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SENATE BILL NO. 532

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 2.2-3100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2287.1, relating to disclosure in land use proceedings.

Patron—Herring

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3100 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2287.1 as follows:

§ 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ 15.2-852, 15.2-2287, 15.2-2287.1, and 15.2-2289 and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § 2.2-3104.2 regulating receipt of gifts.

This chapter shall be liberally construed to accomplish its purpose.

§ 15.2-2287.1. Disclosures in land use proceedings.

A. Each individual member of a governing body, planning commission, and board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance map, which does not constitute the adoption of a comprehensive zoning plan, an ordinance applicable throughout the locality, or an application filed by the governing body that involves more than 10 parcels that are owned by different individuals, trusts, corporations, or other entities, shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of any business or financial relationship that such member has, or has had within the 12-month period prior to such hearing, (i) with the applicant in such case; or (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium; or (iii) if any of the foregoing is a trustee (other than a trustee under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any trust beneficiary having an interest in such land; or (iv) with the agent, attorney or real estate broker of any of the foregoing. For the purpose of this subsection, "business or financial relationship" means any relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank) such member, or any member of the member's immediate household, either directly or by way of a partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class, has, or has had within the 12-month period prior to such hearing, with the applicant in the case, or with the title owner, contract purchaser, or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium, or with any of the other persons above specified. For the purpose of this subsection "business or financial relationship" also means the receipt by the member, or by any person, firm, corporation, or committee in his behalf, from the applicant in the case or from the title owner, contract purchaser, or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium, or from any of the other persons above specified, during the 12-month period prior to

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59 *the hearing in such case, of any gift or donation having a value of more than \$100, singularly or in the*
60 *aggregate.*

61 *If at the time of the hearing in any such case such member has a business or financial interest with*
62 *the applicant in the case or with the title owner, contract purchaser, or lessee of the subject land*
63 *except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent*
64 *or more of the units in the condominium, or with any of the other persons above specified involving the*
65 *relationship of employee-employer, agent-principal, or attorney-client, that member shall, prior to any*
66 *hearing on the matter or at such hearing, make a full public disclosure of such relationship and shall*
67 *be ineligible to vote or participate in any way in such case or in any hearing thereon.*

68 *B. In any case described in subsection A pending before the governing body, planning commission,*
69 *or board of zoning appeals, the applicant in the case shall, prior to any hearing on the matter, file with*
70 *the governing body, board, or commission a statement in writing and under oath identifying by name*
71 *and last known address each person, corporation, partnership, or other association specified in the first*
72 *paragraph of subsection A. The requirements of this section shall be applicable only with respect to*
73 *those so identified.*

74 *C. Any person knowingly and willfully violating the provisions of this section shall be guilty of a*
75 *Class 1 misdemeanor.*