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SENATE JOINT RESOLUTION NO. 53

Offered January 8, 2014

Prefiled January 6, 2014

Establishing a joint subcommittee to study the creation of a State Ethics Commission and Virginia's laws governing the conduct of public officials. Report.

Patrons—Ebbin; Delegate: Simon

Referred to Committee on Rules

WHEREAS, our system of representative government is dependent in part upon its citizens maintaining the highest trust in their public officers and employees; and

WHEREAS, the citizens of the Commonwealth are entitled to the assurance that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts; and

WHEREAS, Virginia is one of only nine states that has not established in its constitution or statutes an ethics oversight body or commission; and

WHEREAS, recent events have prompted debate on the adequacy of Virginia's current ethics laws, including the General Assembly Conflicts of Interests Act and the State and Local Government Conflict of Interests Act, and have highlighted the lack of oversight of current conflicts and disclosure issues; and

WHEREAS, the most recent significant study of Virginia's ethics laws governing the conduct of public officials was undertaken by a joint subcommittee of the General Assembly as documented in House Document 31 (2003); now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the creation of a State Ethics Commission and Virginia's laws governing the conduct of public officials. The joint subcommittee shall have a total membership of 14 members that shall consist of nine legislative members, three nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: one member of the Senate Committee on Rules and two members of the Senate Committee on Privileges and Elections to be appointed by the Senate Committee on Rules; three members of the House Committee on Rules and three members of the House Committee on Privileges and Elections to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member who shall be an attorney for the Commonwealth to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members, one of whom shall be a local elected government official and one of whom shall be a member at large, to be appointed by the Speaker of the House of Delegates. The Governor or his designee and the Attorney General or his designee shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall study the ethics commissions operating in other states, evaluate the adequacy of Virginia's current ethics laws governing the conduct of public officials, and make recommendations for improvements in the laws and the procedures used to enforce them.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2014 interim, and the direct costs of this study shall not exceed \$18,120 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the

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59 joint subcommittee.

60 The joint subcommittee shall complete its meetings by November 30, 2014, and the chairman shall
61 submit to the Division of Legislative Automated Systems an executive summary of its findings and
62 recommendations no later than the first day of the 2015 Regular Session of the General Assembly. The
63 executive summary shall state whether the joint subcommittee intends to submit to the General
64 Assembly and the Governor a report of its findings and recommendations for publication as a House or
65 Senate document. The executive summary and the report shall be submitted as provided in the
66 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
67 and reports and shall be posted on the General Assembly's website.

68 Implementation of this resolution is subject to subsequent approval and certification by the Joint
69 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
70 delay the period for the conduct of the study, or authorize additional meetings during the 2014 interim.