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SENATE BILL NO. 50
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on _____)

(Patron Prior to Substitute—Senator Rouse)

A BILL to amend and reenact §§ 2.2-419, 2.2-420, 2.2-425, 2.2-426, and 2.2-432 of the Code of Virginia, relating to lobbying; registration; local governments; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-420, 2.2-425, 2.2-426, and 2.2-432 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-419. Definitions.

As used in this article, 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, or local government 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 9.3 (§ 24.2-945 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.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"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 action" includes procurement transactions.

"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 Workers' Compensation Commission, and the Virginia Lottery.

"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, Lieutenant Governor, or Attorney General other than a clerical or secretarial employee;
- 5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive

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60 agency; or

61 6. Members of supervisory and policy boards, commissions, and councils, as defined in § 2.2-2100,
62 however selected.

63 "Expenditure" means:

64 1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party,
65 advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for
66 any purpose;

67 2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person
68 employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;

69 3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct
70 payment of expenses incurred at the request or suggestion of the lobbyist;

71 4. A payment that directly benefits an executive ~~or~~, legislative, *or local government* official or a member
72 of the official's immediate family;

73 5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of
74 an employee for or in connection with direct communication with an executive ~~or~~, legislative, *or local*
75 *government* official;

76 6. A payment for or in connection with soliciting or urging other persons to enter into direct
77 communication with an executive ~~or~~, legislative, *or local government* official; or

78 7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this
79 chapter.

80 "Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter
81 9.3 (§ 24.2-945 et seq.) of Title 24.2.

82 "Fair market value" means the price that a good or service would bring between a willing seller and a
83 willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual
84 price paid for the good or service shall be given consideration.

85 "Gift" means anything of value, including any gratuity, favor, discount, entertainment, hospitality, loan,
86 forbearance, or other item having monetary value, and includes services as well as gifts of transportation,
87 local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or
88 reimbursement after the expense has been incurred.

89 "Gift" does not mean:

90 1. Printed informational or promotional material;

91 2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or delivered to a
92 charitable organization and is not claimed as a charitable contribution for federal income tax purposes;

93 3. A devise or inheritance;

94 4. A gift of a value of less than \$20;

95 5. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is
96 used;

97 6. Any food or beverages provided to an individual at an event at which the individual is performing
98 official duties related to his public service;

99 7. Any food and beverages received at or registration or attendance fees waived for any event at which the
100 individual is a featured speaker, presenter, or lecturer;

101 8. An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or
102 similar item that is given in recognition of public, civic, charitable, or professional service;

103 9. Any gift to an individual's spouse, child, ~~uncle, aunt, niece, nephew~~ *parent's sibling, sibling's child*, or
104 first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent,
105 grandparent, grandchild, ~~brother, sister~~ *sibling*, step-parent, step-grandparent, step-grandchild; ~~step-brother,~~
106 ~~or step-sister~~ *step-sibling*; or the donee's ~~brother's or sister's~~ *sibling's* spouse or the *spouse of the donee's son-*
107 ~~in-law or daughter-in-law child~~;

108 10. Travel provided to facilitate attendance by a legislator at a regular or special session of the General
109 Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is
110 approved by the House Committee on Rules or its ~~Chairman~~ *Chair* or the Senate Committee on Rules or its
111 ~~Chairman~~ *Chair*;

112 11. Travel related to an official meeting of, or any meal provided for attendance at such meeting by, the
113 Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any
114 charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such
115 entity, to which such person has been appointed or elected or is a member by virtue of his office or
116 employment; or

117 12. Attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that
118 can be conveniently consumed by a person while standing or walking are offered.

119 "Immediate family" means (i) the spouse and (ii) any other person who resides in the same household as
120 the executive ~~or~~, legislative, *or local government* official and who is a dependent of the official.

121 "Legislative action" means:

122 1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval,
 123 passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion,
 124 report, nomination, appointment, or other matter by the General Assembly or a legislative official;

125 2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the
 126 General Assembly; or

127 3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering
 128 amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the
 129 Governor.

130 "Legislative official" means:

131 1. A member or member-elect of the General Assembly;

132 2. A member of a committee, subcommittee, commission, or other entity established by and responsible to
 133 the General Assembly or either house of the General Assembly; or

134 3. Persons employed by the General Assembly or an entity established by and responsible to the General
 135 Assembly.

136 "Lobbying" means:

137 1. Influencing or attempting to influence executive ~~or~~, legislative, *or local government* action through oral
 138 or written communication with an executive ~~or~~, legislative, *or local government* official; or

139 2. Solicitation of others to influence an executive ~~or~~, legislative, *or local government* official.

140 "Lobbying" does not mean:

141 1. Requests for appointments, information on the status of pending executive ~~and~~, legislative, *and local*
 142 *government* actions, or other ministerial contacts if there is no attempt to influence ~~executive or legislative~~
 143 *such* actions;

144 2. Responses to published notices soliciting public comment submitted to the public official designated in
 145 the notice to receive the responses;

146 3. The solicitation of an association by its members to influence ~~legislative or~~ executive, *legislative, or*
 147 *local government* action; or

148 4. Communications between an association and its members and communications between a principal and
 149 its lobbyists.

150 "Lobbyist" means:

151 1. An individual who is employed and receives payments, or who contracts for economic consideration,
 152 including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;

153 2. An individual who represents an organization, association, or other group for the purpose of lobbying;
 154 or

155 3. A local government employee who lobbies *to influence executive or legislative action or officials*.

156 "Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts
 157 to influence executive ~~or~~, legislative, *or local government* action. An organization whose employees conduct
 158 lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition
 159 or association that employs or retains others to conduct lobbying activities on behalf of its membership, the
 160 principal is the coalition or association and not its individual members.

161 "Local government" means:

162 1. Any county, city, town, or other local or regional political subdivision;

163 2. Any school division;

164 3. Any organization or entity that exercises governmental powers that is established pursuant to an
 165 interstate compact; or

166 4. Any organization composed of members representing entities listed in ~~subdivisions~~ *subdivision 1, 2, or*
 167 *3 of this definition*.

168 "*Local government action*" means the adoption, enactment, modification, or repeal of an ordinance or
 169 resolution and includes actions related to local taxes, the budget of a locality, and land use proceedings.

170 "Local government employee" means a public employee of a local government.

171 "*Local government official*" means:

172 1. A councilmember, a member of a board of supervisors, or a member of a governing body of a local
 173 government;

174 2. A member of a supervisory or policy board, commission, council, or other entity established by and
 175 responsible to a local government; or

176 3. Any person required to file a disclosure statement pursuant to § 2.2-3115.

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

180 "Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction
 181 on behalf of an executive agency, including description of requirements, selection and solicitation of sources,
 182 preparation and award of contract, and all phases of contract administration where the stated or expected
 183 value of the contract is \$5 million or more.

184 "Secretary" means the Secretary of the Commonwealth.

185 "Value" means the actual cost or fair market value of an item ~~or items~~, whichever is greater. If the fair
186 market value cannot be determined, the actual amount paid for the item ~~or items~~ shall be given consideration.

187 "Widely attended event" means an event at which at least 25 persons have been invited to attend or there
188 is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals
189 *who* (i) ~~who~~ are members of a public, civic, charitable, or professional organization;; (ii) ~~who~~ are from a
190 particular industry or profession;; or (iii) ~~who~~ represent persons interested in a particular issue.

191 **§ 2.2-420. Exemptions.**

192 The registration and reporting provisions of this article shall not apply to:

193 1. The Governor, Lieutenant Governor, Attorney General, and their immediate staffs or the Governor's
194 Secretaries and their immediate staffs, acting in an official capacity;

195 2. Members of the General Assembly and other legislative officials and legislative employees acting in an
196 official capacity;

197 3. Local ~~elected~~ *government* officials acting in an official capacity;

198 4. Any employee of a state executive agency acting in an official capacity;

199 5. A duly elected or appointed official or employee of the United States acting in an official capacity;

200 6. An individual who limits lobbying solely to (i) formal testimony before a public meeting of an
201 executive agency ~~or~~, legislative body, *or local government agency or governing body* and registers the
202 appearance in the records of the agency or body and (ii) testimony and information compelled by action of an
203 executive agency ~~or~~, legislative body, *or local government agency or governing body*;

204 7. A person who receives \$500 or less in compensation and reimbursements, excluding personal living
205 and travel expenses that are not reimbursed from any other source, in a calendar year for his lobbying
206 activities;

207 8. A person who receives no compensation or anything of value for lobbying, and does not expend more
208 than \$500, excluding personal living and travel expenses that are not reimbursed from any other source, in
209 lobbying in the calendar year; or

210 9. An employee of a business, other entity, or local government whose job duties do not regularly include
211 lobbying.

212 **§ 2.2-425. Registration information to be recorded in legislative docket; list of executive officials.**

213 A. The Secretary of the Commonwealth shall maintain in a legislative docket the information filed under
214 § 2.2-423 pertaining to lobbying involving legislative actions during any session of the General Assembly.
215 The Secretary shall furnish current, complete lists thereof to the clerk of each house and to each member of
216 the General Assembly once every two weeks during the session of the General Assembly beginning with the
217 convening of the General Assembly.

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

221 C. *The Secretary of the Commonwealth shall prepare a list of the positions and names of local*
222 *government officials to be revised at least semi-annually and made available to lobbyists to assist them in*
223 *complying with the provisions of this article.*

224 **§ 2.2-426. Lobbyist reporting; penalty.**

225 A. Each lobbyist shall file with the Council a separate annual report of expenditures, including gifts, for
226 each principal for whom he lobbies by July 1 for the preceding 12-month period complete through the last
227 day of April.

228 B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be
229 responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists
230 are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of
231 this section.

232 C. The report shall be on a form prescribed by the Council and shall be accompanied by instructions
233 provided by the Council. All reports shall be submitted electronically and in accordance with the standards
234 approved by the Council pursuant to the provisions of § 30-356.

235 D. A person who knowingly and intentionally makes a false statement of a material fact on the disclosure
236 statement is guilty of a Class 5 felony.

237 E. The name of a legislative ~~or~~, executive, *or local government* official, or a member of his immediate
238 family, attending any reportable entertainment event shall not be required to be disclosed by the principal if
239 ~~that legislative or executive~~ *such* official reimburses the principal for, or otherwise pays for, his attendance,
240 or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be
241 calculated using the average value for each person attending the event.

242 F. Each lobbyist shall send to each legislative ~~and~~, executive, *and local government* official who is
243 required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule
244 A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to
245 the official by January 10 for the preceding 12-month period complete through December 31. In addition,

246 each lobbyist shall send to each legislator and executive official who is required to file a report of gifts
247 accepted or received during a regular session of the General Assembly pursuant to § 2.2-3114.2 or 30-110.1 a
248 summary of all gifts made by such lobbyist to each legislator or executive official or a member of his
249 immediate family during the period beginning on January 1 complete through adjournment sine die of the
250 regular session of the General Assembly. Summaries shall be provided to the legislator or executive official
251 no later than three weeks after adjournment sine die. For purposes of this section, "adjournment sine die"
252 means adjournment on the last legislative day of the regular session and does not include the reconvened
253 session.

254 **§ 2.2-432. Contingent compensation prohibited.**

255 It ~~shall be~~ *is* unlawful for any individual to lobby for compensation that is dependent in any manner upon
256 the outcome of any legislative ~~or~~, executive, *or local government* action.

257 **2. That the provisions of this act shall become effective on May 1, 2027.**

258 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
259 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
260 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
261 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**
262 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
263 **Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**
264 **commitment to the custody of the Department of Juvenile Justice.**