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 ..... $ .....~~

h) REGISTRATION COSTS ..... $ .....
i) OTHER ..... $ .....
TOTAL ..... $ .....
PART II:
(1a) NAME OF LOBBYIST: .....
(1b) Permanent Business Address: .....
(1c) Business Telephone: .....
(2) As a lobbyist, you are (check one)
---] EMPLOYED (on the payroll of the principal)
---] RETAINED (not on the payroll of the principal, however compensated)
---] NOT COMPENSATED (not compensated; expenses may be reimbursed)
(3) List all lobbyists other than yourself who registered to represent your principal.
.....
.....
.....
(4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.
.....
PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.
(5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6f.
(5b) Explain how you arrived at your answer to Part II, item 5a.
.....
.....
.....
PART III:
PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete this section.
(1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.
.....
.....
.....
(2) Indicate the total amount paid to your firm, organization, association, corporation or other entity for services rendered. Transfer your answer to this item to Part I, item 6f .....
SCHEDULE A
ENTERTAINMENT EXPENSES
PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than $50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)
Date and Location of Event:
.....
.....
Description of Event:
.....
.....
Total Number of Persons Attending:
.....

~~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~~

1. Name of Principal

*Principal:*_____

2. Lobbyist Information

*Last Name:*_____ *Suffix:*_____

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

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

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

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

3. Lobbyist's Relationship to Principal

[ ] Lobbyist was Employed by Principal
*Job Title:*_____
*Total compensation for lobbying during period: $*_____
Does this amount represent lobbyist's entire salary during period? Yes_____No_____
If answer is "No," explain how you arrived at amount compensated for lobbying:
_____
_____

[ ] Lobbyist was Retained by Principal
*Name of Firm:*_____
Total Compensation paid to firm for lobbying during period: $ _____

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 compensated 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 proceed 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 principal:
_____
_____
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.

INTRODUCED

_____
_____
(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 are, 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 are, to the best of my knowledge and belief, complete and accurate.

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 of Event divided by Total Number of Persons Attending = Average Cost 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 to executive or legislative action and reportable executive or legislative officials represented less than 10 percent of the attendees, then the total cost of the event need not be reported.

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

Number of Executive and Legislative Officials Attending:_____

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

Name (Last Name, First Name)	*Title*
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Attach separate sheet if necessary.)

_____

Schedule B
Gifts

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

Date of Gift: ___/___/____ Total Cost of Gift: $_____
Did principal's share account for the total value of the gift?
Yes_____No_____
If No, list the principal's share of the cost of the total gift:
$ _____
Description of Gift: _____

Recipient Last Name:_____ Suffix:_____
First Name: _____ Middle Name:_____

Recipient's Title: _____

Date of Gift: ___/___/____ Total Cost of Gift: $_____
Did principal's share account for the total value of the gift?
Yes_____No_____
If No, list the principal's share of the cost of the total gift:
$ _____
Description of Gift:_____
Recipient Last Name: _____ Suffix: _____
First Name: _____ Middle Name:_____

Recipient's Title: _____

Date of Gift: __/___/_____ Total Cost of Gift: $_____
Did principal's share account for the total value of the gift?
Yes_____No_____
If No, list the principal's share of the cost of the total gift:
$ _____
Description of Gift: _____
Recipient Last Name: _____ Suffix: _____
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

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.