

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 776

An Act to amend and reenact §§ 2.1-639.21 and 2.1-639.33 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 40.1 of Title 2.1 a section numbered 2.1-639.4:1, relating to conflicts of interests of legislators and certain officers and employees of state government; post-service restrictions; penalties and forfeitures.

[S 439]

Approved April 11, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-639.21 and 2.1-639.33 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 40.1 of Title 2.1 a section numbered 2.1-639.4:1 as follows:

§ 2.1-639.4:1. Prohibited conduct for certain officers and employees of state government.

In addition to the prohibitions contained in § 2.1-639.4, no state officer or employee shall, during the one year after the termination of his public employment or service, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer or employee.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a salary grade of sixteen or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

The prohibitions of this section shall apply only to persons engaged in activities that would require registration as a lobbyist under § 30-28.2.

Any person subject to the provisions of this section may apply to the Attorney General, as provided in § 2.1-639.23, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.1-639.21. Forfeiture of money, etc., derived from violation of this chapter.

In addition to any other fine or penalty provided by law, any money or other thing of value derived by an officer or employee from a violation of §§ 2.1-639.4 or §§ ~~2.1-639.6~~ through 2.1-639.11 shall be forfeited and, in the event of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth or the local government as the case may be. If the thing of value received by the officer or employee in violation of this chapter should enhance in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of forfeiture.

§ 2.1-639.33. Prohibited conduct.

No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information which he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9 (§ ~~24.1-251 et seq.~~) of Title ~~24.1~~ (§ 24.2-900 et seq.) of Title 24.2 ; or

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties; or

7. During the one year after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before

the General Assembly or any agency of the legislative branch of government. The prohibitions of this subdivision shall apply only to persons engaged in activities that would require registration as a lobbyist under § 30-28.2. Any person subject to the provisions of this subdivision may apply to the Attorney General, as provided in § 2.1-639.59, for an advisory opinion as to the application of the restriction imposed by this subdivision on any post-public employment position or opportunity.

2. That the provisions of this act shall apply only to state officers or employees or legislators who terminate their state service on or after the effective date of this act.