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## SENATE BILL NO. 1425

Senate Amendments in [ ] — February 2, 2009

A *BILL to amend and reenact §§ 2.2-3114 and 30-110 of the Code of Virginia, relating to conflict of interests; establishment of disclosure database.*

Patron Prior to Engrossment—Senator Deeds

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-3114 and 30-110 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and members of the State Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor or, in the case of officers or employees of the legislative branch, by the Joint Rules Committee of the General Assembly, shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement annually on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the State Lottery Board, shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be provided by the Secretary of the Commonwealth to each officer and employee so designated, including officers appointed by legislative authorities, not later than November 30 of each year. *The Secretary of the Commonwealth shall establish and maintain a searchable electronic personal interests disclosure database, available to the public through the Internet, and shall enter or cause to be entered into such database the information from the disclosure forms filed by the [ (i) ] Governor, the Lieutenant Governor, the Attorney General, [ (ii) any candidate for Governor, Lieutenant Governor, or Attorney General who filed a disclosure statement pursuant to § 24.2-502, and (iii) ] the Governor's Secretaries, as defined in subsection E of § 2.2-200, and the Secretary of the Commonwealth.* Disclosure forms shall be filed and maintained as public records for five years in the Office of the Secretary of the Commonwealth.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the

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60 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public  
61 interest. The officer or employee shall either make his declaration orally to be recorded in written  
62 minutes for his agency or file a signed written declaration with the clerk or administrative head of his  
63 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for  
64 public inspection such declaration for a period of five years from the date of recording or receipt. If  
65 reasonable time is not available to comply with the provisions of this subsection prior to participation in  
66 the transaction, the officer or employee shall prepare and file the required declaration by the end of the  
67 next business day.

68 G. An officer or employee of state government who is required to declare his interest pursuant to  
69 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a  
70 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide  
71 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in  
72 the public interest. The officer or employee shall either make his declaration orally to be recorded in  
73 written minutes for his agency or file a signed written declaration with the clerk or administrative head  
74 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make  
75 available for public inspection such declaration for a period of five years from the date of recording or  
76 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to  
77 participation in the transaction, the officer or employee shall prepare and file the required declaration by  
78 the end of the next business day.

79 § 30-110. Disclosure.

80 A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure  
81 statement of his personal interests and such other information as is specified on the form set forth in  
82 § 30-111 and thereafter shall file such a statement annually on or before January 8. When the filing  
83 deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next  
84 day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the clerk of  
85 the appropriate house to each legislator and legislator-elect not later than November 30 of each year.  
86 Members of the Senate shall file their disclosure forms with the Clerk of the Senate and members of the  
87 House of Delegates shall file their disclosure forms with the Clerk of the House of Delegates. *The Clerk*  
88 *of the Senate and the Clerk of the House of Delegates shall each establish and maintain a searchable*  
89 *electronic personal interests disclosure database, available to the public through the Internet, and shall*  
90 *enter or cause to be entered into such database the information from the disclosure forms filed by every*  
91 *legislator [ , candidate for the Senate or House of Delegates who filed a disclosure statement pursuant*  
92 *to § 24.2-502, ] and legislator-elect of the appropriate house.* The disclosure forms of the members of  
93 the General Assembly shall be maintained as public records for five years in the office of the clerk of  
94 the appropriate house.

95 B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as  
96 required by §§ 24.2-500 through 24.2-503.

97 C. Any legislator who has a personal interest in any transaction pending before the General  
98 Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the  
99 rules of his house shall disclose his interest in accordance with the applicable rule of his house.