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SENATE BILL NO. 20

Offered January 8, 2014

Prefiled December 6, 2013

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 \$

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
66 _____ compensated)
67 _____ [] NOT COMPENSATED (not compensated; expenses may be reimbursed)
68 _____ (3) List all lobbyists other than yourself who registered to
69 _____ represent your principal.
70 _____
71 _____
72 _____
73 _____ (4) If you selected "EMPLOYED" as your answer to Part II, item 2,
74 _____ provide your job title.
75 _____
76 _____ PLEASE NOTE: Some lobbyists are not individually compensated for
77 _____ lobbying activities. This may occur when several members of a firm
78 _____ represent a single principal. The principal, in turn, makes a single
79 _____ payment to the firm. If this describes your situation, do not answer
80 _____ Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.
81 _____ (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist?
82 _____ (If you have job responsibilities other than those involving
83 _____ lobbying, you may have to prorate to determine the part of your
84 _____ salary attributable to your lobbying activities.) Transfer your
85 _____ answer to this item to Part I, item 6f.
86 _____ (5b) Explain how you arrived at your answer to Part II, item 5a.
87 _____
88 _____
89 _____
90 _____ PART III:-
91 _____ PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT
92 _____ complete this section.
93 _____ (1) List all members of your firm, organization, association,
94 _____ corporation, or other entity who furnished lobbying services to
95 _____ your principal.
96 _____
97 _____
98 _____
99 _____ (2) Indicate the total amount paid to your firm, organization,
100 _____ association, corporation or other entity for services rendered.
101 _____ Transfer your answer to this item to Part I, item 6f.....
102 _____ SCHEDULE A
103 _____ ENTERTAINMENT EXPENSES
104 _____ PLEASE NOTE: Any single entertainment event included in the expense
105 _____ totals of the principal, with a value greater than \$50, should be
106 _____ itemized below. Transfer any totals from this schedule to Part I,
107 _____ item 6a. (Please duplicate as needed.)
108 _____ Date and Location of Event:-
109 _____
110 _____
111 _____ Description of Event:-
112 _____

113

114 ~~Total Number of Persons Attending:~~

115

116 ~~Names of Legislative and Executive Officials Attending: (List names~~

117 ~~only if the average value for each person attending the event was~~

118 ~~greater than \$50.)~~

119

120

121

122

123 ~~Food~~ \$

124 ~~Beverages~~ \$

125 ~~Transportation of Legislative and Executive Officials~~ \$

126 ~~Lodging of Legislative and Executive Officials~~ \$

127 ~~Performers, Speakers, Etc.~~ \$

128 ~~Displays~~ \$

129 ~~Rentals~~ \$

130 ~~Service Personnel~~ \$

131 ~~Miscellaneous~~ \$

132 ~~TOTAL~~ \$

133 ~~SCHEDULE B~~

134 ~~GIFTS~~

135 ~~PLEASE NOTE: Any single gift reported in the expense totals of the~~

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

137 ~~(Report meals, entertainment and travel under Schedule A.) Transfer~~

138 ~~any totals from this schedule to Part I, item 6b. (Please duplicate~~

139 ~~as needed.)~~

140 ~~Name of each~~

141 ~~legislative or~~

142 ~~executive official~~ ~~Cost of~~

143 ~~Date~~ ~~Description~~ ~~who is a recipient~~ ~~individual~~

144 ~~of gift:~~ ~~of gift:~~ ~~of a gift:~~ ~~gift:~~

145 \$

146 \$

147 \$

148 \$

149 ~~TOTAL COST TO PRINCIPAL~~ \$

150 ~~SCHEDULE C~~

151 ~~OTHER EXPENSES~~

152 ~~PLEASE NOTE: This section is provided for any lobbying related~~

153 ~~expenses not covered in Part I, items 6a — 6h. An example of an~~

154 ~~expenditure to be listed on schedule C would be the rental of a~~

155 ~~bill box during the General Assembly session. Transfer the total~~

156 ~~from this schedule to Part I, item 6i. (Please duplicate as needed.)~~

157 ~~DATE OF EXPENSE~~ ~~DESCRIPTION OF EXPENSE~~ ~~AMOUNT~~

158 \$

159 \$

160 \$

161 \$

162 \$

163 \$

164 \$

165 \$

166 \$

167 ~~TOTAL "OTHER" EXPENSES~~ \$

168 ~~PART IV: STATEMENTS~~

169 — Both the lobbyist and principal officer must sign the disclosure
 170 — statement, attesting to its completeness and accuracy. The following
 171 — items are mandatory and if they are not properly completed, the
 172 — entire filing will be rejected and returned to the lobbyist:
 173 — (1) All signatures on the statement must be ORIGINAL in the format
 174 — specified in the instructions provided by the Secretary that
 175 — accompany this form. No stamps, or other reproductions of the
 176 — individual's signature will be accepted.
 177 — (2) An individual MAY NOT sign the disclosure statement as lobbyist
 178 — and principal officer.

179 — STATEMENT OF LOBBYIST

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

184 —
 185 — Signature of lobbyist

186 —
 187 —
 188 — Date

189 — STATEMENT OF PRINCIPAL

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

194 —
 195 — Signature of principal

196 —
 197 —
 198 — Date

199 —
 200 — Period Covered: May 1, (YYYY) to April 30, (YYYY)

201 — 1. Name of Principal.

202 — Principal: _____

203 — 2. Lobbyist Information.

204 — Last Name: _____ Suffix: _____

205 — First Name: _____ Middle Name: _____

206 — Business Address: _____ Suite/Apt: _____

207 — City: _____ State: _____ Zip: _____

208 — Work Phone: (____) _____ Email: _____

209 — 3. Lobbyist's Relationship to Principal.

210 — [] Lobbyist was Employed by Principal

211 — Job Title: _____

212 — Total compensation for lobbying during period: \$ _____

213 — Does this amount represent lobbyist's entire salary during
 214 — period? Yes _____ No _____

215 — If answer is No, explain how you arrived at amount
 216 — compensated for lobbying:

217 — _____

218 — _____

219 — [] Lobbyist was Retained by Principal

220 — Name of Firm: _____

221 — Total compensation paid to firm for lobbying during
 222 — period: \$ _____

223 — Does this amount represent total amount paid to firm
 224 — (retainers and fees) during period? Yes _____ No _____

225 — If answer is No, explain how you arrived at amount

compensated for lobbying:

[] Lobbyist was a Nonpaid Volunteer for 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 disclosure period.

"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.

(Attach separate sheet if necessary.)

List all executive actions that you and any other lobbyist included in an incorporated filing sought to influence during disclosure period.

"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.

(Attach separate sheet if necessary.)

List all procurement transactions that you and any other lobbyist included in an incorporated filing sought to influence during disclosure period.

282 "Procurement transaction" means all functions that pertain to
 283 the obtaining of any goods, services, or construction,
 284 including description of requirements, selection of sources,
 285 preparation and award of contract, and all phases of contract
 286 administration.

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

291 _____
 292 _____
 293 _____
 294 _____

295 (Attach separate sheet if necessary.)

296 6. Financial Summary.

297 Expenditure Totals:

298 a. Entertainment \$ _____ [] "Schedule A" Attached
 299 b. Gifts \$ _____ [] "Schedule B" Attached
 300 c. Office Expenses \$ _____
 301 d. Communications \$ _____
 302 e. Personal Living/Travel \$ _____
 303 f. Compensation of Lobbyists \$ _____
 304 g. Registration Fees \$ _____
 305 h. Other \$ _____ [] "Schedule C" Attached

306 Total Expenditures: \$ _____

307 If the expenditure totals above represent an incorporated
 308 filing for more than one lobbyist, list the names of all
 309 other lobbyists included in these expenditure totals:

310 Firm (if retained) or Title
 311 Name (Last Name, First Name) (if employed)

312 _____
 313 _____
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322 (Attach separate sheet if necessary.)

323 7. Statement of Lobbyist.

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

328 _____
 329 Signature Date

330 8. Statement of Authorized Representative of Principal.

331 I, the undersigned authorized representative of the principal,
 332 do state that all the information provided on this disclosure
 333 statement and all the required attachments made thereto are,
 334 to the best of my knowledge and belief, complete and accurate.
 335 Authorized Representative (cannot be same person as lobbyist
 336 listed above)

337 Last Name: _____ Suffix: _____

338 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 _____

Total Cost		Total Number of		Average Cost
of Event	divided by	Persons Attending	=	Per Person for Event
\$ _____	divided by	_____	=	\$ _____

Did principal pay for entire cost of the event? Yes _____ No _____

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

\$ _____

Summary of Principal's Share of Costs:

Food/Beverage: \$ _____

Transportation: \$ _____

Lodging: \$ _____

Performers/Speakers: \$ _____

Rentals/Displays: \$ _____

Service/Tip: \$ _____

Other: \$ _____

Total: \$ _____

Describe "Other": _____

(Include this amount in "entertainment" expenses in expenditure totals.)

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

Number of Executive and Legislative Officials Attending: _____

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

Name (Last Name, First Name)	Title
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(Attach separate sheet if necessary.)

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Schedule B

Gifts

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

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: _____

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: _____

(Attach separate sheet if necessary.)

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 of Section 6 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 is 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 Secretary and using software meeting standards approved by the Secretary. The Secretary may provide software to filers without charge or at a reasonable cost. The Secretary may prescribe the method of execution and certification of electronically filed statements and the procedures for receiving statements in the office of the Secretary.

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

§ 2.2-431. Returned statements; penalties.

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

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

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

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

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

E. F. Penalties collected pursuant to this section shall be payable to the State Treasurer for deposit to the general fund.