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HOUSE BILL NO. 713

Offered January 8, 2014

Prefiled January 7, 2014

A BILL to amend and reenact §§ 2.2-3124 and 30-110 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3117.1, relating to the State and Local Conflict of Interests Act and General Assembly Conflicts of Interests Act; publicly available database for statements of economic interests; civil penalties.

Patron—Campbell

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3124 and 30-110 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3117.1 as follows:

§ 2.2-3117.1. Standards for automated preparation and transmittal of statements of economic interests; database.

A. The Secretary of the Commonwealth shall accept any statement of economic interests filed pursuant to § 2.2-3117 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 of the Commonwealth shall establish a disclosure database, available to the public, for the statements of economic interests required to be filed pursuant to §§ 2.2-3117 and 30-111 and filed electronically and may enter into that database information from such required statements of economic interests filed by other methods. Information in the database should be searchable by agency, locality, individual, and such other indices as determined by the Secretary.

§ 2.2-3124. Civil penalties for violation of this chapter.

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. In addition to any other fine or penalty provided in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.), any person required to file a statement of economic interests pursuant to § 2.2-3117 who fails to file any statement in a timely manner or files an incomplete statement may be assessed a civil penalty by the Secretary of the Commonwealth pursuant to this subsection. Prior to assessing a penalty pursuant to this subsection, the Secretary shall notify in writing, within 14 days following the deadline for the required statement, the person required to file in writing that a statement has not been filed or that a filed statement has not been completed, citing the omissions from the statement. No penalty shall be assessed pursuant to this subsection if the statement or information required to complete the statement is filed within seven days of the date of mailing the written notice. If the report or information required to complete the statement is not filed within the seven-day period, the Secretary shall assess against the filer a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Secretary may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. The Secretary shall notify the public through the Secretary's official website of the violation and identity of the violator. If requested by the Secretary, the attorney for the Commonwealth of the City of Richmond shall assist the Secretary in collecting the civil penalty. Civil penalties collected pursuant to this subsection shall be payable to the State Treasurer for deposit to the general fund.

§ 30-110. Disclosure.

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement annually on or before January 8. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next

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59 day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the clerk of
60 the appropriate house to each legislator and legislator-elect not later than November 30 of each year.
61 Members of the Senate shall file their disclosure forms with the Clerk of the Senate and members of the
62 House of Delegates shall file their disclosure forms with the Clerk of the House of Delegates. The
63 disclosure forms of the members of the General Assembly shall be maintained as public records for five
64 years in the office of the clerk of the appropriate house.

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

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

70 *D. The Clerks of the Senate and House of Delegates shall forward immediately to the Secretary of*
71 *the Commonwealth copies of the disclosure statements filed by legislators, legislators-elect, and*
72 *candidates for the General Assembly pursuant to subsections A and B and § 30-111 for inclusion in the*
73 *disclosure database established pursuant to § 2.2-3117.1.*