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SENATE BILL NO. 735

Offered January 14, 2015

Prefiled December 16, 2014

A BILL to amend and reenact §§ 30-103.1 and 30-356 of the Code of Virginia, relating to the General Assembly Conflicts of Interests Act; prohibited conduct related to travel.

Patrons—Marsden and Ebbin

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That §§ 30-103.1 and 30-356 of the Code of Virginia is amended and reenacted as follows:****§ 30-103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 30-111.

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

B. A legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth, *except for those travel-related things of value for which he has received the prior approval of the Council*; (ii) shall report any tangible gift with a value of \$250 or less ~~or any intangible gift received from any person listed in clause (i)~~ on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure form. ~~For purposes of this subsection, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.~~

C. A legislator shall not solicit, accept, or receive lodging, transportation, hospitality, or other travel-related thing of value with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth, prior to submitting to the Council a request to accept such lodging, transportation, hospitality, or other travel-related thing of value and receiving approval of such request. The legislator shall report any intangible gift, including lodging, transportation, hospitality, or other travel-related thing of value, received from such a person on Schedule E of the prescribed disclosure form.

D. The \$250 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

§ 30-356. Powers and duties of the Council.

The Council shall:

1. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state and local government officers and employees and legislators pursuant to the Acts. The Council shall review all disclosure forms for completeness, which shall include reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and be followed by requests for amendments to ensure the completeness of and

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59 correction of errors in the forms, if necessary;

60 2. Accept any disclosure forms by computer or electronic means in accordance with the standards
61 approved by the Council and using software meeting standards approved by it. The Council shall
62 provide software to filers without charge and may prescribe the method of execution and certification of
63 electronically filed forms, including the use of an electronic signature as authorized by the Uniform
64 Electronic Transactions Act (§ 59.1-479 et seq.), and the procedures for receiving forms in the office of
65 the Council;

66 3. Beginning July 1, 2015, establish and maintain a searchable electronic database comprising
67 disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be
68 available to the public through the Council's official website;

69 4. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information,
70 including informal advice, regarding ethics and conflicts issues arising under Article 3 or the Acts to any
71 person or to any agency of state or local government, in an expeditious manner. Informal advice given
72 by the Council is confidential, protected by the attorney-client privilege, and is excluded from the
73 provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

74 5. *Review and approve or deny requests submitted by legislators to accept lodging, transportation,*
75 *hospitality, or other travel-related thing of value pursuant to subsection C of § 30-103.1. The Council*
76 *shall approve such a request where at least 90 percent of the travel is dedicated to the purpose of*
77 *economic development, diplomacy, trade relations, or education, or is in furtherance of carrying out*
78 *duties imposed by statute or the work of any standing committee of the General Assembly or legislative*
79 *interim study commission or committee. The Council shall prescribe the standards and procedures for*
80 *receiving, reviewing, and approving or denying such requests;*

81 6. Conduct training seminars and educational programs for lobbyists, state and local government
82 officers and employees and legislators, and other interested persons on the requirements of Article 3 and
83 the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1
84 et seq.) of Chapter 13;

85 6- 7. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the
86 educational materials and approve any training or course on the requirements of Article 3 and the Acts
87 conducted for state and local government officers and employees;

88 7- 8. Publish such educational materials as it deems appropriate on the provisions of Article 3 and
89 the Acts;

90 8- 9. Review actions taken in the General Assembly with respect to the discipline of its members for
91 the purpose of offering nonbinding advice;

92 9- 10. Request from any agency of state or local government such assistance, services, and
93 information as will enable the Council to effectively carry out its responsibilities. Information provided
94 to the Council by an agency of state or local government shall not be released to any other party unless
95 authorized by such agency; and

96 10- 11. Report on or before December 1 of each year on its activities and findings regarding Article
97 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the
98 Governor. The annual report shall be submitted by the chairman as provided in the procedures of the
99 Division of Legislative Automated Systems for the processing of legislative documents and reports and
100 shall be published as a state document.