

2015 RECONVENED SESSION

REENGROSSED

15105593D

HOUSE BILL NO. 2070

House Amendments in [] - April 17, 2015

A BILL to amend and reenact §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1, relating to the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.

Patron Prior to Engrossment—Delegate Gilbert

Referred to Committee on Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-115, 2.2-206.2, 2.2-419, 2.2-420, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-3101, 2.2-3103.1, 2.2-3104, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-355, 30-356, and 30-357 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3103.2, by adding in Article 2 of Chapter 13 of Title 30 a section numbered 30-103.2, and by adding a section numbered 30-356.1 as follows:

§ 2.2-115. Commonwealth's Development Opportunity Fund.

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the ~~Governor's~~ Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006 - 2007 through fiscal year 2010 - 2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys

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59 appropriated to the Fund in every such five-year period shall be awarded to counties and cities having
60 an annual average unemployment rate that is greater than the final statewide average unemployment rate
61 for the calendar year that immediately precedes the calendar year of the award. However, if such
62 one-third requirement will not be met because economic development prospects in such counties and
63 cities are unable to fulfill the applicable minimum private investment and new jobs requirements set
64 forth in this section, then any funds remaining in the Fund at the end of the five-year period that would
65 have otherwise been awarded to such counties and cities shall be made available for awards in the next
66 five fiscal years' period.

67 D. Funds may be used for public and private utility extension or capacity development on and off
68 site; public and private installation, extension, or capacity development of high-speed or broadband
69 Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding
70 capability of existing programs; site acquisition; grading, drainage, paving, and any other activity
71 required to prepare a site for construction; construction or build-out of publicly or privately owned
72 buildings; training; or grants or loans to an industrial development authority, housing and redevelopment
73 authority, or other political subdivision for purposes directly relating to any of the foregoing. However,
74 in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for
75 any rental, lease, license, or other contractual right to the use of any property.

76 It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any
77 economic development project in which a business relocates or expands its operations in one or more
78 Virginia localities and simultaneously closes its operations or substantially reduces the number of its
79 employees in another Virginia locality. The Secretary of Commerce and Trade shall enforce this policy
80 and for any exception thereto shall promptly provide written notice to the Chairmen of the Senate
81 Finance and House Appropriations Committees, which notice shall include a justification for any
82 exception to such policy.

83 E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund
84 unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs
85 for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For
86 projects, including but not limited to projects involving emerging technologies, for which the average
87 wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for
88 that locality or region, the Governor shall have the discretion to require no less than one-half the
89 number of new jobs as set forth for that locality in this subdivision.

90 b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if
91 the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for
92 which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

93 2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment
94 rate for the most recent calendar year for which such data is available that is greater than the final
95 statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most
96 recent calendar year for which such data is available that exceeds the statewide average poverty rate for
97 that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project
98 involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the
99 average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

100 3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual
101 unemployment rate for the most recent calendar year for which such data is available that is greater than
102 the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the
103 most recent calendar year for which such data is available that exceeds the statewide average poverty
104 rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the
105 project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for
106 which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average
107 wage.

108 4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs,
109 excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition,
110 for projects in such localities, the Governor may award a grant or loan for a project paying less than 85
111 percent of the prevailing average wage but still providing customary employee benefits, only after the
112 Secretary of Commerce and Trade has made a written finding that the economic circumstances in the
113 area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic
114 forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the
115 minimum private investment and number of new jobs required to be created as set forth in this
116 subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall
117 promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on
118 Appropriations.

119 F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing
120 objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund.

121 The guidelines may require that as a condition of receiving any grant or loan incentive that is based on
 122 employment goals, a recipient company must provide copies of employer quarterly payroll reports that
 123 have been provided to the Virginia Employment Commission to verify the employment status of any
 124 position included in the employment goal. The guidelines may include a requirement for the affected
 125 locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the
 126 Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the
 127 amount of funds to be provided to any individual project. At the discretion of the Governor, this cap
 128 may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and
 129 criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress
 130 published by the Commission on Local Government of the Department of Housing and Community
 131 Development for the locality in which the project is located or will be located as one method of
 132 determining the amount of assistance a locality shall receive from the Fund.

133 2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that
 134 receives a grant or loan from the Fund shall enter into a contract with each business beneficiary of
 135 funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant
 136 or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i)
 137 subsequently distributed by the political subdivision to the person or entity or (ii) used by the political
 138 subdivision for the benefit of the person or entity but never distributed to the person or entity.

139 b. The contract between the political subdivision and the business beneficiary shall provide in detail
 140 (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair
 141 market value of all matching funds (or in-kind match) that the political subdivision has agreed to
 142 provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the
 143 Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to
 144 be spent, (iv) the minimum private investment to be made and the number of new jobs to be created
 145 agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid
 146 in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to
 147 be used for measuring compliance with the minimum private investment and new jobs requirements,
 148 including consideration of any layoffs instituted by the business beneficiary over the course of the
 149 period covered by the contract.

150 The contract shall state the date by which the agreed upon private investment and new job
 151 requirements shall be met by the business beneficiary of funds from the Fund and may provide for the
 152 political subdivision to grant up to a 15-month extension of such date if deemed appropriate by the
 153 political subdivision subsequent to the execution of the contract. Any extension of such date granted by
 154 the political subdivision shall be in writing and promptly delivered to the business beneficiary, and the
 155 political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic
 156 Development Partnership.

157 The contract shall provide that if the private investment and new job contractual requirements are not
 158 met by the expiration of the date stipulated in the contract, including any extension granted by the
 159 political subdivision, the business beneficiary shall be liable to the political subdivision for repayment of
 160 a portion of the funds provided under the contract. The contract shall include a formula for purposes of
 161 determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair
 162 market value of all funds that have been provided by the Commonwealth and the political subdivision
 163 and the extent to which the business beneficiary has met the private investment and new job contractual
 164 requirements. Any such funds repaid to the political subdivision that relate to the award from the
 165 Governor's Commonwealth's Development Opportunity Fund shall promptly be paid over by the political
 166 subdivision to the Commonwealth by payment remitted to the State Treasurer. Upon receipt by the State
 167 Treasurer of such payment, the Comptroller shall deposit such repaid funds into the Governor's
 168 Commonwealth's Development Opportunity Fund.

169 c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or
 170 agreed to be provided by the political subdivision.

171 d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a
 172 business beneficiary over the course of the period covered by a contract cause the net total number of
 173 the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return
 174 the portion of any funds received pursuant to the repayment formula established by the contract.

175 3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such
 176 contract with a business beneficiary, the political subdivision shall provide a copy of the proposed
 177 contract to the Attorney General. The Attorney General shall review the proposed contract (i) for
 178 enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney
 179 General shall provide any written suggestions to the political subdivision within seven days of his
 180 receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the
 181 enforceability of the contract's provisions and the legal form of the contract.

182 4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not
 183 expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until
 184 such contract as described herein is executed with the business beneficiary.

185 G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor
 186 shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the
 187 Senate Committee on Finance which shall include, but is not limited to, the following information
 188 regarding grants and loans awarded from the Fund during the immediately preceding six-month period
 189 for economic development projects: the name of the company that is the business beneficiary of the
 190 grant or loan and the type of business in which it engages; the location (county, city, or town) of the
 191 project; the amount of the grant or loan committed from the Fund and the amount of all other funds
 192 committed by the Commonwealth from other sources and the purpose for which such grants, loans, or
 193 other funds will be used; the amount of all moneys or funds agreed to be provided by political
 194 subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created
 195 by the business beneficiary; the amount of investment in the project agreed to be made by the business
 196 beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average
 197 wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

198 H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed
 199 the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal
 200 years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the
 201 funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years.
 202 No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are
 203 currently available in the Fund.

204 *I. Any person or entity submitting an application for a grant or loan from the Fund shall certify, on*
 205 *a form acceptable to the Virginia Economic Development Partnership, that it shall not provide any*
 206 *contribution, gift, or other item with a value greater than \$100 to the Governor or to his campaign*
 207 *committee or a political action committee established on his behalf during (i) the period in which the*
 208 *person or entity's application for such award is pending and (ii) the one-year period immediately after*
 209 *any such award is made. Any person or entity who so certifies and who receives an award from the*
 210 *Fund shall repay, if such person or entity provided or provides such a contribution, gift, or other item*
 211 *of value during these periods, the amount of the award received within 90 days after receipt of written*
 212 *notice from the Virginia Economic Development Partnership. In addition, any person or entity that*
 213 *knowingly provided or provides such a contribution, gift, or other item of value during these periods in*
 214 *violation of this subsection shall be subject to a civil penalty of \$500 or up to two times the amount of*
 215 *the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned*
 216 *to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil*
 217 *penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general*
 218 *fund and shall be used exclusively to fund the Virginia Conflict of Interest and Ethics Advisory Council.*
 219 *For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or*
 220 *who have a controlling ownership interest in such entity.*

221 **§ 2.2-206.2. Economic incentive grant programs; responsibilities of the Secretary.**

222 A. By July 15 of each year, the agencies listed in subdivisions B 1 through 7 shall report the
 223 information outlined in subsection C to the Secretary of Commerce and Trade for the three prior
 224 calendar or fiscal years, as applicable, so that the Secretary may develop and issue a report on the
 225 effectiveness of economic development incentive grant programs administered by the Commonwealth in
 226 meeting performance goals and stimulating economic activity.

227 By September 15 of each year, the Secretary shall submit the draft report to the Joint Legislative
 228 Audit and Review Commission for its review of the accuracy of the information contained in the report
 229 and the effectiveness of the evaluation methods.

230 The Joint Legislative Audit and Review Commission shall provide its comments on the content of
 231 the report and the Secretary's analysis to the Secretary, and such comments shall be included as an
 232 appendix to the final report, which shall be submitted to the Chairmen of the House Appropriations and
 233 Senate Finance Committees by November 15 of each year.

234 B. The report shall include a review of allocations from the following economic development
 235 incentive programs and funds for the previous three calendar or fiscal years, as applicable, as follows:

236 1. Virginia Economic Development Partnership: Advanced Shipbuilding Training Facility Grant
 237 Program, Aerospace Engine Manufacturing Performance Grant Program, Clean Energy Manufacturing
 238 Incentive Grant Program, Governor's Commonwealth's Development Opportunity Fund, Investment
 239 Partnership Grant subfund, Major Eligible Employer Grant subfund, Semiconductor Memory or Logic
 240 Wafer Manufacturing Performance Grant Program, Specialized Biotechnology Research Performance
 241 Grant Program, Economic Development Incentive Grant subfund, and any customized incentive grants;

242 2. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

243 3. Department of Housing and Community Development: Enterprise Zone Job Creation and Real

- 244 Property Investment Grant Programs;
- 245 4. Tobacco Indemnification and Community Revitalization Commission: Tobacco Region Opportunity
- 246 Fund;
- 247 5. Virginia Tourism Authority: Governor's Motion Picture Opportunity Fund;
- 248 6. Virginia Port Authority: Port of Virginia Economic and Infrastructure Development Grant
- 249 Program; and
- 250 7. Innovation and Entrepreneurship Investment Authority: Growth Acceleration Program.
- 251 C. The report shall assess the effectiveness of allocations made for each program listed in subsection
- 252 B. Each agency administering programs outlined in subsection B shall submit the applicable data
- 253 regarding jobs, wages, capital investment, and any other related information requested by the Secretary
- 254 of Commerce and Trade for purposes of evaluating economic development incentive programs in
- 255 meeting their performance goals and stimulating economic activity.
- 256 For each program, the report shall include (i) an explanation of the overall goals of the program,
- 257 describing whether the program is focused on job creation and capital investment or investments are
- 258 governed by ancillary goals of community development and revitalization or the development of a
- 259 particular industry sector in the Commonwealth; (ii) for each of the previous three calendar or fiscal
- 260 years, as applicable, summary information, including the total amount of grant funding made available
- 261 for the program, the total dollar amount of the grants awarded, the total number of grants awarded, the
- 262 average dollar amount approved per job and average wage expected, where applicable, and any grant
- 263 amounts repaid; (iii) for each of the three previous calendar or fiscal years, as applicable, for projects
- 264 that have reached completion or a performance milestone, an aggregate comparison of the projects'
- 265 performance measures, including the actual number of jobs created, the actual average wages paid, and
- 266 the actual amount of capital investment, with the expected number of jobs, assumed average wage, and
- 267 planned capital investment when the grant awards were made, and the proportion of projects that met or
- 268 exceeded the project-specific goals relevant to the program; (iv) for each of the three previous calendar
- 269 or fiscal years, as applicable, for all projects that have reached completion or a performance milestone,
- 270 an aggregate assessment of the projects' actual rate of return on the Commonwealth's investment
- 271 compared with the expected rate of return when the grant awards were made; (v) for each of the three
- 272 previous calendar or fiscal years, as applicable, for all projects that have reached completion or a
- 273 performance milestone, an aggregate estimate of the projects' total economic impact measured by the
- 274 Virginia Economic Development Partnership Authority on the basis of estimated state tax revenues
- 275 generated directly or indirectly by the projects, where applicable; and (vi) for all projects that reached
- 276 completion five calendar or fiscal years, as applicable, prior to the year of the report, an aggregate final
- 277 comparison of jobs reported by companies at the time of completion and jobs at the end of the most
- 278 recent calendar year, and an aggregate final comparison of the projects' rate of return at the time of
- 279 completion and a five-year rate of return based on the most recent job levels.
- 280 **§ 2.2-419. Definitions.**
- 281 As used in this article, unless the context requires a different meaning:
- 282 "Anything of value" means:
- 283 1. A pecuniary item, including money, or a bank bill or note;
- 284 2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment
- 285 of money;
- 286 3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of
- 287 indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- 288 4. A stock, bond, note, or other investment interest in an entity;
- 289 5. A receipt given for the payment of money or other property;
- 290 6. A right in action;
- 291 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
- 292 8. A loan or forgiveness of indebtedness;
- 293 9. A work of art, antique, or collectible;
- 294 10. An automobile or other means of personal transportation;
- 295 11. Real property or an interest in real property, including title to realty, a fee simple or partial
- 296 interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial
- 297 interest in realty;
- 298 12. An honorarium or compensation for services;
- 299 13. A rebate or discount in the price of anything of value unless the rebate or discount is made in
- 300 the ordinary course of business to a member of the public without regard to that person's status as an
- 301 executive or legislative official, or the sale or trade of something for reasonable compensation that
- 302 would ordinarily not be available to a member of the public;
- 303 14. A promise or offer of employment; or
- 304 15. Any other thing of value that is pecuniary or compensatory in value to a person.

305 "Anything of value" does not mean a campaign contribution properly received and reported pursuant
 306 to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

307 "Compensation" means:

308 1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift,
 309 pledge, or transfer of money or anything of value; or

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

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

315 "*Council*" means the Virginia Conflict of Interest and Ethics Advisory Council established in
 316 § 30-355.

317 "Executive action" means the proposal, drafting, development, consideration, amendment, adoption,
 318 approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or
 319 official of legislation or executive orders issued by the Governor. "*Executive action*" includes
 320 *procurement transactions*.

321 "Executive agency" means an agency, board, commission, or other body in the executive branch of
 322 state government. "Executive agency" includes the State Corporation Commission, the Virginia Workers'
 323 Compensation Commission, and the Virginia Lottery.

324 "Executive official" means:

325 1. The Governor;

326 2. The Lieutenant Governor;

327 3. The Attorney General;

328 4. Any officer or employee of the office of the Governor or, Lieutenant Governor, or Attorney
 329 General other than a clerical or secretarial employee;

330 5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each
 331 executive agency; or

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

334 "Expenditure" means:

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

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

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

343 4. A payment that directly benefits an executive or legislative official or a member of the official's
 344 immediate family;

345 5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses
 346 of an employee for or in connection with direct communication with an executive or legislative official;

347 6. A payment for or in connection with soliciting or urging other persons to enter into direct
 348 communication with an executive or legislative official; or

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

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

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

356 "Gift" means anything of value to the extent that a consideration of equal or greater value is not
 357 received, including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other
 358 item having monetary value, and includes services as well as gifts of transportation, local travel,
 359 lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or
 360 reimbursement after the expense has been incurred.

361 "Gift" does not mean:

362 1. Printed informational or promotional material;

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

366 3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister,

367 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of
 368 that individual, if the donor is not acting as the agent or intermediary for someone other than a person
 369 covered by this subdivision; or

370 4. A gift of a value of \$50 or less;

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

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

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

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

379 9. Any gift from an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to
 380 whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild,
 381 brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's
 382 brother's or sister's spouse;

383 10. Travel provided to facilitate attendance by a legislator at a regular or special session of the
 384 General Assembly, a meeting of a legislative committee or commission, or a national conference where
 385 attendance is approved by the House or Senate Committee on Rules; or

386 11. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any
 387 board, commission, authority, or other entity, or any charitable organization established pursuant to
 388 § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been
 389 appointed or elected or is a member by virtue of his office or employment.

390 "Immediate family" means (i) the spouse and (ii) any ~~child~~ other person who resides in the same
 391 household as the executive or legislative official and who is a dependent of the official.

392 "Legislative action" means:

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

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

398 3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering
 399 amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of
 400 the Governor.

401 "Legislative official" means:

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

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

405 3. Persons employed by the General Assembly or an entity established by and responsible to the
 406 General Assembly.

407 "Lobbying" means:

408 1. Influencing or attempting to influence executive or legislative action through oral or written
 409 communication with an executive or legislative official; or

410 2. Solicitation of others to influence an executive or legislative official.

411 "Lobbying" does not mean:

412 1. Requests for appointments, information on the status of pending executive and legislative actions,
 413 or other ministerial contacts if there is no attempt to influence executive or legislative actions;

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

416 3. The solicitation of an association by its members to influence legislative or executive action; or

417 4. Communications between an association and its members and communications between a principal
 418 and its lobbyists.

419 "Lobbyist" means:

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

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

425 3. A local government employee who lobbies.

426 "Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or
 427 attempts to influence executive or legislative action. An organization whose employees conduct lobbying

428 activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or
 429 association that employs or retains others to conduct lobbying activities on behalf of its membership, the
 430 principal is the coalition or association and not its individual members.

431 "Local government" means:

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

433 2. Any school division;

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

436 4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of
 437 this definition.

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

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

442 "Procurement transaction" means all functions that pertain to obtaining all goods, services, or
 443 construction on behalf of an executive agency, including description of requirements, selection and
 444 solicitation of sources, preparation and award of contract, and all phases of contract administration.

445 "Secretary" means the Secretary of the Commonwealth.

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

449 "Widely attended event" means an event at which at least 25 persons have been invited to attend or
 450 there is a reasonable expectation that at least 25 persons will attend the event and the event [~~is open~~
 451 ~~to the public or~~] is open to individuals (i) who share a common interest, (ii) who are members of a
 452 public, civic, charitable, or professional organization, (iii) who are from a particular industry or
 453 profession, or (iv) who represent persons interested in a particular issue.

454 **§ 2.2-420. Exemptions.**

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

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

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

460 3. Local elected officials acting in an official capacity;

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

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

464 6. An individual who limits lobbying solely to (i) formal testimony before a public meeting of an
 465 executive agency or legislative body and registers the appearance in the records of the agency or body
 466 and (ii) testimony and information compelled by action of an executive agency or legislative body;

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

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

473 9. An employee of a business, other entity, or local government whose job duties do not regularly
 474 include ~~influencing or attempting to influence legislative or executive action~~ lobbying.

475 **§ 2.2-424. Registration fees.**

476 The Secretary shall collect an annual registration fee of ~~fifty dollars~~ \$100 from the lobbyist for each
 477 principal for whom, or on whose behalf, the lobbyist will act. *This fee shall be deposited into the*
 478 *general fund and used exclusively to fund the Council.*

479 **§ 2.2-426. Lobbyist reporting; penalty.**

480 A. Each lobbyist shall file with the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council a
 481 separate semiannual report of expenditures, including gifts, for each principal for whom he lobbies by
 482 December 15 for the preceding six-month period complete through the last day of October and June 15
 483 for the preceding six-month period complete through the last day of April.

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

488 C. The report shall be on a form provided by the ~~Virginia Conflict of Interest and Ethics Advisory~~
 489 Council, which shall be substantially as ~~follows~~ *similar to the following* and shall be accompanied by

490 instructions provided by the Council. *All reports shall be submitted electronically and in accordance*
491 *with the standards approved by the Council pursuant to the provisions of § 30-356.*

492 LOBBYIST'S DISCLOSURE STATEMENT

493 PART I:

494 (1) PRINCIPAL: _____

495 In Part I, item 2a, provide the name of the individual
496 authorizing your employment as a lobbyist. The lobbyist filing
497 this statement MAY NOT list his name in item 2a.

498 (2a) Name: _____

499 (2b) Permanent Business Address: _____

500 (2c) Business Telephone: _____

501 (3) Provide a list of executive and legislative actions (with as
502 much specificity as possible) for which you lobbied and a
503 description of activities conducted.

504 _____

505 _____

506 _____

507 (4) INCORPORATED FILINGS: If you are filing an incorporated
508 disclosure statement, please complete the following:

509 Individual filing financial information: _____

510 Individuals to be included in the filing: _____

511 _____

512 (5) Please indicate which schedules will be attached to your
513 disclosure statement:

514 [] Schedule A: Entertainment Expenses

515 [] Schedule B: Gifts

516 [] Schedule C: Other Expenses

517 (6) EXPENDITURE TOTALS:

518 a) ENTERTAINMENT \$ _____

519 b) GIFTS \$ _____

520 c) COMMUNICATIONS \$ _____

521 d) PERSONAL LIVING AND TRAVEL EXPENSES \$ _____

522 e) COMPENSATION OF LOBBYISTS \$ _____

523 f) HONORARIA \$ _____

524 g) OTHER \$ _____

525 TOTAL \$ _____

526 PART II:

527 (1a) NAME OF LOBBYIST: _____

528 (1b) Permanent Business Address: _____

529 (1c) Business Telephone: _____

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

531 [] EMPLOYED (on the payroll of the principal)

532 [] RETAINED (not on the payroll of the principal, however
533 compensated)

534 [] NOT COMPENSATED (not compensated; expenses may be reimbursed)

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

537 _____

538 _____

539 _____

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

542 _____

543 PLEASE NOTE: Some lobbyists are not individually compensated for
544 lobbying activities. This may occur when several members of a firm
545 represent a single principal. The principal, in turn, makes a single

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546 payment to the firm. If this describes your situation, do not answer
 547 Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.
 548 (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist?
 549 (If you have job responsibilities other than those involving
 550 lobbying, you may have to prorate to determine the part of your
 551 salary attributable to your lobbying activities.) Transfer your
 552 answer to this item to Part I, item 6e_____.

553 (5b) Explain how you arrived at your answer to Part II, item 5a.
 554 _____
 555 _____
 556 _____

557 PART III:

558 PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT
 559 complete this section.

560 (1) List all members of your firm, organization, association,
 561 corporation, or other entity who furnished lobbying services to
 562 your principal.
 563 _____
 564 _____
 565 _____

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

569 SCHEDULE A

570 ENTERTAINMENT EXPENSES

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

575 Date and Location of Event:

576 _____
 577 _____

578 Description of Event (including whether or not it meets the criteria
 579 of a widely attended event):

580 _____
 581 _____

582 Total Number of Persons Attending:

583

584 Names of Legislative and Executive Officials or Members of Their
 585 Immediate Families Attending: (List names only if the average value
 586 for each person attending the event was greater than \$50.)

587 _____
 588 _____
 589 _____
 590 _____

591	Food	\$ _____
592	Beverages	\$ _____
593	Transportation of Legislative and Executive Officials	
594	or Members of Their Immediate Families	\$ _____
595	Lodging of Legislative and Executive Officials or	
596	Members of Their Immediate Families	\$ _____
597	Performers, Speakers, Etc.	\$ _____
598	Displays	\$ _____
599	Rentals	\$ _____
600	Service Personnel	\$ _____
601	Miscellaneous	\$ _____
602	TOTAL	\$ _____

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SCHEDULE B
GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, 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 or member of his immediate family who is a recipient of a gift:	Cost of individual 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 - 6f. 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 schedule to Part I, item 6g. (Please duplicate as needed.)

DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL "OTHER" EXPENSES		\$ _____

PART IV: STATEMENTS

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 in the format specified in the instructions provided by the Council that accompany this form. No 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

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Date

STATEMENT OF PRINCIPAL

I, the undersigned principal (or an 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~~ knowingly and intentionally makes a false statement of a material fact on the disclosure statement knowing it to contain a material misstatement of fact is 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 November 21 for the preceding six-month period complete through the last day of October and by May 21 for the preceding six-month period complete through the last day of April.

§ 2.2-430. Termination.

A lobbyist may terminate a lobbyist registration at any time by filing a report required under § 2.2-426 including information through the last day of lobbying activity. A termination report shall indicate that the lobbyist intends to use the report as the final accounting of lobbying activity and shall include the effective date of the termination.

§ 2.2-431. Penalties; filing of substituted statement.

A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed therein shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and every individual failing to file the statement within ~~ten~~ 10 days after the time prescribed herein shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the eleventh day of such default until the statement is filed. The Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the 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 § 2.2-426 shall be assessed a civil penalty of ~~fifty dollars~~ \$50, and shall be assessed an additional civil penalty of ~~fifty dollars~~ \$50 per day from the eleventh day of such default until the statement is filed. The ~~penalty~~ Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties 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 § 2.2-426 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 § 2.2-426, 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 that shall satisfy him that the default has been beyond the control of the lobbyist or his principal, and that the 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 and shall be used exclusively to fund the Council.

§ 2.2-3101. Definitions.

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

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or

720 substantially the same person owns or manages the two entities, there are common or commingled funds
 721 or assets, the business entities share the use of the same offices or employees, or otherwise share
 722 activities, resources or personnel on a regular basis, or there is otherwise a close working relationship
 723 between the entities.

724 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
 725 association, trust or foundation, or any other individual or entity carrying on a business or profession,
 726 whether or not for profit.

727 "*Candidate*" means a person who seeks or campaigns for an office of the Commonwealth or one of
 728 its governmental units in a general, primary, or special election and who is qualified to have his name
 729 placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter
 730 upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or
 731 general registrar shall notify each such candidate of the provisions of this chapter. Notification made by
 732 the general registrar shall consist of information developed by the State Board of Elections.

733 "Contract" means any agreement to which a governmental agency is a party, or any agreement on
 734 behalf of a governmental agency that involves the payment of money appropriated by the General
 735 Assembly or a political subdivision, whether or not such agreement is executed in the name of the
 736 Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the
 737 contract of which it is a part is with the officer's or employee's own governmental agency.

738 "Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in
 739 § 30-355.

740 "Employee" means all persons employed by a governmental or advisory agency, unless otherwise
 741 limited by the context of its use.

742 "Financial institution" means any bank, trust company, savings institution, industrial loan association,
 743 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or
 744 investment company or advisor registered under the federal Investment Advisors Act or Investment
 745 Company Act of 1940.

746 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item
 747 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and
 748 meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the
 749 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission
 750 or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic,
 751 merit, or need-based scholarship or any other financial aid awarded by a public or private school,
 752 institution of higher education, or other educational program pursuant to such school, institution, or
 753 program's financial aid standards and procedures applicable to the general public; (iv) a campaign
 754 contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
 755 (v) any gift related to the private profession or occupation of an officer or employee or of a member of
 756 his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is*
 757 *performing official duties related to his public service;* (vii) *food and beverages received at or*
 758 *registration or attendance fees waived for any event at which the filer is a featured speaker, presenter,*
 759 *or lecturer;* (viii) *unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall*
 760 *memento, or similar item that is given in recognition of public, civic, charitable, or professional service;*
 761 *(ix) a devise or inheritance;* (x) *travel disclosed pursuant to the Campaign Finance Disclosure Act*
 762 *(§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its*
 763 *territories, or any state or any political subdivision of such state;* (xii) *travel provided to facilitate*
 764 *attendance by a legislator at a regular or special session of the General Assembly, a meeting of a*
 765 *legislative committee or commission, or a national conference where attendance is approved by the*
 766 *House or Senate Committee on Rules;* (xiii) *travel related to an official meeting of the Commonwealth,*
 767 *its political subdivisions, or any board, commission, authority, or other entity, or any charitable*
 768 *organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity,*
 769 *to which such person has been appointed or elected or is a member by virtue of his office or*
 770 *employment;* or (xiv) gifts from relatives or personal friends. For the purpose of this definition, "relative"
 771 means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, *or first cousin;* a person to whom the
 772 donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~
 773 sister, *step-parent, step-grandparent, step-grandchild, step-brother, or step-sister;* or the donee's brother's
 774 or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that
 775 the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et
 776 seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or
 777 employee of a local governmental or advisory agency, a person, organization, or business who is a party
 778 to or is seeking to become a party to a contract with the local agency of which he is an officer or an
 779 employee; or (d) for an officer or employee of a state governmental or advisory agency, a person,
 780 organization, or business who is a party to or is seeking to become a party to a contract with the

781 Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals
782 who are officers, directors, or owners of or who have a controlling ownership interest in such
783 organization or business.

784 "Governmental agency" means each component part of the legislative, executive or judicial branches
785 of state and local government, including each office, department, authority, post, commission,
786 committee, and each institution or board created by law to exercise some regulatory or sovereign power
787 or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by
788 the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

789 "Immediate family" means (i) a spouse and (ii) any ~~child~~ *other person* who resides in the same
790 household as the officer or employee and who is a dependent of the officer or employee.

791 "Officer" means any person appointed or elected to any governmental or advisory agency including
792 local school boards, whether or not he receives compensation or other emolument of office. Unless the
793 context requires otherwise, "officer" includes members of the judiciary.

794 "Parent-subsidiary relationship" means a relationship that exists when one corporation directly or
795 indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

796 "Personal interest" means a financial benefit or liability accruing to an officer or employee or to a
797 member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the
798 ownership interest exceeds three percent of the total equity of the business; (ii) annual income that
799 exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property
800 or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or
801 any combination thereof, paid or provided by a business or governmental agency that exceeds, or may
802 reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the
803 interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other
804 compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or
805 assumed on behalf of a business if the liability exceeds three percent of the asset value of the business;
806 or (vi) an option for ownership of a business or real or personal property if the ownership interest will
807 consist of clause (i) or (iv) above.

808 "Personal interest in a contract" means a personal interest that an officer or employee has in a
809 contract with a governmental agency, whether due to his being a party to the contract or due to a
810 personal interest in a business that is a party to the contract.

811 "Personal interest in a transaction" means a personal interest of an officer or employee in any matter
812 considered by his agency. Such personal interest exists when an officer or employee or a member of his
813 immediate family has a personal interest in property or a business or governmental agency, or represents
814 or provides services to any individual or business and such property, business or represented or served
815 individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable
816 direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.
817 Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a)
818 an elected member of a local governing body serves without remuneration as a member of the board of
819 trustees of a not-for-profit entity and such elected member or member of his immediate family has no
820 personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a
821 local governing body is appointed by such local governing body to serve on a governmental agency, or
822 an officer, employee, or elected member of a separate local governmental agency formed by a local
823 governing body is appointed to serve on a governmental agency, and the personal interest in the
824 transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or
825 benefits provided by the local governing body or the separate governmental agency to the officer,
826 employee, elected member, or member of his immediate family.

827 "State and local government officers and employees" shall not include members of the General
828 Assembly.

829 "State filer" means those officers and employees required to file a disclosure statement of their
830 personal interests pursuant to subsection A or B of § 2.2-3114.

831 "Transaction" means any matter considered by any governmental or advisory agency, whether in a
832 committee, subcommittee, or other entity of that agency or before the agency itself, on which official
833 action is taken or contemplated.

834 § 2.2-3103.1. Certain gifts prohibited.

835 A. For purposes of this section:

836 "Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain
837 event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a
838 ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the
839 disclosure form prescribed in § 2.2-3117.

840 "Tangible gift" means a thing of value that does not lose its value upon the happening of a certain
841 event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities,
842 stock options, or other financial instruments that are reportable on Schedule E of the disclosure form

843 prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any
844 intangible gift.

845 "Person, organization, or business" includes individuals who are officers, directors, or owners of or
846 who have a controlling ownership interest in such organization or business.

847 "Widely attended event" means an event at which at least 25 persons have been invited to attend or
848 there is a reasonable expectation that at least 25 persons will attend the event and the event [~~is open~~
849 ~~to the public or~~] is open to individuals (i) who share a common interest, (ii) who are members of a
850 public, civic, charitable, or professional organization, (iii) who are from a particular industry or
851 profession, or (iv) who represent persons interested in a particular issue.

852 B. ~~A~~ No officer or employee of a local governmental or advisory agency or candidate required to
853 file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any
854 calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts
855 with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a
856 lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as
857 defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become
858 a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any
859 tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause
860 (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and
861 publications on Schedule D of such disclosure form or a member of his immediate family shall solicit,
862 accept, or receive any single gift [with a value in excess of \$100 or any combination of gifts with an
863 aggregate value in excess of \$100 within any calendar year] for himself or a member of his immediate
864 family [~~with a value in excess of \$100~~] from any person that he or a member of his immediate family
865 knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of
866 Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business
867 who is or is seeking to become a party to a contract with the local agency of which he is an officer or
868 an employee. [Gifts with a value of less than \$20 are not subject to aggregation for purposes of this
869 prohibition.]

870 C. ~~A~~ No officer or employee of a state governmental or advisory agency or candidate required to
871 file the disclosure form prescribed in § 2.2-3117 (i) shall not solicit, accept, or receive within any
872 calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts
873 with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a
874 lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as
875 defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become
876 a party to a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or
877 less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure
878 form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such
879 disclosure form or a member of his immediate family shall solicit, accept, or receive any single gift [
880 with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100
881 within any calendar year] for himself or a member of his immediate family [~~with a value in excess of~~
882 ~~\$100~~] from any person that he or a member of his immediate family knows or has reason to know is (i)
883 a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as
884 defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party
885 to a contract with the state governmental or advisory agency of which he is an officer or an employee
886 or over which he has the authority to direct such agency's activities. [Gifts with a value of less than
887 \$20 are not subject to aggregation for purposes of this prohibition.]

888 D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a
889 member of his immediate family may accept or receive a gift of food and beverages [, entertainment, or
890 the cost of admission] with a value in excess of \$100 when such gift is accepted or received while in
891 attendance at a widely attended event [and is associated with the event] . Such gifts shall be reported
892 on the disclosure form prescribed in § 2.2-3117.

893 E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of
894 his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100
895 for which the fair market value or a gift of greater or equal value has not been provided or exchanged.
896 Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance
897 with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been
898 accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required
899 to be disclosed.

900 F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a
901 member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from
902 a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or
903 a member of his immediate family on the basis of a personal friendship. Notwithstanding any other

904 provision of law, a person listed in subsection B or C may be a personal friend of such officer,
 905 employee, or candidate or his immediate family for purposes of this subsection. In determining whether
 906 a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i)
 907 the circumstances under which the gift was offered; (ii) the history of the relationship between the
 908 person and the donor, including the nature and length of the friendship and any previous exchange of
 909 gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the
 910 gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has
 911 given the same or similar gifts to other persons required to file the disclosure form prescribed in
 912 § 2.2-3117 or 30-111.

913 G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a
 914 member of his immediate family may accept or receive gifts of travel, including travel-related
 915 transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of
 916 \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or
 917 candidate has submitted a request for approval of such travel to the Council and has received the
 918 approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form
 919 prescribed in § 2.2-3117.

920 H. During the pendency of a civil action in any state or federal court to which the Commonwealth is
 921 a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General
 922 who is subject to the provisions of this chapter shall not solicit, accept, or receive any tangible gift from
 923 any person that he knows or has reason to know is a person, organization, or business who that is a
 924 party to such civil action. A person, organization, or business who that is a party to such civil action
 925 shall not knowingly give any tangible gift to the Governor or the Attorney General or any of their
 926 employees who are subject to the provisions of this chapter.

927 E. I. The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the
 928 Council every five years, as of January 1 of that year, in an amount equal to the annual increases for
 929 that five-year period in the United States Average Consumer Price Index for all items, all urban
 930 consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor,
 931 rounded to the nearest whole dollar.

932 F. For purposes of this section, "person, organization, or business" includes individuals who are
 933 officers, directors, or owners of or who have a controlling ownership interest in such organization or
 934 business.

935 **§ 2.2-3103.2. Return of gifts.**

936 No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if
 937 (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or
 938 delivered to a charitable organization within a reasonable period of time upon the discovery of the
 939 value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii)
 940 consideration is given by the donee to the donor for the value of the gift within a reasonable period of
 941 time upon the discovery of the value of the gift provided that such consideration reduces the value of
 942 the gift to an amount not in excess of \$100 as provided in subsection B or C of § 2.2-3103.1.

943 **§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.**

944 For one year after the termination of public employment or service, no state officer or employee
 945 shall, before the agency of which he was an officer or employee, represent a client or act in a
 946 representative capacity on behalf of any person or group, for compensation, on matters related to
 947 legislation, executive orders, or regulations promulgated by the agency of which he was an officer or
 948 employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

949 For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant
 950 Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the
 951 General Assembly or by either house thereof is required or not, who are regularly employed on a
 952 full-time salaried basis; those officers and employees of executive branch agencies who report directly to
 953 the agency head; and those at the level immediately below those who report directly to the agency head
 954 and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative
 955 branch designated by the joint rules committee of the General Assembly. For the purposes of this
 956 section, the General Assembly and the legislative branch agencies shall be deemed one agency.

957 To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies
 958 assigned to the Secretary by law or by executive order of the Governor.

959 Any person subject to the provisions of this section may apply to the Council or Attorney General,
 960 as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction
 961 imposed by this section on any post-public employment position or opportunity.

962 **§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement**
 963 **Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure**
 964 **Act; loans or grants from the Commonwealth's Development Opportunity Fund.**

965 A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the

966 Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the
 967 matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater
 968 than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder,
 969 offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is
 970 directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et
 971 seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private
 972 Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the
 973 submission of the bid and the award of the public contract under the Virginia Public Procurement Act or
 974 (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the
 975 Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive
 976 agreement thereunder.

977 B. *Neither the Governor, his campaign committee, nor a political action committee established on his*
 978 *behalf shall knowingly solicit or accept a contribution, gift, or other item with a value greater than*
 979 *\$100 from any person or entity that has submitted an application for a grant or loan from the*
 980 *Commonwealth's Development Opportunity Fund during the period in which the person or entity's*
 981 *application for such an award is pending and for the one-year period immediately after any such award*
 982 *is made. For purposes of this subsection, "entity" includes individuals who are officers, directors, or*
 983 *owners of or who have a controlling ownership interest in such entity.*

984 C. The provisions of this section shall apply only for public contracts, proposals, or comprehensive
 985 agreements where the stated or expected value of the contract is \$5 million or more *or for grants or*
 986 *loans from the Commonwealth's Development Opportunity Fund regardless of the value of the grant or*
 987 *loan. The provisions of this section shall not apply to contracts awarded as the result of competitive*
 988 *sealed bidding as set forth in § 2.2-4302.1.*

989 ~~C.~~ D. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or
 990 up to two times the amount of the contribution or gift, whichever is greater, *and the contribution, gift,*
 991 *or other item shall be returned to the donor.* The attorney for the Commonwealth shall initiate civil
 992 proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State
 993 Treasurer for deposit to the general fund *and shall be used exclusively to fund the Council.*

994 **§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern**
 995 **Virginia Medical School.**

996 A. No officer or employee of any governmental agency of state government or Eastern Virginia
 997 Medical School shall have a personal interest in a contract with the governmental agency of which he is
 998 an officer or employee, other than his own contract of employment.

999 B. No officer or employee of any governmental agency of state government or Eastern Virginia
 1000 Medical School shall have a personal interest in a contract with any other governmental agency of state
 1001 government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive
 1002 negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the
 1003 administrative head of the governmental agency that competitive bidding or negotiation is contrary to the
 1004 best interest of the public.

1005 C. The provisions of this section shall not apply to:

1006 1. An employee's personal interest in additional contracts of employment with his own governmental
 1007 agency that accrue to him because of a member of his immediate family, provided the employee does
 1008 not exercise any control over the employment or the employment activities of the member of his
 1009 immediate family and the employee is not in a position to influence those activities;

1010 2. The personal interest of an officer or employee of a state institution of higher education or the
 1011 Eastern Virginia Medical School in additional contracts of employment with his own governmental
 1012 agency that accrue to him because of a member of his immediate family, provided (i) the officer or
 1013 employee and the immediate family member are engaged in teaching, research or administrative support
 1014 positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board
 1015 of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia
 1016 Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding,
 1017 the governing board of the educational institution or the Eastern Virginia Medical School ensures that
 1018 the officer or employee, or the immediate family member, does not have sole authority to supervise,
 1019 evaluate or make personnel decisions regarding the other;

1020 3. An officer's or employee's personal interest in a contract of employment with any other
 1021 governmental agency of state government;

1022 4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of
 1023 services or goods at uniform prices available to the general public;

1024 5. An employee's personal interest in a contract between a public institution of higher education in
 1025 Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other
 1026 educational materials for students, which accrues to him solely because he has authored or otherwise

1027 created such textbooks or materials;

1028 6. An employee's personal interest in a contract with his or her employing public institution of higher
1029 education to acquire the collections or scholarly works owned by the employee, including manuscripts,
1030 musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research,
1031 or cultural value to the institution, provided the president of the institution approves the acquisition of
1032 such collections or scholarly works as being in the best interests of the institution's public mission of
1033 service, research, or education;

1034 7. Subject to approval by the board of visitors, an employee's personal interest in a contract between
1035 the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates
1036 a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical
1037 practice within such public institution of higher education or the Eastern Virginia Medical School and of
1038 which such employee is a member or employee;

1039 8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract
1040 for research and development or commercialization of intellectual property between a public institution
1041 of higher education in Virginia or the Eastern Virginia Medical School and a business in which the
1042 employee has a personal interest, if (i) the employee's personal interest has been disclosed to and
1043 approved by such public institution of higher education or the Eastern Virginia Medical School prior to
1044 the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement
1045 pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~January~~ *December* 15;
1046 (iii) the institution has established a formal policy regarding such contracts, approved by the State
1047 Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy
1048 regarding such contracts in conformity with any applicable federal regulations that has been approved by
1049 its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern
1050 Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each
1051 open contract entered into subject to this provision, the names of the parties to each contract, the date
1052 each contract was executed and its term, the subject of each contractual arrangement, the nature of the
1053 conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for
1054 administering each contract, the details of the institution's or the Eastern Virginia Medical School's
1055 commitment or investment of resources or finances for each contract, and any other information
1056 requested by the Secretary of the Commonwealth; or

1057 9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract
1058 between a public institution of higher education in Virginia or the Eastern Virginia Medical School and
1059 a business in which the employee has a personal interest, if (i) the personal interest has been disclosed
1060 to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into;
1061 (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before
1062 ~~January~~ *December* 15; (iii) the employee does not participate in the institution's or the Eastern Virginia
1063 Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia
1064 Medical School finds and certifies in writing that the contract is for goods and services needed for
1065 quality patient care, including related medical education or research, by the institution's medical center
1066 or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary
1067 for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies;
1068 and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School
1069 files an annual report with the Secretary of the Commonwealth disclosing each open contract entered
1070 subject to this provision, the names of the parties to each contract, the date each contract was executed
1071 and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the
1072 institution's or the Eastern Virginia Medical School's employee responsible for administering each
1073 contract, the details of the institution's or the Eastern Virginia Medical School's commitment or
1074 investment of resources or finances for each contract, and any other information requested by the
1075 Secretary of the Commonwealth.

1076 D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or
1077 commercialization of intellectual property or the employee's personal interest in a contract with a
1078 business is subject to policies and regulations governing conflicts of interest promulgated by any agency
1079 of the United States government, including the adoption of policies requiring the disclosure and
1080 management of such conflicts of interests, the policies established by the Eastern Virginia Medical
1081 School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9,
1082 upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by
1083 January 31 of each year of evidence of their compliance with such federal policies and regulations.

1084 E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of
1085 the institution. If the board elects to delegate such authority, the board shall include this delegation of
1086 authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the
1087 board has delegated such authority, on or before December 1 of each year, the president of the relevant
1088 institution shall file a report with the relevant board of visitors disclosing each open contract entered

1089 into subject to this provision, the names of the parties to each contract, the date each contract was
 1090 executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest,
 1091 the institution's or the Eastern Virginia Medical School's employee responsible for administering each
 1092 contract, the details of the institution's or the Eastern Virginia Medical School's commitment or
 1093 investment of resources or finances for each contract, the details of how revenues are to be dispersed,
 1094 and any other information requested by the board of visitors.

1095 **§ 2.2-3114. Disclosure by state officers and employees.**

1096 A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of
 1097 the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court,
 1098 members of the State Corporation Commission, members of the Virginia Workers' Compensation
 1099 Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees
 1100 of the Virginia Retirement System, *members of the Virginia Alcoholic Beverage Control Board*, and
 1101 members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or
 1102 employment in state government, including members of the governing bodies of authorities, as may be
 1103 designated by the Governor, or, ~~in the case of~~ officers or employees of the legislative branch, *as may be*
 1104 *designated* by the Joint Rules Committee of the General Assembly, shall file with the Council, as a
 1105 condition to assuming office or employment, a disclosure statement of their personal interests and such
 1106 other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a
 1107 statement semiannually by December 15 for the preceding six-month period complete through the last
 1108 day of October and by June 15 for the preceding six-month period complete through the last day of
 1109 April. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement
 1110 shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

1111 B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in
 1112 the executive branch of state government, other than the Commonwealth Transportation Board, members
 1113 of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file
 1114 with the Council, as a condition to assuming office, a disclosure form of their personal interests and
 1115 such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such
 1116 form annually on or before December 15. When the filing deadline falls on a Saturday, Sunday, or legal
 1117 holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal
 1118 holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory
 1119 boards and authorities, may be required to file a disclosure form if so designated by the Governor, in
 1120 which case the form shall be that set forth in § 2.2-3118.

1121 C. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the
 1122 Council to each officer and employee so designated, including officers appointed by legislative
 1123 authorities at least 30 days prior to the filing deadline. Disclosure forms shall be filed ~~and~~ *electronically*
 1124 *with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall*
 1125 *be maintained as public records for five years in the office of the Council. Such forms shall be made*
 1126 *public no later than six weeks after filing.*

1127 D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a
 1128 disclosure statement of their personal interests as required by § 24.2-502.

1129 E. Any officer or employee of state government who has a personal interest in any transaction before
 1130 the governmental or advisory agency of which he is an officer or employee and who is disqualified
 1131 from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to
 1132 disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full
 1133 name and address of the business and the address or parcel number for the real estate if the interest
 1134 involves a business or real estate, and his disclosure shall also be reflected in the public records of the
 1135 agency for five years in the office of the administrative head of the officer's or employee's governmental
 1136 agency or advisory agency or, if the agency has a clerk, in the clerk's office.

1137 F. An officer or employee of state government who is required to declare his interest pursuant to
 1138 subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the
 1139 nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a
 1140 member of a business, profession, occupation, or group the members of which are affected by the
 1141 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public
 1142 interest. The officer or employee shall either make his declaration orally to be recorded in written
 1143 minutes for his agency or file a signed written declaration with the clerk or administrative head of his
 1144 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for
 1145 public inspection such declaration for a period of five years from the date of recording or receipt. If
 1146 reasonable time is not available to comply with the provisions of this subsection prior to participation in
 1147 the transaction, the officer or employee shall prepare and file the required declaration by the end of the
 1148 next business day.

1149 G. An officer or employee of state government who is required to declare his interest pursuant to

1150 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a
 1151 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide
 1152 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in
 1153 the public interest. The officer or employee shall either make his declaration orally to be recorded in
 1154 written minutes for his agency or file a signed written declaration with the clerk or administrative head
 1155 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make
 1156 available for public inspection such declaration for a period of five years from the date of recording or
 1157 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to
 1158 participation in the transaction, the officer or employee shall prepare and file the required declaration by
 1159 the end of the next business day.

1160 *H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher*
 1161 *education in the Commonwealth shall not be required to file the disclosure form prescribed by*
 1162 *§ 2.2-3117 or 2.2-3118.*

1163 **§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.**

1164 The filing of a current statement of economic interests by a General Assembly member,
 1165 member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General
 1166 Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter
 1167 (~~§ 2.2-3100 et seq.~~). The Secretary of the Commonwealth may obtain from the ~~Clerk of the House of~~
 1168 ~~Delegates or the Senate, as appropriate, Council~~ a copy of the statement of a General Assembly member
 1169 who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General
 1170 Assembly member, member-elect, or candidate shall be required to file a separate statement of economic
 1171 interests for the purposes of § 2.2-3114.

1172 **§ 2.2-3115. Disclosure by local government officers and employees.**

1173 A. The members of every governing body and school board of each county and city and of towns
 1174 with populations in excess of 3,500 shall file ~~with the Council~~, as a condition to assuming office or
 1175 employment, a disclosure statement of their personal interests and other information as is specified on
 1176 the form set forth in § 2.2-3117 and thereafter shall file such a statement semiannually by December 15
 1177 for the preceding six-month period complete through the last day of October and by June 15 for the
 1178 preceding six-month period complete through the last day of April.

1179 The members of the governing body of any authority established in any county or city, or part or
 1180 combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any
 1181 fiscal year, shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition
 1182 to assuming office, a disclosure statement of their personal interests and other information as is specified
 1183 on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before
 1184 December 15, unless the governing body of the jurisdiction that appoints the members requires that the
 1185 members file the form set forth in § 2.2-3117 semiannually by December 15 for the preceding six-month
 1186 period complete through the last day of October and by June 15 for the preceding six-month period
 1187 complete through the last day of April.

1188 Persons occupying such positions of trust appointed by governing bodies and persons occupying such
 1189 positions of employment with governing bodies as may be designated to file by ordinance of the
 1190 governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a
 1191 condition to assuming office or employment, a disclosure statement of their personal interests and other
 1192 information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement
 1193 semiannually by December 15 for the preceding six-month period complete through the last day of
 1194 October and by June 15 for the preceding six-month period complete through the last day of April.

1195 Persons occupying such positions of trust appointed by school boards and persons occupying such
 1196 positions of employment with school boards as may be designated to file by an adopted policy of the
 1197 school board shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition
 1198 to assuming office or employment, a disclosure statement of their personal interests and other
 1199 information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement
 1200 semiannually by December 15 for the preceding six-month period complete through the last day of
 1201 October and by June 15 for the preceding six-month period complete through the last day of April.

1202 B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by
 1203 the governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a
 1204 condition to assuming office, a disclosure form of their personal interests and such other information as
 1205 is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before
 1206 December 15.

1207 C. No person shall be mandated to file any disclosure not otherwise required by this article.

1208 D. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the
 1209 Virginia Conflict of Interest and Ethics Advisory Council ~~to the clerks of the governing bodies and~~
 1210 ~~school boards~~ at least 30 days prior to the filing deadline, and the clerks of the governing body and
 1211 school board shall distribute the forms to designated individuals at least 20 days prior to the filing

1212 deadline. Forms shall be filed and maintained as public records for five years in the office of the
 1213 ~~Virginia Conflict of Interest and Ethics Advisory Council~~ clerk of the respective governing body or
 1214 school board. Forms filed by members of governing bodies of authorities shall be filed and maintained
 1215 as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory~~
 1216 ~~Council~~ clerk of the governing body of the county or city. Such forms shall be made public no later
 1217 than six weeks after filing.

1218 E. Candidates for membership in the governing body or school board of any county, city or town
 1219 with a population of more than 3,500 persons shall file a disclosure statement of their personal interests
 1220 as required by § 24.2-502.

1221 F. Any officer or employee of local government who has a personal interest in any transaction before
 1222 the governmental or advisory agency of which he is an officer or employee and who is disqualified
 1223 from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to
 1224 disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full
 1225 name and address of the business and the address or parcel number for the real estate if the interest
 1226 involves a business or real estate, and his disclosure shall be reflected in the public records of the
 1227 agency for five years in the office of the administrative head of the officer's or employee's governmental
 1228 or advisory agency.

1229 G. In addition to any disclosure required by subsections A and B, in each county and city and in
 1230 towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals,
 1231 real estate assessors, and all county, city and town managers or executive officers shall make annual
 1232 disclosures of all their interests in real estate located in the county, city or town in which they are
 1233 elected, appointed, or employed. Such disclosure shall include any business in which such persons own
 1234 an interest, or from which income is received, if the primary purpose of the business is to own, develop
 1235 or derive compensation through the sale, exchange or development of real estate in the county, city or
 1236 town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter
 1237 shall be filed annually with the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ clerk of the
 1238 governing body of such county, city, or town on or before December 15. Such disclosures shall be filed
 1239 and maintained as public records for five years. ~~Such forms shall be made public no later than six weeks~~
 1240 ~~after filing.~~ Forms for the filing of such reports shall be prepared and distributed made available by the
 1241 Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

1242 H. An officer or employee of local government who is required to declare his interest pursuant to
 1243 subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the
 1244 nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a
 1245 member of a business, profession, occupation, or group the members of which are affected by the
 1246 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public
 1247 interest. The officer or employee shall either make his declaration orally to be recorded in written
 1248 minutes ~~of~~ for his agency or file a signed written declaration with the clerk or administrative head of his
 1249 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for
 1250 public inspection such declaration for a period of five years from the date of recording or receipt. If
 1251 reasonable time is not available to comply with the provisions of this subsection prior to participation in
 1252 the transaction, the officer or employee shall prepare and file the required declaration by the end of the
 1253 next business day. The officer or employee shall also orally disclose the existence of the interest during
 1254 each meeting of the governmental or advisory agency at which the transaction is discussed and such
 1255 disclosure shall be recorded in the minutes of the meeting.

1256 I. An officer or employee of local government who is required to declare his interest pursuant to
 1257 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a
 1258 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide
 1259 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in
 1260 the public interest. The officer or employee shall either make his declaration orally to be recorded in
 1261 written minutes for his agency or file a signed written declaration with the clerk or administrative head
 1262 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make
 1263 available for public inspection such declaration for a period of five years from the date of recording or
 1264 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to
 1265 participation in the transaction, the officer or employee shall prepare and file the required declaration by
 1266 the end of the next business day.

1267 **§ 2.2-3116. Disclosure by certain constitutional officers.**

1268 For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for
 1269 the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city,
 1270 shall be deemed to be local officers and shall be required to file *with the Council, as a condition to*
 1271 *assuming office*, the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file
 1272 statements pursuant to ~~§ 2.2-3115~~ and candidates *semiannually by December 15 for the preceding*

1273 *six-month period complete through the last day of October and by June 15 for the preceding six-month*
 1274 *period complete through the last day of April. Candidates shall file statements as required by*
 1275 *§ 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards*
 1276 *approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts*
 1277 *set forth in subsection B of § 2.2-3103.1.*

1278 **§ 2.2-3117. Disclosure form.**

1279 The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and
 1280 subsections A and E of § 2.2-3115 shall be substantially as follows: *similar to the following. Except as*
 1281 *otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in*
 1282 *accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and*
 1283 *intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty*
 1284 *of a Class 5 felony.*

1285 STATEMENT OF ECONOMIC INTERESTS.

- 1286 Name
- 1287 Office or position held or sought
- 1288 Address
- 1289 Names of members of immediate family

1290 DEFINITIONS AND EXPLANATORY MATERIAL.

1291 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
 1292 association, trust or foundation, or any other individual or entity carrying on a business or profession,
 1293 whether or not for profit.

1294 "Close financial association" means an association in which the person filing shares significant
 1295 financial involvement with an individual and the filer would reasonably be expected to be aware of the
 1296 individual's business activities and would have access to the necessary records either directly or through
 1297 the individual. "Close financial association" does not mean an association based on (i) the receipt of
 1298 retirement benefits or deferred compensation from a business by which the person filing this statement is
 1299 no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an
 1300 independent contractor of a business that represents an entity before any state governmental agency
 1301 when the person filing has had no communications with the state governmental agency.

1302 "Contingent liability" means a liability that is not presently fixed or determined, but may become
 1303 fixed or determined in the future with the occurrence of some certain event.

1304 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item
 1305 having monetary value. It includes services as well as gifts of transportation, lodgings and meals,
 1306 whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the
 1307 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission
 1308 or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic,
 1309 merit, or need-based scholarship or any other financial aid awarded by a public or private school,
 1310 institution of higher education, or other educational program pursuant to such school, institution, or
 1311 program's financial aid standards and procedures applicable to the general public; (iv) a campaign
 1312 contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
 1313 (v) any gift related to the private profession or occupation of an officer or employee or of a member of
 1314 his immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is*
 1315 *performing official duties related to his public service;* (vii) *food and beverages received at or*
 1316 *registration or attendance fees waived for any event at which the filer is a featured speaker, presenter,*
 1317 *or lecturer;* (viii) *unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall*
 1318 *memento, or similar item that is given in recognition of public, civic, charitable, or professional service;*
 1319 *(ix) a devise or inheritance;* (x) *travel disclosed pursuant to the Campaign Finance Disclosure Act*
 1320 *(§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its*
 1321 *territories, or any state or any political subdivision of such state;* (xii) *travel provided to facilitate*
 1322 *attendance by a legislator at a regular or special session of the General Assembly, a meeting of a*
 1323 *legislative committee or commission, or a national conference where attendance is approved by the*
 1324 *House or Senate Committee on Rules;* (xiii) *travel related to an official meeting of the Commonwealth,*
 1325 *its political subdivisions, or any board, commission, authority, or other entity, or any charitable*
 1326 *organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity,*
 1327 *to which such person has been appointed or elected or is a member by virtue of his office or*
 1328 *employment;* or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child,
 1329 uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the
 1330 donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent,
 1331 step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend"
 1332 does not include any person that the filer knows or has reason to know is (a) a lobbyist registered
 1333 pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in

1334 § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person,
 1335 organization, or business who is a party to or is seeking to become a party to a contract with the local
 1336 agency of which he is an officer or an employee; or (d) for an officer or employee of a state
 1337 governmental or advisory agency, a person, organization, or business who is a party to or is seeking to
 1338 become a party to a contract with the Commonwealth. "Person, organization, or business" includes
 1339 individuals who are officers, directors, or owners of or who have a controlling ownership interest in
 1340 such organization or business.

1341 "Immediate family" means (i) a spouse and (ii) any ~~child~~ *other person* who resides in the same
 1342 household as the officer or employee and who is a dependent of the officer or employee.

1343 TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,
 1344 treat the trust's assets as if you own them directly. If you or your immediate family has a proportional
 1345 interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if
 1346 you and your immediate family have a one-third interest in a trust, complete your Statement as if you
 1347 own one-third of each of the trust's assets. If you or a member of your immediate family created a trust
 1348 and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

1349 REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this
 1350 Statement must be provided on the basis of the best knowledge, information, and belief of the individual
 1351 filing the Statement as of the date of this report unless otherwise stated.

1352 COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

1353 You may attach additional explanatory information.

1354 1. Offices and Directorships.

1355 Are you or a member of your immediate family a paid officer or paid director of a business?

1356 EITHER check NO // OR check YES // and complete Schedule A.

1357 2. Personal Liabilities.

1358 Do you or a member of your immediate family owe more than \$5,000 to any one creditor including
 1359 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property
 1360 at least equal in value to the loan.)

1361 EITHER check NO // OR check YES // and complete Schedule B.

1362 3. Securities.

1363 Do you or a member of your immediate family, directly or indirectly, separately or together, own
 1364 securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited
 1365 partnerships and trusts.

1366 EITHER check NO // OR check YES // and complete Schedule C.

1367 4. Payments for Talks, Meetings, and Publications.

1368 During the past six months did you receive in your capacity as an officer or employee of your
 1369 agency lodging, transportation, money, or anything else of value with a combined value exceeding \$200
 1370 \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where
 1371 your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant
 1372 to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills
 1373 relative to your duties as an officer or employee of your agency?

1374 EITHER check NO // OR check YES // and complete Schedule D.

1375 5. Gifts.

1376 During the past six months did a business, government, or individual other than a relative or personal
 1377 friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single
 1378 event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family
 1379 with gifts or entertainment in any combination and the total value received exceeded \$100 \$50, and for
 1380 which you or the member of your immediate family neither paid nor rendered services in exchange?
 1381 Account for entertainment events only if the average value per person attending the event exceeded \$50.
 1382 Account for all business entertainment (except if related to the private profession or occupation of you
 1383 or the member of your immediate family who received such business entertainment) even if unrelated to
 1384 your official duties.

1385 EITHER check NO // OR check YES // and complete Schedule E.

1386 6. Salary and Wages.

1387 List each employer that pays you or a member of your immediate family salary or wages in excess
 1388 of \$5,000 annually. (Exclude state or local government or advisory agencies.)

1389 If no reportable salary or wages, check here //.

1390 _____

1391 _____

1392 _____

1393 7. Business Interests.

1394 Do you or a member of your immediate family, separately or together, operate your own business, or

1395 own or control an interest in excess of \$5,000 in a business?
1396 EITHER check NO // OR check YES // and complete Schedule F.

1397 8. Payments for Representation and Other Services.

1398 8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any
1399 state governmental agencies, excluding courts or judges, for which you received total compensation
1400 during the past six months in excess of \$1,000, excluding compensation for other services to such
1401 businesses and representation consisting solely of the filing of mandatory papers and subsequent
1402 representation regarding the mandatory papers? (Officers and employees of local governmental and
1403 advisory agencies do NOT need to answer this question or complete Schedule G-1.)

1404 EITHER check NO // OR check YES // and complete Schedule G-1.

1405 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial
1406 association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419,
1407 any businesses before any state governmental agency for which total compensation was received during
1408 the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory
1409 agencies do NOT need to answer this question or complete Schedule G-2.)

1410 EITHER check NO // OR check YES // and complete Schedule G-2.

1411 8C. Did you or persons with whom you have a close financial association furnish services to
1412 businesses operating in Virginia pursuant to an agreement between you and such businesses, or between
1413 persons with whom you have a close financial association and such businesses for which total
1414 compensation in excess of \$1,000 was received during the past six months? Services reported under this
1415 provision shall not include services involving the representation of businesses that are reported under
1416 item 8A or 8B.

1417 EITHER check NO // OR check YES // and complete Schedule G-3.

1418 9. Real Estate.

1419 9A. State Officers and Employees.

1420 Do you or a member of your immediate family hold an interest, including a partnership interest,
1421 valued at more than \$5,000 in real property (other than your principal residence) for which you have not
1422 already listed the full address on Schedule F? Account for real estate held in trust.

1423 EITHER check NO // OR check YES // and complete Schedule H-1.

1424 9B. Local Officers and Employees.

1425 Do you or a member of your immediate family hold an interest, including a partnership interest, or
1426 option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal
1427 residence) for which you have not already listed the full address on Schedule F? Account for real estate
1428 held in trust.

1429 EITHER check NO // OR check YES // and complete Schedule H-2.

1430 10. Real Estate Contracts with Governmental Agencies.

1431 Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real
1432 estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real
1433 estate is the subject of a contract, whether pending or completed within the past six months, with a
1434 governmental agency? If the real estate contract provides for the leasing of the property to a
1435 governmental agency, do you or a member of your immediate family hold an interest in the real estate
1436 valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in
1437 Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest
1438 derived through an ownership interest in a business unless the ownership interest exceeds three percent
1439 of the total equity of the business.

1440 EITHER check NO // OR check YES // and complete Schedule I.

1441 Statements of Economic Interests are open for public inspection.

1442 AFFIRMATION BY ALL FILERS.

1443 I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

1444 Signature

1445 (Return only if needed to complete Statement.)

1446 SCHEDULES

1447 to

1448 STATEMENT OF ECONOMIC INTERESTS.

1449 NAME

1450 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

1451 Identify each business of which you or a member of your immediate family is a paid officer or paid
1452 director.

1453

1454

1455 Name of Business Address of Business Position Held and by Whom

1456 _____
 1457 _____
 1458 _____
 1459 _____
 1460 _____

RETURN TO ITEM 2

1461 SCHEDULE B - PERSONAL LIABILITIES.

1462 Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not
 1463 report debts to any government. Do not report loans secured by recorded liens on property at least equal
 1464 in value to the loan.

1465 Report contingent liabilities below and indicate which debts are contingent.

1466 1. My personal debts are as follows:

1467 _____
 1468 _____
 1469 _____

1470 Check	1470 Check one	
1471 appropriate	1471 \$5,001 to	1471 More than
1472 categories	1472 \$50,000	1472 \$50,000
1473 Banks	_____	_____
1474 Savings institutions	_____	_____
1475 Other loan or finance companies	_____	_____
1476 Insurance companies	_____	_____
1477 Stock, commodity or other brokerage companies	_____	_____
1478 Other businesses:		
1479 (State principal business activity for each		
1480 creditor and its name.)		
1481 _____	_____	_____
1482 _____	_____	_____
1483 _____	_____	_____
1484 Individual creditors:		
1485 (State principal business or occupation of		
1486 each creditor and its name.)		
1487 _____	_____	_____
1488 _____	_____	_____
1489 _____	_____	_____

1490
 1491 2. The personal debts of the members of my immediate family are as follows:

1492 _____
 1493 _____

1494 Check	1494 Check one	
1495 appropriate	1495 \$5,001 to	1495 More than
1496 categories	1496 \$50,000	1496 \$50,000
1497 Banks	_____	_____
1498 Savings institutions	_____	_____
1499 Other loan or finance companies	_____	_____
1500 Insurance companies	_____	_____
1501 Stock, commodity or other brokerage companies	_____	_____
1502 Other businesses:		
1503 (State principal business activity for each		
1504 creditor and its name.)		
1505 _____	_____	_____
1506 _____	_____	_____
1507 _____	_____	_____
1508 Individual creditors:		
1509 (State principal business or occupation of		
1510 each creditor and its name.)		
1511 _____	_____	_____
1512 _____	_____	_____

1513
1514

RETURN TO ITEM 3

1515
1516 SCHEDULE C - SECURITIES.

1517 "Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures
1518 contracts.

1519 "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and
1520 insurance policies.

1521 Identify each business or Virginia governmental entity in which you or a member of your immediate
1522 family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name
1523 each issuer and type of security individually.

1524 Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia
1525 or its authorities, agencies, or local governments. Do not list organizations that do not do business in
1526 this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held
1527 in trust.

1528 If no reportable securities, check here //.

1529
1530

1531 1532 1533 1534 1535 1536 1537 1538 1539	Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
			\$5,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 4

1540
1541 SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

1542 List each source from which you received during the past six months in your capacity as an officer
1543 or employee of your agency lodging, transportation, money, or any other thing of value with combined
1544 value exceeding \$200 \$100 (i) for your presentation of a single talk, participation in one meeting, or
1545 publication of a work or (ii) for your attendance at a meeting, conference, or event where your
1546 attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to
1547 your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative
1548 to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other
1549 thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii)
1550 (a), or (ii) (b) shall be listed as a gift on Schedule E.

1551 List payments or reimbursements by an advisory or governmental agency only for meetings or travel
1552 outside the Commonwealth.

1553 List a payment even if you donated it to charity.

1554 Do not list information about a payment if you returned it within 60 days or if you received it from
1555 an employer already listed under Item 6 or from a source of income listed on Schedule F.

1556 If no payment must be listed, check here //.

1557
1558

1559 1560 1561 1562 1563 1564 1565 1566 1567	Payer	Approximate Value	Circumstances	Type of payment
				(e.g. honoraria, travel reimburse- ment, etc.)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 5

1568
1569 SCHEDULE E - GIFTS.

1570 List each business, governmental entity, or individual that, during the past six months, (i) furnished
1571 you or a member of your immediate family with any gift or entertainment at a single event, and the

1572 value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or
1573 entertainment in any combination and the total value received exceeded \$100 \$50, and for which you or
1574 the member of your immediate family neither paid nor rendered services in exchange. List each such
1575 gift or event. Do not list entertainment events unless the average value per person attending the event
1576 exceeded \$50. Do not list business entertainment related to the private profession or occupation of you
1577 or the member of your immediate family who received such business entertainment. Do not list gifts or
1578 other things of value given by a relative or personal friend for reasons clearly unrelated to your public
1579 position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et
1580 seq.) of Title 24.2 of the Code of Virginia.

1581 _____

1582

1583	Name of Business,	City or	Exact	
1584	Organization, or	County	Gift or	Approximate
1585	Individual	and State	Event	Value
1586	_____	_____	_____	_____
1587	_____	_____	_____	_____
1588	_____	_____	_____	_____
1589	_____	_____	_____	_____

1590 _____
1591 RETURN TO ITEM 6

1592 SCHEDULE F - BUSINESS INTERESTS.

1593 Complete this Schedule for each self-owned or family-owned business (including rental property, a
1594 farm, or consulting work), partnership, or corporation in which you or a member of your immediate
1595 family, separately or together, own an interest having a value in excess of \$5,000.

1596 If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name;
1597 otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a
1598 trade, partnership, or corporate name, list the name only; otherwise, give the address of each property.
1599 Account for business interests held in trust.

1600 _____

1601	Name of Business,			Gross Income	
1602	Corporation,			\$50,001	More
1603	Partnership,	City or	Nature of Enterprise		than
1604	Farm; Address of	County	(farming, law, rental	\$50,000	to
1605	Rental Property	and State	property, etc.)	or less	\$250,000
1606					\$250,000
1607	_____	_____	_____	_____	_____
1608	_____	_____	_____	_____	_____
1609	_____	_____	_____	_____	_____
1610	_____	_____	_____	_____	_____

1611 _____
1612 RETURN TO ITEM 8

1613 SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

1614 List the businesses you represented, excluding activity defined as lobbying in § 2.2-419, before any
1615 state governmental agency, excluding any court or judge, for which you received total compensation
1616 during the past six months in excess of \$1,000, excluding compensation for other services to such
1617 businesses and representation consisting solely of the filing of mandatory papers and subsequent
1618 representation regarding the mandatory papers filed by you.

1619 Identify each business, the nature of the representation and the amount received by dollar category
1620 from each such business. You may state the type, rather than name, of the business if you are required
1621 by law not to reveal the name of the business represented by you.

1622 Only STATE officers and employees should complete this Schedule.

1623 _____

1624		Pur-		Amount Received				
1625	Name	pose	Name					
1626	Type	of	of	\$1,001	\$10,001	\$50,001	\$100,001	\$250,001
1627	of	Repre-	of	to	to	to	to	and
1628	Busi-	Busi-	senta-	to	to	to	to	and
1629	ness	ness	Agency					
	_____	_____	_____	_____	_____	_____	_____	_____

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1688	companies	_____	_____	_____	_____	_____	_____
1689	Oil or gas retail	_____	_____	_____	_____	_____	_____
1690	companies	_____	_____	_____	_____	_____	_____
1691	Banks	_____	_____	_____	_____	_____	_____
1692	Savings institutions	_____	_____	_____	_____	_____	_____
1693	Loan or finance	_____	_____	_____	_____	_____	_____
1694	companies	_____	_____	_____	_____	_____	_____
1695	Manufacturing	_____	_____	_____	_____	_____	_____
1696	companies (state	_____	_____	_____	_____	_____	_____
1697	type of product,	_____	_____	_____	_____	_____	_____
1698	e.g., textile,	_____	_____	_____	_____	_____	_____
1699	furniture, etc.)	_____	_____	_____	_____	_____	_____
1700	Mining companies	_____	_____	_____	_____	_____	_____
1701	Life insurance	_____	_____	_____	_____	_____	_____
1702	companies	_____	_____	_____	_____	_____	_____
1703	Casualty insurance	_____	_____	_____	_____	_____	_____
1704	companies	_____	_____	_____	_____	_____	_____
1705	Other insurance	_____	_____	_____	_____	_____	_____
1706	companies	_____	_____	_____	_____	_____	_____
1707	Retail companies	_____	_____	_____	_____	_____	_____
1708	Beer, wine or liquor	_____	_____	_____	_____	_____	_____
1709	companies or	_____	_____	_____	_____	_____	_____
1710	distributors	_____	_____	_____	_____	_____	_____
1711	Trade associations	_____	_____	_____	_____	_____	_____
1712	Professional	_____	_____	_____	_____	_____	_____
1713	associations	_____	_____	_____	_____	_____	_____
1714	Associations of	_____	_____	_____	_____	_____	_____
1715	public employees	_____	_____	_____	_____	_____	_____
1716	or officials	_____	_____	_____	_____	_____	_____
1717	Counties, cities	_____	_____	_____	_____	_____	_____
1718	or towns	_____	_____	_____	_____	_____	_____
1719	Labor organizations	_____	_____	_____	_____	_____	_____
1720	Other	_____	_____	_____	_____	_____	_____
1721		_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually.

1727	_____	_____	_____
1728	_____	_____	_____
1729		Describe the type of real	
1730	List each location	estate you own in each	If the real estate is
1731	(state, and county	location (business, recre-	owned or recorded in
1732	or city) where you	ational, apartment, com-	a name other than your
1733	own real estate.	mercial, open land, etc.).	own, list that name.
1734	_____	_____	_____
1735	_____	_____	_____
1736	_____	_____	_____
1737	_____	_____	_____
1738	_____	_____	_____
1739	_____	_____	_____

SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

1745			
1746			
1747	Describe the type		
1748	of real estate		
1749	you own in		
1750	each location	If the real estate	
1751	List each location (business,	is owned or rec-	
1752	(state, and county recreational,	orded in a name	
1753	or city) where apartment, com-	other than your	List the names
1754	you own real commercial, open	own, list that	of any co-owners,
1755	estate. land, etc.).	name.	if applicable.
1756	_____	_____	_____
1757	_____	_____	_____
1758	_____	_____	_____
1759	_____	_____	_____
1760	_____	_____	_____

1761
1762 **SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.**

1763 List all contracts, whether pending or completed within the past six months, with a governmental
1764 agency for the sale or exchange of real estate in which you or a member of your immediate family
1765 holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract,
1766 valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in
1767 which you or a member of your immediate family holds such an interest valued at more than \$1,000.
1768 This requirement to disclose an interest in a lease does not apply to an interest derived through an
1769 ownership interest in a business unless the ownership interest exceeds three percent of the total equity of
1770 the business.

1771 State officers and employees report contracts with state agencies.

1772 Local officers and employees report contracts with local agencies.

1773 _____

1774
1775 List your real estate
1776 interest and the
1777 person or entity,
1778 including the type
1779 of entity, which
1780 is party to
1781 the contract.

1782 Describe any
1783 management role and List each governmental
1784 the percentage agency which is a
1785 ownership party to the contract
1786 interest you or your and indicate the
1787 immediate family county or city where
1788 member has in the real the real estate
1789 estate or entity. is located.

State the annual
income from the
contract, and the
amount, if any, of
income you or any
immediate family
member derives
annually from the
contract.

1790	_____	_____	_____
1791	_____	_____	_____
1792	_____	_____	_____
1793	_____	_____	_____
1794	_____	_____	_____

1795
1796 **§ 2.2-3118. Disclosure form; certain citizen members.**

1797 A. The financial disclosure form to be used for filings required pursuant to subsection B of
1798 § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356.
1799 The financial disclosure form shall be substantially as follows: *similar to the following. Except as*
1800 *otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in*
1801 *accordance with the standards approved by it pursuant to § 30-356.*

1802 **DEFINITIONS AND EXPLANATORY MATERIAL.**

1803 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
1804 association, trust or foundation, or any other individual or entity carrying on a business or profession,
1805 whether or not for profit.

1806 "Close financial association" means an association in which the person filing shares significant
1807 financial involvement with an individual and the filer would reasonably be expected to be aware of the
1808 individual's business activities and would have access to the necessary records either directly or through
1809 the individual. "Close financial association" does not mean an association based on (i) the receipt of
1810 retirement benefits or deferred compensation from a business by which the person filing this statement is
1811 no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an
1812 independent contractor of a business that represents an entity before any state governmental agency
1813 when the person filing has no communications with the state governmental agency.

1814 "Contingent liability" means a liability that is not presently fixed or determined, but may become
1815 fixed or determined in the future with the occurrence of some certain event.

1816 "Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same
1817 household as the filer and who is a dependent of the filer.

1818 "Personal interest" means, for the purposes of this form only, a personal and financial benefit or
1819 liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of
1820 (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii)
1821 income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership
1822 interest in a business exceeds three percent of the total equity of the business, or the liability on behalf
1823 of a business exceeds three percent of the total assets of the business, or the annual income, and/or
1824 property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to
1825 exceed \$10,000, such interest shall not constitute a "personal interest."

1826 Name

1827 Office or position held or to be held

1828

1829 Address

1830 I. FINANCIAL INTERESTS

1831 My personal interests and those of my immediate family are as follows:

1832 Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity
1833 interests in proprietorships and partnerships. You may exclude:

1834 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions
1835 accepting such deposits or accounts;

1836 2. Interests in any business, other than a news medium, representing less than three percent of the
1837 total equity value of the business;

1838 3. Liability on behalf of any business representing less than three percent of the total assets of such
1839 business; and

1840 4. Income (other than from salary) less than \$10,000 annually from any business. You need not state
1841 the value of any interest. You must state the name or principal business activity of each business in
1842 which you have a personal interest.

1843 A. My personal interests are:

1844 1. Residence, address, or, if no address, location

1845 2. Other real estate, address, or, if no address, location

1846 3. Name or principal business activity of each business in which stock, bond or equity interest is
1847 held

1848 B. The personal interests of my immediate family are:

1849 1. Real estate, address or, if no address, location

1850 2. Name or principal business activity of each business in which stock, bond or equity interest is
1851 held

1852 II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

1853 The paid offices, paid directorships and salaried employments which I hold or which members of my
1854 immediate family hold and the businesses from which I or members of my immediate family receive
1855 retirement benefits are as follows:

1856 (You need not state any dollar amounts.)

1857 A. My paid offices, paid directorships and salaried employments are:

1858 _____

1859 _____
1860 Position held Name of business

1861 _____

1862 _____

1863 _____
 1864 _____
 1865 B. The paid offices, paid directorships and salaried employments of members of my immediate
 1866 family are:
 1867 _____

1868

Position held	Name of business
1870 _____	_____
1871 _____	_____
1872 _____	_____

1873 _____
 1874 **III. BUSINESSES TO WHICH SERVICES WERE FURNISHED**

1875 A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any
 1876 state governmental agency, excluding any court or judge, for which I have received total compensation
 1877 in excess of \$1,000 during the preceding year, excluding compensation for other services to such
 1878 businesses and representation consisting solely of the filing of mandatory papers, are as follows:

1879 Identify businesses by name and name the state governmental agencies before which you appeared on
 1880 behalf of such businesses.

1881 _____
 1882

Name of business	Name of governmental agency
1883 _____	_____
1884 _____	_____
1885 _____	_____
1886 _____	_____

1887 _____
 1888 B. The businesses that, to my knowledge, have been represented, excluding activity defined as
 1889 lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons
 1890 with whom I have a close financial association and who received total compensation in excess of \$1,000
 1891 during the preceding year, excluding compensation for other services to such businesses and
 1892 representation consisting solely of the filing of mandatory papers, are as follows:

1893 Identify businesses by type and name the state governmental agencies before which such person
 1894 appeared on behalf of such businesses.

1895 _____
 1896

Type of business	Name of state governmental agency
1897 _____	_____
1898 _____	_____
1899 _____	_____
1900 _____	_____

1901 _____
 1902 C. All other businesses listed below that operate in Virginia to which services were furnished
 1903 pursuant to an agreement between you and such businesses and for which total compensation in excess
 1904 of \$1,000 was received during the preceding year:

1905 Check each category of business to which services were furnished.

- 1906 _____
 1907
- 1908 Electric utilities _____
 - 1909 Gas utilities _____
 - 1910 Telephone utilities _____
 - 1911 Water utilities _____
 - 1912 Cable television companies _____
 - 1913 Intrastate transportation companies _____
 - 1914 Interstate transportation companies _____
 - 1915 Oil or gas retail companies _____
 - 1916 Banks _____
 - 1917 Savings institutions _____
 - 1918 Loan or finance companies _____
 - 1919 Manufacturing companies (state type _____
 1920 of product, e.g., textile, furniture,

- 1921 etc.) _____
- 1922 Mining companies _____
- 1923 Life insurance companies _____
- 1924 Casualty insurance companies _____
- 1925 Other insurance companies _____
- 1926 Retail companies _____
- 1927 Beer, wine or liquor companies or _____
- 1928 distributors _____
- 1929 Trade associations _____
- 1930 Professional associations _____
- 1931 Associations of public employees or _____
- 1932 officials _____
- 1933 Counties, cities or towns _____
- 1934 Labor organizations _____
- 1935 _____

1936 IV. COMPENSATION FOR EXPENSES

1937 The persons, associations, or other sources other than my governmental agency from which I or a
1938 member of my immediate family received remuneration in excess of \$200 \$100 during the preceding
1939 year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at
1940 any meeting or other function to which I was invited in my official capacity are as follows:

1941 _____

1942 _____

1943 Name of Source	1943 Description of occasion	1943 Amount of remuneration for each occasion
1944 _____	1944 _____	1944 _____
1945 _____	1945 _____	1945 _____
1946 _____	1946 _____	1946 _____
1947 _____	1947 _____	1947 _____
1948 _____	1948 _____	1948 _____

1949 B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be
1950 applicable to officers and employees of local governmental and local advisory agencies.

1951 C. Except for real estate located within the county, city or town in which the officer or employee
1952 serves or a county, city or town contiguous to the county, city or town in which the officer or employee
1953 serves, officers and employees of local governmental or advisory agencies shall not be required to
1954 disclose under Part I of the form any other interests in real estate.

1955 § 2.2-3121. Advisory opinions.

1956 A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the
1957 alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or
1958 the Virginia Conflict of Interest and Ethics Advisory Council made in response to his written request for
1959 such opinion and the opinion was made after a full disclosure of the facts *regardless of whether such
1960 opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the
1961 opinion.*

1962 B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the
1963 alleged violation resulted from his good faith reliance on a written opinion of the attorney for the
1964 Commonwealth, *his county, city, or town attorney*, or the Council made in response to his written
1965 request for such opinion and the opinion was made after a full disclosure of the facts *regardless of
1966 whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal
1967 of the opinion.* The written opinion shall be a public record and shall be released upon request.

1968 C. ~~If any officer or employee serving at the local level of government is charged with a knowing
1969 violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of
1970 his city, county or town attorney, made after a full disclosure of the facts, that such action was not in
1971 violation of this chapter, then the officer or employee shall have the right to introduce a copy of the
1972 opinion at his trial as evidence that he did not knowingly violate this chapter.~~

1973 § 2.2-3124. Civil penalty from violation of this chapter.

1974 A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly
1975 violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount
1976 equal to the amount of money or thing of value received as a result of such violation. If the thing of
1977 value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in
1978 value between the time of the violation and the time of discovery of the violation, the greater value shall
1979 determine the amount of the civil penalty. Further, all money or other things of value received as a

1980 result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

1981 *B. An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to*
 1982 *file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to*
 1983 *\$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file*
 1984 *the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the*
 1985 *school board or the clerk of the governing body of the county, city, or town shall notify the attorney for*
 1986 *the Commonwealth for the locality in which the officer or employee was elected or is employed of any*
 1987 *local officer's or employee's failure to file the required form and the attorney for the Commonwealth*
 1988 *shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk*
 1989 *shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil*
 1990 *penalties collected pursuant to this subsection shall be deposited into the general fund and used*
 1991 *exclusively to fund the Council.*

1992 **§ 30-101. Definitions.**

1993 As used in this chapter, unless the context requires a different meaning:

1994 "Advisory agency" means any board, commission, committee or post which does not exercise any
 1995 sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for
 1996 the purpose of making studies or recommendations, or advising or consulting with a governmental
 1997 agency.

1998 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
 1999 association, trust or foundation, or any other individual or entity carrying on a business or profession,
 2000 whether or not for profit.

2001 "Candidate" means a person who seeks or campaigns for election to the General Assembly in a
 2002 general, primary, or special election and who is qualified to have his name placed on the ballot for the
 2003 office. The candidate shall become subject to the provisions of this section upon the filing of a statement
 2004 of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of
 2005 the provisions of this chapter.

2006 "Contract" means any agreement to which a governmental agency is a party, or any agreement on
 2007 behalf of a governmental agency that involves the payment of money appropriated by the General
 2008 Assembly or a political subdivision, whether or not such agreement is executed in the name of the
 2009 Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the
 2010 contract of which it is a part is with the legislator's own governmental agency.

2011 "Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in
 2012 § 30-355.

2013 "Financial institution" means any bank, trust company, savings institution, industrial loan association,
 2014 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or
 2015 investment company or advisor registered under the federal Investment Advisors Act or Investment
 2016 Company Act of 1940.

2017 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item
 2018 having monetary value. It includes services as well as gifts of transportation, lodgings and meals,
 2019 whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the
 2020 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission
 2021 or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic,
 2022 merit, or need-based scholarship or any other financial aid awarded by a public or private school,
 2023 institution of higher education, or other educational program pursuant to such school, institution, or
 2024 program's financial aid standards and procedures applicable to the general public; (iv) a campaign
 2025 contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
 2026 (v) any gift related to the private profession or occupation of a legislator or of a member of his
 2027 immediate family; (vi) food or beverages consumed while attending an event at which the filer is
 2028 performing official duties related to his public service; (vii) food and beverages received at or
 2029 registration or attendance fees waived for any event at which the filer is a featured speaker, presenter,
 2030 or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall
 2031 memento, or similar item that is given in recognition of public, civic, charitable, or professional service;
 2032 (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act
 2033 (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its
 2034 territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate
 2035 attendance by a legislator at a regular or special session of the General Assembly, a meeting of a
 2036 legislative committee or commission, or a national conference where attendance is approved by the
 2037 House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth,
 2038 its political subdivisions, or any board, commission, authority, or other entity, or any charitable
 2039 organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity,
 2040 to which such person has been appointed or elected or is a member by virtue of his office or
 2041 employment; or (xiv) gifts from relatives or personal friends. For the purpose of this definition, "relative"

2042 means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, *or first cousin*; a person to whom the
 2043 donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~
 2044 sister, *step-parent, step-grandparent, step-grandchild, step-brother, or step-sister*; or the donee's brother's
 2045 or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that
 2046 the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et
 2047 seq.) of Chapter 4 of Title 2.2; *or* (b) a lobbyist's principal as defined in § 2.2-419; ~~or (c) a person,~~
 2048 ~~organization, or business who is a party to or is seeking to become a party to a contract with the~~
 2049 ~~Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals~~
 2050 ~~who are officers, directors, or owners of or who have a controlling ownership interest in such~~
 2051 ~~organization or business.~~

2052 "Governmental agency" means each component part of the legislative, executive or judicial branches
 2053 of state and local government, including each office, department, authority, post, commission,
 2054 committee, and each institution or board created by law to exercise some regulatory or sovereign power
 2055 or duty as distinguished from purely advisory powers or duties.

2056 "Immediate family" means (i) a spouse and (ii) any ~~child~~ *other person* who resides in the same
 2057 household as the legislator and who is a dependent of the legislator.

2058 "Legislator" means a member of the General Assembly.

2059 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his
 2060 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership
 2061 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may
 2062 reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
 2063 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination
 2064 thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be
 2065 anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds
 2066 \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe
 2067 benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a
 2068 business if the liability exceeds three percent of the asset value of the business; or (vi) an option for
 2069 ownership of a business or real or personal property if the ownership interest will consist of clause (i) or
 2070 (iv).

2071 "Personal interest in a contract" means a personal interest that a legislator has in a contract with a
 2072 governmental agency, whether due to his being a party to the contract or due to a personal interest in a
 2073 business that is a party to the contract.

2074 "Personal interest in a transaction" means a personal interest of a legislator in any matter considered
 2075 by the General Assembly. Such personal interest exists when an officer or employee or a member of his
 2076 immediate family has a personal interest in property or a business, or represents or provides services to
 2077 any individual or business and such property, business or represented or served individual or business (i)
 2078 is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or
 2079 detriment as a result of the action of the agency considering the transaction. A "personal interest in a
 2080 transaction" exists only if the legislator or member of his immediate family or an individual or business
 2081 represented or served by the legislator is affected in a way that is substantially different from the general
 2082 public or from persons comprising a profession, occupation, trade, business or other comparable and
 2083 generally recognizable class or group of which he or the individual or business he represents or serves is
 2084 a member.

2085 "Transaction" means any matter considered by the General Assembly, whether in a committee,
 2086 subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which
 2087 official action is taken or contemplated.

2088 **§ 30-103.1. Certain gifts prohibited.**

2089 A. For purposes of this section:

2090 "Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain
 2091 event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a
 2092 ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the
 2093 disclosure form prescribed in § 30-111.

2094 "Tangible gift" means a thing of value that does not lose its value upon the happening of a certain
 2095 event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities,
 2096 stock options, or other financial instruments that are reportable on Schedule E of the disclosure form
 2097 prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any
 2098 intangible gift.

2099 "Widely attended event" means an event at which at least 25 persons have been invited to attend or
 2100 there is a reasonable expectation that at least 25 persons will attend the event and the event [*is open*
 2101 *to the public or*] is open to individuals (i) who share a common interest, (ii) who are members of a
 2102 public, civic, charitable, or professional organization, (iii) who are from a particular industry or

2103 *profession, or (iv) who represent persons interested in a particular issue.*

2104 B. A No legislator or candidate for the General Assembly required to file the disclosure form
 2105 prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single
 2106 tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value
 2107 in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered
 2108 pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in
 2109 § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to
 2110 a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any
 2111 intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and
 2112 (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure
 2113 form. For purposes of this subsection, "person, organization, or business" includes individuals who are
 2114 officers, directors, or owners of or who have a controlling ownership interest in such organization or
 2115 business or a member of his immediate family shall solicit, accept, or receive any single gift [for
 2116 himself or a member of his immediate family] with a value in excess of \$100 [or any combination of
 2117 gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his
 2118 immediate family] from any person that he or a member of his immediate family knows or has reason
 2119 to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2
 2120 or (ii) a lobbyist's principal as defined in § 2.2-419.

2121 [Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.]
 2122 C. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his
 2123 immediate family may accept or receive a gift of food [~~or~~ and] beverages [, entertainment, or the cost
 2124 of admission] with a value in excess in \$100 when such gift is accepted or received while in attendance
 2125 at a widely attended event [and is associated with the event] . Such gifts shall be reported on the
 2126 disclosure form prescribed in § 30-111.

2127 D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family
 2128 may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair
 2129 market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be
 2130 accepted on behalf of the Commonwealth and archived in accordance with guidelines established by the
 2131 Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the
 2132 Commonwealth, but the value of such gift shall not be required to be disclosed.

2133 E. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his
 2134 immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed
 2135 in subsection B if such gift was provided to the legislator or candidate or a member of his immediate
 2136 family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed
 2137 in subsection B may be a personal friend of the legislator or candidate or his immediate family for
 2138 purposes of this subsection. In determining whether a person listed in subsection B is a personal friend,
 2139 the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the
 2140 history of the relationship between the person and the donor, including the nature and length of the
 2141 friendship and any previous exchange of gifts between them; (iii) to the extent known to the person,
 2142 whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for
 2143 the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file
 2144 the disclosure form prescribed in § 2.2-3117 or 30-111.

2145 F. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his
 2146 immediate family may accept or receive gifts of travel, including travel-related transportation, lodging,
 2147 hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or
 2148 provided by a person listed in subsection B when the legislator or candidate has submitted a request for
 2149 approval of such travel to the Council and has received the approval of the Council pursuant to
 2150 § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

2151 G. The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the
 2152 Council every five years, as of January 1 of that year, in an amount equal to the annual increases for
 2153 that five-year period in the United States Average Consumer Price Index for all items, all urban
 2154 consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor,
 2155 rounded to the nearest whole dollar.

2156 § 30-103.2. Return of gifts.

2157 No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if
 2158 the gift is not used by such person and the gift or its equivalent in money is returned to the donor or
 2159 delivered to a charitable organization within a reasonable period of time upon the discovery of the
 2160 value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii)
 2161 consideration is given by the donee to the donor for the value of the gift within a reasonable period of
 2162 time upon the discovery of the value of the gift provided that such consideration reduces the value of
 2163 the gift to an amount not in excess of \$100 as provided in subsection B of § 30-103.1.

2164 § 30-110. Disclosure.

2165 A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure
 2166 statement of his personal interests and such other information as is specified on the form set forth in
 2167 § 30-111 and thereafter shall file such a statement semiannually by December 15 for the preceding
 2168 six-month period complete through the last day of October and by June 15 for the preceding six-month
 2169 period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or
 2170 legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or
 2171 legal holiday. Disclosure forms shall be ~~provided~~ *made available* by the Virginia Conflict of Interest and
 2172 Ethics Advisory Council at least 30 days prior to the filing deadline. ~~Members of the Senate and~~
 2173 ~~members of the House of Delegates shall file their disclosure~~ *Disclosure forms shall be filed*
 2174 *electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the*
 2175 *standards approved by it pursuant to § 30-356.* The disclosure forms of the members of the General
 2176 Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of
 2177 Interest and Ethics Advisory Council. *Such forms shall be made public no later than six weeks after*
 2178 *filing.*

2179 B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as
 2180 required by §§ 24.2-500 through 24.2-503.

2181 C. Any legislator who has a personal interest in any transaction pending before the General
 2182 Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the
 2183 rules of his house shall disclose his interest in accordance with the applicable rule of his house.

2184 **§ 30-111. Disclosure form.**

2185 A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be
 2186 substantially as follows: *similar to the following. All completed forms shall be filed electronically with*
 2187 *the Council in accordance with the standards approved by it pursuant to § 30-356.*

2188 STATEMENT OF ECONOMIC INTERESTS.

- 2189 Name
- 2190 Office or position held or sought
- 2191 Address
- 2192 Names of members of immediate family

2193 DEFINITIONS AND EXPLANATORY MATERIAL.

2194 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
 2195 association, trust or foundation, or any other individual or entity carrying on a business or profession,
 2196 whether or not for profit.

2197 "Close financial association" means an association in which the filer shares significant financial
 2198 involvement with an individual and the filer would reasonably be expected to be aware of the
 2199 individual's business activities and would have access to the necessary records either directly or through
 2200 the individual. "Close financial association" does not mean an association based on (i) the receipt of
 2201 retirement benefits or deferred compensation from a business by which the legislator is no longer
 2202 employed, or (ii) the receipt of compensation for work performed by the legislator as an independent
 2203 contractor of a business that represents an entity before any state governmental agency when the
 2204 legislator has had no communications with the state governmental agency.

2205 "Contingent liability" means a liability that is not presently fixed or determined, but may become
 2206 fixed or determined in the future with the occurrence of some certain event.

2207 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item
 2208 having monetary value. It includes services as well as gifts of transportation, lodgings and meals,
 2209 whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the
 2210 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission
 2211 or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic,
 2212 merit, or need-based scholarship or any other financial aid awarded by a public or private school,
 2213 institution of higher education, or other educational program pursuant to such school, institution, or
 2214 program's financial aid standards and procedures applicable to the general public; (iv) a campaign
 2215 contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
 2216 (v) any gift related to the private profession or occupation of a legislator or of a member of his
 2217 immediate family; ~~or~~ (vi) *food or beverages consumed while attending an event at which the filer is*
 2218 *performing official duties related to his public service;* (vii) *food and beverages received at or*
 2219 *registration or attendance fees waived for any event at which the filer is a featured speaker, presenter,*
 2220 *or lecturer;* (viii) *unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall*
 2221 *memento, or similar item that is given in recognition of public, civic, charitable, or professional service;*
 2222 *(ix) a devise or inheritance;* (x) *travel disclosed pursuant to the Campaign Finance Disclosure Act*
 2223 *(§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its*
 2224 *territories, or any state or any political subdivision of such state;* (xii) *travel provided to facilitate*
 2225 *attendance by a legislator at a regular or special session of the General Assembly, a meeting of a*

2226 legislative committee or commission, or a national conference where attendance is approved by the
 2227 House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth,
 2228 its political subdivisions, or any board, commission, authority, or other entity, or any charitable
 2229 organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity,
 2230 to which such person has been appointed or elected or is a member by virtue of his office or
 2231 employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child,
 2232 uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the
 2233 donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent,
 2234 step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend"
 2235 does not include any person that the filer knows or has reason to know is (a) a lobbyist registered
 2236 pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; or (b) a lobbyist's principal as defined
 2237 in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party
 2238 to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are
 2239 officers, directors, or owners of or who have a controlling ownership interest in such organization or
 2240 business.

2241 "Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same
 2242 household as the legislator and who is a dependent of the legislator.

2243 "Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal
 2244 services, consulting services, or public relations services, whether gratuitous or for compensation,
 2245 between a member or member-elect and any person who is, or has been within the prior calendar year,
 2246 registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent
 2247 ownership interest by a member or member-elect in a business that employs, or engages as an
 2248 independent contractor, any person who is, or has been within the prior calendar year, registered as a
 2249 lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a)
 2250 constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client
 2251 or other privilege for a third party, or (c) be required where a member or member-elect is employed or
 2252 engaged by a person and such person also employs or engages a person in a lobbyist relationship so
 2253 long as the member or member-elect has no financial interest in the lobbyist relationship.

2254 TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,
 2255 treat the trust's assets as if you own them directly. If you or your immediate family has a proportional
 2256 interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if
 2257 you and your immediate family have a one-third interest in a trust, complete your Statement as if you
 2258 own one-third of each of the trust's assets. If you or a member of your immediate family created a trust
 2259 and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

2260 REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this
 2261 Statement must be provided on the basis of the best knowledge, information, and belief of the individual
 2262 filing the Statement as of the date of this report unless otherwise stated.

2263 COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

2264 You may attach additional explanatory information.

2265 1. Offices and Directorships.

2266 Are you or a member of your immediate family a paid officer or paid director of a business?

2267 EITHER check NO // OR check YES // and complete Schedule A.

2268 2. Personal Liabilities.

2269 Do you or a member of your immediate family owe more than \$5,000 to any one creditor including
 2270 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property
 2271 at least equal in value to the loan.)

2272 EITHER check NO // OR check YES // and complete Schedule B.

2273 3. Securities.

2274 Do you or a member of your immediate family, directly or indirectly, separately or together, own
 2275 securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited
 2276 partnerships and trusts.

2277 EITHER check NO // OR check YES // and complete Schedule C.

2278 4. Payments for Talks, Meetings, and Publications.

2279 During the past six months did you receive in your capacity as a legislator lodging, transportation,
 2280 money, or anything else of value with a combined value exceeding ~~\$200~~ \$100 (i) for a single talk,
 2281 meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the
 2282 meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a
 2283 legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative
 2284 to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth
 2285 for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such
 2286 meetings.

2287 EITHER check NO // OR check YES // and complete Schedule D.

- 2288 5. Gifts.
- 2289 During the past six months did a business, government, or individual other than a relative or personal
- 2290 friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single
- 2291 event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family
- 2292 with gifts or entertainment in any combination and the total value received exceeded \$100 \$50, and for
- 2293 which you or the member of your immediate family neither paid nor rendered services in exchange?
- 2294 Account for entertainment events only if the average value per person attending the event exceeded \$50.
- 2295 Account for all business entertainment (except if related to the private profession or occupation of you
- 2296 or the member of your immediate family who received such business entertainment) even if unrelated to
- 2297 your official duties.
- 2298 EITHER check NO // OR check YES // and complete Schedule E.
- 2299 6. Salary and Wages.
- 2300 List each employer that pays you or a member of your immediate family salary or wages in excess
- 2301 of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to
- 2302 § 30-19.11.)
- 2303 If no reportable salary or wages, check here //.
- 2304 _____
- 2305 _____
- 2306 _____
- 2307 7. Business Interests and Lobbyist Relationships.
- 2308 7A. Do you or a member of your immediate family, separately or together, operate your own
- 2309 business, or own or control an interest in excess of \$5,000 in a business?
- 2310 EITHER check NO // OR check YES // and complete Schedule F-1.
- 2311 7B. Do you have a lobbyist relationship as that term is defined above?
- 2312 EITHER check NO // OR check YES // and complete Schedule F-2.
- 2313 8. Payments for Representation and Other Services.
- 2314 8A. Did you represent any businesses before any state governmental agencies, excluding courts or
- 2315 judges, for which you received total compensation during the past six months in excess of \$1,000,
- 2316 excluding compensation for other services to such businesses and representation consisting solely of the
- 2317 filing of mandatory papers and subsequent representation regarding the mandatory papers?
- 2318 EITHER check NO // OR check YES // and complete Schedule G-1.
- 2319 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial
- 2320 association (partners, associates or others) represent any businesses before any state governmental agency
- 2321 for which total compensation was received during the past six months in excess of \$1,000?
- 2322 EITHER check NO // OR check YES // and complete Schedule G-2.
- 2323 8C. Did you or persons with whom you have a close financial association furnish services to
- 2324 businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between
- 2325 persons with whom you have a close financial association and such businesses for which total
- 2326 compensation in excess of \$1,000 was received during the past six months? Services reported under this
- 2327 provision shall not include services involving the representation of businesses that are reported under
- 2328 question 8A or 8B above.
- 2329 EITHER check NO // OR check YES // and complete Schedule G-3.
- 2330 9. Real Estate.
- 2331 Do you or a member of your immediate family hold an interest, including a partnership interest,
- 2332 valued at more than \$5,000 in real property (other than your principal residence) for which you have not
- 2333 already listed the full address on Schedule F? Account for real estate held in trust.
- 2334 EITHER check NO // OR check YES // and complete Schedule H.
- 2335 10. Real Estate Contracts with State Governmental Agencies.
- 2336 Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real
- 2337 estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real
- 2338 estate is the subject of a contract, whether pending or completed within the past six months, with a state
- 2339 governmental agency?
- 2340 If the real estate contract provides for the leasing of the property to a state governmental agency, do
- 2341 you or a member of your immediate family hold an interest in the real estate, including a corporate,
- 2342 partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for
- 2343 all such contracts whether or not your interest is reported in Schedule F or H. This requirement to
- 2344 disclose an interest in a lease does not apply to an interest derived through an ownership interest in a
- 2345 business unless the ownership interest exceeds three percent of the total equity of the business.
- 2346 EITHER check NO // OR check YES // and complete Schedule I.
- 2347 11. Payments by the Commonwealth for Meetings.
- 2348 During the past six months did you receive lodging, transportation, money, or anything else of value

2349 with a combined value exceeding \$200 \$100 from the Commonwealth for a single meeting attended
2350 out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for
2351 meetings attended in the Commonwealth.

2352 EITHER check NO // OR check YES // and complete Schedule D-2.

2353 For Statements filed in January June 2016 and each two years thereafter, complete the following
2354 statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

2355 I certify that I completed ethics training as required by § 30-129.1. YES // or NO // .

2356 Statements of Economic Interests are open for public inspection.

2357 AFFIRMATION.

2358 In accordance with the rules of the house in which I serve, if I receive a request that this disclosure
2359 statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond
2360 promptly to the request. I understand that if a determination is made that the statement is insufficient, I
2361 will satisfy such request or be subjected to disciplinary action of my house.

2362 I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

2363 Signature _____ (Such signature shall be deemed to constitute a
2364 valid notarization and shall have the same effect as if performed by a notary public.)

2365 (Return only if needed to complete Statement.)

2366 SCHEDULES

2367 to

2368 STATEMENT OF ECONOMIC INTERESTS.

2369 NAME _____

2370 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

2371 Identify each business of which you or a member of your immediate family is a paid officer or paid
2372 director.

2373 _____

2374 _____

2375 Name of Business Address of Business Position Held and by Whom

2376 _____

2377 _____

2378 _____

2379 _____

2380 _____

2381 RETURN TO ITEM 2

2382 SCHEDULE B - PERSONAL LIABILITIES.

2383 Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not
2384 report debts to any government. Do not report loans secured by recorded liens on property at least equal
2385 in value to the loan.

2386 Report contingent liabilities below and indicate which debts are contingent.

2387 1. My personal debts are as follows:

2388 _____

2389 _____

2390 Check Check one

2391 appropriate \$5,001 to More than

2392 categories \$50,000 \$50,000

2393 Banks _____

2394 Savings institutions _____

2395 Other loan or finance companies _____

2396 Insurance companies _____

2397 Stock, commodity or other brokerage _____

2398 companies _____

2399 Other businesses:

2400 (State principal business activity for each

2401 creditor and its name.)

2402 _____

2403 _____

2404 _____

2405 Individual creditors:

2406 (State principal business or occupation of

2407 each creditor and its name.)

2408 _____
 2409 _____
 2410 _____
 2411 _____

2412 2. The personal debts of the members of my immediate family are as follows:

2413 _____
 2414 _____

2415	Check	Check one
2416	appropriate	\$5,001 to More than
2417	categories	\$50,000 \$50,000

2418 Banks _____
 2419 Savings institutions _____
 2420 Other loan or finance companies _____
 2421 Insurance companies _____
 2422 Stock, commodity or other brokerage _____
 2423 companies _____
 2424 Other businesses:
 2425 (State principal business activity for each
 2426 creditor and its name.)
 2427 _____
 2428 _____
 2429 _____
 2430 Individual creditors:
 2431 (State principal business or occupation of
 2432 each creditor and its name.)
 2433 _____
 2434 _____
 2435 _____
 2436 _____

2437 RETURN TO ITEM 3

2438 SCHEDULE C - SECURITIES.

2439 "Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures
 2440 contracts.

2441 "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and
 2442 insurance policies.

2443 Identify each business or Virginia governmental entity in which you or a member of your immediate
 2444 family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name
 2445 each issuer and type of security individually.

2446 Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia
 2447 or its authorities, agencies, or local governments. Do not list organizations that do not do business in
 2448 this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held
 2449 in trust.

2450 If no reportable securities, check here / / .

2451 _____
 2452 _____

2453		Check one
2454	Type of Security	\$5,001 \$50,001 More
2455	(stocks, bonds, mutual	to to than
2456	Name of Issuer	\$50,000 \$250,000 \$250,000
2457	_____	_____
2458	_____	_____
2459	_____	_____
2460	_____	_____
2461	_____	_____

2462 RETURN TO ITEM 4

2463 SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

2464 List each source from which you received during the past six months in your capacity as a legislator
 2465 lodging, transportation, money, or any other thing of value with a combined value exceeding \$200 \$100

2466 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii)
 2467 for your attendance at a meeting, conference, or event where your attendance at the meeting, conference,
 2468 or event was designed to (a) educate you on issues relevant to your duties as a legislator, including
 2469 issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a
 2470 legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does
 2471 not satisfy the criteria of clause (i), (ii)(a), or (ii)(b) shall be listed as a gift on Schedule E. Do not list
 2472 payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or
 2473 reimbursements.) List a payment even if you donated it to charity. Do not list information about a
 2474 payment if you returned it within 60 days or if you received it from an employer already listed under
 2475 Item 6 or from a source of income listed on Schedule F.

2476 If no payment must be listed, check here / / .

2477 _____

2478 _____

2479 _____

2480 _____

2481 _____

2482 Payer _____ Approximate Value _____ Circumstances _____ Type of Payment
 2483 _____ _____ _____ (e.g., Honoraria,
 2484 _____ _____ _____ Travel reimburse-
 2485 _____ _____ _____ ment, etc.)
 2486 _____ _____ _____
 2487 _____ _____ _____

2488 RETURN TO ITEM 5

2489 SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

2490 List each meeting for which the Commonwealth provided payments or reimbursements during the
 2491 past six months to you for lodging, transportation, money, or any other thing of value with a combined
 2492 value exceeding \$200 \$100 for your participation in your capacity as a legislator. Do not list payments
 2493 or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

2494 If no payment must be listed, check here / / .

2495 _____

2496 _____

2497 _____

2498 _____

2499 _____

2500 Payer _____ Approximate Value _____ Circumstances _____ Type of Payment
 2501 _____ _____ _____ (e.g., Travel
 2502 _____ _____ _____ reimbursement,
 2503 _____ _____ _____ etc.)
 2504 _____ _____ _____
 2505 _____ _____ _____

2506 SCHEDULE E - GIFTS.

2507 List each business, governmental entity, or individual that, during the past six months, (i) furnished
 2508 you or a member of your immediate family with any gift or entertainment at a single event, and the
 2509 value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or
 2510 entertainment in any combination and the total value received exceeded \$100 \$50, and for which you or
 2511 the member of your immediate family neither paid nor rendered services in exchange. List each such
 2512 gift or event.

2513 Do not list entertainment events unless the average value per person attending the event exceeded
 2514 \$50. Do not list business entertainment related to the private profession or occupation of you or the
 2515 member of your immediate family who received such business entertainment. Do not list gifts or other
 2516 things of value given by a relative or personal friend for reasons clearly unrelated to your public
 2517 position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et
 2518 seq.) of Title 24.2 of the Code of Virginia.

2519 _____

2520 _____

2521 _____

2522 Name of _____ Name of Business, _____ City or _____ Exact
 2523 Recipient _____ Organization, or _____ County _____ Gift or _____ Approximate
 2524 _____ Individual _____ and State _____ Event _____ Value

2525 _____
 2526 _____
 2527 _____
 2528 _____

RETURN TO ITEM 6

2530 SCHEDULE F-1 - BUSINESS INTERESTS.

2531 Complete this Schedule for each self-owned or family-owned business (including rental property, a
2532 farm, or consulting work), partnership, or corporation in which you or a member of your immediate
2533 family, separately or together, own an interest having a value in excess of \$5,000.

2534 If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name;
2535 otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a
2536 trade, partnership, or corporate name, list the name only; otherwise, give the address of each property.
2537 Account for business interests held in trust.

2538 _____

2539

2540	Name of		Nature of		Gross income	
2541	Business		Enterprise			
2542	Corporation,					
2543	Partnership,					
2544	Farm;					
2545	Address of	City or	(farming,	\$50,001	More	
2546	Rental	County	law, rental	\$50,000	to	than
2547	Property	and State	property, etc.)	or less	\$250,000	\$250,000
2548	_____	_____	_____	_____	_____	_____
2549	_____	_____	_____	_____	_____	_____
2550	_____	_____	_____	_____	_____	_____
2551	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 8

2553 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

2554 Complete this Schedule for each lobbyist relationship with the following:

2555 (i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the
2556 Secretary of the Commonwealth, or

2557 (ii) any business in which you have a greater than three percent ownership interest and that business
2558 employs, or engages as an independent contractor, any person who is, or has been within the prior
2559 calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

2560 _____

2561

2562			Payments to		
2563			Lobbyist		
2564	List each person	Describe each	Dates of	\$10,000	More than
2565	or business	relationship	relationship	or less	\$10,000
2566	_____	_____	_____	_____	_____
2567	_____	_____	_____	_____	_____
2568	_____	_____	_____	_____	_____
2569	_____	_____	_____	_____	_____
2570	_____	_____	_____	_____	_____
2571	_____	_____	_____	_____	_____

2572

2573 THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A
2574 WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF
2575 ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE
2576 REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A
2577 PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST
2578 RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL
2579 INTEREST IN THE LOBBYIST RELATIONSHIP.

2580 SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

2581 List the businesses you represented before any state governmental agency, excluding any court or
2582 judge, for which you received total compensation during the past six months in excess of \$1,000,

REENGROSSED

HB2070E2

2642	Water utilities	_____	_____	_____	_____	_____	_____
2643	Cable television	_____	_____	_____	_____	_____	_____
2644	companies	_____	_____	_____	_____	_____	_____
2645	Interstate	_____	_____	_____	_____	_____	_____
2646	transportation	_____	_____	_____	_____	_____	_____
2647	companies	_____	_____	_____	_____	_____	_____
2648	Intrastate	_____	_____	_____	_____	_____	_____
2649	transportation	_____	_____	_____	_____	_____	_____
2650	companies	_____	_____	_____	_____	_____	_____
2651	Oil or gas retail	_____	_____	_____	_____	_____	_____
2652	companies	_____	_____	_____	_____	_____	_____
2653	Banks	_____	_____	_____	_____	_____	_____
2654	Savings	_____	_____	_____	_____	_____	_____
2655	institutions	_____	_____	_____	_____	_____	_____
2656	Loan or finance	_____	_____	_____	_____	_____	_____
2657	companies	_____	_____	_____	_____	_____	_____
2658	Manufacturing	_____	_____	_____	_____	_____	_____
2659	companies (state	_____	_____	_____	_____	_____	_____
2660	type of product,	_____	_____	_____	_____	_____	_____
2661	e.g., textile,	_____	_____	_____	_____	_____	_____
2662	furniture, etc.)	_____	_____	_____	_____	_____	_____
2663	Mining companies	_____	_____	_____	_____	_____	_____
2664	Life insurance	_____	_____	_____	_____	_____	_____
2665	companies	_____	_____	_____	_____	_____	_____
2666	Casualty insurance	_____	_____	_____	_____	_____	_____
2667	companies	_____	_____	_____	_____	_____	_____
2668	Other insurance	_____	_____	_____	_____	_____	_____
2669	companies	_____	_____	_____	_____	_____	_____
2670	Retail companies	_____	_____	_____	_____	_____	_____
2671	Beer, wine or	_____	_____	_____	_____	_____	_____
2672	liquor companies	_____	_____	_____	_____	_____	_____
2673	or distributors	_____	_____	_____	_____	_____	_____
2674	Trade associations	_____	_____	_____	_____	_____	_____
2675	Professional	_____	_____	_____	_____	_____	_____
2676	associations	_____	_____	_____	_____	_____	_____
2677	Associations of	_____	_____	_____	_____	_____	_____
2678	public employees	_____	_____	_____	_____	_____	_____
2679	or officials	_____	_____	_____	_____	_____	_____
2680	Counties, cities	_____	_____	_____	_____	_____	_____
2681	or towns	_____	_____	_____	_____	_____	_____
2682	Labor organizations	_____	_____	_____	_____	_____	_____
2683	Other	_____	_____	_____	_____	_____	_____
2684		_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

2685
2686 SCHEDULE H - REAL ESTATE.

2687 List real estate other than your principal residence in which you or a member of your immediate
2688 family holds an interest, including a partnership interest, option, easement, or land contract, valued at
2689 \$5,000 or more. Each parcel shall be listed individually.

2690	_____	_____	_____
2691			
2692		Describe the type of real	
2693		estate you own in each	
2694	List the location	location (business,	If the real estate is
2695	(state, and county	recreational, apartment,	owned or recorded in
2696	or city where you	commercial, open land,	a name other than your
2697	own real estate)	etc.)	own, list that name
2698	_____	_____	_____

2699 _____
 2700 _____
 2701 _____
 2702 _____
 2703 _____

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

2704
 2705
 2706 List all contracts, whether pending or completed within the past six months, with a state
 2707 governmental agency for the sale or exchange of real estate in which you or a member of your
 2708 immediate family holds an interest, including a corporate, partnership or trust interest, option, easement,
 2709 or land contract, valued at more than \$10,000. List all contracts with a state governmental agency for
 2710 the lease of real estate in which you or a member of your immediate family holds such an interest
 2711 valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an
 2712 interest derived through an ownership interest in a business unless the ownership interest exceeds three
 2713 percent of the total equity of the business.

2714 _____

2715

2716 List your real
 2717 estate interest and
 2718 the person or entity,
 2719 including the type of
 2720 entity, which is
 2721 party to the contract.
 2722 Describe any
 2723 management role and
 2724 the percentage
 2725 ownership interest
 2726 you or your immediate
 2727 family member has in
 2728 the real estate
 2729 or entity.

List each
 governmental agency
 which is a party to
 the contract and
 indicate the county
 or city where the
 real estate is located.

State the annual
 income from the
 contract, and the
 amount, if any, of
 income you or any
 immediate family
 member derives
 annually from
 the contract.

2730 _____
 2731 _____
 2732 _____
 2733 _____
 2734 _____

2735

2736 B. Any legislator who *knowingly and intentionally* makes a ~~knowing misstatement~~ *false statement* of
 2737 a material fact on the Statement of Economic Interests *is guilty of a Class 5 felony and* shall be subject
 2738 to disciplinary action for such violations by the house in which the legislator sits.

2739 C. The Statement of Economic Interests of all members of each house shall be reviewed by the
 2740 Council. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in
 2741 writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall
 2742 be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its
 2743 original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full
 2744 compliance with this section as to the information disclosed thereon.

2745 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing
 2746 request the house in which those members sit, in accordance with the rules of that house, to review the
 2747 Statement of Economic Interests of another member of that house in order to determine the adequacy of
 2748 his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be
 2749 promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator
 2750 whose Statement is in issue. Should it be determined that the Statement requires correction,
 2751 augmentation or revision, the legislator involved shall be directed to make the changes required within
 2752 such time as shall be set under the rules of each house.

2753 If a legislator, after having been notified in writing in accordance with the rules of the house in
 2754 which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into
 2755 compliance within the time limit set, he shall be subject to disciplinary action by the house in which he
 2756 sits. No legislator shall vote on any question relating to his own Statement.

2757 § 30-124. Advisory opinions.

2758 A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged
 2759 violation resulted from his good faith reliance on a written opinion of a committee on standards of
 2760 conduct established pursuant to § 30-120, an opinion of the Attorney General as provided in § 30-122,
 2761 or a formal opinion of the Virginia Conflict of Interest and Ethics Advisory Council established pursuant
 2762 to § 30-355, and the opinion was made after his full disclosure of the facts *regardless of whether such*
 2763 *opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the*
 2764 *opinion.*

2765 **§ 30-126. Civil penalty from violation of this chapter.**

2766 A. In addition to any other fine or penalty provided by law, any money or other thing of value
 2767 derived by a legislator from a violation of §§ 30-103 through 30-108 shall be forfeited and, in the event
 2768 of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of
 2769 money or thing of value forfeited to the Commonwealth. If the thing of value received by the legislator
 2770 in violation of this chapter should enhance in value between the time of the violation and the time of
 2771 discovery of the violation, the greater value shall determine the amount of the civil penalty.

2772 B. *A legislator who fails to file the disclosure form required by § 30-111 within the time period*
 2773 *prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the*
 2774 *Attorney General of any legislator's failure to file the required form within 30 days of the deadline for*
 2775 *filing and the Attorney General shall assess and collect the civil penalty. All civil penalties collected*
 2776 *pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the*
 2777 *Council.*

2778 **§ 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms;**
 2779 **quorum; expenses.**

2780 A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as
 2781 an advisory council in the legislative branch to encourage and facilitate compliance with the State and
 2782 Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of
 2783 Interests Act (§ 30-100 et seq.) (hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et
 2784 seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

2785 B. The Council shall consist of ~~15~~ *nine* members as follows: ~~four~~ *three* members appointed by the
 2786 Speaker of the House of Delegates, ~~one~~ *two* of whom shall be a ~~member~~ *members* of the House of
 2787 Delegates; ~~and one of whom shall be a former member of the House of Delegates, and two of whom~~
 2788 ~~shall be nonlegislative citizen members~~ [*retired former*] *judge of a court of record*; ~~four~~ *three* members
 2789 appointed by the Senate Committee on Rules, ~~one~~ *two* of whom shall be a ~~member~~ *members* of the
 2790 Senate; ~~and one of whom shall be a former member of the Senate, and two of whom shall be~~
 2791 ~~nonlegislative citizen members~~ [*retired former*] *judge of a court of record*; ~~four~~ *and three* members
 2792 appointed by the Governor, ~~two~~ *one* of whom shall be ~~executive branch employees and two of whom~~
 2793 ~~shall be nonlegislative citizen members; one member designated by the Attorney General; one member~~
 2794 ~~appointed by the Senate Committee on Rules~~ [*a retired judge of a court of record a current or former*
 2795 *executive branch employee*] , *one of whom shall be appointed* from a list of three nominees submitted
 2796 by the Virginia Association of Counties; ~~and one member appointed by the Speaker of the House of~~
 2797 ~~Delegates of whom shall be appointed~~ from a list of three nominees submitted by the Virginia Municipal
 2798 League. *In the appointment to the Council of members of the House of Delegates made by the Speaker*
 2799 *and members of the Senate made by the Senate Committee on Rules, equal representation shall be given*
 2800 *to each of the political parties having the highest and next highest number of members elected to their*
 2801 *respective body.* All members of the Council are subject to confirmation by the General Assembly by a
 2802 majority vote in each house of (i) the members present of the majority party and (ii) the members
 2803 present of the minority party.

2804 C. All appointments following the initial staggering of terms shall be for terms of four years, except
 2805 that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original
 2806 appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive
 2807 four-year terms. However, after the expiration of a term of three years or less, or after the expiration of
 2808 the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by
 2809 such member if appointed thereto. Legislative members and other state government officials shall serve
 2810 terms coincident with their terms of office. Legislative members may be reappointed for successive
 2811 terms.

2812 D. The members of the Council shall elect from among their membership a chairman and a
 2813 vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the
 2814 same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority
 2815 of the Council *appointed* shall constitute a quorum.

2816 E. Members of the Council shall receive no compensation for their services but shall be reimbursed
 2817 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
 2818 §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be

2819 provided from existing appropriations to the Council.

2820 **§ 30-356. Powers and duties of the Council.**

2821 The Council shall:

2822 1. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state and local
2823 government officers and employees and legislators pursuant to the Acts. The Council shall ~~shall~~ *may* review
2824 all disclosure forms for completeness, ~~which shall include~~ *including* reviewing the information contained
2825 on the face of the form to determine if the disclosure form has been fully completed and comparing the
2826 disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other
2827 disclosure forms filed with the Council, and ~~be followed by requests for~~ *requesting any* amendments to
2828 ensure the completeness of and correction of errors in the forms, if necessary. *If a disclosure form is*
2829 *found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in*
2830 *writing and direct the filer to file a completed disclosure form within a prescribed period of time, and*
2831 *such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of*
2832 *Information Act (§ 2.2-3700 et seq.);*

2833 2. ~~Accept any~~ *Require all* disclosure forms ~~by computer or electronic means to be filed electronically~~
2834 *in accordance with the standards approved by the Council and using software meeting standards*
2835 *approved by it. The Council shall provide software or electronic access for filing the required disclosure*
2836 *forms to all filers without charge and may. The Council shall* prescribe the method of execution and
2837 certification of electronically filed forms, including the use of an electronic signature as authorized by
2838 the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); ~~and the procedures for receiving forms in~~
2839 ~~the office of the Council;~~

2840 3. ~~Accept and review any statement received from a filer disputing the receipt by such filer of a gift~~
2841 ~~that has been disclosed on the form filed by a lobbyist pursuant to Article 3;~~

2842 4. Beginning July 1, ~~2015~~ *2016*, establish and maintain a searchable electronic database comprising
2843 disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be
2844 available to the public through the Council's official website;

2845 4. 5. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information,
2846 including informal advice, regarding ethics ~~and~~, conflicts issues arising under Article 3 or the Acts, ~~or a~~
2847 ~~person's duties under Article 3 or the Acts~~ to any person covered by Article 3 or the Acts or to any
2848 agency of state or local government, in an expeditious manner. *The Council may authorize a designee to*
2849 *furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be*
2850 *published on the Council's website; however, no formal advisory opinion furnished by a designee of the*
2851 *Council shall be published until such opinion has been approved by the Council. Published formal*
2852 *advisory opinions may have such deletions and changes as may be necessary to protect the identity of*
2853 *the person involved. Informal advice given by the Council or the Council's designee is confidential,*
2854 *protected by the attorney-client privilege, and is excluded from the provisions of the Virginia Freedom*
2855 *of Information Act (§ 2.2-3700 et seq.);*

2856 5. 6. Conduct training seminars and educational programs for lobbyists, state and local government
2857 officers and employees ~~and~~, legislators, and other interested persons on the requirements of Article 3 and
2858 the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1
2859 et seq.) of Chapter 13;

2860 6. 7. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the
2861 educational materials and approve any training or course on the requirements of Article 3 and the Acts
2862 conducted for state and local government officers and employees;

2863 7. 8. Publish such educational materials as it deems appropriate on the provisions of Article 3 and
2864 the Acts;

2865 8. 9. Review actions taken in the General Assembly with respect to the discipline of its members for
2866 the purpose of offering nonbinding advice;

2867 9. 10. Request from any agency of state or local government such assistance, services, and
2868 information as will enable the Council to effectively carry out its responsibilities. Information provided
2869 to the Council by an agency of state or local government shall not be released to any other party unless
2870 authorized by such agency; ~~and~~

2871 11. ~~Redact from any document or form that is to be made available to the public any residential~~
2872 ~~address, personal telephone number, or signature contained on that document or form; and~~

2873 10. 12. Report on or before December 1 of each year on its activities and findings regarding Article
2874 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the
2875 Governor. The annual report shall be submitted by the chairman as provided in the procedures of the
2876 Division of Legislative Automated Systems for the processing of legislative documents and reports and
2877 shall be published as a state document.

2878 **§ 30-356.1. Request for approval for certain travel.**

2879 A. The Council shall receive and review a request for the approval of travel submitted by a person
2880 required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related

2881 transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding
 2882 \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of
 2883 § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel
 2884 shall be disclosed as may be required by the Acts:

2885 1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2886 2. Travel paid for or provided by the government of the United States, any of its territories, or any
 2887 state or any political subdivision of such state;

2888 3. Travel provided to facilitate attendance by a legislator at a regular or special session of the
 2889 General Assembly, a meeting of a legislative committee or commission, or a national conference where
 2890 attendance is approved by the House or Senate Committee on Rules; or

2891 4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any
 2892 board, commission, authority, or other entity, or any charitable organization established pursuant to
 2893 § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been
 2894 appointed or elected or is a member by virtue of his office or employment.

2895 B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the
 2896 travel as it relates to the official duties of the requester. The Council shall approve any request for
 2897 travel that bears a reasonable relationship between the purpose of the travel and the official duties of
 2898 the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily
 2899 of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a
 2900 substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official
 2901 duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which
 2902 the requester has been invited to speak regarding matters reasonably related to the requester's official
 2903 duties.

2904 C. The Council shall not approve any travel requests that bear no reasonable relationship between
 2905 the purpose of the proposed travel and the official duties of the requester. In making such
 2906 determination, the Council shall consider the duration of travel, the destination of travel, the estimated
 2907 value of travel, and any previous or recurring travel.

2908 D. Within five business days of receipt of a request for the approval of travel, the Council shall
 2909 grant or deny the request, unless additional information has been requested. If additional information
 2910 has been requested, the Council shall grant or deny the request for the approval within five business
 2911 days of receipt of such information. If the Council has not granted or denied the request for approval of
 2912 travel or requested additional information within such five-day period, such travel shall be deemed to
 2913 have been approved by the Council. Nothing in this subsection shall preclude a person from amending
 2914 or resubmitting a request for the approval of travel. The Council may authorize a designee to review
 2915 and grant or deny requests for the approval of travel.

2916 E. A request for the approval of travel shall be on a form prescribed by the Council and made
 2917 available on its website. Such form may be submitted by electronic means, facsimile, in-person
 2918 submission, or mail or commercial mail delivery.

2919 F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of
 2920 a travel-related thing of value if he accepted the travel-related thing of value after receiving approval
 2921 under this section, regardless of whether such approval is later withdrawn, provided the travel occurred
 2922 prior to the withdrawal of the [~~opinion~~ approval] .

2923 **§ 30-357. Staff.**

2924 Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall
 2925 perform those duties assigned to it by the Council, including those duties enumerated in § 30-356. *The*
 2926 *Division of Legislative Services shall employ an executive director, who shall be subject to the*
 2927 *confirmation of the Joint Committee on Rules.*

2928 **2. That the provisions of this act requiring that the disclosure forms prescribed by §§ 2.2-426,**
 2929 **2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia be submitted electronically with the**
 2930 **Virginia Conflict of Interest and Ethics Advisory Council shall become effective on July 1, 2016.**

2931 **3. That the Virginia Conflict of Interest and Ethics Advisory Council shall review the current**
 2932 **statutory disclosure forms located at §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of**
 2933 **Virginia and make recommendations for the revision of such forms consistent with the provisions**
 2934 **of this act. The Council shall submit its recommendations to the General Assembly on or before**
 2935 **November 15, 2016.**

2936 **4. That the provisions of this act shall become effective on January 1, 2016 [, except that the**
 2937 **provisions of this act amending §§ 30-355, 30-356, and 30-357 shall become effective on July 1,**
 2938 **2015] .**

2939 **5. [Notwithstanding the sixth enactment of Chapters 792 and 804 of the Acts of Assembly of 2014,**
 2940 **that any filer required to file a disclosure form pursuant to § 2.2-3115 shall file such form with the**
 2941 **applicable clerk of the governing body of the county, city, or town or the clerk of the school**

2942 board.

2943 6.] That the provisions of this act may result in a net increase in periods of imprisonment or
2944 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
2945 be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter
2946 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing
2947 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated
2948 amount of the necessary appropriation cannot be determined for periods of commitment to the
2949 custody of the Department of Juvenile Justice.

2950 [7. That the initial terms of the nonlegislative citizen members of the Virginia Conflict of Interest
2951 and Ethics Advisory Council appointed pursuant to this act shall be staggered as follows: (i) the
2952 appointed representative of the Virginia Municipal League for a term of one year; (ii) one former
2953 judge of a court of record appointed by the Speaker of the House for a term of two years; (iii) the
2954 former executive branch employee, if any, for a term of two years; (iv) one former judge of a
2955 court of record appointed by the Senate Committee on Rules for a term of three years; and (v)
2956 the appointed representative of the Virginia Association of Counties for a term of four years.

2957 8. That, if the General Assembly is not in session when initial appointments to the Virginia
2958 Conflict of Interest and Ethics Advisory Council are made pursuant to this act, such initial
2959 appointments shall be confirmed at the next succeeding regular session of the General Assembly
2960 following such appointments and the Council may exercise all powers and perform all duties set
2961 forth in this act notwithstanding any provisions of this act requiring confirmation of members
2962 appointed to the Council by the General Assembly.]