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SENATE BILL NO. 1430

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules)

(Patron Prior to Substitute—Senator Obenshain)

Senate Amendments in [] — February 5, 2019

A *BILL to amend and reenact § 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; duties of Virginia Conflict of Interest and Ethics Advisory Council; training requirement; inquiries from citizens.*

Be it enacted by the General Assembly of Virginia:

1. That § 30-356 of the Code of Virginia is 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.). The Council may provide such training sessions by online means.*

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. No penalty shall be imposed on a local elected official for failing to complete 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.*

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

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

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

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

6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a

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60 person's duties under Article 3 or the Acts to any person [~~covered by Article 3 or the Acts~~ covered by
61 Article 3 or the Acts] or to any agency of state or local government, in an expeditious manner. The
62 Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory
63 opinions are public record and shall be published on the Council's website; however, no formal advisory
64 opinion furnished by a designee of the Council shall be available to the public or published until such
65 opinion has been approved by the Council. Published formal advisory opinions may have such deletions
66 and changes as may be necessary to protect the identity of the person involved or other persons
67 supplying information. Informal advice given by the Council or the Council's designee is confidential
68 and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act
69 (§ 2.2-3700 et seq.); however, if the recipient invokes the immunity provisions of § 2.2-3121 or 30-124,
70 the record of the request and the informal advice given shall be deemed to be a public record and shall
71 be released upon request. Other records relating to formal advisory opinions or informal advice,
72 including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall
73 also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of
74 Information Act;

75 7. Conduct training seminars and educational programs for lobbyists, state and local government
76 officers and employees, legislators, and other interested persons on the requirements of Article 3 and the
77 Acts and provide *training sessions for local elected officials in compliance with Article 9 (§ 2.2-3132) of*
78 *Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in compliance with Article 6*
79 *(§ 30-129.1 et seq.) of Chapter 13;*

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

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

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

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

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

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

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