

A. General Assembly Conflict of Interest Act - LD 2800

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>	Add language to clarify that any individual stock over \$10,000 must be listed; add column for more specific disclosure of financial information.	P. 23, line 1330. Clarifying language added P. 23, line 1344. "50,001-250,000" and "more than \$250,000" columns added.
b. Increase the financial information disclosure regarding business interest. <i>(Schedule F-1)</i>	Strike "Gross" and insert "Net" at the top of existing columns; add column for more specific disclosure of financial information.	P. 24, line 1433. "Gross" replaced with "Net" P. 24, line 1435. 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. 25, line 1460. "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>	Add provision for enhanced disclosure over threshold amount for payments for representation of a regulated entity.	P. 26 line 1511. 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 1003. 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.

B. State and Local Government Conflict of Interest Act - LD 2800

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.	
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 C, page 1.
3. Add a definition for the term "represent."	Add language excluding lobbying activity from the type of representation for which disclosure is requested.	P. 5, lines 218, 232; P. 9, line 535; P. 10, line 574; P. 15, lines 898, 919. Language added.
4. Revise the definition of "close financial association" to affirmatively state what would constitute such an association.	Revise definition.	P. 4, line 105; P. 13, line 802; P. 18, line 1049. 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."	Add definition.	P. 4, line 120; P. 14, line 810; P. 18, line 1062. Basic definition added.
6. Add a definition for "furnishing."	Add clarifying language Staff to develop language for definition.	P. 6, line 242; P. 10, line 608; P. 16, line 940; P. 20, line 1187; P. 26, line 1543. 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 .

B. State and Local Government Conflict of Interest Act (continued) - LD 2800

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 [plan]" and add the terms to "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 404, 417; P. 9, lines 516, 519.</p> <p>Recommend examples be included in explanatory materials provided to filers.</p> <p>P. 3, line 86, 89; P. 5, line 201; P. 14, lines 812-816; P. 18, lines 1031-1038; P. 20, line 1153. Basic definitions and the terms added.</p> <p>Reference to be provided.</p>
<p>10. Revise/clarify the disclosure provision for close financial associates.</p>	<p>Revise definition of "close financial association".</p>	<p>P. 4, line 105; P. 13, line 802; P. 18, line 1049. Revision language added</p>
<p>11. Require enhanced disclosure, i.e. frequency and/or detail, for filers receiving payments over a certain threshold amount for representation or other services.</p>	<p>Add same language as Item A.4.</p>	<p>P. 10, line 568. Provision added requiring filer receiving more than \$250,001 in a reporting period to indicate the amount rounded to the nearest \$10,000.</p>
<p>12. Consider adding a provision to resolve situations when filing deadlines fall on a holiday.</p>	<p>Amend relevant statute to clarify status of filings.</p>	<p>P. 1, line 18; P. 2, line 26. Amends § 2.2-3114 to add same language as Item A.7.</p>
<p>13. Examine the adequacy of information provided by citizen members of boards on the Financial Disclosure Statement.</p>	<p>Review list of entities currently using the short form; consider expanded use of long form for all but advisory entities.</p>	<p>See Attached List - Tab C, page 3.</p>

C. Lobbyist Disclosure and Regulation Act - LD 5269

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE
1. Raise the threshold for reporting any single entertainment event.	P. 9, lines 270, 285 Raise the threshold for reporting any single entertainment event from \$50 to \$100
2. Exempt lobbyists who are not compensated.	P. 7, lines 166, 169. Clarifies that the personal and living expenses must not be reimbursed from any other source.
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.	P. 8, line 238. Remove requirement that the filer disclose why not compensation was received. NOTE: Letter from Secretary of the Commonwealth regarding prohibition against paying lobbyist on contingency basis
4. Explore increased use of electronic filing as an option.	No action recommended.
5. Explore methods for increased enforcement to enhance compliance and accuracy of filing.	Continue discussion.
6. Explore whether the lobbyist disclosure form should continue to be set out in the Code.	Continue discussion.
7. Clarify the use and meaning of the terms "value" and "expenditure."	P. 4, line 78. Add definition of "fair market value" P. 5, line 111. Add persons employed by GA members P. 6, line 149. Replace reference to "fair market worth" with FMV; Provides for actual cost of item to be considered in determining value. P. 9, line 281. Change reporting requirement from requesting total number of legislative and executive officials attending to total number of <i>persons</i> attending.
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).	No action recommended.

C. Lobbyist Disclosure and Regulation Act (continued) - LD 5269

ISSUE	RECOMMENDATION OF JOINT SUBCOMMITTEE
9. Review how to properly report events that do not consist totally of lobbying activity.	Recommendation: Proceed to solicit suitable illustrative examples; develop instructions for completing the lobbyist disclosure statement; submit instructions to the Attorney General with request for legal advice.
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.	No action recommended.
11. Examine the issue of local government employees who are not required to register under the current definition of "lobbyist."	No action recommended.
12. Examine the necessity of having the lobbyist and the principal sign the disclosure form.	No action recommended.