

- FACT SHEET -

LEGISLATOR ETHICS REFORM PACKAGE

“Virginia has long had a reputation for good government and, like so many, I want to keep it that way.”

-- Speaker William J. Howell

Appropriate ethical conduct of elected delegates and senators is essential to safeguarding trust in government by the citizens that state lawmakers represent and serve.

Last year, when it became apparent that the Commonwealth’s Comprehensive Conflict of Interest Act may have been broken, House Speaker William J. Howell acted to preserve that trust and protect the institutional integrity of the entire House of Delegates. On August 24, 2009, he formally launched an independent inquiry by the House Ethics Advisory Panel into any possible violations by then-Delegate Phil Hamilton of the state Conflict of Interest Act. On November 24, 2009, Speaker Howell voluntarily released to the public the determination by the Ethics Advisory Panel that they lacked jurisdiction to complete their inquiry following Hamilton’s resignation from the House of Delegates on November 15. At that time, Speaker Howell pledged to “lead in ensuring that the manner in which legislative ethics inquiries are conducted is thoughtfully examined during the 2010 Session of the Virginia General Assembly.”

On January 19, 2010, Speaker Howell appointed a Special Ethics Subcommittee to fulfill his pledge to lead in reforming and improving the legislative ethics inquiry process. The seven-member panel, ably chaired by Delegate Robert B. Bell, included senior lawmakers from both parties who worked diligently and in a bipartisan manner to craft a strong yet sensible reform package that merits passage by both chambers.

On February 11, the House Rules Committee, chaired by Speaker Howell, unanimously approved the ethics reform package that includes five bills into which a number of other legislative measures were incorporated.

This week, the entire House of Delegates will debate and vote on that five-bill package designed to reassure Virginians that state lawmakers represent the districts they serve free from any conflict with personal interests.

Bill highlights and proposed legislative changes include:

HB 617 (Lohr) – Continuing Ethics Inquiries until Investigations are Complete

- The House and Senate Ethics Advisory Panels *shall* continue an investigation, report its findings and dispose of the matter as provided by law notwithstanding the resignation of a legislator during the course of the Panel’s inquiry.

HB 933 (Bell, Rob) – Requiring Referral of “Knowing Violations” to Attorney General

- If the Senate or the House of Delegates, upon a referral from the respective Ethics Advisory Panel, finds that a legislator knowingly (i) failed to disqualify himself from taking part in an official action on a matter in which he/she has a personal interest or (ii) failed to disclose such personal interest, the respective house *shall* refer the matter to the Attorney General for possible prosecution.
- Currently, the House or Senate may refer matters to the Attorney General, but is not required to do so.

HB 655 (Armstrong) – Reforming & Strengthening House Ethics Advisory Panel Procedures

- The Panel has the explicit authority to adopt rules of procedure, including rules for the conduct of *open meetings and hearings*.
- The complaint by either a citizen or lawmaker, which is already required to be signed and sworn, is clarified so it is expressly made under penalty of perjury. This provision seeks to ensure that only truly legitimate complaints are filed.
- The legislator at the center of an inquiry receives notice and copy of complaint when it is initially received; notice if the Panel dismisses the complaint during its preliminary investigation; and notice if the Panel determines to proceed with an inquiry after the conclusion of the preliminary investigation.
- Complaints received 60 or fewer days prior to an election are not acted upon until after the election. This provision mirrors the process at the federal level.
- The Panel proceeds through a clearly demarcated “preliminary” investigation and subsequent “inquiry.” The “preliminary” investigation remains confidential and meetings would be closed and records would not be released. However, if the complaint reaches the “inquiry” stage, meetings are public and all records related to the complaint become publicly available and subject to the Virginia Public Records Act.
- A complaint will reach the “inquiry” stage if (i) the facts stated in the complaint taken as true are sufficient to show a violation of the General Assembly’s Conflict of Interest Act; (ii) the complainant appears and testifies under oath as to the complaint and the allegations therein; and (iii) the Panel finds probable cause for a violation after hearing the testimony of the complainant and reviewing any other evidence provided by him or her. The complaint may be dismissed by the Panel during the “preliminary” investigation if any of these factors are not met.
- The resignation of a member does not terminate an investigation.
- Panel has the explicit authority to hire outside counsel and utilize the Division of Legislative Services.

HB 740 (Janis) – Requiring Public Disclosure of Salaries from State & Local Governments

- Legislators *shall* disclose salary and wages greater than \$10,000 paid to them or their immediate family from employment with any state or local government entity.
- This provision does not include salary received as a member of the General Assembly. Prior to 1991, delegates and senators were paid \$18,000 annually. In May 1991, delegates agreed to cut their pay by 2% to its current level of \$17,640 as a cost-saving strategy during tough economic times.

HB 122 (Purkey) – Lengthening to 2 Years the Prohibition on Lobbying by Lawmakers

- The period during which a former legislator may not lobby is extended from one to two years. Specifically, no legislator shall during the two years after the termination of his or her 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 legislative branch of government. This prohibition applies only to persons engaged in activities that would require registration as a lobbyist pursuant to Section 2.2-422 of the Code of Virginia.