

10101075D

HOUSE BILL NO. 524

Offered January 13, 2010

Prefiled January 12, 2010

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, Anderson, Athey, Iaquinto, Landes and Lingamfelter

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 ~~.....~~

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

.....

Food	\$
Beverages	\$
Transportation of Legislative and Executive Officials	...	\$
Lodging of Legislative and Executive Officials	\$
Performers, Speakers, Etc.	\$
Displays	\$
Rentals	\$
Service Personnel	\$
Miscellaneous	\$
TOTAL	\$

~~SCHEDULE B~~

~~GIFTS~~

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

Date	Description	Name of each	Cost of
of gift:	of gift:	legislative or	individual
		executive official	gift:
		who is a recipient	
		of a gift:	

.....	\$
.....	\$
.....	\$
.....	\$
TOTAL COST TO PRINCIPAL	\$

~~SCHEDULE C~~

~~OTHER EXPENSES~~

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

~~DATE OF EXPENSE DESCRIPTION OF EXPENSE AMOUNT~~

.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
TOTAL "OTHER" EXPENSES	\$

~~PART IV: STATEMENTS~~

~~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 and returned to the lobbyist:~~

~~(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 -

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 period of this report:

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

282 _____
283 _____
284 (Attach separate sheet if necessary.)
285

286 6. Financial Summary

287 Expenditure Totals

289 a) Entertainment \$ _____ [] "Schedule A" Attached
290 b) Gifts \$ _____ [] "Schedule B" Attached
291 c) Office Expenses \$ _____
292 d) Communications \$ _____
293 e) Personal Living/Travel \$ _____
294 f) Compensation of Lobbyists \$ _____
295 g) Registration Fees \$ _____
296 h) Other \$ _____ [] "Schedule C" Attached

297
298 Total Expenditures: \$ _____
299

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

303
304 Name (Last Name, First Name) Firm (if retained) or Title
305 (if employed)

306
307 _____
308 _____
309 _____
310 _____
311 _____
312 _____
313 _____
314 _____
315 _____
316 _____

317 (Attach separate sheet if necessary.)
318

319 7. Statement of Lobbyist

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

325
326 _____
327 Signature Date

328
329 8. Statement of Authorized Representative of Principal

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

335
336 Authorized Representative (Cannot be same person as lobbyist listed
337 above)
338

339 Last Name: _____ Suffix: _____

340
341 First Name: _____ Middle Name: _____

342
343 Business Street Address: _____ Suite/Apt: _____

344
345 City: _____ State: _____ Zip: _____

346
347 Work Phone: (____) _____ Email: _____

348
349 _____

350 Signature _____ Date _____

351
352 Schedule A

353 Entertainment Expenses

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

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

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

364 Description of Event: _____

365 Location of Event: _____

366 City Where Event Held: _____ State _____

367

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

370
371 \$_____ divided by _____ = \$_____

372
373 Did principal pay for entire cost of the event? Yes _____ No _____

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

375 \$_____

376
377 Summary of Principal's Share of Costs

378 Food/Beverage: \$_____

379 Transportation: \$_____

380 Lodging: \$_____

381 Performers/Speakers: \$_____

382 Rentals/Displays: \$_____

383 Service/Tip: \$_____

384 Other: \$_____ Describe "Other": _____

385
386 Total: \$_____ (Include this amount in "entertainment" expenses in expenditure
387 totals.)
388
389

390 (Include the total amount in "entertainment" expenses in expenditure
391 totals. If the entertainment event was open to the public or unrelated
392 to executive or legislative action and reportable executive or
393 legislative officials represented less than 10 percent of the
394 attendees, then the total cost of the event need not be reported.

395 However, the total cost of entertaining the reportable officials
396 shall be reported.)

397
398 Number of Executive and Legislative Officials Attending: _____
399

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

402		
403	Name (Last Name, First Name)	Title
404	_____	_____
405	_____	_____
406	_____	_____
407	_____	_____
408	_____	_____
409	_____	_____

410 (Attach separate sheet if necessary.)

411
412 _____

413 Schedule B

414 Gifts

415
416 This schedule shall be filled out each time the principal contributes
417 all or part of a gift to an executive or legislative official valued
418 at \$50 or more. (Complete this form even if the principal's share
419 of gift was less than \$50.)
420

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

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

423 Yes _____ No _____

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

425 \$ _____

426 Description of Gift: _____

427

428 Recipient Last Name: _____ Suffix: _____

429 First Name: _____ Middle Name: _____

430

431 Recipient's Title: _____

432

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

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

435 Yes _____ No _____

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

437 \$ _____

438 Description of Gift: _____

439 Recipient Last Name: _____ Suffix: _____

440 First Name: _____ Middle Name: _____

441

442 Recipient's Title: _____

443

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

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

446 Yes _____ No _____

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

448 \$ _____

449 Description of Gift: _____

450 Recipient Last Name: _____ Suffix: _____

451 First Name: _____ Middle Name: _____

Recipient's Title: _____

Schedule C

Other Expenses

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 30 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~~ \$50, and every individual failing to file the statement within ~~ten~~ 30 days after the time prescribed herein shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the ~~eleventh~~ 31st 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~~ \$50, and shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the ~~eleventh~~ 31st 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

512 available after the exercise of due diligence.

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

514 the general fund.