

HJR 186 Joint Subcommittee - Post - 7/19/05 Meeting Worksheet

A. General Assembly Conflict of Interest Act

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE	PROPOSED ACTION
1. Consider changing the affirmation to read more clearly.	No recommendation.	N/A
2. a. Clarify whether individual stocks and amounts should be listed separately on the form. <i>(Schedule C)</i> b. Increase the financial information disclosure regarding business interest. <i>(Schedule F-1)</i>	Add language to clarify that any individual stock over \$10,000 must be listed; add column for more specific disclosure of financial information. Strike "Gross" and insert "Net" at the top of existing columns; add column for more specific disclosure of financial information.	P. 22, line 1310. Clarifying language added P. 22, line 1324. "50,001-250,000" and "more than \$250,000" columns added. P. 24, line 1413. "Gross" replaced with "Net" P. 24, line 1415. 50,001-250,000" and "more than \$250,000" columns added.
3. Expand the "Payments for Representation and Other Services" portion of the form to include payments made by a legislator to a lobbyist for representation or other services. <i>(Schedule F-2)</i>	Review amendments made by HB 2515 (2003); staff to develop language for further review.	P. 24, line 1140. "Payments to Lobbyist" heading with two columns added (up to \$10,000; more than \$10,001).
4. Require enhanced disclosure, i.e. frequency and/or detail, for legislators receiving payments over a certain threshold amount for representation or other services. <i>(Schedule G-1)</i>	Staff to prepare language for review to address enhanced disclosure over threshold amount for payments for representation of a regulated entity.	P. 25, line 1491. Provision added requiring filer receiving more than \$250,001 in a reporting period to indicate the amount rounded to the nearest \$10,000.
5. Explore electronic filing as an option.	No Recommendation.	N/A
6. Examine whether legislators should be prohibited from having a personal interest in a comprehensive agreement under the Public-Private Education Facilities and Infrastructure Act (PPEA). <i>(HB 2621 Work Group)</i>	Amend PPEA and Public-Private Transportation Act (PPTA) to require disclosure of legislator involvement by the offering private entity.	LD 2799. Amends PPEA and PPTA to require private entities submitting proposals under the PPEA or PPTA to disclose (i) whether they employ or intend to employ a legislator or a legislator's firm, and (ii) whether a legislator has a personal interest in the private entity.
7. Consider adding a provision to resolve situations when filing deadlines fall on a holiday.	Amend appropriate statute to clarify status of filings.	P. 17, line 990. Amends § 30-110 to provide that when a filing deadline falls on a weekend or a legal holiday, the deadline is extended to the next day that is not a weekend or legal holiday.

HJR 186 Joint Subcommittee - Post - 7/19/05 Meeting Worksheet

B. State and Local Government Conflict of Interest Act.

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE	PROPOSED ACTION
1. Excuse or exempt from the filing requirement individuals who no longer occupy the positions for which they were required to file.	Staff to review federal "exit interview" process; report on findings.	Staff continuing to develop information.
2. Require the heads of independent, legislative and judicial agencies to disclose their interests.	Review list of independent, legislative and judicial branch agencies and the status of filing for their agency heads.	See Attached List (Tab D).
3. Add a definition for the term "represent."	Staff to develop language clarifying the type of legislation for which disclosure is requested.	P. 5, lines 209, 223; P. 9, line 526; P. 10, line 565; P. 15, lines 885, 906. Language added clarifying the type of representation provided.
4. Revise the definition of "close financial association" to affirmatively state what would constitute such an association.	Staff to develop language for revision.	P. 4, line 98; P. 13, line 793; P. 17, line 1030. Adds language providing an affirmative definition derived from 1988 Attorney General Opinion. (1987-1988 Op. Atty. Gen. 23)
5. Add a definition for "contingent liability."	Staff to develop language for definition.	P. 4, line 113; P. 13, line 801; P. 18, line 1043. Basic definition added.
6. Add a definition for "furnishing."	Staff to develop language for definition.	P. 5, line 233; P. 10, line 599; P. 15, line 928; P. 26, line 1523; P. 20, line 1167. Language added to exclude situations where the filer is an employee of the company furnishing the services.
7. Explore electronic filing as an option.	No recommendation.	N/A
8. Examine whether state and local government officials should be prohibited from having a personal interest in a comprehensive agreement under the Public-Private Education Facilities and Infrastructure Act. ((HB 2621 Work Group)	Amend relevant conflict of interest provisions to prohibit state and local government officials from having a personal interest in interim or comprehensive agreements under the PPEA and PPTA.	LD 2798. Add language prohibiting certain state and local officials from having an interest in interim or comprehensive agreements under the Acts; allow local officers to have such an interest when there is a written finding that it is in the public interest and there is only one practical source .

HJR 186 Joint Subcommittee - Post - 7/19/05 Meeting Worksheet

B. State and Local Government Conflict of Interest Act (continued)

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE	PROPOSED ACTION
<p>9. Consider revisions to Schedule C disclosure provisions for securities.</p> <p>a) Revise the schedule requesting the filer to disclose securities with value over \$10,000 invested in one business.</p> <p>b) Provide examples for the filer to follow to alleviate confusion regarding information requested on the name of issuer, the type of entity, and the type of security.</p> <p>c) Add provision for disclosure of economic interest when the filer has begun to collect previously deferred compensation.</p> <p>d) Revise instructions to include information or examples based on Attorney General Opinions.</p>	<p>Add language to clarify that any individual stock over \$10,000 must be listed; add column for more specific disclosure of financial information; Change "Gross to "Net". (Same as A.2.)</p> <p>Add examples of the types of entities to be included.</p> <p>Develop definition for "deferred compensation" and add the term to the "Salary and Wages" question.</p> <p>Include on the Secretary of the Commonwealth's COIA website a reference to the Attorney General's web tutorial.</p>	<p>P. 8, lines 395, 407; P. 9, lines 506, 510.</p> <p>Recommend examples be included in explanatory materials provided to filers.</p> <p>P. 3, line 85; P. 13, line 803; P. 17, line 1018. Basic definition added.</p> <p>Reference to be provided.</p>
10. Revise/clarify the disclosure provision for close financial associates.	Staff to develop language for revision.	See added definition (P. 4, line 98; P. 13, line 793; P. 17, line 1030).
11. Require enhanced disclosure, i.e. frequency and/or detail, for filers receiving payments over a certain threshold amount for representation or other services.	Add same language as Item A.4.	P. 10, line 559. Provision added requiring filer receiving more than \$250,001 in a reporting period to indicate the amount rounded to the nearest \$10,000.
12. Consider adding a provision to resolve situations when filing deadlines fall on a holiday.	Amend relevant statute to clarify status of filings.	P. 1, line 17; P. 2, line 25. Amends § 2.2-3114 to add same language as Item A.7.
13. Examine the adequacy of information provided by citizen members of boards on the Financial Disclosure Statement.	Review list of entities currently using the short form; consider expanded use of long form for all but advisory entities.	See Attached List (Tab D).

HJR 186 Joint Subcommittee - Post - 7/19/05 Meeting Worksheet

C. Lobbyist Disclosure and Regulation Act

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE
1. Raise the threshold for reporting any single entertainment event.	
2. Exempt lobbyists who are not compensated.	
3. Remove requirement that the filer disclose why they received no compensation if they indicated on the form that as a lobbyist they are not compensated.	
4. Explore increased use of electronic filing as an option.	
5. Explore methods for increased enforcement to enhance compliance and accuracy of filing.	
6. Explore whether the lobbyist disclosure form should be set out in the Code.	
7. Clarify the use and meaning of the terms "value" and "expenditure."	
8. Review the requirement that legislators include a cumulative amount of their gifts (Note: it is not clear whether lobbyists are required to report cumulative amounts).	

HJR 186 Joint Subcommittee - Post - 7/19/05 Meeting Worksheet

C. Lobbyist Disclosure and Regulation Act (continued)

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE
9. Review how to properly report events that do not consist totally of lobbying activity.	
10. Clarify the use of different reporting dates for lobbyists and legislators. The different reporting dates create some confusion and delay in the information reported. Consider making the reporting dates line up more closely.	
11. Examine the issue of local government employees who are not required to register under the current definition of "lobbyist."	
12. Examine the necessity of having the lobbyist and the principal sign the disclosure form.	