

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: SB1430-ES1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Obenshain

3. Committee: Rules

4. Title: Conflict of interest; dual-office holding; duties of Virginia Conflict of Interest and Ethics.

5. Summary: The engrossed bill requires all local elected officials to take training on the provisions of the State and Local Government Conflict of Interests Act at least once every two years. The engrossed bill requires such officials in office on July 1, 2019, to complete such training no later than December 31, 2019. The bill also prohibits an attorney for the Commonwealth from serving simultaneously as a county, city, or town attorney. The bill requires the Virginia Conflict of Interest and Ethics Advisory Council (the Council) to offer guidance to any person who contacts the Council with an inquiry regarding ethics, conflicts issues, or a person's duties under the General Assembly Conflicts of Interests Act, the State and Local Government Conflict of Interests Act, or lobbying laws. Current law requires the Council to offer guidance on such Acts and lobbying laws to state and local government agencies and to those individuals to whom the Acts and lobbying laws apply. The engrossed bill allows the Council to provide the training via online means, and declares that no penalty will be imposed on a local elected official for failing to complete a training session.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: None; see item 8.

8. Fiscal Implications: The engrossed bill impacts the Virginia Conflict of Interest and Ethics Advisory Council, which is a component of the Division of Legislative Services, in two ways. First, the bill requires the Ethics Council to provide training on the State and Local Government Conflict of Interests Act to all local elected officials at least once every two years, and specifies that all such officials who are in office as of July 1, 2019, complete this training by December 31, 2019.

The Ethics Council believes this training can be created with existing resources and then hosted on the Commonwealth of Virginia Learning Center website at minimal cost to the Council.

Second, the bill also requires the Ethics Council to provide guidance to any person who contacts the Council with inquiries involving the General Assembly Conflicts of Interests Act, the State and Local Government Conflict of Interests Act, or lobbying laws, including a person's duties under those laws.

Currently, the Ethics Council is only permitted to provide such guidance to state and local agencies, and persons who are covered by those laws. This restriction was placed on the Council in 2015 by Va. Acts, Chapter 777; prior to this restriction, the Council would provide advice to non-filers, such as general citizens, and answer ethics related questions from the press. It is unknown how many additional inquiries for guidance the Council will receive from the public or the media, but the Council believes these additional requests for guidance can be handled with existing resources.

9. Specific Agency or Political Subdivisions Affected: The Virginia Conflict of Interest and Ethics Advisory Council; The Division of Legislative Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.