

18103174D

**HOUSE BILL NO. 991**

Offered January 10, 2018

Prefiled January 9, 2018

*A BILL to amend and reenact § 2.2-3114 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; disclosures; Virginia College Savings Plan.*

Patron—Gilbert

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-3114 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3114. Disclosure by state officers and employees.**

A. In accordance with the requirements set forth in § 2.2-3118.2, 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, members of the Virginia Alcoholic Beverage Control Board, *members of the Board of the Virginia College Savings Plan and its Investment Advisory Committee*, and members of the Virginia 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 officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, 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, *members of the Board of the Virginia College Savings Plan and its Investment Advisory Committee*, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. 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 prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

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 subsection A 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 B 1 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 interest. The officer or employee shall either make his declaration orally to be recorded in written

INTRODUCED

HB991

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

65 G. An officer or employee of state government who is required to declare his interest pursuant to  
66 subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a  
67 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide  
68 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in  
69 the public interest. The officer or employee shall either make his declaration orally to be recorded in  
70 written minutes for his agency or file a signed written declaration with the clerk or administrative head  
71 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make  
72 available for public inspection such declaration for a period of five years from the date of recording or  
73 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to  
74 participation in the transaction, the officer or employee shall prepare and file the required declaration by  
75 the end of the next business day.

76 H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher  
77 education in the Commonwealth shall not be required to file the disclosure form prescribed by the  
78 Council pursuant to § 2.2-3117 or 2.2-3118.

79 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
80 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0**  
81 **for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment**  
82 **to the custody of the Department of Juvenile Justice.**