

14102899D

SENATE BILL NO. 471

Offered January 8, 2014

Prefiled January 8, 2014

A *BILL to amend and reenact §§ 2.2-3114 and 24.2-502, as it is effective and as it may become effective, of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; filing of quarterly disclosure required for certain state officers and employees.*

Patron—Smith

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3114 and 24.2-502 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~~ *quarterly as follows: (i) by January 15 for the preceding three-month period ending December 31, (ii) by April 15 for the preceding three-month period ending March 31, (iii) by July 15 for the preceding three-month period ending June 30, and (iv) by October 15 for the preceding three-month period ending September 30.* 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. 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 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public

INTRODUCED

SB471

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

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

77 **§ 24.2-502. (Effective until July 1, 2014) Statement of economic interests as requirement of**
78 **candidacy.**

79 It shall be a requirement of candidacy that a written statement of economic interests shall be filed by
80 (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the
81 Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate
82 house, (iii) a candidate for a constitutional office with the general registrar for the county or city, and
83 (iv) a candidate for member of the governing body or elected school board of any county, city, or town
84 with a population in excess of 3,500 persons with the general registrar for the county or city. The
85 statement of economic interests shall be that specified in § 30-111 for candidates for the General
86 Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a
87 candidate for reelection to the same office who has met the requirement of annually filing a statement
88 pursuant to § 2.2-3114, § 2.2-3115, or § 30-110.

89 The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates, the general
90 registrar, and the clerk of the local governing body shall transmit to the State Board, immediately after
91 the filing deadline, a list of the candidates who have filed initial, ~~or~~ annual, *or quarterly* statements of
92 economic interests. The Secretary of the State Board shall notify the appropriate local electoral boards of
93 the filings.

94 **§ 24.2-502. (Effective July 1, 2014) Statement of economic interests as requirement of**
95 **candidacy.**

96 It shall be a requirement of candidacy that a written statement of economic interests shall be filed by
97 (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the
98 Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate
99 house, (iii) a candidate for a constitutional office with the general registrar for the county or city, and
100 (iv) a candidate for member of the governing body or elected school board of any county, city, or town
101 with a population in excess of 3,500 persons with the general registrar for the county or city. The
102 statement of economic interests shall be that specified in § 30-111 for candidates for the General
103 Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a
104 candidate for reelection to the same office who has met the requirement of annually filing a statement
105 pursuant to § 2.2-3114, 2.2-3115, or 30-110.

106 The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates, the general
107 registrar, and the clerk of the local governing body shall transmit to the State Board, immediately after
108 the filing deadline, a list of the candidates who have filed initial, ~~or~~ annual *or quarterly* statements of
109 economic interests. The Commissioner of Elections shall notify the appropriate local electoral boards of
110 the filings.