\$ .....
144 — .....	.....	.....	\$ .....
145 — .....	.....	.....	\$ .....
146 — TOTAL COST TO PRINCIPAL	.....	.....	\$ .....

148 OTHER EXPENSES

149 ~~PLEASE NOTE: This section is provided for any lobbying related expenses not~~

150 ~~covered in Part I, items 6a — 6h. An example of an expenditure to be listed~~

151 ~~on~~

152 ~~schedule C would be the rental of a bill box during the General Assembly~~

153 ~~session. Transfer the total from this schedule to Part I, item 6i. (Please~~

154 ~~duplicate as needed.)~~

155 ~~DATE OF EXPENSE DESCRIPTION OF EXPENSE AMOUNT~~

156		\$	
157		\$	
158		\$	
159		\$	
160		\$	
161		\$	
162		\$	
163		\$	
164		\$	
165	TOTAL "OTHER" EXPENSES	\$	

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

170 nd

171 — returned to the lobbyist:

172 — (1) All signatures on the statement must be ORIGINAL in the format specified  
173 — in the instructions provided by the Secretary that accompany this form. No  
174 — stamps, or other reproductions of the individual's signature will be accepte-  
175 d.

176 — (2) An individual MAY NOT sign the disclosure statement as lobbyist and  
177 — principal officer.

178 — STATEMENT OF LOBBYIST

179 — I, the undersigned registered lobbyist, do state that the information  
180 — furnished on this disclosure statement and on all accompanying attachments  
181 — required to be made thereto is, to the best of my knowledge and belief,  
182 — complete and accurate.

183 — .....

184 — Signature of lobbyist

185 — .....

186 — Date

187 — STATEMENT OF PRINCIPAL

188 — I, the undersigned principal (or an authorized official thereof), do state  
189 — that the information furnished on this disclosure statement and on all  
190 — accompanying attachments required to be made thereto is, to the best of my  
191 — knowledge and belief, complete and accurate.

192 — .....

193 — Signature of principal

194 — .....

195 — Date

196

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

198

199 1. Name of Principal

200

201 Principal: \_\_\_\_\_

202

203 2. Lobbyist Information

204

205 Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

206

207 First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

208

209 Business Address: \_\_\_\_\_ Suite/Apt: \_\_\_\_\_

210

211 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

212

213 Work Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

214

215 3. Lobbyist's Relationship to Principal

216

217 [        ] Lobbyist was Employed by Principal

218 Job Title: \_\_\_\_\_

219 Total compensation for lobbying during period: \$ \_\_\_\_\_

220 Does this amount represent lobbyist's entire salary during  
221 period? Yes \_\_\_\_\_ No \_\_\_\_\_

222 If answer is "No," explain how you arrived at amount com-  
223 pensated for lobbying:

224 \_\_\_\_\_

225 \_\_\_\_\_

226

227 [           ] Lobbyist was Retained by Principal  
 228       Name of Firm: \_\_\_\_\_  
 229       Total Compensation paid to firm for lobbying during period:  
 230       \$ \_\_\_\_\_  
 231       Does this amount represent total amount paid to firm  
 232       (retainers and fees) during period? Yes \_\_\_\_\_ No \_\_\_\_\_  
 233       If answer is "No," explain how you arrived at amount com-  
 234       pensated for lobbying:  
 235       \_\_\_\_\_  
 236       \_\_\_\_\_  
 237  
 238 [           ] Lobbyist was a Nonpaid Volunteer for the Principal  
 239  
 240 4. Incorporated Reporting  
 241  
 242 Is this lobbyist part of an incorporated filing that includes actions  
 243 taken on behalf of a client and the expenditure summary for more  
 244 than one lobbyist registered on behalf of the client?  
 245 Yes \_\_\_\_\_ No \_\_\_\_\_  
 246  
 247 If "No," proceed to Section 5.  
 248 If "Yes," provide the name of lobbyist of record for the incorporated filing:  
 249  
 250 Lobbyist of record for incorporated filing:  
 251  
 252 Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_  
 253  
 254 If you are the lobbyist of record, proceed to Section 5.  
 255 If you are not the lobbyist of record, skip Sections 5 and 6 and pro-  
 256 ceed to Section 7.  
 257  
 258 5. Legislative and Executive Actions  
 259  
 260 Did lobbyist actually engage in lobbying on the principal's behalf  
 261 during the time period covered? Yes \_\_\_\_\_ No \_\_\_\_\_  
 262  
 263 If "No," proceed to Section 6.  
 264  
 265 List the general matters of concern that you (and any other lobbyists  
 266 included in an incorporated filing) lobbied on behalf of the princi-  
 267 pal:  
 268 \_\_\_\_\_  
 269 \_\_\_\_\_  
 270 List all legislative actions, including where appropriate the assigned  
 271 House of Delegates or Senate bill numbers, that you and any other  
 272 lobbyist included in an incorporated filing sought to influence the  
 273 outcome of during the period of this report:  
 274 \_\_\_\_\_  
 275 \_\_\_\_\_  
 276 \_\_\_\_\_  
 277 \_\_\_\_\_  
 278 \_\_\_\_\_  
 279 (Attach separate sheet if necessary.)  
 280  
 281 List all executive actions that you and any other lobbyist included in  
 282 an incorporated filing sought to influence during disclosure period.

"Sought to influence" shall mean any direct contact by any means to a member of the (i) legislature or legislative staff, or (ii) the executive branch or staff, or (iii) public, seeking support on, or opposition to, a particular issue.

\_\_\_\_\_  
\_\_\_\_\_

(Attach separate sheet if necessary.)

6. Financial Summary

Expenditure Totals

a) Entertainment	\$ _____	]"Schedule A" Attached
b) Gifts	\$ _____	]"Schedule B" Attached
c) Office Expenses	\$ _____	
d) Communications	\$ _____	
e) Personal Living/Travel	\$ _____	
f) Compensation of Lobbyists	\$ _____	
g) Registration Fees	\$ _____	
h) Other	\$ _____	]"Schedule C" Attached

Total Expenditures: \$ \_\_\_\_\_

If the expenditure totals above represent an incorporated filing for more than one lobbyist, list the names of all other lobbyists included in these expenditure totals:

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Attach separate sheet if necessary.)

7. Statement of Lobbyist

I, the undersigned registered lobbyist, do state that all the information provided on this disclosure statement and all the required attachments made thereto is, to the best of my knowledge and belief, complete and accurate.

_____	_____
Signature	Date

8. Statement of Authorized Representative of Principal

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

340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396

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

Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Business Street Address: \_\_\_\_\_ Suite/Apt: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Signature

Date

Schedule A

Entertainment Expenses

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

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

Date of Event (MM/DD/YYYY): \_\_\_\_/\_\_\_\_/\_\_\_\_

Description of Event: \_\_\_\_\_

Location of Event: \_\_\_\_\_

City Where Event Held: \_\_\_\_\_ State \_\_\_\_\_

Total Cost	Total Number of	Average Cost
of Event	Persons Attending	= Per Person for Event

\$\_\_\_\_\_ divided by \_\_\_\_\_ = \$\_\_\_\_\_

Did principal pay for entire cost of the event? Yes \_\_\_\_\_ No \_\_\_\_\_

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

\$\_\_\_\_\_

Summary of Principal's Share of Costs

Food/Beverage: \$\_\_\_\_\_

Transportation: \$\_\_\_\_\_

Lodging: \$\_\_\_\_\_

Performers/Speakers: \$\_\_\_\_\_

Rentals/Displays: \$\_\_\_\_\_

Service/Tip: \$\_\_\_\_\_

Other: \$\_\_\_\_\_ Describe "Other": \_\_\_\_\_

Total: \$\_\_\_\_\_ (Include this amount in "entertainment" expenses in expenditure totals.)

(Include the total amount in "entertainment" expenses in expenditure totals. If the entertainment event was open to the public or unrelated

397 to executive or legislative action and reportable executive or  
398 legislative officials represented less than 10 percent of the  
399 attendees, then the total cost of the event need not be reported.  
400 However, the total cost of entertaining the reportable officials  
401 shall be reported.)

402  
403 Number of Executive and Legislative Officials Attending: \_\_\_\_\_  
404

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

407  
408 Name (Last Name, First Name) Title  
409  
410 \_\_\_\_\_  
411 \_\_\_\_\_  
412 \_\_\_\_\_  
413 \_\_\_\_\_  
414 \_\_\_\_\_

415 (Attach separate sheet if necessary.)  
416

417 \_\_\_\_\_

418 Schedule B  
419 Gifts  
420

421 This schedule shall be filled out each time the principal contributes  
422 all or part of a gift to an executive or legislative official valued  
423 at \$50 or more. (Complete this form even if the principal's share  
424 of gift was less than \$50.)  
425

426 Date of Gift: \_\_\_\_/\_\_\_\_/\_\_\_\_ Total Cost of Gift: \$ \_\_\_\_\_

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

428 Yes \_\_\_\_\_ No \_\_\_\_\_

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

430 \$ \_\_\_\_\_

431 Description of Gift: \_\_\_\_\_  
432

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

447 Recipient's Title: \_\_\_\_\_  
448

449 Date of Gift: \_\_\_\_/\_\_\_\_/\_\_\_\_ Total Cost of Gift: \$ \_\_\_\_\_

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

451 Yes \_\_\_\_\_ No \_\_\_\_\_

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

453 \$ \_\_\_\_\_



454 Description of Gift: \_\_\_\_\_  
 455 Recipient Last Name: \_\_\_\_\_, Suffix: \_\_\_\_\_  
 456 First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_  
 457 Recipient's Title: \_\_\_\_\_  
 458

459 Schedule C  
 460 Other Expenses  
 461

462 This schedule shall be filled out for each time principal incurred  
 463 lobbying-related expense of \$250 or more that is not covered by line  
 464 items "a" through "g" in the expenditure totals.  
 465

466 Date	Description	Amount
467 ____/____/____	_____	\$ _____
468 ____/____/____	_____	\$ _____
469 ____/____/____	_____	\$ _____
470 ____/____/____	_____	\$ _____
471 ____/____/____	_____	\$ _____
472		
473 Total (Include total amount to expenditure totals)		\$ _____

474  
 475 D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact  
 476 shall be guilty of a Class 5 felony.

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

481 § 2.2-428. Standards for automated preparation and transmittal of lobbyists' disclosure statements;  
 482 database.

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

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

492 § 2.2-431. Penalties; filing of substituted statement.

493 A. The lobbyist shall sign the disclosure statement prescribed by § 2.2-426 attesting to its  
 494 completeness and accuracy. The Secretary shall review each statement for completeness and accuracy  
 495 and if a statement is not properly completed, the entire filing shall be rejected and returned to the  
 496 lobbyist. The lobbyist shall submit a revised statement within 30 days from receipt of the returned  
 497 statement.

498 B. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed  
 499 therein shall be assessed a civil penalty of fifty dollars, and every individual failing to file the statement  
 500 within ten 30 days after the time prescribed herein shall be assessed an additional civil penalty of fifty  
 501 dollars per day from the eleventh 31st day of such default until the statement is filed. The penalties shall  
 502 be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting  
 503 the penalties, upon request.

504 B. C. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426  
 505 shall be assessed a civil penalty of fifty dollars, and shall be assessed an additional civil penalty of fifty  
 506 dollars per day from the eleventh 31st day of such default until the statement is filed. The penalty shall  
 507 be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting  
 508 the penalties, upon request.

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

512 D. E. Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such  
 513 default are or will be beyond his control, or the control of his principal, or both, the Secretary may

**514** suspend the assessment of any penalty otherwise assessable and accept a substituted statement, upon the  
**515** submission of sworn proofs that shall satisfy him that the default has been beyond the control of the  
**516** lobbyist or his principal, and that the substituted statement contains the most accurate and complete  
**517** information available after the exercise of due diligence.

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