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SENATE JOINT RESOLUTION NO. 289

Offered January 11, 2017

Prefiled January 11, 2017

Directing the Virginia Conflict of Interest and Ethics Advisory Council to study the procedures for the filing and review of disclosure forms by local government officers and employees. Report.

Patron—Ebbin

Referred to Committee on Rules

WHEREAS, in 2014, the Virginia Conflict of Interest and Ethics Advisory Council (the Council) was created to oversee the filing of the various disclosure forms required to be filed under Virginia's conflict of interest laws and was given the power to review disclosure forms filed with the Council; and

WHEREAS, prior to the creation of the Council, local government officers and employees filed their disclosure forms with the clerk of the local governing body or school board and state government officers and employees filed with the Secretary of the Commonwealth; and

WHEREAS, the original legislation creating the Council, Chapters 792 and 804 of the Acts of Assembly of 2014, required that disclosure forms from both state government and local government officers and employees be filed electronically with the Council; the Council was also tasked with establishing an electronic database comprised of the filed disclosure forms to be available on the Council's website; and

WHEREAS, in 2015, prior to the first time local government officers and employees were scheduled to begin filing their disclosure forms with the Council, the law was amended by Chapters 763 and 777 of the Acts of Assembly of 2015 to once again require that such forms be filed with the clerk of the local governing body or school board; and

WHEREAS, unlike state government officers and employees, local government officers and employees are not required to file their disclosure forms electronically and, even if they were, the local clerks do not necessarily possess the resources to accept such forms electronically; and

WHEREAS, unlike the Council, the local clerks have no authority to review the disclosure forms filed with them; and

WHEREAS, local government officers and employees have the same interest in maintaining the trust of Virginia's citizens as do state government officers and employees; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Conflict of Interest and Ethics Advisory Council be directed to study the procedures for the filing and review of disclosure forms by local government officers and employees. The Council shall determine if any changes to such procedures are necessary to better enable members of the public to access filed disclosure forms and to enhance public confidence that the information contained in such forms is complete and accurate.

In conducting its study, the Council shall determine the feasibility of the Council accepting disclosure forms from local government officers and employees in its current electronic filing system. The Council shall also determine whether there should be a procedure for reviewing disclosure forms filed by local government officers and employees and, if so, who should be empowered to perform such review.

Technical assistance shall be provided to the Council by the Division of Legislative Automated Systems. All agencies of the Commonwealth shall provide assistance to the Council for this study, upon request.

The Council shall complete its meetings by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2018 Regular Session of the General Assembly. The executive summary shall state whether the Council intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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