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## SENATE BILL NO. 1430

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact §§ 15.2-1534 and 30-356 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 31 of Title 2.2 an article numbered 9, consisting of a section numbered 2.2-3132, relating to conflict of interest; dual-office holding; duties of Virginia Conflict of Interest and Ethics Advisory Council; training requirement; inquiries from citizens.*

Patron—Obenshain

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1534 and 30-356 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 31 of Title 2.2 an article numbered 9, consisting of a section numbered 2.2-3132, as follows:**

*Article 9.**Training for Local Filers.***§ 2.2-3132. Training on prohibited conduct and conflicts of interest.**

A. *The Council shall provide training sessions for local elected officials on the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).*

B. *Each local elected official shall complete the training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session.*

C. *The clerk of the respective governing body or school board shall maintain records indicating local elected officials subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.*

**§ 15.2-1534. Certain officers not to hold more than one office.**

A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no person holding the office of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, commissioner of the revenue, supervisor, councilman, mayor, board chairman, or other member of the governing body of any locality shall hold more than one such office at the same time.

B. Subsection A shall not be construed to prohibit:

1. A commissioner of the revenue of a county from serving as appointed commissioner of the revenue of a town located in the county;

2. A treasurer of a county from serving as appointed treasurer of a town located in the county;

3. A deputy sheriff of a county from serving as appointed town sergeant of a town located in the county;

4. A person from serving simultaneously as an assistant attorney for the Commonwealth in the City of Winchester and Frederick County;

5. A person from serving as attorney for the Commonwealth for Bland County and assistant attorney for the Commonwealth of Wythe County;

6. The election of deputies of constitutional officers to school board membership, consistent with federal law and regulation; or

7. A person from serving simultaneously as a part-time assistant attorney for the Commonwealth in more than one locality with the consent of the respective attorneys for the Commonwealth and the Compensation Board in accordance with procedures adopted by the Compensation Board.

C. *No person holding the office of attorney for the Commonwealth shall serve as attorney for a county, city, or town at the same time.*

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

The Council shall:

1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;

2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms

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59 for completeness, including reviewing the information contained on the face of the form to determine if  
60 the disclosure form has been fully completed and comparing the disclosures contained in any disclosure  
61 form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and  
62 requesting any amendments to ensure the completeness of and correction of errors in the forms, if  
63 necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the  
64 Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a  
65 prescribed period of time, and such notification shall be confidential and is excluded from the provisions  
66 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

67 3. Require all disclosure forms and lobbyist registration statements that are required to be filed with  
68 the Council to be filed electronically in accordance with the standards approved by the Council. The  
69 Council shall provide software or electronic access for filing the required disclosure forms and  
70 registration statements without charge to all individuals required to file with the Council. The Council  
71 shall prescribe the method of execution and certification of electronically filed forms, including the use  
72 of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).  
73 The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant  
74 such extensions;

75 4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift  
76 that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

77 5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising those  
78 disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111.  
79 Such database shall be available to the public through the Council's official website;

80 6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information,  
81 including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a  
82 person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any  
83 agency of state or local government, in an expeditious manner. The Council may authorize a designee to  
84 furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be  
85 published on the Council's website; however, no formal advisory opinion furnished by a designee of the  
86 Council shall be available to the public or published until such opinion has been approved by the  
87 Council. Published formal advisory opinions may have such deletions and changes as may be necessary  
88 to protect the identity of the person involved or other persons supplying information. Informal advice  
89 given by the Council or the Council's designee is confidential and is excluded from the mandatory  
90 disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the  
91 recipient invokes the immunity provisions of § 2.2-3121 or 30-124, the record of the request and the  
92 informal advice given shall be deemed to be a public record and shall be released upon request. Other  
93 records relating to formal advisory opinions or informal advice, including records of requests, notes,  
94 correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded  
95 from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

96 7. Conduct training seminars and educational programs for lobbyists, state and local government  
97 officers and employees, legislators, and other interested persons on the requirements of Article 3 and the  
98 Acts and provide *training sessions for local elected officials in compliance with Article 9 (§ 2.2-3132)*  
99 *of Chapter 31 of Title 2.2 and* ethics orientation sessions for legislators in compliance with Article 6  
100 (§ 30-129.1 et seq.) of Chapter 13;

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

104 9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the  
105 Acts;

106 10. Review actions taken in the General Assembly with respect to the discipline of its members for  
107 the purpose of offering nonbinding advice;

108 11. Request from any agency of state or local government such assistance, services, and information  
109 as will enable the Council to effectively carry out its responsibilities. Information provided to the  
110 Council by an agency of state or local government shall not be released to any other party unless  
111 authorized by such agency;

112 12. Redact from any document or form that is to be made available to the public any residential  
113 address, personal telephone number, or signature contained on that document or form; and

114 13. Report on or before December 1 of each year on its activities and findings regarding Article 3  
115 and the Acts, including recommendations for changes in the laws, to the General Assembly and the  
116 Governor. The annual report shall be submitted by the chairman as provided in the procedures of the  
117 Division of Legislative Automated Systems for the processing of legislative documents and reports and  
118 shall be published as a state document.

119 **2. That a local elected official holding office on July 1, 2019, shall complete the training required**  
120 **by § 2.2-3132 of the Code of Virginia as created by this act no later than December 31, 2019.**