

CHAPTER 49

LOBBYING DISCLOSURE AND REGULATION ACT

§ 2.1-779. Statement of intent and purposes.

The General Assembly finds and declares the following:

1. The operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on legislative and executive actions.
2. The identity and expenditures of certain persons who attempt to influence legislative and executive actions with respect to legislation and executive orders should be publicly identified to preserve and maintain the integrity of government.

§ 2.1-780. Definitions.

As used in this chapter, unless the context requires a different meaning:

“Anything of value” means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person’s status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

“Anything of value” does not mean a campaign contribution properly received and reported pursuant to Chapter 9 (§ 24.2-900 et seq.) of Title 24.2.

“Compensation” means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

“Compensation” does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

“Executive action” means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor.

“Executive agency” means an agency, board, commission, or other body in the executive branch of state government. **“Executive agency”** includes the State Corporation Commission, the Virginia Department of Workers’ Compensation, and the State Lottery Department.

“Executive official” means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a clerical or secretarial employee;
5. The Governor’s Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 9-6.25, however selected.

“Expenditure” means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist’s activities, including the direct payment of expense incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official’s immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

“Expenditure” does not mean a campaign contribution properly received and reported pursuant to Chapter 9 (§ 24.2-900 et seq.) of Title 24.2.

“Gift” means anything of value to the extent that a consideration of equal or greater value is not received.

“Gift” does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than sixty days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance from an individual’s spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or
4. A gift of a value of twenty-five dollars or less.

“Immediate family” means (i) the spouse and (ii) any person who resides in the same household as the executive or legislative official and is the dependent of the official.

“Legislative action” means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the General Assembly in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

“Legislative official” means:

1. A member or member-elect of the General Assembly; or
2. A member of a committee, subcommittee, commission or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

“Lobbying” means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

“Lobbying” does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communication between an association and its members and communications between a principal and its lobbyists.

“Lobbyist” means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
3. A local government employee who lobbies.

“Lobbyist’s principal” or **“principal”** means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

“Local government” means:

1. Any county, city, town, or other local or regional political subdivision;
2. Any school division;
3. Any organization or entity which exercises governmental powers which is established pursuant to an interstate compact; or
4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

“Local government employee” means a public employee of a local government.

“Person” means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

“Value” means the retail cost or fair market worth of an item or items, whichever is greater.

§ 2.1-781. Exemptions.

The registration and reporting provisions of this chapter do not apply to:

1. The Governor, Lieutenant Governor, Attorney General, and their immediate staffs or the Governor’s Secretaries and their immediate staffs, acting in an official capacity;
2. Members of the General Assembly and other legislative officials and legislative employees acting in an official capacity;
3. Local elected officials acting in an official capacity;
4. Any employee of the state executive branch acting in an official capacity;
5. A duly elected or appointed official or employee of the United States acting in an official capacity;
6. An individual who limits lobbying solely to (i) formal testimony before a public meeting of an executive agency or legislative body and registers the appearance in the records of the agency or body and (ii) testimony and information compelled by action of an executive agency or legislative body;
7. A person who receives \$500 or less in compensation and reimbursements, excluding personal living and travel expenses, in a calendar year for his lobbying activities;
8. A person who receives no compensation or anything of value for lobbying, and does not expend more than \$500, excluding personal living and travel expenses, in lobbying in the calendar year; or
9. An employee of a business, other entity, or local government whose job duties do not regularly include influencing or attempting to influence legislative or executive action.

§ 2.1-781.1. Reporting requirements for certain state agencies.

A. The chief administrative officer of each board, department, institution, or agency of the Commonwealth shall file a registration statement with the Secretary of the Commonwealth on behalf of the officers and employees who will be engaged in lobbying as defined in § 2.1-780 and shall comply with the provisions of this chapter that require lobbyists to register with the Secretary of the Commonwealth. No fee shall be collected for registration required by this section.

B. Any state governmental body required to file a registration under this section shall comply with provisions of this chapter relating to registration.

C. The registration requirements of this section shall not apply to:

1. The Governor, Lieutenant Governor, Attorney General and their immediate staffs, or the Governor’s Secretaries and their deputies and immediate staffs, acting in an official capacity;
2. Members of the General Assembly and other legislative officials and legislative employees acting in an official capacity;

3. The chief administrative officer of each department or division of state government listed in § 2.1-1.1;

4. The chief administrative officer of each division of the State Corporation Commission;

or

5. Any state government employee acting in an official capacity.

§ 2.1-782. Registration requirements.

A. A lobbyist shall register with the Secretary of the Commonwealth prior to engaging in lobbying. A lobbyist who engages in lobbying entirely outside the capital city shall comply with this section by registering with the Secretary within fifteen days after first engaging in lobbying. Registration shall be required annually and expire May 1.

B. The chief administrative officer of each local government shall register with the Secretary of the Commonwealth and file a statement pursuant to § 2.1-783 if any local government employees will act as lobbyists on its behalf. No registration fee shall be required. Each local government shall file a consolidated report in accordance with the reporting requirements of § 2.1-786 and shall maintain locally a copy of the report which is available for inspection and copying during regular business hours.

§ 2.1-783. Contents of registration statement.

A. The registration statement shall be on a form provided by the Secretary of the Commonwealth and include the following information:

1. The name and business address and telephone number of the lobbyist;
2. The name and business address and telephone number of the person who will keep custody of the lobbyist's and the lobbyist's principal's accounts and records required to comply with this chapter, and the location and telephone number for the place where the accounts and records are kept;
3. The name and business address and telephone number of the lobbyist's principal;
4. The kind of business of the lobbyist's principal;
5. For each principal, the full name of the individual to whom the lobbyist reports;
6. For each principal, a statement whether the lobbyist is employed or retained and whether exclusively for the purpose of lobbying;
7. The position held by the lobbyist if he is a part-time or full-time employee of the principal;
8. The full name and business address and telephone number of each lobbyist employed by or representing the lobbyist's principal;
9. An identification of this subject matter (with as much specificity as possible) with regard to which the lobbyist or lobbyist's principal will engage in lobbying; and
10. The signed statement by the lobbyist that the information contained on the registration statement is true and correct.

B. Whenever any change, modification or addition to his status as a lobbyist is made, the lobbyist shall, within one week of such change, modification or addition, furnish full information regarding the same to the Secretary of the Commonwealth on forms provided by the Secretary.

C. The Secretary of the Commonwealth shall furnish a copy of this chapter to any individual offering to register as a lobbyist and shall mail by certified mail a copy of this chapter and a copy of the information furnished by the lobbyist to the person whom the lobbyist represents to be his principal.

D. If the principal to whom the information is sent under subsection C of this section does not, within ten days of such mailing, file an affidavit, signed by the person or duly authorized agent of the person, denying that the lobbyist appears on his behalf, such person shall be deemed to have appointed the Secretary of the Commonwealth his agent for service of process in any prosecution arising for violation of this chapter. If such affidavit is filed, the Secretary shall notify the attorney for the Commonwealth of the City of Richmond.

§ 2.1-784. Registration fees.

The Secretary shall collect an annual registration fee of fifty dollars from the lobbyist for each principal for whom, or on whose behalf, the lobbyist will act.

§ 2.1-785. Registration information to be recorded in legislative docket; list of executive officials.

A. The Secretary of the Commonwealth shall maintain in a legislative docket the information filed under § 2.1-783 pertaining to lobbying involving legislative actions during any session of the General Assembly. The Secretary shall furnish current, complete lists thereof to the clerk of each house and to each member of the General Assembly once every two weeks during the session of the General Assembly beginning with the convening of the General Assembly.

B. The Secretary of the Commonwealth shall prepare a list of executive officials, their positions and names, to be revised at least semi-annually and made available to lobbyists to assist them in complying with the provisions of this chapter.

§ 2.1-786. Lobbyist reporting.

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 twelve-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 subdivisions 7 or 8 of § 2.1-781 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 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 \$ _____
- h) REGISTRATION COSTS \$ _____
- i) OTHER \$ _____

- TOTAL \$ _____

PART II:

(1a) NAME OF LOBBYIST:

(1b) Permanent Business Address:

(1c) Business Telephone:

(2) As a lobbyist, you are (check one)

- EMPLOYED (on the payroll of the principal)
- RETAINED (not on the payroll of the principal, however compensated)
- NOT COMPENSATED (not compensated; expenses may be reimbursed)

- (3) List all lobbyists other than yourself who registered to represent your principal.

- (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.

- (5) If you selected "NOT COMPENSATED" as your answer to Part II, item 2, please indicate why you received no compensation.

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 6a and 6b. Instead, complete Part III, items 1 and 2.

- (6a) What was the **DOLLAR AMOUNT OF YOUR COMPENSATION** as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6f.

- (6b) Explain how you arrived at your answer to Part II, item 6a.

PART III:

PLEASE NOTE: If you answered Part II, items 6a and 6b, you **WILL NOT** complete this section.

- (1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

- (2) Indicate the total amount paid to your firm, organization, association, corporation or other entity for services rendered. Transfer your answer to this item to Part I, item 6f.

SCHEDULE A
ENTERTAINMENT

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

Description of Event:

Number of Legislative and Executive Officials Invited:

Number of Legislative and Executive Officials Attending:

Names of Legislative and Executive Officials Attending: (List names only if the average value for each person attending the event was greater than \$50)

Food	\$ _____
Beverages	\$ _____
Transportation of Legislative and Executive Officials	\$ _____
Lodging of Legislative and Executive Officials	\$ _____
Performers, Speakers, Etc.	\$ _____
Displays	\$ _____
Rentals	\$ _____

Service Personnel \$ _____
 Miscellaneous \$ _____
 TOTAL \$ _____

**SCHEDULE B
GIFTS**

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$25, should be itemized below. (Report meals, entertainment, and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Date of gift:	Description of gift:	Name of each legislative or executive official who is a recipient of a gift:	Cost of indi- vidual gift:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL COST TO PRINCIPAL \$ _____

**SCHEDULE C
OTHER EXPENSES**

PLEASE NOTE: This section is provided for any lobbying-related expenses not covered in Part I, items 6a-6h. An example of an expenditure to be listed on schedule C would be the rental of a bill box during the General Assembly session. Transfer the total from this section to Part I, item 6i. (Please duplicate as needed.)

DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
_____	_____	\$ _____
_____	_____	
_____	_____	

TOTAL "OTHER" EXPENSES \$ _____

PART IV: STATEMENTS

Both the lobbyist and principal officer must sign the disclosure statement, attesting to its completeness and accuracy. The following items are mandatory and if they are not properly completed, the entire filing will be rejected and returned to the lobbyist:

- (1) All signatures on the statement must be ORIGINAL. No facsimiles, stamps, or other reproductions of the individual's signature will be accepted.
- (2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.

STATEMENT OF LOBBYIST

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

Signature of lobbyist

Date

STATEMENT OF PRINCIPAL

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

Signature of principal

Date

D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact shall be 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 January 5 for the preceding twelve-month complete through December 31.

§ 2.1-787. Filings; inspection.

Registration statements and lobbying reports shall be open to public inspection and copying during the regular business hours of the office of the Secretary of the Commonwealth. Such statements and reports shall be deemed to have been filed only when actually received in the office of the Secretary or mailed to the Secretary by registered, certified, or regular mail with the sender retaining sufficient proof of mailing, which may be a United States Certificate of Mailing.

§ 2.1-787.1 Standards for automated preparation and transmittal of lobbyists' disclosure statements; database.

A. By January 1, 1998, the Secretary of the Commonwealth shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the lobbyists' disclosure statements required by § 2.1-786. 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. Prior to January 1, 1999, the Secretary may accept, and after January 1, 1999, the Secretary shall accept, any lobbyist's disclosure statement 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.

C. After January 1, 1999, the Secretary shall enter or cause to be entered into a lobbyist disclosure database, available to the public, the information from required disclosure statements filed electronically and may enter or cause to be entered into that database information from required disclosure statements filed by other methods.

§ 2.1-788. Retention of records by a lobbyist or lobbyist's principal.

A lobbyist and a lobbyist's principal shall preserve for a period of two years all accounts, bills, books, papers, receipts, and other documents and records necessary to substantiate the expenditure reports submitted under this chapter.

§ 2.1-789. Termination.

A lobbyist may terminate a lobbyist registration by filing a report required under § 2.1-786 including information through the last day of lobbying activity. A termination report must indicate that the lobbyist intends to use the report as the final accounting of lobbying activity.

§ 2.1-790. Penalties; filing of substituted statement.

A. Every lobbyist failing to file the statement prescribed by § 2.1-786 within the time prescribed therein shall be assessed a civil penalty of fifty dollars, and every individual failing to file the statement within ten days after the time prescribed herein shall be assessed an additional civil penalty of fifty dollars per day from the eleventh day of such default until the statement is filed. Such penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.1-786 shall be assessed a civil penalty of fifty dollars, and shall be assessed an additional civil penalty of fifty dollars per day from the eleventh day of such default until the statement is filed. Such penalty shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

C. No individual who has failed to file the statement required by § 2.1-786, 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. Whenever any lobbyist is or will be in default under § 2.1-786, 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 which shall satisfy him that such default has been beyond the control of the lobbyist or his principal, and that such substituted statement contains the most accurate and complete information available after the exercise of due diligence.

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

§ 2.1-791. Contingent compensation prohibited.

It shall be unlawful for any individual to lobby for compensation which is dependent in any manner upon the outcome of any legislative or executive action.

§ 2.1-792. Prohibited acts; violation a misdemeanor.

A. No lobbyist shall:

1. Lobby in violation of the provisions of this chapter;
2. Make any expenditure, or obligate himself to do so, in connection with lobbying, unless he fully discloses the expenditure as required in this chapter; or
3. Misrepresent in any material respect or omit any information required to be reported pursuant to this chapter.

B. No lobbyist's principal shall:

1. Fail to file any statement required to be filed by the provisions of this chapter;
2. Misrepresent in any material respect or omit any information required to be reported pursuant to this chapter; or
3. Violate any of the provisions of this chapter.

C. Except as provided in subsection D of § 2.1-786, any lobbyist or lobbyist's principal violating any provision of this chapter shall be guilty of a Class 1 misdemeanor. However, a lobbyist who receives no compensation or anything of value for lobbying shall not be subject to criminal penalties pursuant to this section.

§ 2.1-793. Employment of lobbyists prohibited; exceptions.

Nothing in this chapter shall be construed so as to permit the employment of a lobbyist for compensation by an officer, board, institution or agency of the Commonwealth, and any such employment is expressly prohibited; however, this section shall not apply to any individual who is a full-time or part-time employee of such office, board, department, institution or agency of the Commonwealth.

§ 2.1-794. Prohibition for state party chairman.

The chairman or any full-time paid employee of a state political party, as defined in § 24.2-101, or a member of his immediate family, as defined in § 2.1-639.2, shall not be employed as a lobbyist by any principal.

OTHER PERTINENT SECTIONS

§ 2.1-639.4:1. Prohibited conduct for certain officers and employees of state government.

In addition to the prohibitions contained in § 2.1-639.4, no state officer or employee shall, during the one year after the termination of his public employment or service, represent a client or act in a

representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer or employee.

For the purposes of this section, “state officer or employee” shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a salary grade of sixteen or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly and the legislative branch agencies shall be deemed one agency.

The prohibitions of this section shall apply only to persons engaged in activities that would require registration as a lobbyist under § 30-28.2.

Any person subject to the provisions of this section may apply to the Attorney General, as provided in § 2.1-639.23, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.1-639.21. Forfeiture of money, etc., derived from violation of this chapter.

In addition to any other fine or penalty provided by law, any money or other thing of value derived by an officer or employee from a violation of §§ 2.1-639.4 through 2.1-639.11 shall be forfeited and, in the event of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth or the local government as the case may be. If the thing of value received by the officer or employee in violation of this chapter should enhance in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of forfeiture.

§ 2.1-639.33. Prohibited conduct.

No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information which he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9 (§ 24.2-900 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties; or

7. During the one year after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of government. The prohibitions of this subdivision shall apply only to persons engaged in activities that would require registration as a lobbyist under § 30-28.2. Any person subject to the provisions of this subdivision may apply to the Attorney General, as provided in § 2.1-639.59, for an advisory opinion as to the application of the restriction imposed by this subdivision on any post-public employment position or opportunity.

