

2010 SESSION

SENATE SUBSTITUTE

10105050D

SENATE BILL NO. 507

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 12, 2010)

(Patron Prior to Substitute—Senator Smith, R.K.)

A BILL to amend and reenact §§ 2.2-426, 2.2-428, and 2.2-431 of the Code of Virginia, relating to 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), including when appropriate the assigned House of Delegates or Senate of Virginia bill, resolution, or joint resolution number, 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 \$

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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
68 your principal.
69
70
71
72 (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide
73 your 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
78 this describes your situation, do not answer Part II, items 5a and 5b.
79 Instead, 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
82 have to prorate to determine the part of your salary attributable to
83 your lobbying activities.) Transfer your answer to this item to
84 Part I, item 6f.

85 (5b) Explain how you arrived at your answer to Part II, item 5a.

86
87
88

89 PART III:

90 PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT
91 complete this section.

92 (1) List all members of your firm, organization, association, corporation,
93 or other entity who furnished lobbying services to your principal.

94
95
96

97 (2) Indicate the total amount paid to your firm, organization, association,
98 corporation or other entity for services rendered. Transfer your answer
99 to this item to Part I, item 6f.....

100 SCHEDULE A

101 ENTERTAINMENT EXPENSES

102 PLEASE NOTE: Any single entertainment event included in the expense totals
103 of the principal, with a value greater than \$50, should be itemized below.
104 Transfer any totals from this schedule to Part I, item 6a. (Please
105 duplicate as needed.)

106 Date and Location of Event:

107
108

109 Description of Event:

110
111

112 Total Number of Persons Attending:

113

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 of gift:	Description of gift:	Name of each legislative or executive official who is a recipient of a gift:	Cost of individual 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 in the instructions provided by the Secretary that accompany this form.

No stamps, or other reproductions of the individual's signature will be accepted.

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

STATEMENT OF LOBBYIST

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

.....
Signature of lobbyist

.....
Date

STATEMENT OF PRINCIPAL

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

.....
Signature of principal

.....
Date

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 if a statement is not properly completed, the entire filing shall be rejected and returned to the lobbyist.*

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~~ 10 days after the time prescribed herein shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 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.

BC. 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 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.

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

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

238 *EF.* Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to
 239 the general fund.