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SENATE BILL NO. 507

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 2.2-426, 2.2-428, and 2.2-431 of the Code of Virginia, relating to the Secretary of the Commonwealth; lobbyist disclosure.

Patron—Smith

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-426, 2.2-428, and 2.2-431 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file a separate annual report of expenditures, including gifts, for each principal for whom he lobbies by July 1 for the preceding 12-month period complete through April 30.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. The report shall be on a form provided by the Secretary of the Commonwealth, which shall be substantially as follows and shall be accompanied by instructions provided by the Secretary.

LOBBYIST'S DISCLOSURE STATEMENT

~~PART I:~~

~~(1) PRINCIPAL:~~

~~In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a. THE INDIVIDUAL LISTED IN PART I, ITEM 2A, MUST SIGN THE PRINCIPAL'S STATEMENT.~~

~~(2a) Name:~~

~~(2b) Permanent Business Address:~~

~~(2c) Business Telephone:~~

~~(3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.~~

~~.....~~

~~.....~~

~~.....~~

~~(4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:~~

~~Individual filing financial information:~~

~~Individuals to be included in the filing:~~

~~.....~~

~~(5) Please indicate which schedules will be attached to your disclosure statement:~~

~~[] Schedule A: Entertainment Expenses~~

~~[] Schedule B: Gifts~~

~~[] Schedule C: Other Expenses~~

~~(6) EXPENDITURE TOTALS:~~

~~a) ENTERTAINMENT \$~~

~~b) GIFTS \$~~

~~c) OFFICE EXPENSES \$~~

~~d) COMMUNICATIONS \$~~

~~e) PERSONAL LIVING AND TRAVEL EXPENSES \$~~

~~f) COMPENSATION OF LOBBYISTS \$~~

~~g) HONORARIA \$~~

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SB507

56 ~~h) REGISTRATION COSTS \$~~
 57 ~~i) OTHER \$~~
 58 ~~TOTAL \$~~

59 ~~PART II:~~

60 ~~(1a) NAME OF LOBBYIST:~~

61 ~~(1b) Permanent Business Address:~~

62 ~~(1c) Business Telephone:~~

63 ~~(2) As a lobbyist, you are (check one)~~

64 ~~[] EMPLOYED (on the payroll of the principal)~~

65 ~~[] RETAINED (not on the payroll of the principal, however compensated)~~

66 ~~[] NOT COMPENSATED (not compensated; expenses may be reimbursed)~~

67 ~~(3) List all lobbyists other than yourself who registered to represent~~

68 ~~your principal.~~

69 ~~.....~~

70 ~~.....~~

71 ~~.....~~

72 ~~(4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide~~

73 ~~your job title.~~

74 ~~.....~~

75 ~~PLEASE NOTE: Some lobbyists are not individually compensated for lobbying~~

76 ~~activities. This may occur when several members of a firm represent a single~~

77 ~~principal. The principal, in turn, makes a single payment to the firm. If th-~~

78 ~~is~~

79 ~~describes your situation, do not answer Part II, items 5a and 5b. Instead,~~

80 ~~complete Part III, items 1 and 2.~~

81 ~~(5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you~~

82 ~~have job responsibilities other than those involving lobbying, you may~~

83 ~~have to prorate to determine the part of your salary attributable to yo-~~

84 ~~ur~~

85 ~~lobbying activities.) Transfer your answer to this item to Part I, item-~~

86 ~~6f.~~

87 ~~(5b) Explain how you arrived at your answer to Part II, item 5a.~~

88 ~~.....~~

89 ~~.....~~

90 ~~.....~~

91 ~~PART III:~~

92 ~~PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete~~

93 ~~this section.~~

94 ~~(1) List all members of your firm, organization, association, corporation, or~~

95 ~~other entity who furnished lobbying services to your principal.~~

96 ~~.....~~

97 ~~.....~~

98 ~~.....~~

99 ~~(2) Indicate the total amount paid to your firm, organization, association,~~

100 ~~corporation or other entity for services rendered. Transfer your answer-~~

101 ~~to~~

102 ~~this item to Part I, item 6f.....~~

103 ~~SCHEDULE A~~

104 ~~ENTERTAINMENT EXPENSES~~

105 ~~PLEASE NOTE: Any single entertainment event included in the expense totals of~~

106 ~~the principal, with a value greater than \$50, should be itemized below.~~

107 ~~Transfer any totals from this schedule to Part I, item 6a. (Please duplicate~~

108 ~~as needed.)~~

109 ~~Date and Location of Event:~~

110 ~~.....~~

111 ~~.....~~

112 ~~Description of Event:~~

~~.....~~
~~.....~~
 Total Number of Persons Attending:

~~.....~~
 Names of Legislative and Executive Officials Attending: (List names only if
 the average value for each person attending the event was greater than \$50.)
~~.....~~
~~.....~~
~~.....~~

Food	\$
Beverages	\$
Transportation of Legislative and Executive Officials	\$
Lodging of Legislative and Executive Officials	\$
Performers, Speakers, Etc.	\$
Displays	\$
Rentals	\$
Service Personnel	\$
Miscellaneous	\$
TOTAL	\$

~~SCHEDULE B~~

~~GIFTS~~

~~PLEASE NOTE: Any single gift reported in the expense totals of the principal,~~
~~with a value greater than \$50, should be itemized below. (Report meals,~~
~~entertainment and travel under Schedule A.) Transfer any totals from this~~
~~schedule to Part I, item 6b. (Please duplicate as needed.)~~

.....	Name of each	Cost of
.....	legislative or
.....	executive official
Date	Description	who is a recipient	individual
of gift:	of gift:	of a gift:	gift:
.....	\$
.....	\$
.....	\$
.....	\$
TOTAL COST TO PRINCIPAL	\$

~~SCHEDULE C~~

~~OTHER EXPENSES~~

~~PLEASE NOTE: This section is provided for any lobbying related expenses not~~
~~covered in Part I, items 6a - 6h. An example of an expenditure to be listed~~
~~on schedule C would be the rental of a bill box during the General Assembly~~
~~session. Transfer the total from this schedule to Part I, item 6i. (Please~~
~~duplicate as needed.)~~

DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
.....	\$
TOTAL "OTHER" EXPENSES	\$

~~PART IV: STATEMENTS~~

~~Both the lobbyist and principal officer must sign the disclosure statement,~~

169 —attesting to its completeness and accuracy. The following items are mandatory
170 —and if they are not properly completed, the entire filing will be rejected
171 —and returned to the lobbyist:

172 —(1) All signatures on the statement must be ORIGINAL in the format specified
173 —in the instructions provided by the Secretary that accompany this form.

174 —No stamps, or other reproductions of the individual's signature will be
175 —accepted.

176 —(2) An individual MAY NOT sign the disclosure statement as lobbyist and
177 —principal officer.

178 —STATEMENT OF LOBBYIST

179 —I, the undersigned registered lobbyist, do state that the information
180 —furnished on this disclosure statement and on all accompanying attachments
181 —required to be made thereto is, to the best of my knowledge and belief,
182 —complete and accurate.

183 —
184 —Signature of lobbyist

185 —
186 —
187 —Date

188 —STATEMENT OF PRINCIPAL

189 —I, the undersigned principal (or an authorized official thereof), do state
190 —that the information furnished on this disclosure statement and on all
191 —accompanying attachments required to be made thereto is, to the best of my
192 —knowledge and belief, complete and accurate.

193 —
194 —Signature of principal

195 —
196 —
197 —Date

198 *Period Covered: May 1, (YYYY) to April 30, (YYYY)*

199
200 *1. Name of Principal*

201
202 *Principal:* _____

203
204 *2. Lobbyist Information*

205
206 *Last Name:* _____ *Suffix:* _____

207
208 *First Name:* _____ *Middle Name:* _____

209
210 *Business Address:* _____ *Suite/Apt:* _____

211
212 *City:* _____ *State:* _____ *Zip:* _____

213
214 *Work Phone: (____) _____ Email:* _____

215
216 *3. Lobbyist's Relationship to Principal*

217
218 *[] Lobbyist was Employed by Principal*

219 *Job Title:* _____

220 *Total compensation for lobbying during period: \$ _____*

221 *Does this amount represent lobbyist's entire salary during*
222 *period? Yes _____ No _____*

223 *If answer is "No," explain how you arrived at amount com-*
224 *pensated for lobbying:*

225 _____

[] Lobbyist was Retained by Principal

Name of Firm:_____

Total Compensation paid to firm for lobbying during period:

\$ _____

Does this amount represent total amount paid to firm

(retainers and fees) during period? Yes_____ No_____

If answer is "No," explain how you arrived at amount compensated for lobbying:

[] Lobbyist was a Nonpaid Volunteer for the Principal

4. Incorporated Reporting

Is this lobbyist part of an incorporated filing that includes actions taken on behalf of a client and the expenditure summary for more than one lobbyist registered on behalf of the client?

Yes_____ No_____

If "No," proceed to Section 5.

If "Yes," provide the name of lobbyist of record for the incorporated filing:

Lobbyist of record for incorporated filing:

Last Name:_____ First Name:_____ Middle Name:_____

If you are the lobbyist of record, proceed to Section 5.

If you are not the lobbyist of record, skip Sections 5 and 6 and proceed to Section 7.

5. Legislative and Executive Actions, and Procurement Transactions

Did lobbyist actually engage in lobbying on the principal's behalf during the time period covered? Yes_____ No_____

If "No," proceed to Section 6.

List the general matters of concern that you (and any other lobbyists included in an incorporated filing) lobbied on behalf of the principal:

List all legislative actions, including where appropriate the assigned House of Delegates or Senate bill numbers, that you and any other lobbyist included in an incorporated filing sought to influence the outcome of during the period of this report.

"Sought to influence" means any direct contact by any means to a member of the (i) legislature or legislative staff, (ii) executive branch or staff, or (iii) public, seeking support of or opposition to a particular issue.

282
283 (Attach separate sheet if necessary.)
284
285 List all executive actions that you and any other lobbyist included in
286 an incorporated filing sought to influence during disclosure period.
287 "Sought to influence" means any direct contact by any means to a
288 member of the (i) legislature or legislative staff, (ii) executive
289 branch or staff, or (iii) public, seeking support of or opposition to
290 a particular issue.
291
292
293
294
295 (Attach separate sheet if necessary.)
296
297 List all procurement transactions that you and any other lobbyist included
298 in an incorporated filing sought to influence during disclosure period.
299 "Procurement transaction" means all functions that pertain to the
300 obtaining of any goods, services, or construction, including description
301 of requirements, selection of sources, preparation and award of contract,
302 and all phases of contract administration.
303 "Sought to influence" means any direct contact by any means to a
304 member of the (i) legislature or legislative staff, (ii) executive
305 branch or staff, or (iii) public, seeking support of or opposition to
306 a particular issue.
307
308
309
310
311 (Attach separate sheet if necessary.)
312
313 6. Financial Summary
314
315 Expenditure Totals
316 a) Entertainment \$ _____ [] "Schedule A" Attached
317 b) Gifts \$ _____ [] "Schedule B" Attached
318 c) Office Expenses \$ _____
319 d) Communications \$ _____
320 e) Personal Living/Travel \$ _____
321 f) Compensation of Lobbyists \$ _____
322 g) Registration Fees \$ _____
323 h) Other \$ _____ [] "Schedule C" Attached
324
325 Total Expenditures: \$ _____
326
327 If the expenditure totals above represent an incorporated filing for
328 more than one lobbyist, list the names of all other lobbyists includ-
329 ed in these expenditure totals:
330
331 Name (Last Name, First Name) Firm (if retained) or Title
332 (if employed)
333
334
335
336
337
338

(Attach separate sheet if necessary.)

7. Statement of Lobbyist

I, the undersigned registered lobbyist, do state that all the information provided on this disclosure statement and all the required attachments made thereto are, to the best of my knowledge and belief, complete and accurate.

Signature

Date

8. Statement of Authorized Representative of Principal

I, the undersigned authorized representative of the principal, do state that all the information provided on this disclosure statement and all the required attachments made thereto are, to the best of my knowledge and belief, complete and accurate.

Authorized Representative (Cannot be same person as lobbyist listed above)

Last Name:_____Suffix:_____

First Name:_____Middle Name:_____

Business Street Address:_____Suite/Apt:_____

City:_____State:_____Zip:_____

Work Phone: (____)_____Email:_____

Signature

Date

Schedule A Entertainment Expenses

This schedule shall be completed each time the lobbyist spends money on behalf of the principal for any entertainment expense in which (a) guests included executive or legislative officials and (b) the total cost of the event was \$50 or more.

If (a) and (b) above are true, the lobbyist shall complete this form even if the principal's share of event was less than \$50.

Date of Event (MM/DD/YYYY): ____/____/_____

Description of Event:_____

Location of Event:_____

City Where Event Held:_____State_____

395 Total Cost Total Number of Average Cost
 396 of Event divided by Persons Attending = Per Person for Event

397
 398 \$_____ divided by _____ = \$_____
 399

400 Did principal pay for entire cost of the event? Yes_____ No_____

401 If No, list the principal's share of the total cost of the event:
 402 \$_____

403
 404 Summary of Principal's Share of Costs

405 Food/Beverage: \$_____

406 Transportation: \$_____

407 Lodging: \$_____

408 Performers/Speakers: \$_____

409 Rentals/Displays: \$_____

410 Service/Tip: \$_____

411 Other: \$_____ Describe "Other":_____

412
 413 Total: \$_____ (Include this amount in "entertainment" expenses in expenditure totals.)
 414
 415
 416

417 (Include the total amount in "entertainment" expenses in expenditure
 418 totals. If the entertainment event was open to the public or unrelated
 419 to executive or legislative action and reportable executive or
 420 legislative officials represented less than 10 percent of the
 421 attendees, then the total cost of the event need not be reported.
 422 However, the total cost of entertaining the reportable officials
 423 shall be reported.)
 424

425 Number of Executive and Legislative Officials Attending:_____

426
 427 If average cost per person is \$50 or more, provide names of executive
 428 and administrative officials who attended:

429	430 Name (Last Name, First Name)	431 Title
432	_____	_____
433	_____	_____
434	_____	_____
435	_____	_____
436	_____	_____

437 (Attach separate sheet if necessary.)

438
 439 _____

440 Schedule B
 441 Gifts

442
 443 This schedule shall be filled out each time the principal contributes
 444 all or part of a gift to an executive or legislative official valued
 445 at \$50 or more. (Complete this form even if the principal's share
 446 of gift was less than \$50.)
 447

448 Date of Gift: ____/____/____ Total Cost of Gift: \$_____

449 Did principal's share account for the total value of the gift?

450 Yes_____ No_____

451 If No, list the principal's share of the cost of the total gift:

\$ _____
 Description of Gift: _____
 Recipient Last Name: _____ Suffix: _____
 First Name: _____ Middle Name: _____
 Recipient's Title: _____
 Date of Gift: ____/____/____ Total Cost of Gift: \$ _____
 Did principal's share account for the total value of the gift?
 Yes _____ No _____
 If No, list the principal's share of the cost of the total gift:
 \$ _____
 Description of Gift: _____
 Recipient Last Name: _____ Suffix: _____
 First Name: _____ Middle Name: _____
 Recipient's Title: _____
 Date of Gift: ____/____/____ Total Cost of Gift: \$ _____
 Did principal's share account for the total value of the gift?
 Yes _____ No _____
 If No, list the principal's share of the cost of the total gift:
 \$ _____
 Description of Gift: _____
 Recipient Last Name: _____ Suffix: _____
 First Name: _____ Middle Name: _____
 Recipient's Title: _____

Schedule C
 Other Expenses

This schedule shall be filled out for each time principal incurred
 lobbying-related expense of \$250 or more that is not covered by line
 items "a" through "g" in the expenditure totals. Any expense related
 to any legislative or executive action and procurement transaction listed
 in Section 5 shall be included.

Date	Description	Amount
____/____/____	_____	\$ _____
____/____/____	_____	\$ _____
____/____/____	_____	\$ _____
____/____/____	_____	\$ _____
____/____/____	_____	\$ _____
Total (Include total amount to expenditure totals)		\$ _____

D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact shall be guilty of a Class 5 felony.

E. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by December 15 for the preceding 12-month period complete through November 30.

§ 2.2-428. Standards for automated preparation and transmittal of lobbyists' disclosure statements; database.

A. ~~The~~ In lieu of a hard copy, the Secretary shall accept any lobbyist's disclosure statement required by § 2.2-426 filed by computer or electronic means in accordance with the standards approved by the

509 Secretary and using software meeting standards approved by the Secretary. The Secretary may provide
510 software to filers without charge or at a reasonable cost. The Secretary may prescribe the method of
511 execution and certification of electronically filed statements and the procedures for receiving statements
512 in the office of the Secretary.

513 B. The Secretary shall establish a lobbyist disclosure database, available to the public, from required
514 disclosure statements filed electronically and may enter into that database information from required
515 disclosure statements filed by other methods.

516 § 2.2-431. Penalties; filing of substituted statement.

517 A. *The lobbyist shall sign the disclosure statement prescribed by § 2.2-426 attesting to its*
518 *completeness and accuracy. The Secretary shall review each statement for completeness and accuracy*
519 *and if a statement is not properly completed, the entire filing shall be rejected and returned to the*
520 *lobbyist. The lobbyist shall submit a revised statement within 30 days from receipt of the returned*
521 *statement.*

522 B. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed
523 therein shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and every individual failing to file the
524 statement within ~~ten~~ 30 days after the time prescribed herein shall be assessed an additional civil penalty
525 of ~~fifty dollars~~ \$50 per day from the ~~eleventh~~ thirty-first day of such default until the statement is filed.
526 The penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the
527 Secretary in collecting the penalties, upon request.

528 BC. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall
529 be assessed a civil penalty of ~~fifty dollars~~ \$50, and shall be assessed an additional civil penalty of ~~fifty~~
530 ~~dollars~~ \$50 per day from the ~~eleventh~~ thirty-first day of such default until the statement is filed. The
531 penalty shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary
532 in collecting the penalties, upon request.

533 CD. No individual who has failed to file the statement required by § 2.2-426 or who has failed to
534 pay all penalties assessed pursuant to this section, shall register or act as a lobbyist as long as he
535 remains in default.

536 DE. Whenever any lobbyist is or will be in default under § 2.2-426, and the reasons for such default
537 are or will be beyond his control, or the control of his principal, or both, the Secretary may suspend the
538 assessment of any penalty otherwise assessable and accept a substituted statement, upon the submission
539 of sworn proofs that shall satisfy him that the default has been beyond the control of the lobbyist or his
540 principal, and that the substituted statement contains the most accurate and complete information
541 available after the exercise of due diligence.

542 EF. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to
543 the general fund.