

House Joint Resolution 186

House Bill 2621 Work Group

Report

Participants

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Background

As introduced, House Bill 2621 would prohibit state and local officers and employees from having any personal interest in a comprehensive agreement entered into under the Public-Private Education Facilities and Infrastructure Act (PPEA). The patron of the bill, Delegate Kathy Byron, indicated that it was her intent to include legislators under the prohibition against having a personal interest in a comprehensive agreement and to include comprehensive agreements under the Public-Private Transportation Act (PPTA) as well.

A substitute including these provisions was offered by Delegate Byron to the House General Laws Committee. The bill was ultimately tabled by the Committee without approving the substitute. The HJR 186 Joint Subcommittee agreed to review the bill and its affect on the conflict of interest statutes, the PPEA and the PPTA.

Recommendation

The Work Group met on June 28, 2005, at 10:00 a.m. in the Speaker's 6th Floor Conference Room to review the legislation and develop recommendations for the joint subcommittee.

It was the consensus of the work group to offer two options to the joint subcommittee.

Option #1

1. Prohibits state officials and employees (p. 1, line 11), local government officials (p. 5, line 115) and school board members (p. 6, line 142) from having a personal interest in comprehensive agreement with which their agency, governing body or board is a party;

2. Allows a local government official (p. 6, lines 137-139) or a member of a school board (p. 7, lines 156-158) to have a personal interest if the remaining members of the governing body or board, by written resolution, state that the agreement is in the public interest and there is only one source practicably available; and

3. Requires legislators having a personal interest in, or under contract to provide services to, a business that is a proposer of a qualified project or has entered into a comprehensive agreement with a governmental agency in the executive branch of state government to disclose such interest in writing to the agency (p. 7, lines 160-165)

Option #2

This option contains the same provisions regarding state and local officials and school board members. For legislators, this option includes required disclosure to local governmental agencies in addition to executive branch agencies. (p. 7, line 162)